Appendix H:

Responses to Comments
Volume I of V

Final
Environmental Impact Report/
Environmental Impact Statement

October 2013

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Chapter 1.0

INTRODUCTION

1.0 INTRODUCTION

1.1 Purpose of This Document

A Draft EIR/EIS for the *I-5 North Coast Corridor (I-5 NCC) Project* was circulated for public review from July 8, 2010 to November 22, 2010. A Supplemental Draft EIR/EIS, providing additional information regarding lagoon impacts and benefits, sea level rise impacts, proposed community and regional enhancement features, updated information about project phasing, information regarding project compatibility with the 2050 Regional Transportation Plan and California Senate Bill 468, identification of the locally preferred alternative (LPA), air quality conformity, and sea level rise strategies, was circulated for public review from August 29, 2012 to October 15, 2012. Public comments were submitted to Caltrans during each of these periods.

Section 15088 of the State CEQA Guidelines and Section 1503.4 of the Council on Environmental Quality Regulations for NEPA require the evaluation of comments on environmental issues received from persons who reviewed a Draft EIR/EIS. The Lead Agency also is required to prepare written responses to public comments. The responses to comments may then be presented as a separate section in the Final EIR/EIS. In addition, comments may result in revisions to the information contained in the EIR/EIS. The Final EIR/EIS is then circulated with the responses to comments and resulting changes to the document.

The purpose of this appendix is to present each comment received from agencies, organizations, and individuals during the public review periods for the Draft EIR/EIS and Supplemental Draft EIR/EIS, along with the responses to those comments. Each comment letter was carefully read and broken down into individual comments to ensure that every comment was addressed. Each relevant comment was then responded to by appropriate staff and specialists with knowledge pertaining to the issues presented within the comment. In order for a comment on the Draft EIR/EIS to be relevant, it must have been received during the Draft EIR/EIS circulation period. Caltrans is not required to address comments on the content of the Draft EIR/EIS that were received after that period. In order for a comment on the Supplemental Draft EIR/EIS to be relevant it must have been received during the circulation period for that document and must address the content of that document. Caltrans is not required to address comments received during circulation of the Supplemental Draft EIR/EIS that address topics that are outside of the scope of that supplemental document.

1.2 How to Use This Document

Section 1 provides an overview of the purpose and organization of this appendix.

Section 2 contains a summary of common topics addressed in the public comments received on the Draft EIR/EIS and Supplemental Draft EIR/EIS.

Section 3 contains Topical Responses, which have been prepared to address issues or concerns that were identified by a number of different commenters. These Responses address topics such as: the role of the project within the overall transportation system in the North Coast Corridor; need for and ability of the alternatives to accommodate projected growth; considerations in acquisition of private property; and potential impacts associated with air

quality, climate change, noise, aesthetics, community character, property values, and biological resources.

Sections 4 and *5* of this appendix provide responses to the comments received on the Draft EIR/EIS and Supplemental Draft EIR/EIS, respectively. Within each of these sections, comments are organized into the following categories: federal agencies, State agencies, regional and local agencies, elected officials, Native American Tribes, organizations, and individuals. Individuals are further subdivided by the method by which comments were received: mail, e-mail, public comment cards during public hearings (organized by meeting location), and verbal comments provided to the court reporter during public meetings (organized by meeting location). Commenters within each group of written comments are alphabetized by the organization name or the last name of the individual commenter, as applicable; verbal comments provided to the court reporter are provided in chronological order. If comments were submitted via both mail and email, they are reproduced in only one location. The electronic version of this appendix is formatted such that an agency or individual name (as applicable) can be searched, so that comments and responses may be easily located.

Each page of *Sections 4* and *5* of this appendix contains comment material on the left side, with each specific comment bracketed and numbered in the left-hand margin, and a correspondingly numbered response to each comment on the right-hand side. Some responses contain cross-references to the Topical Responses contained in *Section 3* of this appendix, or to the section of the Final EIR/EIS that contains the requested information. Where related comments were contained in the same letter, the reader may be referred to another applicable response. For comments that required modifications to correct or clarify information in the Draft EIR/EIS, that fact is so stated, and the changes are identified by a line in the margin of the revised pages in the main body of this Final EIR/EIS. In some cases, comments and responses provide additional information, which is now a part of the Final EIR/EIS.

Chapter 2.0

PUBLIC COMMENT SUMMARY

2.0 PUBLIC COMMENT SUMMARY

The comments received during public review of the Draft EIR/EIS and the Supplemental Draft EIR/EIS addressed a wide variety of issues.

The most common topics addressed in comments received on the Draft EIR/EIS were the following:

- Range of alternatives studied for the North Coast Corridor
- Relationship of the proposed project to multimodal aspects of the region's transportation system
- Project funding sources and allocation of funds between transportation modes
- The lifespan over which the build alternatives are anticipated to provide transportation benefits
- Need for and ability of the alternatives to address regional population growth
- Consistency with land use planning documents
- Effects on agricultural resources
- Effects of the project on community character
- The specifics of property acquisition, including need for acquisition and acquisition valuation procedures
- Project effects on property values
- Impacts and benefits of the project on the regional and local transportation system
- Visual effects of the project
- Potential for increased runoff quantities and pollution levels
- Concerns regarding air pollution, including potential associated health effects
- Need for construction of soundwalls and procedures for determining whether they are recommended for construction
- Project effects on local lagoons and other sensitive biological resources
- Project impacts related to greenhouse gas emissions and global climate change
- Cumulative impact analysis methodology

- The Caltrans hearing format
- Availability of technical reports during public review

The most common topics addressed in comments received on the Supplemental Draft EIR/EIS were the following:

- Project design refinements made between the Draft EIR/EIS and Supplemental Draft EIR/EIS
- Design specifics of community and regional enhancement features
- Biological effects on lagoon resources and associated mitigation measures
- Hydrological effects on lagoon resources
- Measures to address runoff quantities and pollution levels
- Project consistency with updated greenhouse gas emissions legislation

Requests were received from the following parties to extend the public review and comment periods on the Draft EIR/EIS and the Supplemental Draft EIR/EIS. The original review period for the Draft EIR/EIS was 90 days. An extension of 45 days was granted for the Draft EIR/EIS review period (with public review extending from July 10 to November 22, 2010). An extension was not granted for the Supplemental Draft EIR/EIS due to the focused nature and limited extent of the environmental documentation. Public review ran from August 31 to October 15, 2012. Comment letters solely requesting an extension are not produced with a comment response.

Draft EIR/EIS extension requests were received from:

- Celeste Bailey
- Dick Bobertz San Dieguito River Valley Regional Open Space Park
- Mike Bullock
- Walter Carlin
- David Carroll
- Carol Childs
- Darlena Del Mar
- Richard Earnest, Mayor for the City of Del Mar
- Dr. Tom English
- Pamela N. Epstein, Esq., LL.M for CREED Citizens for Responsible Equitable Environmental Development
- Janie K. Gilbert
- Diane Hardison
- Paige Henderson
- Paul Henkart
- Victoria Holman
- Ida Houby
- Jeff Levin

- Sherri S. Lightner, Council Member, City of San Diego
- Caroll McCall
- Diane Mochizuki
- Patrick Murphy
- Linda Musengo
- Debora Schmidt
- John Reed Thompson
- Roberta Waterman
- Faye Detsky-Weil
- Peter A. Weiss, City of Oceanside
- Peter Zhan

Supplemental Draft EIR/EIS extension requests were received from:

- Cheryl Goddard, Land Use/Environmental Planner, County of San Diego Parks and Recreation
- Sherri S. Lightner, Councilmember, 1st District, City of San Diego
- Dennis E. Ridz, Chair, Torrey Pines Community Planning Board

Chapter 3.0

TOPICAL RESPONSES

3.0 TOPICAL RESPONSES

Project Changes

Question:

1. **What changes have been made to the *I-5 NCC Project* description or project analyses since public circulation of the Draft EIR/EIS that are incorporated into this Final EIR/EIS?**

The Draft EIR/EIS was circulated for public review and comment from July to November, 2010. The document addressed environmental impacts in detail for four build alternatives (the 10+4 Barrier, 10+4 Buffer, 8+4 Barrier, and 8+4 Buffer). Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative, the smallest of the build alternatives, was refined. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) in 2011 and was identified in the August 2012 Supplemental Draft EIR/EIS. That document provided information about a number of topics for which information was not available prior to circulation of the Draft EIR/EIS, as well as clarification of project design based on continued engineering refinement since 2010. Updates addressed in the Supplemental Draft EIR/EIS, as well as those occurring since circulation of that document (from August to October, 2012), are provided in this Final EIR/EIS.

After circulation of the Supplemental Draft EIR/EIS, project planning continued. Extensive coordination continued with the resource agencies regarding project design, sensitive species, project landscaping, project lighting, potential project impacts, and appropriate project minimization and mitigation. Following completion of Clean Water Act Section 404(b)(1) analysis to ensure that the refined 8+4 Buffer alternative is in fact the Least Environmentally Damaging Practicable Alternative (LEDPA), the 8+4 Buffer alternative is now also identified as the Preferred Alternative.

This Final EIR/EIS incorporates updated project design data, new or refined analytical data, resultant changes (primarily reductions) in identified impacts, and updated information related to resource agency coordination about those impacts. Individual responses to comments note when substantive changes and clarifications have been made in the document. Reference information for locations of the primary revised discussions in the Final EIR/EIS is presented below for each topic noted.

A primary focus of new and refined information is associated with I-5 bridge evaluations. Lagoon hydrology was evaluated at each of the six lagoons within the North Coast Corridor and issues such as storm water flow, tidal flow, sediment dispersal, etc. were evaluated relative to I-5 bridge designs. Changes to bridge length at three of the project-crossed lagoons (San Elijo, Batiquitos, and Buena Vista) were found to be environmentally beneficial. Related topics for which additional information is provided includes:

- Specifics of bridge design, comparing the existing and proposed details (*Section 2.2.2 Common Design Elements of the Build Alternatives—Bridges*, *Tables 2.2.1* and *2.2.4*; *Sections 3.9 Hydrology/Drainage [and Floodplains], 3.9.3 Environmental Consequences—Build Alternatives and Additional Design Considerations for Lagoon Crossing Alternatives; Figures 2-2.4a* through *2-2.4c* and *3-18.2a* through *3-18.2g*)

- Common design features (*Section 2.2.2 Common Design Elements of the Build Alternatives)*

- Lagoon health, fluvial and tidal influence (*Sections 3.9 Hydrology/Drainage [and Floodplains], 3.9.2 Affected Environment—Lagoon Bridge Optimization Studies, 3.9.3 Environmental Consequences—Hydrologic/Hydraulic Impacts on Lagoons and Related Waterways, and Additional Design Considerations for Lagoon Crossing Alternatives; Tables 3.9.2, 3.9.3* and *3.9.4)*

- Water quality (*Sections 3.10 Water Quality, 3.10.1 Regulatory Setting, 3.10.2 Affected Environment—3.10.2.1 Hydrologic Units, 3.10.3 Environmental Consequences, 3.10.4 Avoidance, Minimization, and/or Mitigation Measures—Maintenance BMPs [Category A], Low Impact Development, Hydromodification, Treatment BMPs (Category III), Existing "Treatment" BMPs within the I-5 NCC Project Area; Tables 3.10.2* through *3.10.5, 3.10.7, 3.10.8,* and *3.10.13*)

- Coastal wetland and upland restoration (*Sections 3.17 Natural Communities, 3.17.3 Avoidance, Minimization, and/or Mitigation Measures, 3.17.3.2 Conservation Measures, 3.17.3.3 Compensatory Mitigation, 3.17.4 Regional Benefits*; *Figures 3-17.3a* and *3-17.3b, 3-17.4a* through *3-17.4f; Tables 3.17.11* and *3.17.13*)

- Sea level rise strategies (*Sections 3.9 Hydrology/Drainage [and Floodplains], 3.9.2 Affected Environment—Lagoon Bridge Optimization Studies, 3.9.3 Environmental Consequences—Hydrologic/Hydraulic Impacts on Lagoons and Related Waterways and Optimization Analysis; Chapter 4 California Environmental Quality Act Evaluation, Sections 4.6 Climate Change, 4.6.6 Adaptation Strategies,* and *Table 4.5)*

- Additional specifics of biological mitigation approach and implementation of the Resource Enhancement and Mitigation Program, or REMP (*Sections 3.17.3 Avoidance, Minimization, and/or Mitigation Measures, 3.17.3.2 Conservation Measures, 3.17.3.3 Compensatory Mitigation, 3.17.4 Regional Benefits*; *Figures 3-17.3a* and *3-17.3b, 3-17.4a* through *3-17.4f; Tables 3.17.11* and *3.17.13*; *Sections 3.19 Plant Species, 3.19.4 Avoidance, Minimization, and/or Mitigation Measures; Sections 3.20 Animal Species, 3.20.4 Avoidance, Minimization, and/or Mitigation Measures; Sections 3.21 Threatened and Endangered Species, 3.21.4 Avoidance, Minimization, and/or Mitigation Measures; and Sections 3.22 Invasive Species, 3.22.4 Avoidance, Minimization, and/or Mitigation Measures*)

In addition to specifics focused on project area lagoons and I-5 bridges, additional and refined information is also provided regarding:

- Clarification as to design year (*Chapter 1 Proposed Project, Section 1.2.1 Overall Project Purpose Statement*)

- Deletion of two direct access ramps (DARs; Oceanside Boulevard and Cannon Road) from the project description (*Chapter 2 Project Alternatives, Section 2.2.1 Build Alternatives*)

- Complete redesign of the Manchester Avenue DAR to minimize visual impacts (*Chapter 2 Project Alternatives, Section 2.2.2 Common Design Features of the Build Alternatives—Design Revisions to Avoid and Reduce Impacts; Figure 2-2.5b*)

- Clarification of structure and lane design and configuration (widening, lengthening, and/or replacement) (*Chapter 2 Project Alternatives, Section 2.2.2 Common Design Features of the Build Alternatives; Tables 2.2.1* through *2.2.4; Figures 2-2.2a* through *2-2.2e,* and *2-2.3, Sheets 1* through *67*)

- Addition of information on project logical termini and independent utility (*Chapter 1 Proposed Project, Section 1.3.6 Independent Utility and Logical Termini*)

- Clarification on focus of moving people not vehicles (*Chapter 1 Proposed Project, Section 1.5.5 Moving People Rather than Vehicles*)

- Updated information on community enhancements and associated environmental effects throughout the *I-5 NCC Project* (*Section 2.3 I-5 North Coast Regional and Community Enhancement Projects; Table ES.13)*

- Information on the regional I-5 North Coast Bike Trail, which extends for the full length of the *I-5 NCC Project,* with detail provided for portions of the trail within I-5 right-of-way (*Section 2.3 I-5 North Coast Regional and Community Enhancement Projects; Table ES.12)*

- Updates on project phasing (*Section 2.4 Phased Construction; Figures 2-4.1a* through *2-4.1c*)

- Additional information related to conformity with the California Coastal Act (*Section 3.1.2 Consistency with State, Regional, and Local Plans and Programs, Table 3.1.1, Section 3.3 Farmlands/Agricultural Lands*)

- Updated information regarding reduced agricultural impacts (*Sections 3.3 Farmlands/Agricultural Lands, 3.3.3 Environmental Consequences,* and *3.3.4 Avoidance, Minimization, and/or Mitigation Measures*)

- Clarification of projected traffic volumes and project design (*Section 3.6.2.1 Traffic and Transportation—Existing and Forecasted Conditions*)

- Updated information regarding reduced cultural resources impacts (*Sections 3.8 Cultural Resources, 3.8.3 Environmental Consequences,* and *3.8.4 Avoidance, Minimization, and/or Mitigation Measures*)

- Updated visual evaluation related to recommended soundwall changes at Ida Avenue and to deletion of the Manchester Avenue flyover with associated reduced visual effects (*Section 3.7 Visual/Aesthetics, Section 3.7.3 Environmental Consequences, Key Views 3, 4, and 5, and Figure 3-7.50)*

- Discussion of air quality conformity and updated mobile source air toxics (MSATs) analysis, particulate matter and truck volumes (*Sections 3.14 Air Quality, 3.14.3*

Environmental Consequences—Project Level Conformity, PM10 and PM2.5, Projects of Air Quality Concern, Mobile Source Air Toxics (MSAT), MSAT Analysis, *Summary of Existing Credible Scientific Evidence Relevant to Evaluating Impacts of MSATs*; *Tables 3.14.1* through *3.14.3, 3.14.6*, and *3.14.8* through *3.14.11; Figures 3-14.1* through *3-14.8)*

- Updated soundwall evaluations, as necessary (*Sections 3.15 Noise, 3.15.2 Affected Environment, 3.15.3 Environmental Consequences,* and *3.15.4 Avoidance, Minimization, and/or Mitigation* Measures; *Tables 3.15.2, 3.15.10* through *3.15.14, 3.15.16* through *3.15.18. 3.15.20* through *3.15.26, 3.15.28, 3.15.30* and *3.15.31, 3.15.34, 3.15.37* through *3.15.43*, and *3.15.47; Chapter 4 Less than Significant Impacts of the Proposed Project*)

- Discussion of California Senate Bill 468, which addresses infrastructure development, timing, and coordination in the North Coast Corridor *(Chapter 1 Proposed Project, Section 1.3.4 Legislation and Executive Orders)*

- Updated and expanded information regarding cumulative projects (*Section 3.25, Cumulative Impacts*)

- Clarified information regarding CEQA impacts (*Chapter 4 California Environmental Quality Act Evaluation)*

- Updated information regarding reduced Section 4(f) impacts (*Sections 3.1.3 Parks and Recreation, 3.1.3.3, Environmental Consequences,* and *3.1.3.4 Avoidance, Minimization, and/or Mitigation Measures; Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f))*

- Updates regarding federal, State, and local agency coordination, comment and concurrence (*Chapter 3.1 Land Use, Section 3.1.3.3 Environmental Consequences; Sections 3.8 Cultural Resources, 3.8.2 Affected Environment*, and *3.8.3 Environmental Consequences; Sections 3.18 Wetlands and Other Waters, 3.18.3 Environmental Consequences—LEDPA Identification [Permit and Coordination Summary]; Chapter 5 Comments and Coordination, Sections 5.2 Hearings on the Draft and Supplemental Draft EIR/EIS, 5.3 Project Development Team Meetings, 5.4 NEPA – Section 404 Integration Process,* and *5.5 Additional Consultation and Coordination with Public Agencies; Figures 5-3.1, 5-4.13* through *5-4.16,* and *5-5.1* through *5-5.12; Tables 5.1* through *5.4)*

- Updated project cost in 2013 dollars (*Chapter 1 Proposed Project, Section 1.4.1 Environmental Planning Process to Date; Chapter 2 Project Alternatives, Section 2.1 Project Description; Table 1.4.1*)

The above information has been incorporated into this Final EIR/EIS as appropriate, and is reflected in project description information provided in *Chapter 2;* as well as environmental analysis sections addressed in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, and *Chapter 4, California Environmental Quality Act Evaluation*. All substantive changes to the Draft EIR/EIS document incorporated into this Final EIR/EIS are highlighted for the reader through use of a left-hand margin line. The Preferred Alternative is presented on *Figures 2-2.3, Sheets 1* through *67,* of the Final EIR/EIS.

Multimodal System

Questions:

1. **How does I-5 fit into the planned regional transportation network?**
2. **Was public input included during development of this transportation plan?**
3. **Why doesn't the EIR/EIS identify public transportation alternatives instead of only highway alternatives?**
4. **Shouldn't the project be focusing on improvements to public or non-motorized transportation modes before expanding the freeway?**

Interstate 5 (I-5) is a multi-state facility extending from within the United States from borders with Canada and Mexico. It serves national, State, and southern California mobility needs (including individual, commercial, and security needs) and bisects San Diego County from north to south. Within the North Coast Corridor, I-5 provides a vehicular corridor that connects users to the north and south, and also connects to major east-west routes, as well as providing access to the coast and recreational areas.

The *I-5 North Coast Corridor (NCC) Project* is one element of a larger transportation upgrade being planned for the region, and which directly affects this multi-state facility. This plan is being developed by the San Diego Association of Governments (SANDAG), with support and input from other transportation agencies noted below, as well as local planning jurisdictions such as cities and the County. The Regional Transportation Plan (RTP) program is reviewed and updated approximately every four years so that the planned projects are consistent with the land use planning agencies' current vision for the region.

Building on the current transportation system with funding anticipated over the next 37 years, the 2050 RTP outlines projects for highways, rail and bus services, local streets, bicycle and pedestrian facilities, as well as systems and demand management. Based on regional growth projections, upgrades to each of these modes of travel are needed to accommodate future transportation needs. I-5 improvements, including the improvements evaluated in this Final EIR/EIS, are specifically identified in the 2050 RTP and also generally consistent with the 2030 RTP.

The RTP includes a planning process known as the Urban Area Transit Strategy, which involves developing a range of differing transit strategies and approaches to determine what kind of transit future would be desired for the San Diego region. This process was extensive. It included brainstorming sessions, public opinion surveys, public input questionnaires, and research on success stories from other regions. Alternative financially unconstrained transit networks for the San Diego region also were developed, and transportation planners from the United States and other countries made recommendations. Public input on the networks was gathered, and results were evaluated. Industry experts conducted critical reviews, and there were many rounds of modifications and refinements. This process resulted in a transit network in the RTP that would nearly triple the number of transit miles in the San Diego region by 2050, with a regional goal for transit facilities to increase transit ridership from approximately 2 percent to up to 15 percent of the North Coast Corridor transportation network during that time frame. Public opinion was also critical to voter approval of the *TransNet* program. This program, approved by more than two-thirds of San Diego voters, included I-5 freeway improvements.

Transit alternatives, in and of themselves, would not fully meet the objectives of the *I-5 NCC Project.* They would not, for example, adequately provide for the regional or interregional movement of goods, time-efficient local trips by area residents to multiple locations in different directions, convenient destination access for tourists constrained by time or hotel location, or interregional trips where the destination is not adequately served by mass transit. Transit alternatives are, however, a valuable part of the ultimate transportation solution. They are actively being pursued as part of the described RTP process to provide a comprehensive and interrelated transportation network (with additional information on RTP strategies provided below).

As part of the overall North Coast Corridor transportation solution, the refined 8+4 Buffer alternative (the Preferred Alternative) prioritizes the movement of people over vehicles while still meeting the stated transportation needs and other identified project objectives. Under this alternative, facilities such as High Occupancy Vehicle (HOV)/Managed Lanes, Direct Access Ramps (DARs), and pedestrian/bicycle facilities would provide long-term flexibility to accommodate increased transit and non-motorized transportation demand, as well as opportunities to interface with future expansions of regional/local transit and non-motorized transportation systems.

Specifically with regard to HOV/Managed Lanes, the efficiency of a transportation system can be measured by the mobility benefits it provides in relation to its costs. Because each vehicle on a highway contributes to congestion, maximum efficiency is achieved when every vehicle is carrying the greatest amount of people or goods possible. SANDAG 2012 regional modeling data show that vehicle loads in HOV/Managed Lanes average 2.13 people per vehicle and 1.28 people per vehicle in general purpose lanes, with an overall lane capacity of 2,000 vehicles per hour. At capacity, the HOV/Managed Lanes can be expected to carry approximately 4,260 people per hour, while general purpose lanes would carry 2,560 people per hour; providing an efficient approach to providing additional capacity with minimal footprint expansion. During peak conditions one HOV/Managed Lane can carry nearly 70 percent more people than one general-purpose lane. HOV/Managed Lanes, therefore, prioritize the movement of people over the movement of vehicles, and achieve both better mobility, and higher lane capacity, per dollar spent.

In addition, because the pricing for single occupancy vehicles (SOVs) increases as traffic volumes on the HOV/Managed Lanes increase, those lanes are managed to guarantee free-flow travel for HOVs, resulting in predictable and reliable travel for trips. Free-flow lanes are also essential to the success of transit services like bus rapid transit (BRT) and highway express buses. HOV/Managed Lanes on I-5 would provide the necessary facility for these future mass transit modes, while revenue from SOV users of the HOV/Managed Lanes could provide millions of dollars annually toward the support of transit services and other transportation improvements in the corridor.

As a final point with regard to HOV/Managed Lanes, the ability to manage the use and vehicle composition of HOV/Managed Lanes provides great flexibility for changing the way they are used in the future. Changes could respond to shifts in technology, densifying land use, travel patterns, travel demand, economic conditions, and other travel characteristics; and could include requiring higher vehicle occupancy and greater use of transit, or creating a truck route during certain times of day.

With regard to non-motorized transportation, the project incorporates a number of regional and community enhancements that would support bicycle and pedestrian activities within the study corridor. These connections would support a non-motorized travel route where none exists today. As described in *Section 2.3, I-5 North County Regional and Community Enhancement Projects*, following agreement on maintenance activities between Caltrans and the North Coast Corridor cities, the *I-5 NCC Project* would construct a number of facilities critical to success of the I-5 North Coast Bike Trail. These facilities include smaller trail connections as well as larger trail portions suspended from I-5 lagoon bridges in order to connect north-south trail segments. These sections within Caltrans right-of-way would only be constructed with project approval and are lynchpin elements to the overall non-motorized transportation system.

The RTP includes a description of how transportation funding is allocated among the different modes of transportation, as well as background information on how the plan has evolved and what projects are being proposed. Specifically, the RTP outlines $6 billion in transportation system improvements for the North Coast Corridor over the associated planning period, including highway expansions such as the *I-5 NCC Project*, and major transit system upgrades such as the Los Angeles-San Diego-San Luis Obispo (LOSSAN) doubling-tracking project. A Program EIR/EIS was approved in 2007 for the LOSSAN project between Los Angeles and San Diego, and improvements are underway. Approximately 10 of the Los Angeles to San Diego projects are located within the North Coast Corridor, including the: Oceanside through track, two segments of Carlsbad double-track, Poinsettia Station improvements, an Encinitas pedestrian crossing, San Elijo Lagoon double-track, San Dieguito double-track and platform, Del Mar Bluffs stabilization, Los Peñasquitos Lagoon bridges, and COASTER preliminary engineering.

A digital copy of the most recent version of the RTP can be found on the SANDAG website at http://www.sandag.org. According to the RTP, it is expected that the system will continue to improve and result in an even more integrated, affordable, convenient, safe, and reliable multimodal transportation system by the middle of this century. It also should be noted that providing managed lanes as part of the *I-5 NCC Project* does not preclude long-term future replacement with alternate transportation modes as the region moves in the direction envisioned in the 2050 RTP. In fact, as previously indicated, one of the key project objectives (refer to EIR/EIS *Section 1.2, Purpose for the Project*) is to provide a facility that is compatible with future BRT and other modal options.

Also relevant to this discussion is California Senate Bill (CA SB) 468, Streets and Highways Code Sections 103 and 149.10 (Kehoe 2011). This bill was signed into law in 2011, following a collaborative effort among State and local stakeholders (including SANDAG, Caltrans, and the California Coastal Commission [CCC]). This bill was introduced by Senator Christine Kehoe of San Diego and is directly applicable to the North Coast Corridor and the proposed project.

The intent of the legislation was to ensure that the needed transportation investments be completed in a balanced multimodal approach such that they do not compromise or diminish existing natural resources, including the coastal zone, flora and fauna, water quality, and unique views. CA SB 468 requires development of a Public Works Plan (PWP; published as a joint document with the Transportation Resource and Enhancement Plan [TREP]) that will provide for an integrated regulatory review by the CCC rather than a project-by-project approval approach. The PWP includes all of the elements of the North Coast Corridor projects to be carried out by Caltrans or SANDAG; including coastal access, highway, transit, multimodal, community enhancement and environmental restoration, and mitigation projects.

Key environmental provisions in the legislation include but are not limited to:

- Concurrent construction of rail and highway bridge crossings over lagoons, unless it is determined that phased construction of lagoon bridges would be an environmentally superior alternative
- Establishment of a "safe routes to transit" program that integrates the adopted regional bike plan with transit services
- Establishment of a value pricing high occupancy toll (HOT) lane program on I-5 to be administered by SANDAG, from which revenues would be used to offset the costs of the HOT lane program as well as for improvement of transit services, and for HOV facilities
- Recommendation of an alternative no wider than the 8+4 Buffer
- Required evaluation of traffic impacts of the proposed capacity-increasing highway project on city and county streets and roads within the coastal zone
- Construction of all or a portion of the capacity-increasing I-5 projects concurrently with multimodal projects and environmental mitigation and enhancement projects, as specified in the PWP

Funding for the mix of transportation improvements is also discussed in the PWP, available in conjunction with this Final EIR/EIS on www.keepsandiegomoving.com. The PWP provides a $6.5 billion multimodal program of improvements. This regulatory document includes a 30-year phasing plan that provides assurances that these improvements will be completed in a balanced manner.

In short, the *I-5 NCC Project* is one part of an integrated, multimodal transit and transportation system which has been developed at the regional level; balances local, State, and national transportation requirements for I-5; and which will be able to accommodate future decision making. The above-noted regional transportation studies identified a wide range of networks, including several (revenue) unconstrained transit network alternatives, and found that these alternatives would not provide significantly better transit ridership in the North Coast Corridor than what is proposed as the 2050 Revenue Constrained RTP system. Consequently, such network alternatives would not meet regional or project objects. As noted, additional information regarding the integration of the different transportation modes in the North Coast Corridor is provided in the project PWP/TREP available in conjunction with this Final EIR/EIS on www.keepsandiegomoving.com.

Corridor Alternatives

Question:

1. **Why does the EIR/EIS only address four build alternatives, all of which are design scenarios for I-5 expansion, rather than looking at system alternatives (e.g., monorail, ferry, etc.)?**
2. **How was the 8+4 Buffer chosen as the preferred alternative?**

The current EIR/EIS is only one step in an environmental process that began approximately 20 years ago and has addressed a variety of options to relieve congestion within this busy corridor. In the early 1990s, Caltrans conducted an operational study of I-5 from the I-805 merge in the south to Camp Pendleton in the north in order to serve the transportation needs of the corridor. The corridor serves a complex mix of transportation services. It is critical to goods

movement, interregional trips, intraregional trips, and the tourist industry; and also is an identified link in the Strategic Highway Network. Given the constraints of abutting development and sensitive resources on I-5, as well as nearby coastal rail and parallel arterials, transportation agencies agreed that long-range planning for this transportation corridor would have to address overall options for the corridor rather than a single transportation mode (e.g., only vehicular travel).

In order to serve the transportation needs of the corridor, and in compliance with the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA), between 1995 and 1997, Caltrans, the San Diego Association of Governments (SANDAG) and other stakeholders conducted scoping meetings in order to develop a Major Investment Study (MIS) for the corridor. These meetings were followed by completion of the SANDAG North Coast Transportation Study in 2000, which serves as the MIS for the corridor (see additional discussion in the EIR/EIS *Chapter 1*). Specifically with regard to transportation alternatives, the MIS evaluated or screened:

- 10 alternatives evaluating freeway sections and the increase of capacity through addition of general purpose lanes, carpool lanes, managed lanes, auxiliary lanes, elevated sections of freeway, etc.
- Double-tracking (with some associated tunneling) of commuter rail lines, as well as new commuter stations and/or expansion of existing stations and special events stations
- Improved transit to neighborhoods not served by Coaster commuter rail service
- Reduction of freight from I-5 and commuter rail through routing it to the Port of San Diego or other improvements
- Other transportation alternatives, including use of an elevated monorail, light rail, ferry service, and reversible car pool lanes

Also during this time period, SANDAG was evaluating use of High Occupancy Vehicle (HOV) lanes pursuant to regional policies. In 2002, SANDAG completed the Regional High Occupancy Vehicle/Managed Lanes Study, which identified future HOV and Managed Lane facilities throughout the San Diego region.

A number of the system alternatives (e.g., elevated monorail, ferry service, and reversible carpool lanes) were eliminated as corridor alternatives because they were not anticipated to move an adequate number of users and/or could result in greater environmental impacts. The rail and I-5 improvements were carried forward for additional exploration in mode-specific program- or project-level environmental documents. At this point, other agencies have completed or are continuing studies addressing rail and bus improvements (see Topical Responses “Rail Preference” and “Mass Transit”).

The I-5 highway recommendations from the 2000 MIS and 2002 SANDAG recommendations for HOV lanes were incorporated into the Project Study Report for the *I-5 NCC Project*. Various technical and environmental studies to examine those highway design alternatives were subsequently initiated, as described in *Chapter 1* of the EIR/EIS. Following review of numerous design scenarios, the four build alternatives addressed in the Draft EIR/EIS were identified as the scenarios which could address the project purpose and need. Review and refinement of these alternatives continued following circulation of the Draft EIR/EIS, and a refined 8+4 Buffer alternative was identified as the locally preferred alternative in the August 2012 Supplemental Draft EIR/EIS based on its having the smallest footprint (and therefore fewest environmental impacts) while still meeting project purpose and need. As the ultimate conclusion of this *I-5 NCC Project* planning process, the refined 8+4 Buffer alternative has now been shown to be the

Least Environmentally Damaging Practicable Alternative, or LEDPA, as part of a detailed analysis undertaken as part of the Clean Water Act Section 404(b)(1) analysis. This analysis is required before federal funds can be released for use in construction of a project with wetlands impacts. The LEDPA is now identified as the Preferred Alternative in this Final EIR/EIS, with written concurrence by the Section 404 resource agencies provided in Final EIR/EIS *Chapter 5*.

The Preferred Alternative meets project transportation needs and objectives by prioritizing the movement of people over vehicles. As the smallest footprint of the evaluated I-5 improvements, the Preferred Alternative has been identified as representing the best balance of I-5 transportation benefits when considered with project costs and impacts.

Rail Preference

Question:

1. **Why isn't project planning focusing on improvements to rail rather than on expansion of I-5?**

San Diego County portions of the rail system include regional and interregional commuter rail services (Metrolink, San Diego Trolley, Coaster); intercity rail service (Pacific Surfliner); regional and interregional commuter rail services (Metrolink, Coaster); and light rail service (San Diego Trolley, Sprinter). Rail services in all their variety comprise only part of the transportation picture. Within the I-5 North Coast Corridor, significant expansion of the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, and improvements to bicycle/pedestrian access, are actively underway or planned for the future. Improvements to I-5 to make the existing highway system more efficient also are part of this picture.

Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Currently, approximately 50 percent of the San Diego LOSSAN corridor's rail is double-tracked. Rail expansion projects include double-tracking the entire coastal rail line from Orange County to downtown San Diego to accommodate trains every 20 minutes during commute hours and provide expanded all-day, seven days a week service by 2030. Double-tracking the corridor will allow trains to run in both directions at the same time, improving rail transit times and reliability. This effort is being pursued by the San Diego Association of Governments (SANDAG) in cooperation with the Federal Transit Administration and/or Federal Railroad Administration.

With the proposed full double-tracking of the rail line and increasing the number and capacity of the trains in place, however, the 2030 daily projection of train riders is still fewer than 30,000. Using the very conservative assumption that only one passenger is in each car traveling along I-5, anticipated rail ridership with the above upgrades would still only represent between 7 and 12 percent of the total average daily traffic projected for 2030 along I-5 within the North Coast Corridor. As a result, while the described rail increases in service and reliability of the LOSSAN system in the San Diego rail corridor is important to the overall transportation picture, implementation of the other described transportation elements (including the *I-5 NCC Project*) is also necessary to address the projected future transportation demands in the North Coast Corridor and meet the related goals identified in the SANDAG 2050 Regional Transportation Plan (RTP).

In brief, the solution to the complex mix of transportation users within this busy corridor cannot rely on any one transportation mode, including rail. Improvements to I-5 as proposed under the *I-5 NCC Project* are also considered critical to success of the overall plan. For this reason, while rail improvements are being addressed under LOSSAN and Coaster focused environmental documents, this EIR/EIS focuses on necessary improvements to I-5. Additional information regarding LOSSAN improvements in the North Coast Corridor is provided in the Public Works Plan/Transportation Resource and Enhancement Program (PWP/TREP) available on www.keepsandiegomoving.com.

Mass Transit

Question:

1. **Why isn't project planning focusing on mass transit rather than expansion of I-5?**

The San Diego Association of Governments (SANDAG) is the regional planning agency with responsibility for designing and implementing mass transit in the County. The regional public transit system is comprised of local and regional bus operations (San Diego Transit Corporation, Metro Transit System, and North County Transit District [NCTD] BREEZE); regional and interregional commuter rail services (Metrolink, San Diego Trolley, Coaster); intercity rail service (Pacific Surfliner); regional and interregional commuter rail services (Metrolink, Coaster); and light rail service (San Diego Trolley, Sprinter). The *I-5 NCC Project* is part of the larger transportation vision being developed for the corridor; including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lines, and improvements to bicycle/pedestrian access, as well as upgrades to the existing highway system to accommodate transit and other qualified users. These transit projects, when combined with the *I-5 NCC Project*, will provide a balanced transportation system for people to travel within and through the North Coast Corridor. There are currently 20 transit projects in development, and 20 currently funded through construction. See also Topical Response "Rail Preference" regarding planned rail improvements.

A variety of transit planning efforts is identified in the SANDAG 2050 Regional Transportation Plan (RTP) as well as the prior approved 2030 RTP. The RTP addresses plans for affordable, convenient, safe, reliable mass transit via light rail and rapid bus lines over the next few decades. A copy of the RTP can be found at http://www.sandag.org under "Transportation," with related information on planning and implementation efforts for multimodal transit in San Diego County. Implementation of the current RTP would nearly triple the number of transit miles in the San Diego region by 2050, with a regional goal for transit facilities to increase transit ridership from approximately 2 percent to up to 15 percent of the North Coast Corridor transportation network during that timeframe. While this projected increase in ridership is positive, it would not address the massive numbers of users who routinely use I-5, where segments of the freeway are projected to carry between 246,500 to 412,640 cars per day (many with multiple passengers).

As a result, although improvements to mass transit facilities would increase related service capability and reliability in the North Coast Corridor as noted, implementation of the other described transportation elements identified in the RTP (including the *I-5 NCC Project*) are also necessary to address projected future transportation demands in this area and meet the related goals identified in the RTP.

Specifically with regard to the value of project-proposed High Occupancy Vehicle (HOV)/Managed Lanes and related direct access ramps (DARs) to mass transit, because the dynamic pricing for single occupancy vehicles (SOVs) using the HOV/Managed Lanes would increase as traffic volumes in those lanes increase, HOV/Managed Lanes would be managed to guarantee free-flow travel for HOVs. Free-flow lanes and easy access to/exit from them are also essential to the success of transit services like BRT and highway express buses. HOV/Managed Lanes and DARs on I-5 would provide the necessary facility for these future mass transit modes, while revenue from SOV users of the HOV/Managed Lanes could provide millions of dollars annually toward the support of transit services and other transportation improvements in the corridor. The ability to manage the use and vehicle composition of HOV/Managed Lanes also provides great flexibility for changing the way they are used in the future. Changes could respond to shifts in technology, densifying land use, travel patterns, travel demand, economic conditions, and other travel characteristics; including requiring higher vehicle occupancy and greater use of transit, or creating a truck route during certain times of day.

In summary, the solution to the complex mix of transportation users within this busy corridor cannot rely on any one transportation mode, including mass transit. Improvements to I-5 as proposed under the *I-5 NCC Project* are also considered critical to success of the overall plan. For this reason, while transit improvements are being addressed under SANDAG and NCTD environmental documents, this EIR/EIS focuses on necessary improvements to I-5.

Projected Growth

Questions:

1. **Won't more changes be needed as soon as these improvements are implemented?**
2. **Isn't need for I-5 improvements negated because of slowing growth related to the recent recession?**
3. **Won't cars become less common as "smart growth" policies are implemented?**
4. **Won't expansion of I-5 result in increased traffic and increased growth in San Diego County?**

The existing I-5 corridor currently experiences severe congestion during peak hours. Because improvements to such a major regional highway require an extensive planning and review process, they must be planned a number of years into the future, rather than simply addressing current levels of congestion. The build alternatives would increase the capacity of this portion of I-5 to relieve both existing and reasonably anticipated future congestion, through the design year of 2035 and beyond. The design of the project was based on regional growth forecasts, which are prepared by the San Diego Association of Governments (SANDAG), with the full understanding that conditions will continue to change over time, potentially requiring additional modifications to the system in the future.

The 2050 Regional Growth Forecast adopted by SANDAG states that the current recession has been deep and protracted, and anticipates that population growth is likely to continue at a slower rate than has occurred over the past 40 years. It also points out, however, that the overall regional picture of substantial growth during the past 40 years also has included seven economic downturns, including two protracted recessions. On average historically, the SANDAG Regional Growth Forecast has been accurate within +/- 0.4 percent of actual annual

counts for population, housing, and employment. Therefore, it is reasonably anticipated that while there has been a short-term decline in congestion due to the economic recession, that effect is temporary and the region will recover from the economic recession with future transportation demand surpassing prior demand.

The most recent forecast anticipates a 40-percent increase in the region's population between 2008 and 2050, which represents an average of less than one percent growth per year. Natural population increase (births minus deaths) accounts for approximately two-thirds of projected growth. In other words, the majority of projected growth would occur even if no additional people moved into the region. For the portion of growth that is related to migration, improvements to the highway are not expected to independently bring new residents to San Diego; that is a function of job, housing, and educational availability, among other things.

Regional and local planning departments have developed growth management programs and policies to address this anticipated future growth. As described in Topical Response "Multimodal System," a comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit opportunities. This is often referred to as "smart growth." Strategies that feed into smart growth planning include Transportation Demand Management, or TDM. TDM focuses on encouraging travelers to change their travel mode from driving alone to choosing a carpool, vanpool, public transit vehicle, or other commuter alternative; a number of which are critical elements of the *I-5 NCC Project* and overall North Coast Corridor multimodal transportation planning—as well as being goals of local cities in planning their residential, commercial, and transportation interface. These elements combined can reduce the growth rate of vehicle miles traveled (VMT).

While the planned growth pattern is anticipated to result in increased use of transit, the demand on regional roadways also is projected to continue to grow. This is because general growth in San Diego is also anticipated to occur. This will combine with job location, limited north-south transportation options, and a wide variety of focused transportation needs and trip types (work, school, recreation, interregional travel, etc. to result in increased demand).[1] For example, traffic projections contained in the Corridor System Management Plan indicate that VMT on I-5 will increase approximately 29 percent over the next 30 years. The 2050 RTP transit network would nearly triple the number of transit miles in the San Diego region by 2050, with a regional goal for transit facilities to increase transit ridership from approximately 2 percent to up to 15 percent of the North Coast Corridor transportation network during that timeframe. With the proposed full double-tracking of the rail line and increasing the number and capacity of the trains, the 2030 daily projection of train riders is fewer than 30,000. These increases fall short of what is projected for the freeway, which includes segments with between 246,500 to 412,640 vehicles per day in 2030. As a result, the RTP identified a need for a number of regional roadway improvements to accommodate projected transportation demand.

The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by these local and regional planning agencies. With the addition of the four (maximum) High Occupancy

[1] This topic is addressed in the North Coast Public Works Plan/Transportation Resource and Enhancement Program (PWP/TREP).

Vehicle (HOV)/Managed Lanes, VMT is expected to increase an additional four percent above "no-build" projections. This minor additional increase is associated with the potential for the project improvements to induce people to travel I-5 who would not otherwise do so (e.g., by making I-5 more convenient than their existing alternate routes). The projected increase of VMT for the build alternatives is relatively small as a result of a number of regional and project strategies and improvements designed to reduce the growth of VMT, and to encourage alternatives to the use of single occupancy vehicles. The minor increases in freeway VMT would be accompanied by a decrease in VMT along regional arterials, including a projected 10 to 15 percent reduction on El Camino Real and Coast Highway within the study area.

The reduction in congestion associated with the build alternatives would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of the surrounding land uses. Due to fiscal and environmental constraints, facility improvements are phased over a specific planning period so that a relatively long-term plan satisfies foreseeable need. In the case of the refined 8+4 Buffer alternative (which has been identified as the Preferred Alternative), improvements are phased through 2035. As described in EIR/EIS *Section 3.6.2.1*, under the heading *Existing and Forecasted Conditions*, the project is anticipated to serve projected traffic needs into the 2040 to 2050 timeframe. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period.

Project Lifespan

Questions:

1. **Congestion may be less in the future. Shouldn't Caltrans be looking at a shorter planning period?**
2. **Even if Caltrans implements the proposed changes, won't additional improvements be needed in the future? Why can't everything be done at once?**

Improvements to major transportation routes require an extensive planning and review process, with planning for future conditions extending a number of years into the future. The *I-5 NCC Project* build alternatives would increase the capacity of this portion of I-5 to relieve both existing and reasonably anticipated future congestion through the design year of 2050. The design of the project was based on regional growth forecasts, which are prepared by the San Diego Association of Governments (SANDAG). SANDAG projections for the region, as outlined in the 2050 Regional Transportation Plan (RTP), trend toward more transportation options, with development concentrated around transit stations. The changes that are contemplated in land use planning and alternate transportation modes will take many years to come to fruition. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take an extended time period to implement, rather than focusing only on short-term solutions.

Because the *I-5 NCC Project* would be phased in over an approximately 20-year period ending in 2035, Caltrans and other applicable entities would have periodic opportunities (e.g., the RTP update process) to review the identified transportation solutions and ensure that they are still consistent with future population, land use, and technological innovation conditions. In addition, the proposed use of High Occupancy Vehicle (HOV)/Managed Lanes would allow the option to modify operations over time to reflect changing conditions and priorities, providing flexibility that

traditional general purpose lanes do not offer. Changes could respond to shifts in technology, land use, travel patterns, travel demand, economic conditions, and other travel characteristics; and could include requiring higher vehicle occupancy and greater use of transit, or creating a truck route during certain times of day.

Accordingly, the project planning horizon has been selected with the full understanding that conditions will continue to change over time, potentially requiring additional modifications to the system in the future.

Concern regarding the potential future need for additional improvements is understood, and realistic. The desire to complete all necessary improvements in one large effort and "be done with it" is also understood. There are two primary reasons, however, that improvements are provided on an ongoing basis rather than building to ultimate possible need. First, realistic projections of future conditions can only be made within time-frames for which important base data are available (in this case, through 2050). After that, projections simply become too speculative to be helpful. Both future decisions by land use planning agencies (e.g., the County of San Diego and the cities within the County), as well as advances in technology, can result in future solutions being far different from solutions that might be proposed today. Second, fiscal resources are limited and must be applied to the greatest needs in the nearest term period first. It doesn't make sense to spend precious public funds now on improvements that may not be needed until an unknown time in the future (if at all), while leaving other needed improvements undone.

For these reasons, it is considered appropriate to propose improvements to I-5 consistent with the SANDAG RTP.

Transportation Funding

Question:

1. **Why aren't project funds being used to improve other transportation modes rather than to expand I-5?**
2. **Won't expenditure of public monies on I-5 improvements minimize the amount of money available for other transportation modes?**
3. **Why aren't project funds being used to support parking studies or educational programs that would be more likely to change dependence on cars?**

As noted in Topical Responses "Multimodal System," "Corridor Alternatives," "Rail Preference," and "Mass Transit," alternative transportation methods are critical to keeping San Diegans moving, and mass transit options provide critical elements of the regional transportation network. All of these transportation options, as well as highway use, are considered critical to solving congestion within the North Coast Corridor. All of them are also currently being improved—no transportation mode is being ignored.

Agencies responsible for the rail, light rail, and bus transit systems (e.g., SANDAG, North County Transit District, Metro Transit System) are pursuing improvements to these facilities within the North Coast Corridor with separate funding. Specific to this issue, TransNet funding approved by two-thirds of San Diego region voters, and obtained through a half cent local sales tax increase, will be allocated by San Diego Association of Governments (SANDAG) to highways, transit, and local roadways, in roughly equal thirds during the approximately 30 years

remaining in the current TransNet program. The *I-5 NCC Project* also is funded through an I-5 Capital Improvement Program. These funds are specific to freeway improvements necessary to maintain the facility and allow it to continue as a critical element of the Strategic Highway Network. Please also note that funds obtained from fees paid by drivers of single occupancy vehicles using Fastrack would be applied to grow transit service in the North Coast Corridor. More information about these programs is provided in the North Coast Corridor Public Works Plan and Transportation and Resource Enhancement Program (PWP/TREP), available at www.keepsandiegomoving.com

Bicycle and pedestrian transportation are also being concurrently pursued by the cities within the North Coast Corridor. Consistent with this, the *I-5 NCC Project* would provide important elements of the regional and community enhancement elements of the *I-5 NCC Project*, as described in detail in *Tables ES.12* and *ES.13* and *Chapter 2* of this Final EIR/EIS. The connections to east-west trail systems and the portions of the I-5 North Coast (NC) Bike Trail that are located within and crossing I-5 right-of-way would not occur without the proposed project. Project implementation, however, would provide NC Bike Trail improvements that would complement the "Coastal Rail Trail" and the "El Camino Bicycle Corridor," as well as the "California Coastal Trail." Each of the I-5 improvements is also described and explored in the North Coast Corridor PWP/TREP, as noted above.

With regard to use of project monies to support the impact of parking costs on automobile use, or to educate the public regarding the value of public transit, these types of programs are worthy, but outside the scope of this EIR/EIS. Caltrans has no authority to divert highway improvement funds to social programs outside of their jurisdiction. SANDAG, as the regional planning agency, can and is pursuing various education programs, including a North Coast Corridor TDM Study.

Property Acquisition

Questions:

1. **Why does Caltrans need to acquire property for the *I-5 NCC Project*?**
2. **Why didn't Caltrans know exactly what impacts would occur to abutting properties during the Draft EIR/EIS analysis?**

To the greatest extent practicable, it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system during improvements to that highway. Because an existing facility is being improved, however, avoidance of adjacent properties is not always possible. Existing right-of-way may be located very close to adjacent structures, and when more width is required to implement improvements, that width might require structural removal or result in placement of the roadway too close to structures for operational safety. Although it is always a goal to minimize property effects, project planning must balance these local impacts with national, State, and regional transportation needs. As described in EIR/EIS *Section 3.4, Community Impacts*, the build alternatives have been designed to minimize impacts to adjacent properties where possible, by acquiring reduced amounts of right-of-way and limiting the grading footprint in order to minimize impacts to existing structures while still meeting project objectives. The refined 8+4 Buffer alternative (the Preferred Alternative) is being proposed for implementation, and would have the smallest impact footprint of the evaluated build alternatives.

When the potential for parcel impacts is identified, that potential is incorporated into the environmental documentation for a project, so that associated effects on abutting property are known and can be reviewed along with all other potential environmental impacts associated with road widening. For this project, specific information relevant to the 8+4 Buffer alternative was shown on Draft EIR/EIS *Table 3.4.4, Relocations Associated with the 8+4 with Buffer Alternative*, as well as Appendix C: Relocation Assistance Information, located at the back of the EIR/EIS. Information updated since circulation of the Draft EIR/EIS, which occurred from July 9, 2010 to November 22, 2010, is shown on *Table 3.4.4b* for the Preferred Alternative in *Section 3.4.2* of this Final EIR/EIS. Engineers are still refining the project design and working to further minimize the project footprint to avoid impacts to properties, as much as possible. Although final precise numbers and dimensions of property required will not be known until final design is completed, currently, relocations are anticipated for the following Assessor Parcel Numbers: 261-210-21, 204-111-01, 203-320-31, 153-242-28, 153-154-24, 153-154-26, 150-245-11, 150-245-12, 150-245-02, and 148-064-14. Parcel acquisitions would not occur until right-of-way is necessary for construction purposes in Phase 3 (2030 to 2035).

Where a parcel is acquired, pursuant to the federal and California constitutions, just compensation must be paid to the property owners. Additionally, the full extent of the services and benefits set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act would be provided. See also Topical Response "Acquisition Valuation" for additional related information.

Acquisition Valuation

Questions:

1. **How does Caltrans determine value for properties to be acquired?**
2. **Will Caltrans reimburse property owners who bought at the top of the market and have to sell a devalued property, or will Caltrans only offer fair market value?**
3. **Does Caltrans offer assistance in finding replacement properties?**

Each property has a unique set of characteristics that will be assessed at the point in time the property is required for acquisition. Where property is required for the project, an appraisal will be performed to determine the fair market value and an offer of just compensation will be made to the property owner. This project is required to comply with federal and State law governing "just compensation" for the purchase of property. In addition, every effort will be made to provide the full extent of benefits and services provided through the Caltrans Relocation Assistance Program, for both business and residential relocations.

Caltrans policy is that displaced persons shall not suffer unnecessarily as a result of programs designed to benefit the public as a whole. Displaced individuals, families, businesses, farms, and non-profit organizations may be eligible for relocation advisory services and payments. Additionally, displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or Last Resort Housing (LRH) Program options, including LRH payments. If improvement of I-5 is approved, and if you or your business will be relocated as a result, Caltrans relocation staff will contact the property owners to guide them through the process.

Property Valuation

Question:

1. **Won't I-5 improvements lower adjacent property values?**

Positive and adverse effects of highway-widening projects have been studied in various states and by the Federal Highway Administration. Primary factors are the size of the existing facility compared with proposed improvements, as well as the property's proximity and/or orientation to the highway. Some of the more common effects can be increases in noise and emissions from traffic, as well as improved access and mobility. Whether the net effect is positive or not depends on the type of land use (e.g., commercial or residential) as well as the relative changes in accessibility, noise, and air quality. The potential for loss of value specifically related to I-5 improvements is addressed in the project Community Impact Assessment as well as EIR/EIS *Section 3.4, Community Impacts*.

Businesses neighboring a realigned interchange could experience an increase in economic activity as improved access and an increased capacity on the roadway may increase the number of potential customers.

For residential properties, increased noise tends to reduce property values for homes abutting a freeway, while property values tend to increase with increased access for commuter and shopping trips. Associated landscaping and refinements in alignment and community enhancements such as are proposed for I-5 also tend to have positive effects on residential property values.

Residential properties immediately adjacent to I-5, including those properties that could experience a partial loss of land to the proposed alternatives, may experience effects to property values. Those residential areas that would become closer to I-5 and its proposed retaining walls and soundwalls could experience a decrease in property values. These large built structures would be expected to create a more urban feel, as well as potentially affect localized shade and viewsheds. In contrast, installation of soundwalls also could improve property values, through reducing traffic-related noise and providing some separation from the freeway.

Neighborhoods that enjoy the addition of the community enhancement features, such as the improved pedestrian and bicycle corridors and improved trailheads, may experience an increase in property values. These elements of the build alternatives would generally improve community cohesion, creating a more inviting neighborhood, and improving residential desirability for these places in the study area. Operation of the build alternatives may have the effect of improving property values by providing residents with a more efficient freeway system. If residents have the perception that commute time along the I-5 North Coast Corridor has improved, residential values also may improve.

Beyond these focused and parcel-specific or neighborhood-specific elements, however, a number of larger factors drive property values in the San Diego region. These factors include proximity to coastal areas, school districts, accessibility to public facilities and amenities, neighborhood affiliation, lifestyle, etc., as well as a potential increase in property values over time. It is likely that this complex set of factors may overwhelm any project-related incremental change.

When viewing the build alternatives along the entire I-5 North Coast Corridor and the improvements to the region as a whole, property values are likely to improve, and, as concluded

in *Section 3.4* of the EIR/EIS, substantial adverse impacts to local property values are not anticipated from project implementation.

Soundwall Considerations

Questions:

1. **It is loud next to I-5. Shouldn't the entire route receive soundwalls?**
2. **If a soundwall was evaluated, why wouldn't it be built?**

The project would be constructed within a corridor that experiences high levels of unwanted sound (i.e., noise) in the existing condition. All of the build alternatives would result in additional noise along the I-5 corridor. The actual level of change associated with project implementation, however, is connected to what future sound would be *without* the project.

The majority of projected increases in noise (93 percent) would be no more than three dBA over no build (or without project) conditions. A three dBA increase generally is not discernible by the normal, healthy, human ear. Of the seven percent of receptors that would have more than a three dBA increase, 85 percent would receive a soundwall. Less than one percent of modeled receptors would be able to hear an increase in future noise levels associated with I-5 but would not receive attenuation.

Anticipated noise impacts and potential mitigation measures are described in EIR/EIS *Section 3.15, Noise.* In accordance with the Caltrans August 2006 *Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects* (Traffic Noise Analysis Protocol), a noise impact occurs when the future noise level with the project results in a substantial increase in noise level (defined as a 12 A-weighted decibel [dBA] or more increase), or when the future noise level with the project approaches or exceeds the Noise Abatement Criteria (NAC). The NAC varies by land use; for example, it is 67 dBA exterior for residential uses. If it is determined that the project would have noise impacts, then potential abatement measures must be considered.

Although the great majority of individuals would be subject to increased noise that is either not discernible by the normal healthy human ear, or would be barely perceived over either existing or future conditions without the project, noise abatement measures that are determined to be "reasonable" and "feasible" at the time of final design and approved by the majority of shielded property owners are incorporated into project plans and specifications.

The most common abatement measure is a continuous, solid-material soundwall, which has been demonstrated to be effective in the reduction of traffic-generated noise. Soundwall heights from 8 to 16 feet were considered to abate the predicted traffic noise impacts at the representative noise sensitive areas for the *I-5 NCC Project*. Soundwalls were modeled to reduce traffic noise levels by at least a minimum requirement of five dBA. In addition, soundwall heights were modeled to block the line-of-sight to heavy truck exhaust stacks. The project Noise Study Report evaluated 82 soundwalls – totaling a length of approximately 21 miles – to abate for traffic noise impacts.

These soundwalls were then further evaluated for "feasibility" and "reasonableness" to construct. The Caltrans Traffic Noise Analysis Protocol sets forth the criteria for determining

when an abatement measure is "reasonable" and "feasible." The "feasibility" determination is based on engineering considerations such as topography, ability to access the location, and other noise sources and safety considerations, as well as achievement of a minimum five dBA reduction in the future noise level. The "reasonableness" determination is basically a cost-benefit analysis. Factors used in determining whether a proposed noise abatement measure is "reasonable" include the absolute noise level, post-build versus existing noise, environmental impacts of abatement (e.g., biological, cultural, and visual considerations), newly constructed development versus development pre-dating 1978, and the cost per benefited residence. The cost per benefited residence is made by calculating an allowance that is considered to be a "reasonable" amount of money per benefited residence to spend on abatement. This amount is routinely re-evaluated and updated to reflect building costs. If the cost estimate is greater than the allowance, the preliminary determination is that abatement is not "reasonable." There may be situations where "severe" traffic noise impacts exist or are expected. Such impacts are identified when predicted noise levels would equal or exceed 75 dBA or would be 30 dBA or more above existing noise levels. In these cases, additional abatement measures are considered only for those residences considered "severely impacted," and are subject to approval by FHWA on a case-by-case basis.

For the *I-5 NCC Project*, a Preliminary Noise Abatement Decision Report (NADR; June 2007), was prepared to evaluate the "feasibility" and "reasonableness" of the 82 recommended soundwalls identified in the Noise Study Report. Numerous soundwalls were preliminarily recommended for implementation (refer to Final EIR/EIS *Figures 2-2.3 Sheets 1* through *67* and *Section 3.15*). Additionally, as discussed in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS, several alternative soundwall designs are being considered where appropriate, including the use of landscaped earthen berms (alone or in combination with structural walls) and articulated wall facades. Preservation of scenic coastal views and the potential for soundwalls to block such views are also considered. The preliminary NADR does not present the final decision regarding noise abatement, but rather presents key information on abatement to be considered based on the available information at the time the Draft EIR/EIS was circulated for public review.

Two of the most important factors affecting final conclusions relate to design and property owner coordination. Refinement of project design is ongoing. If pertinent parameters change (such as vertical and/or horizontal alignment, or an increase in "reasonableness" allowance) during the final project design, the results of the recommended noise abatement design may also change. Another important consideration is coordination with property owners regarding whether or not they desire a wall. Where soundwalls shielding more than one residence are proposed, over 50 percent of the property owners must agree to the installation. In other instances, rights of access may be negotiated with the property owners prior to soundwall implementation. Ultimate conclusions regarding soundwall installation would be based on final design and completion of the property owner coordination.

In addition, it should be noted that Caltrans is actively researching a number of efforts to reduce vehicle-generated noise on freeways. Specifically, these efforts include the Next Generation Concrete Surface pilot project that was conducted along I-5 between Via de la Valle and Lomas Santa Fe Drive from December 2010 to February 2011. This pilot project involved a concrete pavement restoration technique (diamond grinding) that corrects irregularities related to conditions such as cracks, joints, or warping. This process produces a smoother riding surface and a corresponding reduction in road noise generated from tire/pavement contact, which accounts for approximately 75 to 90 percent of overall freeway noise. The use of alternative surfacing to reduce traffic-generated noise, however, is currently not listed in 23 CFR 772 as a

noise abatement measure for which federal funding may be used. Related information on this and other Caltrans noise and vibration studies is available at the following website: http://www.dot.ca.gov/hq/env/noise/index.htm.

Air Pollutants

Question:

1. **Won't project implementation result in worsened air quality during the construction period?**
2. **Won't additional lanes result in worsened air quality?**
3. **The proposed I-5 improvements would move the freeway closer to adjacent properties. Won't this result in increased health impacts due to air quality effects?**

The EIR/EIS notes, in *Section 3.14*, that the principal criteria pollutants emitted during project construction would be particulate matter (PM) generated primarily as "fugitive" dust, including particles with a diameter of less than 10 microns (PM_{10}) and particles with a diameter of less than 2.5 microns ($PM_{2.5}$). Fugitive dust is typically created during clearing, excavation, and grading; demolition of structures and pavement; vehicle travel on paved and unpaved roads; and material blown from unprotected areas, haul trucks, etc. In addition to dust-related PM emissions, heavy-duty trucks and construction equipment powered by gasoline and diesel engines would generate carbon monoxide (CO), sulfur dioxide (SO_2), oxides of nitrogen (NO_X), and volatile organic compounds (VOCs). *Table 3.14.11* in the EIR/EIS presents the estimated maximum daily and annual construction emissions of PM, CO, NO_X, and CO emissions from construction equipment engine exhaust. A number of measures are identified in EIR/EIS *Section 3.14.4* to address project-related construction-generated PM and other emissions. Specifically, this would include implementing applicable requirements in Caltrans Standard Specifications in Section 14 (2010), and development of a dust control program, as well as using low-sulfur fuel construction equipment consistent with California Code of Regulations Title 17, Section 93114, and requiring that construction equipment and material storage areas are located as far as practicable from recreation areas and other areas of high population density (refer to EIR/EIS *Section 3.14.4* for additional measures identified to control construction emissions).

In the long-term, all of the build alternatives would be consistent with applicable air quality plans. Regardless of the alternative chosen, emissions would be lower than present levels in the design year. Air quality emissions are a function of two variables: volumes and emission factors. Traffic volumes are expected to increase over time with or without the project, due to population growth.

Emission factors are largely related to vehicle speeds. Typically, as speeds increase, most criteria pollutant emissions will decrease. Therefore, because the project would provide improvements to the roadway network that would result in improved travel times, vehicle speeds would increase and emissions of most pollutants would typically be reduced. For a few pollutants, such as oxides of nitrogen (NO_X) and carbon monoxide (CO), emissions are the highest at very low speeds and very high speeds, and are the lowest at medium speeds. CO emissions are highest when a vehicle is idling, decline as speeds rise, and then climb as speeds increase above the 50 to 55 miles per hour (mph) level. The lowest CO emissions are

found in about the 35 to 60 mph range. Even at the 65 mph speed limit, CO emissions would be lower than at any speed from 0 mph to about 30 mph. NO_X emissions show a similar pattern. Figures 3.3 through 3.8 of the project Freeway Operations Report (2008; http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficNov08.pdf) indicate that speeds typically experienced by vehicles in the frequent peak hour bottleneck queues on some segments of I-5 can be 10 miles per hour or less for a significant amount of time. As a result, average peak hour speeds for the build alternatives in most cases are projected to be in the range of 30 to 50 mph or more. Thus, the increased speeds associated with the implementation of the project build alternatives would likely result in decreased CO and NO_X emissions.

Additionally, as described in EIR/EIS *Section 3.14*, based on screening using U.S. Environmental Protection Agency (EPA) PM guidance, the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against conditions under the No Build alternative. The proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower long-term PM emissions within the San Diego Air Basin when compared to existing conditions. The project would therefore be in conformance for federal PM_{10} and $PM_{2.5}$ standards, and is unlikely to increase the frequency or severity of any existing exceedances regarding state PM_{10} and $PM_{2.5}$ standards.

Finally, it should be noted that mobile sources are the largest source of air pollution in the San Diego area, and reducing such emissions, even as population and motor vehicle use continue to increase, is a key challenge for the San Diego region. To help offset the additional emissions caused by increased vehicle use, the California Air Resources Board has adopted several transportation and mobile control measures to reduce motor vehicle travel and to promote the use of clean vehicles and fuels. Accordingly, long-term vehicle emissions are expected to decrease because of improvements in vehicle fuel consumption technology and new regulations aimed at reducing emissions, with or without the proposed project.

As discussed in EIR/EIS *Section 3.14.3,* air toxics analysis is a continuing area of research. The USEPA has assessed a list of 188 air toxics that Congress had mandated that it regulate, and identified a group of 93 compounds emitted from mobile sources that are listed in its Integrated Risk Information System (IRIS) (http://www.epa.gov/iris/). In addition, the USEPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from its 1999 National Air Toxics Assessment (NATA) (http://www.epa.gov/ttn/atw/nata1999/). These are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases, formaldehyde, naphthalene, and polycyclic organic matter. While the FHWA considers these the priority mobile source air toxics (MSATs), the list is subject to change and may be adjusted in consideration of future USEPA rules. In addition to pollutants regulated by USEPA, California also has set standards for visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride. While much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques for assessing project-specific health outcomes as a result of lifetime MSAT exposure remain limited. These limitations impede the ability to evaluate how potential public health risks posed by MSAT exposure should be factored into project-level decision making within the context of NEPA. The FHWA, USEPA, the Health Effects Institute (HEI), and others have funded and conducted research studies to try to more clearly define potential risks from MSAT emissions associated with highway projects. These studies are ongoing, with firm conclusions as to specifics relative to human exposure and effect subject to debate.

The USEPA projects substantial reductions in on-highway emissions of benzene, formaldehyde, and 1,3-butadiene between 2000 and 2020. As noted above, all of the build alternatives would be consistent with applicable air quality plans. There are no established regulatory concentration targets for the priority MSATs. Impacts of these MSATs were assessed through a quantitative alternative analysis. MSAT emissions were compared among proposed project scenarios for build alternatives in 2015 and 2030, No Build 2015 and 2030, and the existing conditions (2006) to determine if meaningful differences in the levels of MSAT emissions exist (see EIR/EIS *Tables 3.14.11* and *3.14.12*. Based on this information, the MSAT analysis indicates that there would be an approximate 49 percent decrease in 2030 MSAT emissions over base year conditions (2006) for 8+4 alternative build conditions, which is a notable improvement over existing conditions.

In summary, and as described in EIR/EIS *Section 3.14, Air Quality,* the project would maintain or reduce travel time through reduction in congestion along the I-5 corridor. As a result, air quality and associated health risk impacts within the San Diego Air Basin associated with traffic congestion during project operations would be improved over existing conditions.

Climate Change

Question:

1. **Won't project implementation result in increased greenhouse gas emissions?**

EIR/EIS *Section 4.6, Climate Change*, includes an analysis of associated greenhouse gas (GHG) emissions, including a quantified evaluation of potential impacts from the project build alternatives. This analysis notes that 98 percent of California's GHG emissions are from the burning of fossil fuels and approximately 40 percent of all human-made GHG emissions are from transportation. There are four primary strategies for reducing GHG emissions from transportation sources: (1) improving the transportation system and operational efficiencies, (2) reducing the growth of vehicle miles traveled (VMT), (3) transitioning to lower GHG emitting fuels, and (4) improving vehicle technologies.

Caltrans has created and is implementing the "Climate Action Program" that was published in December 2006 and has taken an active role in directly addressing GHG emission reductions, mainly through two of the primary GHG reducing strategies: (1) improving the transportation system and operational efficiencies and (2) reducing the growth of VMT. The first objective is based on the fact that the most severe emissions of carbon dioxide (CO_2) from mobile sources (e.g., automobiles) occur at stop-and-go speeds (0 to 25 miles per hour). As a result, it is expected that GHG emissions (particularly CO_2) would be reduced where a project relieves congestion in high congestion travel corridors.

The *I-5 NCC Project* is anticipated to do just that, by enhancing operations and improving travel times through reduction of congestion along the I-5. The purpose of the transportation improvements proposed in the *I-5 NCC Project* are to efficiently move *more people, and not necessarily more vehicles*, to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year of 2050, which would therefore reduce regional VMT growth. In addition to the provision of High Occupancy Vehicle (HOV)/Managed Lanes, the *I-5 NCC Project* includes a number of operational and transportation system management (TSM)

improvements (e.g., ramp meters, vehicle detection, and changeable message signs), designed to maximize the efficiency of the existing system. As noted in EIR/EIS *Section 4.6*, compared to conditions under the No Build alternative, implementation of an 8+4 alternative with direct access ramps (DARs) is estimated to reduce 2030 CO_2 emissions in the San Diego Region by up to 340 tons per day, and a 10+4 alternative with DARs would reduce emissions by up to 350 tons per day. The 2050 Regional Transportation Plan includes the 8+4 scenario along with other multimodal solutions, and forecasts countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and California Senate Bill 375.

Please also note that currently, the emissions modeling software is limited to generating output only for freeway mainlines, and not local streets. Therefore, the above summary does not reflect any reduction in GHG emissions that could result from reduced queue lengths at ramp meters and intersections, with associated reductions in time spent with vehicles idling. Because the build alternatives also could reduce delay at these locations, there is potential for additional reductions in GHG emissions beyond the anticipated 340 to 350 tons per day noted above.

Construction of the proposed project would result in GHG emissions, which are primarily associated with use of off-road construction equipment and vehicles, with a smaller contribution from on-road construction and worker vehicles. Estimated annual emissions of GHGs related to construction activities are approximately 2,337 tons of CO_2. When considered on a global scale and amortized over the life of the proposed improvements, the projected construction emissions are relatively minor.

Overall, while construction would result in a slight increase in GHG emissions during construction, the project would result in a decrease in operational GHG emissions when comparing the future build to the future no-build conditions. Operational improvements are projected to result in a decrease of approximately 124,000 tons per year of CO_2, relative to construction emissions of less than 3,000 tons per year. As a result, the net impact would be beneficial.

Lagoon Evaluations

Questions:

1. **What is being done to reduce project impacts on sensitive coastal lagoons?**
2. **Shouldn't mitigation be located in the same lagoon that is being impacted?**
3. **Won't project improvements result in greater impacts to wildlife corridors in the lagoons?**

Potential impacts to biological resources at the six coastal lagoons and/or associated waterways within the North Coast Corridor are evaluated under the *Biological Environment* heading of the EIR/EIS, including *Sections 3.17, Natural Communities*, through *3.21, Threatened and Endangered Species*. Based on those analyses, all associated project impacts would be avoided, minimized, and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Similarly, potential water quality impacts are addressed in *Section 3.10*, *Water Quality and Storm Water Runoff*, of the EIR/EIS, with related avoidance, minimization, and/or mitigation to be provided through appropriate measures such as conformance with regulatory requirements, including applicable elements of the National Pollutant Discharge Elimination System.

The lagoons crossed by or in proximity to the I-5 North Coast Corridor are individual elements of a regional coastal drainage system. Lagoon water movement—with eastward flow of salty sea water from the Pacific Ocean, westward flow of fresh water, and ability of the lagoons to accommodate tides and storm events—is individual to each lagoon. Openings between the lagoon mouths and the Pacific Ocean allow for freshwater and saltwater movement and exchange between these water bodies. Restriction of that exchange as a result of soil deposited to support roadway or railway transportation routes can result in "tidal muting," in which levees or other man-made features restrict water exchange. This can affect water quality, as well as the ultimate characterization of the water as either fresh or salt, which also affects the plants and animals that depend on the lagoons to thrive, as well as how well the lagoons function for passive recreational purposes as reflected in health of vegetation, lack of odor, etc.

Subsequent to circulation of the Draft EIR/EIS (July 9, 2010 to November 22, 2010), additional detailed studies were prepared and/or completed regarding the biology and hydrology of the lagoons and potential project impacts. These studies additionally support the findings in the Draft EIR/EIS. They have also resulted in refinement of proposed project design (regardless of alternative selected if the project is approved). This new information was detailed in an August 2012 publicly circulated Supplemental Draft EIR/EIS and has now been incorporated into this Final EIR/EIS. *Sections 3.9.2* and *3.9.3* of the Final EIR/EIS summarize the detailed hydrological bridge optimization studies that were conducted, *Section 3.17.3* of the EIR/EIS summarizes the additional biological lagoon studies, and *Section 3.18.3* discusses indirect shading impacts of the longer bridges that are proposed over the lagoons. An overview of the effort is provided below.

Updated information addresses analysis undertaken to identify "optimal" bridge lengths and related features. The "optimal" bridge length is the length beyond which any increase would result in only minimal benefits relative to the associated additional cost. Existing and proposed bridge dimensions, as well as known environmental concerns were reviewed; with analysis of potential effects of the modified bridges on tidal circulation, flood flows, and associated scour, sediment transport, sea level rise, wildlife connectivity, channel protection features, and associated impacts on wildlife habitats due to proposed design. Analysis of each lagoon also addressed constraints presented by other primary transportation facilities located west of I-5, including the Pacific Coast Highway 101 (Coast Highway; generally closest to the ocean), and railroad facilities (including double-tracking of North Coast Corridor portions of the Los Angeles—San Diego—San Luis Obispo [LOSSAN] railroad; generally east of Coast Highway). The I-5 lagoon crossings are generally the most inland of the transportation crossings noted.

For Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons, information regarding lagoon qualities was available based on Phase 2 studies by others and ongoing restoration efforts. This information provides the basis for confirmation of appropriate project design without the need for detailed project optimization studies due to either minimal project impacts or limited muting at existing bridges. For San Elijo, Batiquitos, and Buena Vista Lagoons, supplemental information explains the process for identification of optimal bridge length and channel dimensions relative to environmental benefits obtained through improvements and accommodating a range of restoration alternatives.

Two of the six existing lagoon bridges (crossing Carmel Creek at Los Peñasquitos and San Dieguito Lagoons) are relatively new and no replacement is required. The remaining four lagoon bridges would be replaced; including the I-5 crossings at San Elijo, Batiquitos, Agua Hedionda, and Buena Vista Lagoons. Studies at Agua Hedionda Lagoon, including review of

existing constraints and maintenance, showed no substantial benefit to tidal or fluvial flows resulting from a wider channel relative to cost. As a result, although the existing bridge represents a constriction, it was determined to be an appropriate length and an optimization technical study was determined to be unnecessary. Channels under bridges at San Elijo, Batiquitos, and Buena Vista Lagoons were identified as potentially posing more substantial constrictions (relative to tidal circulation, flood flow, etc.), with a potential for optimization, and additional technical studies were undertaken to identify how the replacement bridges could be designed to optimize tidal and fluvial flows. In addition, there are plans for large scale restoration efforts at San Elijo and Buena Vista Lagoons. The proposed I-5 crossings at these two lagoons are designed so that they would not restrict the range of restoration alternatives under consideration.

As noted, the Supplemental Draft EIR/EIS, and now Final EIR/EIS, incorporate the results of lagoon-related technical evaluation, including input from lagoon scientists such as representatives from the Scripps Institute of Oceanography, to determine appropriate bridge lengths and channel dimensions to reduce tidal muting. New bridge lengths to accommodate wider channel bottoms and/or deeper channels (both of which support movement of larger volumes of water) have been incorporated into the *I-5 NCC Project* design. Bridge designs have been refined to reflect changed length assumptions and project impact footprints, with associated beneficial or adverse impact refinement addressed in this Final EIR/EIS. Cross-sections showing changes between the existing planned conditions at each lagoon crossing are depicted in *Figures 3-18.2a* through *3-18.2g*.

Proposed project avoidance, minimization, and mitigation and enhancement measures are described in the EIR/EIS. These mitigation and enhancement features (see the project Resource Enhancement and Mitigation Program, or REMP) are part of a regionally significant mitigation program developed for the North Coast Corridor, which includes rail, freeway, and some local transportation improvements.

Compilation of all North Coast Corridor projects into a single mitigation and enhancement effort ensures that the most accurate assessment of total potential impacts is being made and that the best overall options for mitigation of that total effect are being evaluated. Addressing impacts on this corridor-wide basis would provide greater regional benefit than mitigating on an individual project basis as these projects independently move forward over the next few decades. This is because: (1) mitigation for all included projects would be implemented in the near-term rather than as impacts occur (with the latter scenario resulting in some mitigation being delayed for substantial periods of time); (2) areas proposed to be acquired for habitat preservation, restoration, and/or enhancement are more likely to be available in the near-term (i.e., such areas could be subject to development or other uses that would preclude mitigation if they are not secured in the near-term); and (3) implementing mitigation in the near-term would result in substantial additional time during which functional and connected habitat areas mature and are available for use by associated flora and fauna, including sensitive species. There is some mitigation occurring in each of the watersheds.

Please also refer to the Environmental Commitments Record, Appendix D of this Final EIR/EIS, for a list of I-5 avoidance, minimization, and mitigation measures associated with the lagoons. Finally, please note that improvements to enhance wildlife movement also are proposed for the lagoons and/or associated waterways. These include features such as the noted increase in bridge lengths, creation of dedicated benches or trails for wildlife use, installation of barriers (fencing that would accommodate nighttime wildlife movement and flood events) and signs

along pedestrian and bicycle trails to discourage users from leaving the trails, as well as potential modification of existing bridge support structures, which could create a more "open" environment under the bridge span.

Visual/Community Effects

Questions:

1. **The Draft EIR/EIS downplays potential visual impacts. Why aren't soundwalls, retaining walls, and/or vegetation changes taken into account?**
2. **Won't project walls result in a completely walled corridor for the length of the project?**
3. **Won't the project block coastal views?**
4. **What mitigation measures are being considered to minimize the visual effects of soundwalls and retaining walls?**
5. **Won't the project completely change the community character of the area?**

Visual Overview

I-5 in this area is located in a highly urbanized part of northern San Diego County, generally characterized visually by its coastal location, topographic variation, established neighborhoods, commercial centers and activities, and preserves associated with coastal lagoons. The increased roadway surfaces, I-5 - focused landform modification and hardscape extension associated with pavement, retaining walls, and soundwalls, would occur within a developed urban area and along a primary interstate already containing many of these features. I-5 is considered to be part of the community character. There are also, however, less urban elements within the viewshed.

I-5 is within the California Coastal Zone, is eligible for the California Scenic Highway System, and has been designated by Encinitas and Carlsbad as a scenic view corridor. In the I-5 North Coast Corridor, there are many important visual resources. Natural features such as the ocean, beaches, lagoons, sandstone bluffs, canyons, agricultural fields, and natural open space are particularly memorable because it is unusual for a traveler on an urban freeway in southern California to see such a quantity of scenic open space. Also important to local viewers is the village-like character of the older seaside communities that border the freeway.

The proposed changes to the I-5 right-of-way would be focused and linear in nature, with the largest potential alternative addressed in the EIR/EIS being the 10+4 Barrier alternative. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This refined alternative was addressed in the August 2012 Supplemental Draft EIR/EIS as the locally preferred alternative and is identified in this Final EIR/EIS as the Preferred Alternative. It is the smallest of the build alternatives presented in the EIR/EIS.

EIR/EIS *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high, with this conclusion based on consideration of project features including soundwalls, retaining walls, and vegetation removal. Specifically, if the project is approved, additional retaining walls and soundwalls along the I-5 would be notable, and would affect the visual experience for freeway travelers and adjacent community viewers. The existing character of the I-5 corridor would become noticeably more urban. For all build alternatives a high degree of visual change would result despite the implementation of mitigation measures that would partially

mitigate adverse effects. The overall visual impact of each mitigated build alternative would remain high. This conclusion is explained in the following discussion; addressing both I-5 and community views, respectively.

Interstate 5

The addition of large retaining walls and soundwalls would change the visual character of I-5. These changes would primarily occur where development already abuts or is very close to the existing facility, as that is where soundwalls are proposed to protect sensitive receptors or where retaining walls are proposed to minimize encroachment into adjacent property. Where soundwalls or retaining walls are located at the freeway shoulder, there would be a loss of some currently open views that provide variety, interest, and orientation to the freeway traveler. Freeway travelers would lose existing views of Carlsbad Village, Holiday Park and the Leucadia Hills neighborhood due to new soundwalls. The sense of enclosure created by these walls would be similar on some of the more urban stretches to the travel experience one now encounters in large urban areas to the north, thereby diminishing the region's unique visual identity.

Freeway landscape areas would be severely reduced. The prominence of tall trees in the freeway landscape would be permanently lost because of space limitations. Reduced areas for landscaping would shift the freeway's visual balance from landscaping to hard surfaces and its character to be more urban. The exclusive use of native plants to replace ornamental freeway plantings also would cause a substantial change to the visual character of urban areas. These changes would have an adverse effect on the visual quality of the North Coast Corridor. Native replacement plantings adjacent to natural hillsides, lagoons, bluffs, and canyons, however, would reduce the visual impact of freeway construction at these locations.

It should be noted that project walls would incorporate mitigation measures as project features to reduce adverse impacts. Careful consideration would be given to wall locations to reduce visual impacts and to retain coastal views to the ocean and lagoons. Wall placement considered views to natural features such as bluffs, rock outcroppings, natural drainage courses, wetland and riparian areas and steep topography. The final location and height of each wall would be reviewed to balance the conflicting objectives to minimize visual impacts to natural features and to avoid a tunnel effect that would result by wall placement at the shoulder with no landscape buffer. Retaining walls at the edge of shoulder would be avoided if at all possible. In most instances, project walls would be located only on one side of I-5.

Critical to the travelers' experience along I-5 the project would not block coastal views; either from existing viewpoints off the freeway or from the existing viewpoints of the freeway. Viewers along the corridor would continue to be exposed to a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development or changed due to slope modifications, new soundwalls, new retaining walls and implementation of project landscaping (similar to existing conditions). Specific to the potential loss of coastal views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. No ocean views would be lost with project implementation. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. One soundwall identified in the Draft EIR/EIS, above Ida Avenue in the City of Solana Beach, would have blocked an existing coastal ocean view to the west as originally designed. Following circulation of the Draft EIR/EIS, this soundwall has been redesigned to incorporate a gap so that this westerly coastal view is retained

for freeway travelers above Ida Avenue, while balancing the noise abatement. This gap to allow a freeway coastal ocean view would meet California Coastal Act requirements which states: Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas.

Also following circulation of the Draft EIR/EIS, and in response to public comment, a number of additional photosimulations were prepared and included in *Section 3.7* of this Final EIR/EIS that demonstrate these retained views. These additional simulations depict retaining walls adjacent to lagoons and I-5, westerly ocean and coastal views, or specific design elements such as bike lanes and trails; and provide the reader with helpful visual detail as to project design.

Figures 3-7.76 and *3-7.78* depict retaining walls adjacent to Agua Hedionda and Batiquitos Lagoons. The Batiquitos Lagoon simulation also shows the NC Bike Trail (illustrated with pedestrian and bike users) between I-5 and the retaining wall. Removal of non-native shrubs and trees between I-5 and the lagoons, as well as slope modification and retaining walls, would result in lagoon views for southbound travelers being visible for a slightly longer period of time than under existing conditions. While I-5 pavement would be expanded, scenic views to the west along lagoon crossings generally would appear identical, as demonstrated in *Figures 3-7.79* through *3-7.82* at Buena Vista Lagoon and along the San Dieguito River. The project would not affect the dominant scenic elements, which are the river, marsh areas, and vast open scenic views when compared with the impacts of the existing I-5 facility. See-through bridge rails would be used on freeway bridges with views to ocean, rivers, lagoons or other scenic resources. This modified crash barrier would result in slightly more open views to scenic resources.

Photosimulations also were prepared from viewpoints off the highway (*Figures 3-7.83* through *3-7.96*). These generally reflect trail locations from which the I-5 bridges can be seen. The simulations demonstrate the proposed bridge crossing, changes to bridge support features, locations where the I-5 North Coast (NC) Bike Trail might also be visible where it is suspended from the bridge, etc.

Simulations were provided for the existing trail at San Dieguito River, as well as its connection to the NC Bike Trail. Retention of the existing bridge supports and the minimal vertical expanse of the NC Bike Trail result in the bridge generally looking similar to existing conditions. Simulations of the Batiquitos Lagoon crossing were taken from Navigator Circle and from the East Trail along the lagoon. From the elevated viewpoint of Navigator Circle, the view to the east is panoramic; consisting of the lagoon, I-5, and the hills in the distance. In project built conditions, the retaining wall installed to support the trail, as well as the trail, can be seen on the west side of I-5 north of the crossing, as can a proposed change in bridge supports. From the trail on the east side of the lagoon, the difference in bridge supports is again visible, as is the longer extent of the bridge. The viewer's focus on lagoon elements from this viewpoint (vegetation, water, etc.) and the low profile of the bridge would minimize perceived change. Changes to the Bridge at Agua Hedionda show changed bridge supports and a slightly more "open" feel under the bridge. Removal of trees at the lagoon crossing would remove existing greenery, but would provide more sky view. From the Agua Hedionda East Trail, primary view elements are water in the foreground, backed by I-5 in the mid-ground, with tall trees on the hilltop in the background. The stack at the Encinas Power Plant in Carlsbad is notable. The NC Bike Trail would be visible on the east side of I-5. A simulation prepared from the south side of Buena Vista Lagoon east of I-5 shows that vegetation largely obscures the bridge supports. Darker coloration would add a slightly more visually consistent aspect to the crossing, as it is more

similar to soil color in the area. *Figure 3-7.107* depicts the existing I-5 Vista Point location. A new Vista Point with a more expansive view would replace the existing Vista Point just north of this site, and would allow motorists to pull off the freeway to safely view scenery or park and relax. The facility would include parking and other pedestrian facilities that are accessible to all persons (*Figure 3-7.108*). Finally, *Figures 3-7.109* and *3-7.110* show changes at the San Luis Rey River for westbound drivers on SR-76. The SR-76 overpass would become more visible, as would development west of I-5, due to vegetation removal of at least one mature tree. This would be balanced by elimination of the ramp, a built element which is currently visible between the viewer and I-5 on the south side of the river.

Where soundwalls were considered between viewers east of I-5 and views to the west, potential effects were minimized in the Draft EIR/EIS where possible through reduction in the height and/or extent of soundwalls. Mitigation for visual impacts caused by freeway walls (described in detail in EIR/EIS *Section 3.7.4*) could include the use of landscaping; planting buffers and pockets; and architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would reduce the apparent scale of soundwalls and retaining walls. In areas where insufficient space exists to include planting buffers between freeway walls and adjacent community features such as frontage roads, the use of viaduct retaining walls or articulated soundwalls would be considered to reduce visual impacts.

A number of avoidance, minimization, and mitigation measures are identified to address project visual, aesthetic, and community character concerns all along the corridor. Specifically, these include efforts such as the corridor-wide replacement landscaping to provide visual screening and blend with adjacent native landscapes, use of retaining walls in applicable locations to reduce grading requirements, incorporation of landscaped earthen berms as noise abatement facilities where practical, use of articulated or textural facades on retaining walls and soundwalls to provide contrast and avoid a monolithic appearance, use of transparent materials for private property soundwalls to retain desirable views for property owners where practical, and incorporation of terraced designs for applicable walls to accommodate associated landscape screening (refer to EIR/EIS *Figures 3-7.113* through *3-7.119* and *3-7.122*).

Additional minimization of changes to focused views has occurred through the deletion of two direct access ramps (DARs) proposed in the Draft EIR/EIS at Oceanside Boulevard and Cannon Road and substantial redesign of the proposed DAR at Manchester Avenue. Specifically with regard to Manchester Avenue, the visual impact associated with I-5 in the vicinity of this interchange was identified as “high” in the Draft EIR/EIS based on the proposed bridges, large terrain-contour retaining walls, loss of trees, and provision of a bus platform and parking lot for 400 cars within a scenic area. The design changes include revising the DAR to an undercrossing which results in a lower profile and less noticeable feature, reduction of parking to approximately 150 spaces, and commitment to use pervious hardscape to the extent practicable.

The measures contained in the Draft EIR/EIS have been further defined and refined in the Design Guidelines: I-5 NCC Project, which are included in the Final EIR/EIS. The guidelines are intended to guide engineers, architects, and landscape architects that would design the physical elements of the I-5 corridor improvements. The guidelines include an overall corridor site analysis and design concept plan that identifies corridor themes and context-sensitive solutions; design concepts for architectural features, including structures, retaining walls, soundwalls, lighting, and other freeway appurtenances; a landscape design concept that addresses interface with communities, preservation of biological and visual resources, conservation of water resources, and levels of maintenance; and interchange design concepts

that address pedestrian and bicycle facilities, streetscape features, urban design amenities, community identity features, and specialized landscape features. The Design Guidelines: I-5 NCC Project are available for review with this Final EIR/EIS, and may be viewed at www.keepsandiegomoving.com.

Project landscaping would replace removed vegetation with native vegetation to provide visual continuity and be consistent with the character of adjacent natural landscapes. As noted above, in urban areas, the change from ornamental freeway landscaping to native plantings would contrast with the adjacent community landscape treatment. The only exception to the replacement of ornamental landscaping with native landscaping is the median oleanders, which would be retained in areas where project implementation would not require their removal (i.e., at the two proposed DARs). All landscape planting would be designed in consultation with the Caltrans project biologist and Caltrans landscape architect. New areas for visual mitigation replacement planting within the freeway facility would be located at the edge of shoulder, between concrete median and separator barriers, or between barriers and walls, wherever available width allows.

Community Views and Character

As noted above, there is also, however, the larger question of potential project-related visual and/or character change to North Coast Corridor communities. For viewers immediately adjacent to the freeway facility, the level of change would remain high. The overall visual impact of each mitigated build alternative would remain high for community viewers of this transportation corridor.

Viewers that currently overlook I-5 as part of their larger view would continue to see the improved facility of I-5. I-5 would retain its linear nature, which is a relatively narrow visual element in a much larger viewscape. Given the varying topography of the North Coast Corridor and the extent of other built elements, I-5 is not the predominant visual feature, which is expected to be the Pacific Ocean, or nearby hillsides. However, the project would impact the community character at the community entries at the interchanges and at the edge of the freeway facility. At interchanges, mitigation measures and potential community enhancements are proposed to preserve community character and continuity across the proposed freeway facility by creating a distinct visual and functional realm for pedestrians and bicyclists, providing landscape features that contribute to community goals, and designing freeway features and appurtenances that harmonize with the character of the community and street.

Views to scenic resources from some private residences located at an elevation higher than the freeway would be obstructed by proposed soundwalls if residents agree to place them on or near their property line as recommended by the noise study report. Transparent panels could be incorporated in the soundwalls on private property to avoid view impacts should residents accept them.

Views toward the freeway also would be greatly affected at right-of-way edges where the project would bring the freeway in closer proximity to abutting community viewers. Existing landscaped buffers would be substantially reduced in size or removed altogether and replaced with retaining walls and/or soundwalls. This condition would have a particularly noticeable effect for residents whose homes are located adjacent to the freeway at elevations near to or below the level of the road.

Community character would be affected at the edge of the freeway facility due to the permanent loss of tall vegetation and intervening slopes that generally screen views of the freeway from adjacent viewers. The project would result in a high level of visual change at some local streets near the freeway due to new walls replacing a landscaped freeway buffer. Despite mitigation measures, the project would result in an adverse visual impact to community character at Ida Avenue, Devonshire Drive, Orpheus Avenue and Union Street in Encinitas and Pine Street in Carlsbad. At Holiday Park, large walls would result in a high visual impact. Some residences located near the freeway have ocean views, and the low-density, suburban hillside neighborhoods in which they are set possess high levels of visual quality. Most residents located below freeway elevation view landscaped fill slopes. In some locations, freeway widening would construct soundwalls and retaining walls and remove vegetated slopes resulting in a high degree of change to existing views and result in an adverse visual impact.

A number of potential regional and community enhancement features are identified within the project corridor that would enhance connections between communities on east and west sides of I-5 (refer to *Section 2.3* of the EIR/EIS). These are proposed in many of the communities adjacent to the project's footprint. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections from pedestrian and bicycle routes to public transit centers, connectivity across I-5, and trailheads and other recreational opportunities. Features such as decorative lighting, street furnishings and street trees would be incorporated if local agencies accept permanent maintenance responsibility. As stated in EIR/EIS *Section 3.4.1, Community Character and Cohesion*, because the project generally would improve recreational facilities, and would enhance access within the community, the implementation of new project enhancement features is not expected to have an adverse effect on regional quality of life or community character. In fact, if implemented, these enhancements would reduce the adverse effect on the visual character of adjacent communities.

Construction Traffic

Question:

1. **What strategies would minimize traffic delay during construction?**
2. **How will Caltrans notify and protect those affected by construction-related effects to traffic patterns and bicycle/pedestrian routes?**
3. **To what extent would the measures provided in the EIR/EIS mitigate interruptions in utilities and emergency services?**

Management of construction-period traffic is an important factor in Caltrans project planning. A Traffic Management Plan (TMP) is a method for minimizing activity-related traffic delay and accidents during construction by the effective application of traditional traffic handling practices. Specifically, this involves an innovative combination of: (1) public, motorist, bicyclist, and pedestrian information; (2) demand, system, and incident management; (3) construction strategies; (4) alternate routes; and (5) other strategies. All TMPs share the common goal of congestion relief during the project activity period through efforts including traffic flow management and balancing traffic demand with highway capacity through the project area and/or the entire corridor.

Caltrans would schedule open house community meetings before the start of the project. Caltrans would also place an advertisement in the San Diego Union-Tribune and North County

Times. Because the project would potentially affect area surface streets, mailers and/or newspaper ads in smaller community newspapers would be sent to area businesses and residents. Additional community meetings would be held as needed. Notification of lane closures would be provided to all emergency services during the San Diego County Fair (mid-June to July 4) and the horse racing season (mid-July to early September), with lane closure notifications also provided to the California Trucking Association. Hospitals with emergency services and fire stations that may require access through work zones at all hours would be accommodated, and schools, major venues, shopping malls, and other highly utilized areas would be notified of construction activities that might impact their services.

The following preliminary TMP elements have been identified for use during construction of the I-*5 NCC Project:*

Public Information

- *Brochures and Mailers* – Construction and community bulletins would be distributed to affected businesses/employers, developers, residents, and/or emergency services in the area.

- *Press Release* – News releases would be distributed via email or fax to media outlets and/or emergency services in the vicinity. News releases would also be posted on the Caltrans' District 11 website, sent to community groups and other Caltrans' District Offices. Information would cover any new developments, closures, detours, etc.

- *Paid Advertising* – Radio, billboard, and/or newspaper advertisements would be developed to cover any new developments, closures, detours, etc.

- *Public Meetings* – Meetings would be organized to inform the public about the potential roadway closures and traffic detours.

- *Internet* – A project website would be developed and maintained, potentially including responses to emails generated from the website. Information on this website would cover any new developments, closures, detours, photos, etc.

- *Construction Bulletins* – Please see Brochures and Mailers above.

Motorists Information Strategies

- *Changeable Message Signs (Fixed)* – These signs would be used to alert vehicles of delays, alternative routes, and available detours, as well as in the event of an emergency.

- *Changeable Message Signs (Portable)* – These are considered one of the best methods to alert motorists of construction activities prior to reaching the work zone.

- *Ground Mounted Signs* – Ground mounted signs are another effective method of conveying information to motorists about construction and detours. They are used during complete freeway closures when all traffic is diverted and detoured onto city streets. These signs might also be used to advertise the project website and/or to provide a toll free number for the public to access project-related information.

- *Caltrans Highway Information Network (CHIN)* – There is a 24-hour information hotline, 1-800-427-ROAD (7623), along with an Internet website with the latest information regarding the condition of the California State Highway Network. The information provided covers incidents that cause significant delays to the normal flow of traffic. The current website is: www.dot.ca.gov/hq/roadinfo/

- *Web Cameras* – The project may have web camera systems, with repeater locations set up to provide Closed Circuit Television (CCTV) surveillance through the web in construction zone areas within the I-5 corridor.

Incident Management

- *Construction Zone Enhanced Enforcement Program (COZEEP)* – COZEEP presence during active lane closures would decrease the response time for incident management. The presence of California Highway Patrol (CHP) units would also help facilitate more rapid movement of disabled vehicles out of the main lanes. This presence would also help reduce speeds in the work zone, creating a safer environment and reducing the risk of accidents.

- *Freeway Service Patrol* – The proposed staged construction plan may require eliminating the shoulders at various locations during the course of construction. This is expected due to the addition of lanes in both the median and outside the existing edge of traveled way. Lack of available shoulders at various locations would be addressed via the Freeway Service Patrol (FSP), which would respond to any stranded motorists.

- *Traffic Management Teams* – The Traffic Management Teams (TMTs) attempt to reduce accidents by providing advanced warning of unusual traffic issues on the freeway to the traveling public. The TMTs can also help evaluate signs for detours in the field, and provide advance warning to motorists in case of an accident or non-recurring congestion. The TMTs are equipped with truck mounted changeable message signs.

Construction Strategies

- *Lane Closure Charts* – Lane Closure Charts apply to the main lane (general-purpose lane), ramp, full freeway closures, and city street closures. Specifically, these would be used to determine the number of lanes that can be reasonably closed; to delineate individual lane hour restrictions, ramps and connectors that may be closed; and to state when full freeway closures may take place without creating substantial delays to motorists in the project area.

- *Total Facility Closure* – Proposed detours would be shown on the Lane Closure Charts as noted above. During facility closures, the construction contractor(s) would schedule the maximum number of project activities to minimize associated closure times.

- *Connector and Ramp Closures* – Lane Closure Charts would be prepared for any possible connector and ramp closures.

Traffic Demand Management

- *HOV Lanes/Ramps (New or Convert)* – The project proposes the construction of High Occupancy Vehicle (HOV)/Managed Lanes along the corridor, with two HOV/Managed Lanes (one in each direction of travel) to be added from La Jolla Village Drive to the I-5 / I-805 junction. Two additional HOV/Managed Lanes (one in each direction of travel) would

be added from the I-5 / 805 junction to Manchester Avenue, for a total four HOV/Managed Lanes (two in each direction of travel) in this freeway segment. Four HOV/Managed Lanes (two in each direction) would also be constructed from Manchester Avenue to north of Harbor Drive. Any of the proposed HOV/Managed Lanes, once completed, could temporarily be converted to other lane types in an effort to manage traffic through the construction zone.

- *Park and Ride Lots* – The project proposes a multi-use facility at the Manchester Avenue interchange that may temporarily be transformed into other multimodal uses to alleviate traffic through the construction zone.

- *Bus* – It is expected that any BRT operations on I-5 would use the HOV/Managed Lanes once they are constructed. Availability of various transit routes would be advertised through the Caltrans Public Information Campaign to encourage increased ridership.

Alternative Route Strategies

- *Street Improvement* – Funds would be allocated via the TMP to provide for potential temporary street improvements to accommodate construction traffic and detours, such as adjusting signal timing and restriping to accommodate truck turning radii.

The specifics of the project TMP would depend on final project design and phasing, and the associated construction plans. The TMP would be a living document subject to change as required by appropriate circumstances. If there is a material change to the project scope that would affect the adequacy of the TMP, then corresponding changes to the TMP would be implemented. Similarly, if traffic conditions at the project site indicate that TMP elements require adjustment to adequately address congestion, then the TMP would be revised accordingly.

Community Enhancements

Question:

1. What is a Regional or Community Enhancement and how did it qualify for inclusion?

The regional and community enhancements proposed as potential elements of the *I-5 NCC Project* primarily consist of trails, park and ride enhancements, and/or streetscape enhancements, that would benefit the residents of and visitors to communities adjacent to I-5 in the North Coast Corridor (refer to EIR/EIS *Section 2.3, I-5 North County Regional and Community Enhancement Projects*, for details). These “candidate” projects generally would not have additional impacts over those identified for the *I-5 NCC Project* and would be implemented as project features if the following conditions are met:

1. the enhancement has regional significance;

2. *I-5 NCC Project* construction would include or be adjacent to the location of the enhancement;

3. the enhancement would preserve and enhance community character and avoid environmental impacts; and

4. future formal cooperative agreements occur between Caltrans and each city, where Caltrans would build these features and Caltrans/the cities would agree on responsibility for their maintenance.

Identification of a number of possible regional and community enhancement opportunities that would be constructed simultaneously with the *I-5 NCC Project* was developed by the Project Development Team (PDT), along with input from various communities throughout the project corridor. Caltrans staff conducted numerous meetings with the general public, city staff, elected officials, and other stakeholder groups, such as the lagoon foundations and community planning groups, to develop and refine enhancement concepts based on site conditions and regional/community needs. This process followed an extensive "Context Sensitive Design" approach, which encourages increased public participation in the making of design decisions.

The three areas of focus in context sensitive design include: actively seeking public involvement throughout the design process; developing designs that meet the needs of specific sites, rather than standardized solutions; and providing flexibility in typical design approaches if environmental, historic, and neighborhood concerns can be resolved through the implementation of a unique solution. Two documents chronicle the enhancement project process for the *I-5 NCC Project* in detail: (1) the I-5 North Coast Community Enhancement Plan (January 2008), which presents the proposed enhancement projects for each city; and (2) the I-5 North Coast Community Enhancement Plan Project Notebook (January 2008), which documents the methodology and decision-making process. These documents work together to describe the reasoning and conceptual design for the identified enhancement projects considered for implementation. They were available for review along with the Draft EIR/EIS and are still available at www.keepsandiegomoving.com.

Following public comments received on the Draft EIR/EIS, as well as continued agency and city coordination on community enhancement particulars, some changes were made to enhancements discussed in the Draft EIR/EIS, including:

- Modification of the Del Mar Heights pedestrian overpass connection to connect to the proposed "I-5 North Coast Bike Trail" on the west (as defined below).
- Deletion of the Los Peñasquitos Creek Trail.
- Deletion of the Nature Center at La Costa Avenue and associated southern trail.
- Removal of the Harbor Road regional gateway feature as a community enhancement and incorporation of that element into project design

In addition, I-5 North Coast (NC) Bike Trail elements have been refined and added as a regional enhancement to complement the "Coastal Rail Trail" and the "El Camino Bicycle Corridor," as well as the "California Coastal Trail." The NC Bike Trail in particular would be developed to support non-motorized travel.

These community enhancements and the NC Bike Trail were assessed in the draft environmental document, with additions assessed and presented in the August 2012 Supplemental EIR/EIS, and carried over into this Final EIR/EIS.

Hearing Format

Question:

1. **I am used to a traditional hearing format, with presentations. Why was an open-house workshop format chosen?**

Caltrans has adopted an open meeting format to better serve a wider range of needs than the traditional hearing format. The workshop format provides the ability for attendees to interact with Caltrans staff and respond to the information presented in an informal and conversational manner. This is generally considered less confrontational and more comfortable than a traditional format, where people are required to ask questions or provide information into a microphone in front of a crowded room. This also allows a greater number of individuals to receive direct attention from Caltrans staff.

Additionally, studies show that people vary in how they absorb information. The most effective format for sharing of information (through reading, listening, or participating) varies based on the individual. In order to try to provide as many of these options as possible, meetings for this project used different methods to present information. For example, information stations with videos presented information about the San Diego Association of Governments Regional Transportation Plan for people who prefer auditory and visual data and want to understand how transportation is planned in San Diego County. There also were large displays showing preliminary design of the project, as well as displays highlighting potential environmental impacts to real property, and biological, visual, and noise resources in the corridor. These displays are beneficial for those people interested in analyzing for themselves the details of the project design. Knowledgeable staff were available throughout the meeting room to answer specific questions, help in understanding the information being displayed, and listen to suggestions made in an informal setting.

This interaction is useful (both to the public and Caltrans staff) because discussion with community members can provide valuable information that identifies a new environmental concern or results in refinement or modification of project design.

Cultural/Paleontological Reports

Question:

1. **I cannot find the cultural (or paleontological) technical reports for review. Will they be provided?**

Cultural and paleontological resource locations are considered to be highly sensitive due to the potential for people to intentionally seek out and take, damage, or destroy such resources. As a result, it is not Caltrans policy to release technical reports regarding these subject areas to the public. The EIR/EIS adequately summarizes the information contained in the technical reports, such that decision makers and the public are informed regarding known or potential resources and associated potential impacts. The technical reports themselves will remain confidential; they will not be released unless the agency requesting them has an archaeological professional on staff who is listed on the Register of Professional Archaeologists, and who will receive, review, and curate the reports.

Chapter 4.0

DRAFT EIR/EIS PUBLIC COMMENTS AND RESPONSES

Chapter 4.1

FEDERAL AGENCIES

FEDERAL AGENCIES – COMMENTS

United States Department of the Interior
OFFICE OF THE SECRETARY
Washington, DC 20240

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SEP 30 2010

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Ms. Shay Lynn M. Harrison
Branch Chief, Environmental Planning Branch C
California Department of Transportation, District 11
Environmental Planning
4050 Taylor Street, MS 242
San Diego, California 92110

Dear Ms. Harrison:

The Department of the Interior (Department) has reviewed the Draft Environmental Impact Report / Environmental Impact Statement (DEIS) for the **Interstate 5 North Coast Corridor Project, La Jolla Village Drive, City of San Diego, to Harbor Boulevard, City of Oceanside; San Diego County, California.** We offer the following comments on this project for your consideration.

Our primary concern and mandate is the protection of public fish and wildlife resources and their habitats. We have legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. We are also responsible for administering the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

The project as proposed will result in the widening of Interstate 5 (I-5) over a distance of 27 miles from post mile R 28.4 at La Jolla Village Drive in the City of San Diego to post mile R 55.4 at Harbor Drive in the City of Oceanside / Camp Pendleton Marine Corps Base. The proposed project includes one or two High Occupancy Vehicle Managed Lanes in each direction, auxiliary lanes, possibly one general purpose lane in each direction, four proposed Direct Access Ramps (DAR), noise barriers, ramp meters, utility relocations, drainage facility modifications, Park & Rides, trail and recreational improvements, and other facility improvements.

The U.S. Fish and Wildlife Service (FWS) has previously provided technical assistance to your agency in analyzing impacts of the proposed project on fish and wildlife resources in 10 comment letters. We offer the following comments to help Caltrans prevent or minimize project-related impacts to fish and wildlife resources, and provide adequate offsetting conservation for such impacts, and to ensure that the project is consistent with ongoing regional planning efforts.

RESPONSES

Responses to Willie R. Taylor, Director, Office of Environmental Policy and Compliance, U.S. Department of the Interior

FEDERAL AGENCIES – COMMENTS

General Comments

01 1) The DEIS states that "Early and continuing coordination with the … agencies is an essential part of the environmental process" (page 5.2). We concur with this statement and would like to express our concern that coordination with our agency has been very limited since 2006, as documented in Table 5.1. We are disappointed that the preparation of this DEIS did not follow the "I-5 North Coast Corridor Transportation Project Working Group Communication Strategy for the Development of the Environmental Impact Statement/Report" (May 2005). We are concerned that a potential lack of coordination with the regulatory agencies has lead to the preparation of a DEIS that may not adequately address numerous substantial issues, as documented below.

2) The sequencing of the release of the documents relevant to the proposed project has been conducted out of order. In our letter on the Notice of Preparation (NOP) for the proposed project, we noted that "The proposed project presents opportunities to enhance stream and lagoon crossings by lengthening bridges, redesigning bridge abutments and armoring, and modifying interchanges. In addition, this project should be coordinated with the Los Angeles to San Diego (LOSSAN) rail corridor double tracking and improvements to bridges along both Pacific Coast Highway and El Camino Real." Because the release of the documents relevant to the proposed project has been conducted out of order, information that is necessary to determine appropriate bridge lengths and widths is lacking. In the absence of this information, it is difficult for the DEIS to analyze the project impacts without this information.

02 a. The preliminary draft Public Works Plan (PWP), which was released July 16, 2010, and was provided to us in hardcopy on August 12, 2010, should have been finalized and released prior to the DEIS. This would have allowed all project impacts in the area to be taken into account and bridges for the project to be designed such that they will never constrain any future restoration efforts to increase tidal and fluvial flows and wildlife connectivity under the bridges, while taking into account sea level rise. The final PWP should provide information that is necessary to determine appropriate bridge lengths, which is not available at this time. Because this information is not available and/or has not been agreed upon, the impacts of the proposed project cannot be analyzed. Therefore, information on bridge lengths presented in the DEIS is incomplete and is not commensurate with the proposed project impacts. For example, on page 3.9-6 of the DEIS, no baseline is given for many of the bridges such that there is no means for comparison with the existing condition (e.g., Los Penasquitos Creek, San Elijo Lagoon), whereas for other bridges, the bridge extension is provided but the total bridge length is not provided

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RESPONSES

01 Coordination with the regulatory agencies has been ongoing since 2003. *Section 5.4, National Environmental Policy Act (NEPA) - Section 404 Integration Process,* of the EIR/EIS lists many of the coordination meetings that have occurred in conjunction with the NEPA/404 Integration Process for this project, with USFWS as a cooperating agency. Specific to the noted information of interest to USFWS, the Draft EIR/EIS indicated that technical efforts regarding lagoon hydrology were underway during document preparation. These studies have now been concluded, as has bridge optimization review for bridges crossing lagoons and tributary waters. These studies are addressed in the Topical Response "Lagoon Evaluations." USFWS staff, as well as representatives of each of the agencies attending the continued NEPA/404 coordination meetings in 2011 through 2013, have been valued partners in developing proposed bridge design and appropriate minimization and mitigation measures. Coordination will continue throughout the design and construction phases.

02 Consistent with California Senate Bill (CA SB) 468, this project planning is being conducted in conjunction with rail planning within the North Coast Corridor.

There is no legal requirement to complete the EIR/EIS, Public Works Plan/Transportation Resource and Enhancement Program (PWP/TREP) and I-5 San Diego North Coast Corridor System Management Plan (CSMP) within any particular sequence. These documents respond to different legal mandates, and have different purposes. The *I-5 NCC Project* has been under study since the mid-1990s, and substantial environmental information and multimodal analysis was available by the time the Draft EIR/EIS was circulated in 2010. The EIR/EIS, CSMP and PWP/TREP have all undergone simultaneous development with close coordination and interaction, including information sharing during the regular resource agency meetings noted in the above response.

The Draft EIR/EIS was prepared and circulated to agencies and the public when it was determined that sufficient information was available, and early enough to allow meaningful input and

FEDERAL AGENCIES – COMMENTS

(e.g., San Dieguito River). Several bridges propose a minimal lengthening of 14.4 feet, which is not commensurate with the project impacts (e.g., Batiquitos Lagoon, Buena Vista Lagoon), and at least one bridge will be shortened by the proposed project by 20 feet (i.e., Agua Hedionda Lagoon).

02 cont.

b. The Corridor System Management Plan (CSMP) (draft released August 30, 2010) should have been finalized and released prior to the DEIS to provide a justification for why other transportation improvements along the Corridor will not remove or reduce the need to widen I-5. The CSMP was released nearly two months after the DEIS was released. Because the final CSMP should provide the justification for the need for the proposed bridge widths, it is unclear how the DEIS could accurately analyze the project impacts in its absence.

03

c. In addition, technical reviews associated with identifying potential mitigation opportunities for the project to offset impacts should have been refined and finalized prior to the release of the DEIS because these documents also affect the design of the bridge lengths. It is our opinion that the San Diego Regional Lagoon Overview Phase 1 Planning Study (Study) includes a flawed analysis in the supposition that mitigation credit may be obtained through the conversion of subtidal to intertidal habitats. Further, Phase II of this Study has not yet been completed. We have provided verbal comments to Caltrans regarding our concerns with Phase I and Phase II of the Study, which mirror the written comments submitted by the California Coastal Commission in a letter dated May 12, 2010 (enclosed). It is unclear how the DEIS can accurately analyze the project impacts in the absence of refined and finalized versions of these technical reviews.

04 The DEIS should provide information on any project impacts that may result from borrow and waste sites and from fuel modification zones, as well as information on how these interrelated and interdependent impacts will be offset.

05 We request that a summary table of avoidance, minimization, and mitigation measures be included in the DEIS.

Specific Comments

06 Page 2-1. Several new or enhanced Park & Rides and DARs are proposed in sensitive wildlife areas (pages 2-1, 2-43, 2-52, 2-57, 2-58). These facilities are described as common design features of the project. In our comment letter on the NOP for the proposed project, we noted that, due to "the sensitivity of the

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RESPONSES

02 cont. associated project modifications. Following circulation and receipt of comments, the 8+4 Buffer alternative was refined; this alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Additional updated information regarding bridge designs and habitat impacts was compiled and circulated to agencies and the public in August 2012 in a supplemental environmental document. *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and Mitigation Measures*, of the Supplemental Draft EIR/EIS presented impacts and benefits, details for bridge length alternatives (as applicable); presented in conjunction with information for the existing bridge and the bridge proposed in the Draft EIR/EIS. That information was consistent with the bridge information contained within the 2010 Draft PWP/TREP. Following circulation of the Supplemental Draft EIR/EIS, the Final EIR/EIS and PWP/TREP have been updated to reflect the latest bridge designs and mitigation for resources impacts, as developed in consultation with the resources agencies.

The CSMP is required by the Proposition 1B bond measure passed by voters in 2006. There is no requirement that a CSMP be developed prior to the environmental process. Although a corridor must have a CSMP to be eligible for Proposition 1B Corridor Mobility Improvement Account funding, its development may occur simultaneously with project implementation. The CSMP should identify how performance measures such as improved travel times or reduced number of daily vehicle hours of delay will be achieved. CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. Prior to circulation of the Draft EIR/EIS, substantial information was available to Caltrans and FHWA to document the need for the project, including the traffic study for the proposed project, 2030 Regional Transportation Plan (RTP) and 2007 Final EIR/EIS for the LOSSAN Corridor Project (and supporting documents), among other documentation as referenced in the Draft EIR/EIS. Information has been updated in the Final

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	02 cont. EIR/EIS, as appropriate, with sources referenced within the document. This additional documentation includes the CSMP and the San Diego Association of Governments (SANDAG) 2050 RTP, among others, with these documents serving to further support the need for the project. The available studies and planning documents continue to conclude that the North Coast Corridor will require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function at peak efficiency (please refer to Topical Response "Multimodal System"). 03 The San Dieguito Lagoon is affected by the San Diego Northern Railway Bridge and the I-5 overcrossing. In both instances, this was recognized and the lagoon restoration efforts and railway improvements have been included as part of the I-5 North Coast Corridor analysis. The comment is correct in stating that lagoon studies had not been completed at the time of Draft EIR/EIS release (studies were noted as underway in the document). Completion of these lagoon studies and analysis of the results provided a major focus of continued review following circulation of the Draft EIR/EIS. These studies resulted in refined bridge specifications over area lagoons, and updated information related to design and refinement of potential project impacts was circulated for public review and comment, pertinent to those issues. The Supplemental EIR/EIS focused on the lagoons and potential impacts to each of them and associated bridge options. The I-5 bridge at San Dieguito is already longer than required and would only be widened. In addition to the Phase 1 and 2 studies, Bridge Optimization Studies were completed for San Elijo, Batiquitos, and Buena Vista Lagoons as directed by resource agencies. Revised bridge dimensions were reviewed by the resource agencies. Mitigation specifics also provided a major focus of inter-agency coordination in 2011 through 2013 and the Final EIR/EIS contains clarified and refined information regarding the mitigation program as well. The Resource Enhancement and Mitigation Program (REMP) was approved by the USFWS and other agencies. USFWS has been an active and appreciated participant in design of lagoon studies and interpretation of results. It is our

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	03 cont. understanding that USFWS's concerns regarding the Phase 1 and Phase 2 lagoon planning studies have been adequately addressed during this process and that the analysis, project design and mitigation presented in the Final EIR/EIS adequately address those concerns.
	04 There are many federal and State laws regulating these types of activities during construction. The environmental document uses preliminary design to compare alternative in the decision-making process and reports all of the known impacts at the time, including construction-related impacts. If it becomes clear during final design and construction planning that additional impacts would result, such impacts must be evaluated in the context of NEPA, CEQA, and regulatory permits. Caltrans has standard specifications to comply with such laws, and requires contractors to follow all regulatory requirements regarding borrow sites, waste sites and fuel modification zones. In this instance, any export would be deposited outside the coastal zone, or in conformance with the project California Coastal Commission permit.
	05 Please see the Environmental Commitments Record (ECR) in Appendix D for review of this information.
	06 Please note that the proposed alternatives have been modified to further avoid and minimize impacts. The Cannon Road and Oceanside Boulevard Direct Access Ramps (DARs) and park and ride facilities are no longer proposed. None of the remaining park and ride facilities directly impact any sensitive biological resources. Conditions at the Carmel Valley and SR-76 park and rides would improve due to installation of additional landscaping as a buffer between the park and ride users and sensitive resources adjacent to trails. Impacts to sensitive resources at the Manchester Avenue and Voigt DAR locations have also been minimized to the extent possible. The Manchester DAR has been redesigned to an undercrossing, rather than a flyover. The Voigt DAR has been designed to use a single column (rather than dual column) base, with redesign of the slopes to be steeper (2:1) and use of retaining walls to minimize the overall footprint and impacts.

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06 cont. biological resources within the project's area of potential direct and indirect impacts, it is very important that the DEIS describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." We are concerned that the common design features of the proposed project may result in considerable impacts to biological resources; no range of alternatives is presented for these design features.

07

a. The proposed Park & Ride and Direct Access Ramp (DAR) at Manchester Avenue adjacent to San Elijo Lagoon is the last sizeable piece of natural land remaining around San Elijo Lagoon and is proposed for conservation within the Focused Planning Area (FPA) of the northwestern San Diego County Multiple Habitat Conservation Program (MHCP). This upland area adjacent to San Elijo Lagoon is important, in part, because it could provide upland refugia for sensitive wildlife in the event of sea level rise.

   i. The DEIS does not provide a justification for the need for this facility. There is an existing Park & Ride one exit north at Birmingham Drive.

   ii. The DEIS does not provide a justification for the substantial size of this facility, which, at 400 parking spaces, will dwarf the underutilized Park & Ride at Birmingham that is about one- tenth its size.

   iii. The DEIS does not address whether the Park & Ride and DAR will result in increased traffic and a need for future improvements on Manchester Avenue, which could also affect sensitive habitats and species.

   iv. The DEIS does not address the indirect effects (e.g., lighting, invasives, drainage, and increased public access) of the proposed facility on adjacent sensitive resources.

   v. The DEIS does not adequately address whether continued operation of the remaining agricultural lands will be financially viable with the proposed Park & Ride and DAR, and if not, what the ultimate disposition of those lands may be.

08

b. The proposed enhanced Park & Ride at La Costa Avenue adjacent to Batiquitos Lagoon is also located adjacent to a lagoon in an area with sensitive habitats and species. Impacts resulting from this facility should

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06 cont. Although biological resources would be impacted by the two remaining DARs, the facilities proposed in the Final EIR/EIS offer potential advantages and benefits. Advantages of a DAR connecting Voigt Drive include:

- Allows for logical termini to High Occupancy Vehicle (HOV)/Managed Lanes
- Reduced delay through the I-5 / Genesee Avenue Interchange
- Potential for multimodal connectivity
- Access to high HOV/Managed Lane target destinations east and west of I-5, hospitals and medical facilities, employment centers east of I-5, shopping areas and hotels

Advantages of a DAR connecting Manchester Avenue include:

- Access to the proposed San Elijo Multi-use Facility
- Improved coastal access via connections to regional bike routes and pedestrian trails
- Access to Mira Costa College (San Elijo Campus)
- Access to Cardiff-by-the-Sea and Solana Beach Town Centers
- High HOV potential utilization on El Camino Real (serving eastern Encinitas)
- Support of future Bus Rapid Transit (BRT)

Additional information about the Manchester DAR is provided in the response to your Comment 07.

07 Specific to the Manchester DAR:

i. *Section 2.2, Alternatives,* of the Draft EIR/EIS listed the advantages of the proposed DAR near Manchester Avenue. One of those advantages has been revised in the Final EIR/EIS as follows: one of the main advantages of this DAR location and the proposed San Elijo Multi-use Facility was their potential to support and facilitate a potential Bus Rapid Transit (BRT) line (Route 653) along I-5 to Carlsbad.

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07 cont.

The original plan was to accommodate a BRT line along El Camino Real to Oceanside. Peak Period BRT is still planned along I-5 between La Jolla and Carlsbad; however, SANDAG is no longer considering a BRT line along El Camino Real in the Manchester Avenue area as an option (as evidenced on Figure 1.1, 2050 Revenue Constrained Transit Network, from the 2050 RTP adopted by the SANDAG Board of Directors in October 2011). The build alternatives are compatible with potential future BRT service if SANDAG pursues this at a later date. In addition to providing a parking location for commuters, it would provide a staging area for recreational users. Combined with planned improvements to the Manchester Avenue undercrossing, the proposed San Elijo Multi-use Facility would connect directly to Class II bike lanes extending in both directions along Manchester Avenue; this would provide access to the Coastal Rail Trail, the NC Bike Trail (see *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects)*, the California Coastal Trail, and Cardiff State Beach. The trails in and around San Elijo Lagoon, slated for expansion and enhancement as part of regional planning efforts, also would benefit from the additional parking and increased access provided by the DAR and multi-use facility. New trails extending along the lagoon and under the highway bridges would be easily accessible from this location.

The most important of the above criteria as they pertain to the DAR and the proposed San Elijo Multi-use Facility at Manchester Avenue are the very high ADT (approximately 6,400 Average Daily Trips [ADT] by 2030) at El Camino Real, the expected demand for park and ride lot usage, and the connectivity to the local and regional transit services, and trails.

ii. Provision of multimodal transportation corridor needs (such as BRT, park and ride facilities, and access to non-motorized trail ways) is the purpose for this proposed facility (see *Table 3.1.1*, *Project Consistency with Local Plans and Policies,* of the EIR/EIS). As noted in the EIR/EIS, the proposed San Elijo Multi-use Facility would provide individuals with a place to park to transfer to their carpool,

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07 cont.

vanpool, or bus pool partners, as well as to access regional and community trails in the vicinity (see *Table ES.2*). This facility would also contain lockers for storage and a solar-powered electrical vehicle recharge station. As noted, the proposed San Elijo Multi-use Facility and DAR at Manchester Avenue have been redesigned. The DAR is now an undercrossing, and the number of parking spots has been reduced to 150 plus 7 handicapped spaces.

iii. It is expected that the proposed DAR and multi-use facility would decrease traffic congestion by encouraging transit use, as well as carpool and vanpool use. The *I-5 NCC Project* proposes the addition of one lane along westbound Manchester Avenue; approximately from the Manchester Avenue/southbound I-5 Ramps intersection to just east of the Manchester Avenue/ Manchester DAR intersection. This would result in a five-lane arterial (three westbound and two eastbound lanes) along the noted segment of Manchester Avenue. Operational improvements would occur at the Manchester Avenue/ northbound I-5 ramps intersection with the proposed widening and DAR facility. The p.m. peak hour traffic delay would be 10.3 seconds and a level of service (LOS) B would occur with the Preferred Alternative. This would be a substantial improvement compared to the Year 2030 No Build scenario, under which the delay would reach 38.3 seconds and the LOS would worsen to D at the same intersection (I-5 North Coast Corridor Draft Technical Report #6, "Freeway Interchanges Operations Report," August 2007). Therefore, no future improvements for this are anticipated. This proposed widening of Manchester Avenue would be done to the north in order to avoid impacts to the lagoon and associated habitats and species. Biological issues are addressed in *Sections 3.17* through *3.22* of this Final EIR/EIS, with impact quantified and avoidance, minimization, and/or mitigation measures identified. Final measures have been developed in accordance with the resource agencies, including the USFWS.

iv. The proposed San Elijo Multi-use Facility would be on the far side of Manchester Avenue from the lagoon. The multi-use facility would be designed with bioswales to treat runoff,

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07 cont.

and local native species for project landscaping. Lighting at the facility would be shielded and directed down to minimize impacts to surrounding habitats. In addition, lighting would be equipped to prevent perching by birds, as appropriate. There is no sensitive habitat south of the proposed facility (it is strawberry fields). Agricultural field area in the vicinity would be restored to coastal sage scrub and planting on either side of the park and ride would consist of native species that are permeable to wildlife. See also *Section 3.21, Threatened and Endangered Species.* The preliminary facility design does not include fencing to separate cars and other users from surrounding resources. Such a fence would be considered, however, if it is determined to be necessary to protect sensitive resources.

v. Agricultural lands – Updates to agricultural lands analysis are provided in *Section 3.3* of the Final EIR/EIS. Specifically with regard to continued agricultural viability following construction of the Manchester Avenue DAR and San Elijo Multi-use Facility, an Agricultural Viability Analysis for the property was prepared in July 2013. The analysis indicated that impacts of the Preferred Alternative would not impair viability of the parcels to remain in agricultural production. Please see the discussion in *Section 3.3.3*, under the heading *Coastal Zone Management Act/California Coastal Act.*

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08 cont. be avoided and minimized, and the DEIS should address the indirect effects (e.g., lighting, invasives, drainage, and increased public access) of the proposed facility on adjacent sensitive resources.

09 c. The proposed Cannon Road DAR / Paseo del Norte Intersection will result in the construction of a northbound extension of Paseo del Norte that lacks a logical terminus, abruptly dead-ending in agricultural lands adjacent to Agua Hedionda Lagoon (figures 2-2.14ad and 2-2.14ae). This northbound extension of Paseo del Norte is not identified in the City of Carlsbad's MHCP Habitat Management Plan nor is it shown on their circulation element. We recommend redesigning this DAR to remove the northbound extension of Paseo del Norte and more closely follow the I-5 northbound on-ramp to minimize impacts to agricultural lands adjacent to Agua Hedionda Lagoon.

10 6) Page 2-7. The DEIS includes reference to numerous community enhancement projects, listed below, that will increase public usage of sensitive wildlife areas. It is not clear from a review of the DEIS whether these enhancements, and the increased public usage of conservation areas that will result from them, are covered activities under the MHCP and the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. In addition, no analysis is provided regarding the effects of the enhancements, individually, on federally listed species, wildlife habitats, and wildlife connectivity. The DEIS should address the indirect effects (e.g., lighting, invasives, drainage, and increased public access) of the enhancements on adjacent sensitive resources.

a. Los Penasquitos Creek Trail Connection.

b. Soledad Creek - Carmel Valley Bicycle Connectors (partially within conserved MHPA lands).

c. San Elijo Lagoon - trail under I-5 at San Elijo Lagoon south of channel, bike facility under I-5 at San Elijo Lagoon north of channel, and pedestrian bridge undercrossing over channel.

d. Batiquitos Lagoon – Nature Center, enhanced Park & Ride, trail improvements north and south of channel, and pedestrian bridge undercrossing. The DEIS should address the effects of these local enhancements on wildlife habitats, wildlife connectivity, and federally listed species, including enhanced access to the federally endangered California least tern (*Sternula antillarum browni*) colony and federally endangered light-footed clapper rail (*Rallus longirostris levipes*) habitat; reduction of habitat available for foraging, nesting and loafing for light footed clapper

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08 The proposed nature center has been removed from the project. No impacts to sensitive habitat or species are anticipated to result from the reconfigured park and ride facility. Improvements to the access road to the least tern nesting area are being designed in coordination with California Department of Fish and Wildlife (CDFW; previously the California Department of Fish and Game) staff. Indirect effects are discussed in *Section 3.21* of the EIR/EIS, with mitigation measures summarized in the ECR.

09 Both the northbound extension of Paseo del Norte and the proposed Cannon Road DAR are no longer part of the *I-5 NCC Project*.

10 All direct impacts from trails identified in the Draft EIR/EIS comprised part of the Draft EIR/EIS impact analysis. Refinements/ additions to trail information since circulation of the Draft EIR/EIS or identified as part of the I-5 NC Bike Trail elements were addressed in the Supplemental Draft EIR/EIS and are incorporated into this Final EIR/EIS. All trails would be fenced and signed to keep people on trails to avoid impacts to adjacent sensitive resources while still allowing wildlife to pass. Fencing material and design would be chosen to accommodate nighttime wildlife movement and flood events. Unobtrusive trail lighting would be provided for safety and to avoid potential impacts to wildlife, and would have shielding and be directed away from sensitive habitats. Lighting would be equipped to prevent perching by birds, as appropriate. Trails were located to avoid impacts to sensitive habitats and species, while providing for multimodal use around I-5 and access to coastal resources.

a. Following circulation of the Draft EIR/EIS, the Los Peñasquitos Creek trail connection has been eliminated from the list of proposed community enhancements. Additional analysis is not required.

b. The trail connection under I-5 along Carmel Creek (not Soledad Creek) would provide a missing connection. Sediment would be removed from under I-5 to accommodate the trail, which would be fenced and limited to the southern

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10 cont.

rail; impediments to the maintenance of nesting site E1; and reduction of efficiency of programs to monitor and protect endangered species through increased human disturbance at the nature center and trails. The DEIS should also address how maintenance dredging of the central and eastern basins of the lagoon will be conducted in the future because the Nature Center is proposed to be constructed on the maintenance dredging access road.

e. Agua Hedionda Lagoon – proposed trail improvements, pedestrian bridge undercrossing.

f. San Luis Rey River – proposed pedestrian trail head and parking enhancement.

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7) Page 3.1-19. We are concerned regarding the direct and indirect effects that the project as proposed will have on proposed and existing preserve lands associated with the Multi-Habitat Planning Area (MHPA) of the MSCP and the FPA of the MHCP. The proposed project impacts extend into the MHPA and FPA. The MHPA and FPA represent those lands that are targeted for conservation with the objective of creating a connected system of habitats in a manner that maximizes the protection of sensitive species. We emphasize that the success of these regional planning efforts is dependent on coordination with participating local jurisdictions and other entities to ensure that preserve areas are interconnected and contiguous, and meet the survival and recovery needs of multiple species in perpetuity. It is essential that every effort be made to protect these biological resources from additional direct and indirect impacts. In our comment letter on the Notice of Intent we requested that the DEIS include a full analysis of the projects impacts on the MSCP and MHCP. This analysis should include a description of how the project may affect both the covered species and the MHPA and FPA in these plans. If unavoidable impacts to covered species or the MHPA and FPA are proposed, we request that these impacts be offset with higher mitigation ratios than those typically used in San Diego County to offset the loss of both the preserve and the habitat types. In addition, if preserve lands are impacted, non-preserve lands of equivalent function need to be added to the preserve to keep the preserve whole.

The intent of section 3.1.2 in the DEIS is to determine whether the proposed project is consistent with state, regional, and local plans and programs. In evaluating the project's consistency with the MSCP and MHCP, the DEIS acknowledges that part of the project is located within the MHPA and FPA, but does not provide detailed information on how the proposed project will impact the MHPA and FPA (e.g., impacts to species, habitats, wildlife connectivity) and how those impacts will be offset. We request that this information be incorporated in

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10 cont.

abutment. This would provide a crossing for humans separated from wildlife that would be able to use the remainder of the crossing. Wildlife crossing would further be enhanced by the removal of culverts under Sorrento Valley Road and replacement with a long, raised bridge. Daytime lighting under the bridge would be minimized and would be left dark at night.

c. The pedestrian and bicycle facility under I-5 in this location would be along Manchester Avenue. An unofficial trail that is eroded and highly used would be replaced with a fenced, maintained trail to connect the western and eastern portions of the San Elijo Lagoon. The NC Bike Trail bridge from Manchester Avenue to the south side of the I-5 bridge would allow people to access the lagoon from the north. The bridge would be suspended from I-5 and would not result in any direct impacts. Although the trail improvements would likely result in increased trail usage, the trails would be fenced and signed to keep people on the trails. As there currently are no barriers, this would be anticipated to result in improvements over the existing condition. Unobtrusive path lighting would be provided for safety and to avoid potential impacts to wildlife.

d. Additional information regarding the pedestrian undercrossing was circulated to the public in the Supplemental Draft EIR/EIS and is incorporated into this Final EIR/EIS. Care has been taken in the design of the pedestrian undercrossings to minimize potential conflicts with wildlife movement. The proposed nature center and trail on the southeastern side of Batiquitos Lagoon have been removed from the project after discussions with the resources agencies. Some interpretive signage may be added near the existing park and ride lot. Based on these project modifications, no substantial adverse effects are anticipated with regard to the concerns listed in this comment.

e. The Agua Hedionda pedestrian bridge would provide a pedestrian connection from north to south and inhibit or

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11 cont. the DEIS, including figures depicting the boundaries of the MHPA and FPA in relation to the proposed project impact area and acreage of both temporary and permanent impacts to the MHPA and FPA by habitat type. We also request that the DEIS include alternatives that avoid and/or minimize potential impacts to the MHPA and FPA.

12 8) Page 3.1-42. The DEIS presents an inadequate analysis of impacts to resources protected by Section 4(f) of the Department of Transportation Act of 1966 (49 U. S. C. 303). It is not clear why Los Penasquitos Lagoon, Batiquitos Lagoon, and Buena Vista Lagoon have been excluded from this section of the DEIS. If there is no permanent loss or temporary occupancy of 4(f) resources at these locations, the DEIS should analyze potential constructive use of the adjacent public lands including the potential for aesthetic impairment and the effects of increased noise attributable to the project that may substantially interfere with the use and enjoyment of these public lands as wildlife viewing areas. In addition, impacts to any publicly owned and conserved MHPA lands where there is public access that may be considered wildlife and waterfowl refuges should also be analyzed in this section of the DEIS.

13 9) Page 3.9-10. Table 3.9.1, which documents the amount of impact to the 100-year floodplain by alternative, appears to have some typographical errors that lead to confusion in document review. For example, the 8+4 with Barrier alternative, which should have a smaller impact area, is stated to result in 7.2 hectares of impacts to the floodplain from bridge widening, whereas the 10+4 with Barrier alternative, which should have a larger impact area, will result in 0.78 hectares of impacts to the floodplain. In addition, the 8+4 with Buffer alternative, which should have a smaller impact area, will result in 1.80 hectares of impacts to the floodplain from roadway widening, whereas the 10+4 with Barrier, which should have a larger impact area will result in 1.79 hectares of impacts to the floodplain. We request that this table be corrected, or an explanation of greater impacts in association with smaller project footprints be provided in the DEIS.

14 10) Page 3.10-11. We are concerned that the proposed treatment best management practices (BMPs) (as depicted on figures 2-2.14d through 2-2.14ao) may result in substantial impacts to sensitive species and habitats. For example, the proposed bioswale shown west of I-5 at San Elijo Lagoon (figure 2-2.14, page 2-34) is located within habitat where wandering skippers (*Panoquina errans*) were found during surveys conducted on July 9 and August 12, 2010. Wandering skippers are a covered species under MSCP and MHCP. Surveys for this species should be conducted in all of the affected lagoons. In addition, based on the figure provided, we believe a detention basin adjacent to San Elijo Lagoon might be proposed in a location where an existing detention basin occurs. It is not clear whether the existing basin is being altered, or expanded, or replaced. We

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10 cont. prevent people from walking through sensitive marsh habitat within the lagoon.

f. The connection to the San Luis Rey River trail would route pedestrians via stairs to a single access point and eliminate erosion occurring along the existing informal pathway under I-5 by the San Luis Rey River. As with other trails, it would be fenced and signed.

11 No areas within Caltrans right-of-way should be identified as "preserve." Caltrans is not a signatory to the MHCP or MSCP. Caltrans is generally consistent with these planning documents; however, Caltrans is not granted coverage for projects under the MHCP or MSCP, nor does Caltrans have the ability to use mitigation habitat identified in the MHCP. Caltrans does strive to be consistent with MSCP and MHCP mitigation requirements and to identify and purchase appropriate mitigation parcels within desired connected MHCP and MSCP preserves. Modification of the existing facility is anticipated to be the lowest impact build option.

The mitigation program for the *I-5 NCC Project* has been developed in coordination with the resource agencies, including USFWS staff, with substantial refinement of that plan and development of mitigation parcel specifics occurring in 2011 through 2013. The proposed project includes four build alternatives (including the least impactive option to construct the minimal number of lanes required to address projected traffic, with a buffer rather than a wider barrier; i.e., the refined 8+4 Buffer alternative) and is also exploring options to reduce the construction-period and final bridge width based on project phasing. USFWS concerns have been addressed through completion of the REMP and ongoing coordination will continue through potential permitting. Impacts to MHPA and preserve habitats were included in the Biological Assessment submitted to the USFWS to obtain the Biological Opinion. The USFWS provided a Biological Opinion for the *I-5 NCC Project*, dated December 31, 2012 (see Appendix O of this Final EIR/EIS).

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14 cont. request that existing and proposed treatment BMPs be thoroughly described and their potential impacts to sensitive species and habitats be analyzed by lagoon. This analysis should include a description of the maintenance (e.g., frequency, season, activities) that Caltrans would conduct on the BMPs to ensure that they function as intended. The BMPs should be designed to obviate the need for riprap or other attenuation measures within sensitive habitat.

15 11) Pages 3.13-1 through 3.13-3. This section of the DEIS discusses hazardous waste and materials, including potential lead paint on structures to be demolished, and page 3.18-4 discusses containing debris from the demolition of bridges to ensure it does not fall into rivers and lagoons. We are concerned that lead contamination from bridge demolition could result in effects to the food chain of sensitive wildlife and request that additional detail be provided on the best management practices that will be used in the vicinity of natural areas to prevent contamination from entering sensitive habitats. These could include the use of shrouds, nets, or tarps suspended around working areas and below bridges; the use of barges and booms below bridges; and the use of vacuum or suction shrouds on blast heads to capture grit and old paint. We are also concerned that sediments in the vicinity of the proposed project could be contaminated with hazardous materials that could be disturbed by the proposed bridge work, also leading to food chain effects to sensitive wildlife. We recommend that sediment sampling be conducted at proposed bridge locations to determine whether sediments are contaminated, and if contaminated sediments are present, incorporate best management practices during construction to limit the spread of resuspended sediment. These may include cofferdams, blasting mats, silt curtains, and or turbidity curtains, which would contain resuspended sediment onsite until it settles.

16 12) Page 3.14-10. The DEIS states that the surface of dirt piles will be stabilized if the dirt is not removed immediately. Due to the presence of sensitive and protected species in receiving waters adjacent to the project area, we request that the DEIS provide information on how the surface of dirt piles will be stabilized, including specific polymers that may be used. We advise against the use of cationic polymers, which are attracted to the hemoglobin in fish gills and can cause suffocation at relatively low concentrations.

17 13) Page 3.17-5. The DEIS lacks sufficient analysis regarding project impacts to wildlife corridors and how they will be offset.

a. The DEIS acknowledges that the existing roadway acts as a barrier to wildlife movement; however, more detail is required on the measures the project will incorporate to improve wildlife connectivity in the project area.

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12 Los Peñasquitos Preserve, Batiquitos Lagoon and Buena Vista Lagoon were analyzed for proximity impacts in accordance with 49 USC 303. No impacts were identified. Please see EIR/EIS Appendix A, Section 3.2, Section 4(f) Resources Evaluated for Proximity Impacts.

13 *Table 3.9.2* has been added to the Final EIR/EIS to update the floodplain impact for the refined 8+4 Buffer alternative (the Preferred Alternative), and a footnote has been added to *Table 3.9.1* clarifying that impacts of the Preferred Alternative would be less than those of the other build alternatives.

14 Surveys for wandering skippers would be conducted in lagoons where appropriate habitat occurs prior to construction. The slopes of I-5 would be widened and existing habitat would be impacted, as described in *Section 3.17, Natural Communities,* of this Final EIR/EIS. Impacted habitats and species would be mitigated and the slopes would be revegetated. Bioswales have been proposed to the maximum extent practicable in interchanges and other non-sensitive areas. The lagoons are the low areas in the corridor, and "treatment" of the water prior to entering the lagoons is a priority. Details as to specific BMPs would be confirmed as part of the final design process and permitting of the project. Proposed BMPs associated with the lagoons are described in *Section 3.10, Water Quality and Storm Water Runoff*, and *3.17, Natural Communities*, of the Final EIR/EIS, as well as the project Water Quality Report (WQR) and August 2013 Water Quality Technical Memorandum.

15 The hazardous waste studies described in this comment from *Section 3.13* included soil sampling and testing for suspected contaminants adjacent to the traveled way and at bridge locations within the project limits. Suspected contaminants have been identified, and would be mitigated in accordance with federal, State, and local regulations per the standard specifications. Proper BMPs and storm water mitigation measures also would be applied to minimize sediments from migrating. The related information referenced in this comment from *Section 3.18* identifies hazards to wetlands and other waters from potentially hazardous debris generated during project activities including bridge demolition and

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15 cont. construction. The discussions of avoidance, minimization and/or mitigation measures in Draft EIR/EIS *Section 3.18* and Final EIR/EIS *Section 3.17* include the following requirements: (1) all debris from the replacement of old bridges or construction of new bridges would be contained, so that it does not fall into rivers and lagoons; and (2) appropriate BMPs would be used to control erosion and sedimentation. These measures are included in the Environmental Commitments Record, Appendix D of this Final EIRE/EIS. No project-related sediment or debris would be allowed to enter the creeks, rivers, or lagoons. Specific measures for control of hazardous waste would be derived from the PS&E standard specifications, which provide direction for contractors to implement appropriate BMPs to prevent construction debris, lead paint, and other impacted on-site debris or soils from entering the environment. The items identified in this comment are examples of typical measures that potentially could be used by project contractors during bridge construction or other applicable project activities. Additional description of Caltrans-approved BMPs related to bridge (and other) construction is provided in Section 6.0 of the project WQR (refer to Table 6.6, Construction Site BMPs for Typical Highway Construction Activities) and Section III of the August 2013 Technical Memorandum, with a number of these measures also called out as avoidance, minimization, and/or mitigation measures in *Section 3.10* of the EIR/EIS. Caltrans construction has also developed a specific BMP fact sheet, NS-15 Structure Demolition/Removal Over or Adjacent to Water, to detail issues that arise and provide required measures for contractors to minimize the potential for discharges into a water body.

It should also be noted that the Construction General Permit (CGP) separates projects into Risk Levels 1, 2, or 3. Risk levels are determined during the planning and design phases, and are based on potential erosion and transport to receiving waters. A Risk Level 3 project would require compulsory storm water runoff pH and turbidity monitoring, as well as both pre- and post-construction aquatic biological assessments during specified seasonal windows. For all projects subject to the CGP, applicants are required to develop and implement an effective Storm Water Pollution Prevention Plan (SWPPP). As Los Peñasquitos, San Elijo, and Buena Vista Lagoons are 303(d) listed water bodies for

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17 cont.

We request that wildlife corridors, and the species that use them, be identified throughout the project area. Project impacts to these corridors should also be identified (e.g., duration of construction activities such as bridge column construction within corridor areas, increase in the length of undercrossings) and information on how these impacts will be offset should be provided (e.g., avoiding night work in wildlife corridor areas, increasing bridge length to provide an adequate openness ratio for target species, incorporating benches in undercrossings to allow wildlife to cross during storm events).

We request that the DEIS consider the use of fencing or metal bridge poles (Sebastian Poles) over lagoons and riparian areas. Sebastian Poles have been shown to reduce bird mortality from vehicle strikes by up to 64 percent by allowing juvenile birds to judge a safe height at which to fly over bridges and roadways. We recommend that a study be conducted to determine where bird-vehicle strikes may be a concern. Additional information on Sebastian Poles may be found at: http://www.fhwa.dot.gov/environment/wildlifeprotection/index.cfm?fuseaction=home.viewArticle&articleID=5

18 14) Page 3.17-1. According to the Natural Environmental Study referenced in Sections 3.17 and 3.21 of the DEIS, the vegetation community and biological surveys for the proposed project were conducted between 2000 and 2007. We recommend that these surveys be updated to ensure that the analysis of impacts addresses the current conditions of the site. For example, eelgrass surveys conducted in San Dieguito Lagoon in 2000 found no eelgrass, and the DEIS states that "none is expected to occur in the future due to lack of tidal flushing and scour" (page 3.17-4); however, eelgrass is now present in San Dieguito Lagoon (Coastal Environments 2010).

19 15) Page 3.18-1. We request that Section 3-18 of the DEIS include a broader discussion of the benefits of designing bridges with increased bridge lengths such that they will never constrain any future restoration efforts to increase tidal and fluvial flows and wildlife connectivity under the bridges, while taking into account sea level rise.

20 16) Page 3.18-3. Table 3.18.1, which documents the amount of impact to jurisdictional waters of the U. S. by alternative, includes greater amounts of temporary impacts for alternatives with smaller footprints. If this is not a typographical error, please provide an explanation for why temporary impacts are greater for alternatives with smaller footprints.

21 17) Page 3.18-4. The DEIS states that appropriate best management practices will

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15 cont. sediment/siltation, the proposed work over these lagoons would most likely be considered Risk Level 3. The proposed work over Agua Hedionda, Batiquitos, and San Dieguito Lagoons would likely be considered Risk Level 2. Specific BMPs to be employed would depend on final project design and phasing, and must be developed in consultation with project construction contractors.

16 Dirt piles would be stabilized with water, tarps, and potentially polymers, but in no instance would cationic polymers be used.

17 As identified in the EIR/EIS, I-5 is currently a barrier to wildlife movement and the bridges at the lagoons are the major corridors. Also as identified in the document, a 16-foot-wide bench would be added to one or both sides of the lagoon channels to facilitate wildlife crossing. Falsework would be utilized during bridge construction that would not block use by wildlife. Caltrans has coordinated in 2011 through 2013 with USFWS staff (and with CDFW for lagoons under their preserve management) regarding bench locations and the types of wildlife that would be expected to utilize each side. In each instance, the wildlife crossing would be equal to, or improved by, the project compared to no build conditions, and the specific improvements have been incorporated into the project design. This revised design information was included within the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. The majority of work would occur during the day.

Caltrans will examine bird mortality relative to vehicle strikes at applicable bridge locations within the I-5 North Coast Corridor and consider the use of Sebastian Poles over lagoons and riparian areas if warranted.

18 Eelgrass has been found in San Dieguito Lagoon, but not near the I-5 bridge. Sensitive resource surveys would be required prior to construction and if resources are present, the avoidance, minimization, and/or mitigation measures for those resources identified in the project Resource Enhancement and Mitigation Program (REMP) would be implemented during and after construction.

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	19 Bridge design studies at the lagoons have been prepared to evaluate the potential for the I-5 widening to adversely affect the current water exchange in the lagoon or constrain future lagoon restoration programs. Caltrans has examined the option of building bridges with longer spans to enhance flow under the bridges; thereby increasing tidal exchange, decreasing tidal muting, and improving water quality. Lengthening of bridges was found to result in benefit, and longer bridges were incorporated into project design, at three of the lagoon crossings. These changes were described in detail in the Supplemental Draft EIR/EIS and have been incorporated into the Final EIR/EIS.
	20 The impact footprints for the various project alternatives incorporate a combination of permanent project features, proposed right-of-way acquisition, grading for cut and fill slopes, temporary construction staging (including full use of existing available right-of-way), and construction of soundwalls. In addition, potential impacts resulting from community enhancement projects are included (see *Table ES.13* of this Final EIR/EIS). Since circulation of the Draft EIR/EIS, Caltrans has been working closely with the resources agencies to reduce the footprint of the project and the 8+4 Buffer alternative has been refined, with a reduced overall footprint. The Oceanside Boulevard and Cannon Road DARs have been eliminated from the project and the designs and footprints of the community enhancements have been refined. This updated information is included in the Final EIR/EIS.

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21 cont. be used to control erosion and sedimentation for the proposed project. We request that erosion and sedimentation control measures that require materials such as fiber rolls or erosion control blankets make use of products made from biodegradable materials such as jute, with no plastic mesh, to avoid creating a wildlife entanglement hazard.

22 18) Page 3.19-1. We request that Sections 3-19 and 3-20 of the DEIS include information on which plant and animal species are Covered Species under the MSCP and MHCP.

23 19) Page 3.21-1. Section 3.21 of the DEIS addresses threatened and endangered species, and their critical habitats are addressed on page 3.21-4.

a. The DEIS should include quantification of the temporary impacts to critical habitats and an explanation of how temporary impacts to critical habitats will be offset.

b. The DEIS should include an explanation of how permanent impacts to critical habitats will be offset.

c. The document states that the proposed project will result in impacts to designated critical habitat for the federally endangered tidewater goby (*Eucyclogobius newberryi* "goby"). However, the document references the 2000 critical habitat rule, which has since been remanded and re-designated. There is no critical habitat for the goby in the vicinity of the proposed project. The shapefile for the 2008 designated critical habitat rule is available on-line at: http://www.fws.gov/carlsbad/GIS/CFWOGIS.html

d. Page 3.21-4 states that a federally endangered steelhead trout (*Oncorhynchus mykiss*) was observed in the lower San Luis Rey River in 2007. The DEIS should address how the bridge design at the San Luis Rey River will accommodate movement of steelhead. In our NOP comment letter on the proposed project we asked that the project be designed and implemented to avoid precluding the successful re-establishment of steelhead populations in the San Luis Rey River either from natural recruitment from San Mateo Creek or from reintroduction. Two documents that Caltrans should consult are *Guidelines for Salmonid Passage at Stream Crossings* and *Culvert Criteria for Fish Passage*. Both can be found in Chapter 9 of the Department's California Salmonid Stream Habitat Restoration Manual, available at http://www.dfg.ca.gov/nafwb/manual.html.

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21 Where practical, erosion and sedimentation control measures using materials such as fiber rolls or erosion control blankets, would use products made from biodegradable materials with no plastic mesh to avoid wildlife endangerment. Use of biodegradable materials is required by the 2010 Caltrans Project Planning and Design Guide.

22 Caltrans is not a signatory to those conservation plans; therefore, this information would not be applicable to this project. Detailed information on potential impacts to sensitive species is provided in the Natural Environment Study (NES) project technical study and Biological Assessment prepared for Section 7 consultation, by reference.

23 a. Temporary impacts to critical habitat have been quantified and this information has been added to the Final EIR/EIS. Temporary impact areas would be revegetated when construction is completed as specified in *Section 3.17.3* of the EIR/EIS.

b. Critical habitat with primary constituent elements is in areas of sensitive habitat already identified for mitigation. Impacts to critical habitat would be offset with at least 1:1 creation for no net loss, and additional restoration or preservation as identified in the Final EIR/EIS and REMP.

c. Tidewater goby critical habitat occurs along the San Luis Rey River. Specifics regarding anticipated temporary and permanent impacts are provided in *Section 3.21* of this Final EIR/EIS.

d. As stated in *Section 3.21* of the EIR/EIS, a sufficiently large channel would be kept open during bridge construction to allow fish (including steelhead trout) movement through the construction area at the San Luis Rey River. Prior to initiation of construction in those locations, Caltrans would submit a plan to the USFWS for maintaining a channel for fish and/or rail movement in the San Luis Rey River and each of the lagoons. This bridge would only be widened and only one additional column at each bent is anticipated at the edges of the channel.

FEDERAL AGENCIES – COMMENTS

23 cont.

e. Page 3.21-5. In this section, the DEIS addresses noise impacts from future traffic levels to the lagoons. Although this section discusses the increase in dBA Leq, it does not discuss whether noise impacts exceeding 60 dBA Leq (hourly), which may result in masking effects to sensitive bird species, will extend farther into the habitat. We recommend that these impacts be quantified in the DEIS.

f. Page 3.21-5. Although the DEIS makes brief mention of potential indirect effects, the thorough analysis of edge effects that we requested in our letter on the NOP for the project is lacking. Please include in the DEIS a more thorough analysis of edge effects and how they will be addressed, including disturbance by humans and nonnative predators (pets), exotic ants, trampling, noise, and lighting; decreases in avian productivity, human or domestic animal encroachment, trampling, bushwhacking; frequent fires, construction noise, and construction; and operational light, glare, and hydrological changes.

g. Page 3.21-7. The DEIS states that measures to minimize potential effects of pile-driving on fish species will be negotiated with NOAA Fisheries and the California Department of Fish and Game. We request that measures to minimize potential effects of pile-driving on fish be coordinated with our agency as well near lagoons where there is potential for the federally endangered tidewater goby (*Eucyclogobius newberryi*) to occur, as documented in the DEIS.

h. Page 3.21-7. This section of the DEIS lists seven measures that the project will use to avoid and minimize impacts to threatened and endangered species. We recommend that additional avoidance and minimization measures be incorporated into the project description through coordination with our agency.

24

20) Pages 3.21-7 to 3.21-8 and S14-15. On these pages the DEIS presents lists of mitigation opportunities. However, the DEIS does not include a commitment to implement specific mitigation, and it is unclear how the project impacts will be offset. Because of the scale of the project; the rarity of the habitat; and the historic, cumulative, and ongoing impacts to this habitat, we recommend that significant mitigation for project impacts be provided. We recommend that the mitigation be described in the finalized PWP, including funding for maintenance and management. A commitment to implement the mitigation should be included in the DEIS.

25

21) Page 3.21-8. In this section the DEIS references ongoing technical reviews that are being conducted to determine bridge lengths and states that the results will

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23 cont.

Therefore, the project would not impact movement of steelhead trout within the San Luis Rey River during or after construction.

Specifically with regard to effects during construction, the following measures are specified in *Section 3.21* and Appendix D.

- In-water construction activities at the San Luis Rey River would take place outside of the steelhead migration window when steelhead adults and juveniles are expected to be using the lower reach of the San Luis Rey River.
- Silt curtains, coffer dams, and/or other barriers would be used to prevent steelhead from entering the construction zone and prevent sedimentation and debris from entering the river. These structures would be installed in such a way as to allow movement of steelhead through the project area, should the species be present, but would be removed upon project completion.
- Best management practices would be implemented during construction to minimize impacts on steelhead and aquatic habitat in the San Luis Rey River. These include sediment control measures to minimize erosion and impacts to water quality, measures to prevent debris and fresh concrete from entering the river channel, and fueling and maintenance of heavy machinery in areas away from the river channel and sensitive habitats.

e. Existing measured traffic noise levels at the lagoons range from 52 to 67 decibels. The future traffic noise level increase is estimated to be between one and four decibels. There is no single standard or threshold for determining substantial noise effects on all bird species. Prior studies that have indicated a possible noise effect threshold for certain species of songbirds have not been scientifically shown to be valid for those species addressed in the *I-5 NCC Project* NES. Under existing conditions, noise in excess of 70 decibels occurs over various amounts of wetland and upland habitats that either support, or have potential to support, special status bird species at the

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	23 cont. lagoons within the project area. Although population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. Please refer to Section 4.9 of the NES for further details. f. I-5 and homes in the area are already established. No increase in disturbance by humans and pets is anticipated. Fencing would be installed along slopes to limit access to the freeway right-of-way by humans, and domestic pets, etc. All plant material used to revegetate the slopes would be inspected for exotic ants and weeds prior to planting. Any lighting would have shielding and be directed away from sensitive habitat. In addition, lighting would be equipped to prevent perching by birds, as appropriate. Only trails identified within the Final EIR/EIS and approved by resource agencies would be installed, thereby limiting human access to the freeway slopes and surrounding habitat. In many cases, this is expected to eliminate existing human intrusion impacts that are occurring along unofficial trail connections, by replacing these connections with less impactive ones, as described in the Final EIR/EIS. The newly graded freeway slopes would be revegetated with local native species–with the only exception being the potential replacement of oleanders in the median in focused locations–with maintenance to minimize weed species on the slopes. g. Consistent with this request, Caltrans has included information within the Final EIR/EIS that has resulted from coordination with the USFWS, CDFW, and other resource agencies, in 2011 through 2013, regarding measures to minimize the effects of pile driving on fish species (see *Section 3.21, Threatened and Endangered Species*). h. This discussion is revised and augmented in this Final EIR/EIS. Other measures also are listed under *Sections 3.17, 3.18, 3.19*, and *3.20* that are specific to habitats and wetlands that the listed species use. Conservation measures have been coordinated through the Section 7 process and incorporated into the project description.

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	24 Additional mitigation details were provided in the Supplemental Draft EIR/EIS and are included in *Section 3.17* of this Final EIR/EIS, as well as in Appendix D, the Environmental Commitments Record. This mitigation will also be included in the Final PWP/TREP. Funding sources are identified in Section 6.10 of the PWP/TREP funding plans.
	25 The studies referenced as ongoing in the Draft EIR/EIS were completed following public circulation of that document. The Supplemental Draft EIR/EIS provided additional information on bridge lengths and the associated impacts based on these project studies. This information also has been incorporated into the Final EIR/EIS, as applicable. Please also refer to the preceding responses to USFWS comments regarding mitigation.

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25 cont. be included in the final EIS. It is unclear how the DEIS can adequately analyze the project impacts in the absence of refined and finalized versions of these technical reviews. Including the results in the final EIS does not allow for meaningful public comment.

26 22) Page 3.21-9. In this section the DEIS includes a description of the options that are under consideration for management at Buena Vista Lagoon. This description should be updated to reflect the most current information. At this time only two alternatives are being considered, a non-tidal freshwater system and a system that is a mix of fresh and saltwater habitat.

27 23) Page 3.22-1. We appreciate the commitment on page 3.22-1 of the DEIS to plant non-invasive species. We recommend modifying this measure to specify that plant species listed by the California Invasive Plant Council will not be planted.

28 24) Page 4-4 to 4-5. The DEIS should consider further analysis of the proposed project's effects on climate change. The document states that decreased congestion along the corridor will result in improved travel times, reducing GHG emissions in 2030. This analysis should consider the effects of the project on GHG emissions over the life of the project. This analysis should also take into account the contribution of construction emissions, which are not quantified in the DEIS. The DEIS may wish to consider making use of the Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions (February 18, 2010) which can be found at: http://ceq.hss.doe.gov/nepa/regs/Consideration_of_Effects_of_GHG_Draft_NEPA_Guidance_FINAL_02182010.pdf

Any revisions to the analysis may also wish to consider the recent American Association of State Highway and Transportation Officials Standing Committee on the Environment (AASHTO) guidance on calculating construction emissions: *Greenhouse Gas Mitigation Measures for Transportation Construction, Maintenance, and Operations* by F. Gavilan (2010).

29 25) Page 4-8. Considering the proximity of the project to the coast, its elevation, and the number of lagoon crossings that may be affected, the DEIS may wish to consider an analysis of sea-level rise and how that might affect the project, wildlife connectivity, and tidal flows into the lagoons under the bridges. A project-specific analysis may make use of the range of potential sea-level rise scenarios predicted by Rahmstorf (2007) of 5 to 15 millimeters/year, and/or the sea-level rise scenarios adopted by the California Coastal Conservancy for assessing potential future impacts from sea-level rise of 16 inches by 2050 and 55 inches by 2100.

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26 Current information was provided in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. The biology discussion of these options is provided in *Section 3.17* of the Final EIR/EIS.

27 Plants listed as invasive by the California Invasive Plant Council would be not used in the I-5 landscaping palette. See *Section 3.22* for specific conservation measures that address invasives control. New planting would use local native species.

28 The project is designed to maintain or reduce levels of congestion through the project design year. Greenhouse gas (GHG) emissions related to vehicles using I-5 would be lower with the project than under the No Build alternative, which would not lessen existing or future congestion, and therefore would result in longer periods of idling or driving at below 25 miles per hour. Therefore, approving and implementing a build alternative would result in fewer I-5 emissions over this facility's design life than would occur without the project. Substantial discussion is provided in *Chapter 4. Chapter 4* of the Final EIR/EIS also contains additional construction-period GHG emissions analysis.

29 The Supplemental Draft EIR/EIS included analysis of sea level rise relative to freeboard at existing and proposed I-5 lagoon bridges. Consistent with the comment, the analysis assumed a worst-case 55-inch (approximately 4.5-foot) increase in sea level rise. This information has also been incorporated into *Section 3.9*, *Hydrology/Drainage (and Floodplains)*, specifically *Section 3.9.3*, *Environmental Consequences*, of the Final EIR/EIS.

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29 cont. In summary, it is the Department's opinion that there are significant outstanding issues that have not been adequately addressed in the DEIS, including substantial impacts associated with the common design features and proposed community enhancements of the project; a need for further analysis of avoidance and minimization measures to the biological resources; and preparation of a mitigation plan. Due to the above listed numerous and substantial issues with the DEIS, we recommend that the document be revised and recirculated in draft form to fully disclose to the public the proposed project impacts while allowing for meaningful public comment.

We appreciate the opportunity to comment on the referenced DEIS and to participate in the transportation planning process. If you have any questions regarding this letter, please contact Sally Brown of the Carlsbad Fish and Wildlife Office at (760) 431-9440, extension 278, or Susan Wynn at extension 216.

Sincerely,

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:
Gabriel Buhr, California Coastal Commission, San Diego, CA 92108
Bob Hoffman, National Marine Fisheries Service, Long Beach, CA 90802
Stephanie Hall, U.S. Army Corps of Engineers, Los Angeles, CA 90017
Tim Dillingham, California Department of Fish and Game, San Diego, CA 92123
Susan Sturges, U.S. Environmental Protection Agency, San Francisco, CA 94105
Elizabeth White, U.S. Environmental Protection Agency, San Francisco, CA 94105
Bruce Posthumus, Regional Water Quality Control Board, San Diego, CA 92124

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Coastal Environments. July 2010. Caulerpa/Eelgrass Survey from the Jimmy Durante Bridge to the W1 Basin of the San Dieguito Lagoon Restoration Project, Del Mar, California.
Rahmstorf, S. 2007. A semi-empirical approach to projecting future sea-level rise. Science 315 (5810): 368-370.

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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

November 19, 2010

Ms. Shay Lynn Harrison
Environmental Analysis Branch Chief
California Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, California 92110

Dear Ms. Harrison:

NOAA's National Marine Fisheries Service (NMFS) has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Interstate 5 North Coast Corridor Project. We offer the following comments pursuant to the essential fish habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act, the Fish and Wildlife Coordination Act, and the Endangered Species Act.

The proposed project will result in the widening of Interstate 5 from La Jolla Village Drive, in the City of San Diego, to Harbor Drive in the City of Oceanside / Camp Pendleton Marine Corps Base. The proposed project includes one or two High Occupancy Vehicle Managed Lanes in each direction, auxiliary lanes, possibly one general purpose lane in each direction, four proposed direct access ramps, noise barriers, ramp meters, utility relocations, drainage facility modifications, park & ride facilities, trail and recreational enhancements, and other facility improvements. The implementation of any of the four proposed alternatives in the DEIR/EIS is likely to have significant impacts to a series of coastal wetland systems in the pathway of the proposed highway widening.

Our concerns relate to four broad issues that include agency coordination during the preparation of the environmental document, sequencing of this document in relationship to other relevant documents, likely required mitigation to offset impacts to coastal wetland/lagoon systems, and analysis of proposed alternatives

General Comments

01 The DEIS states that "Early and continuing coordination with the … agencies is an essential part of the environmental process" (page 5.2). We concur with this statement and would like to express our concern that coordination with NMFS, a designated cooperating agency, has been very limited particularly in the last several years. We are disappointed that our agency, as well

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Responses to Robert S. Hoffman, Assistant Regional Administrator for Habitat Conservation Division, U.S. Department of Commerce – National Oceanic and Atmospheric Administration – National Marines Fisheries Service

01 Coordination with the resource and regulatory agencies has been ongoing since 2003. Representatives of each of the agencies attending regular NEPA 404 coordination meetings in 2011 through 2013 have been valued partners in bridge design refinement and identification of appropriate project minimization and mitigation measures, which were then circulated within a supplemental environmental document to agencies and the public in August 2012. *Chapter 5, Comments and Coordination,* of the Final EIR/EIS provides documentation of the consultation both prior to and following circulation of the Draft EIR/EIS.

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01 cont. as others, were not consulted adequately during the preparation of this DEIS. In part, because of this inadequate coordination, we believe the DEIS that does not adequately address many of the issues we have identified in this letter of comment.

02 Specifically, it appears the sequencing of the release of the documents (e.g., DEIR/EIS, Public Works Plan (PWP), and Corridor System Management Plan (CSMP)) relevant to the project has been conducted out of order. As a consequence, information that is necessary to determine appropriate bridge lengths and widths is lacking. The DEIR/EIS cannot adequately analyze the project impacts in the absence of this information.

The preliminary draft Public Works Plan (PWP), which was released July 16, 2010, and subsequently provided to us in hardcopy, should have been finalized and released prior to the DEIS. Had this occurred, all potential impacts in the project area could have been taken into account, and bridges for the project could have been designed such that they will never be a constraint to any future restoration effort, as well as taking into account into account tidal and fluvial flows and sea level rise requirements. Presumably, the final PWP will provide that information. Since this information is not currently available, the habitat impacts of the proposed project cannot be analyzed, and as a result, information on bridge lengths presented in the DEIS is incomplete.

Similarly, the Corridor System Management Plan (CSMP) should have been finalized prior to the distribution of the DEIR/EIS in order to provide a justification for why other transportation improvements along the Corridor will not remove or reduce the need to widen I-5. It is unclear how the DEIR/EIS could adequately analyze the project need without this information.

03 In addition, technical reviews associated with identifying potential mitigation opportunities for the project to offset project habitat impacts should have been refined and finalized prior to the release of the DEIR/EIS because this information also will likely have an affect on the design of the bridge lengths. It is our opinion that the San Diego Regional Lagoon Overview Phase 1 Planning Study (Study) includes an inaccurate analysis that suggests mitigation credit may be obtained through the conversion of subtidal to intertidal habitats. Further, while much of the initial work associated with Phase II of this Study has been completed, that phase has not been finalized. The resource agencies have provided verbal comments to Caltrans regarding our concerns with Phase I and Phase II of the Study which mirror the written comments submitted by the California Coastal Commission in a letter dated May 12, 2010. It is unclear how the DEIR/EIS can adequately analyze the project impacts and propose adequate mitigation measures in the absence of refined and finalized versions of these technical reviews.

04 Finally, the description of the four alternatives is lacking sufficient information and analysis to determine the ability of the proposed alternatives to meet the six project purpose and need objectives. Similarly, sufficient information is not provided to determine what project avoidance and mitigation features have been incorporated into the various alternatives to reduce likely environmental impacts.

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02 There is no legal requirement to complete the EIR/EIS, Public Works Plan/Transportation Resource and Enhancement Program (PWP/TREP) and I-5 San Diego North Coast Corridor System Management Plan (CSMP) within any particular sequence. These documents respond to different legal mandates, and have different purposes. The *I-5 NCC Project* has been under study since the mid-1990s, and substantial environmental information and multimodal analysis were available by the time the Draft EIR/EIS was circulated in 2010. The EIR/EIS, CSMP and PWP/TREP have all undergone simultaneous development with close coordination and interaction, including information sharing during the regular resource agency meetings noted in the above response.

The Draft EIR/EIS was prepared and circulated to agencies and the public when it was determined that sufficient information was available, and early enough to allow meaningful input and associated project modifications. Following circulation and receipt of comments, the 8+4 Buffer alternative was refined and legislatively mandated in 2011 as part of California Senate Bill 468 (CA SB 468); this alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Additional/updated information regarding bridge designs and habitat impacts was compiled and circulated to agencies and the public in August 2012 in a supplemental environmental document. This information was consistent with the bridge information contained within the PWP/TREP. Following circulation of the Supplemental Draft EIR/EIS, the Final EIR/EIS and PWP/TREP have been updated to reflect the latest bridge designs and mitigation for resources impacts, as developed in consultation with the resources agencies.

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	02 cont. The CSMP is required by the Proposition 1B bond measure passed by voters in 2006. There is no requirement that a CSMP be developed prior to the environmental process. Although a corridor must have a CSMP to be eligible for Proposition 1B Corridor Mobility Improvement Account funding, its development may occur simultaneously with project implementation. The CSMP should identify how performance measures such as improved travel times or reduced number of daily vehicle hours of delay will be achieved. CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. Prior to circulation of the Draft EIR/EIS, substantial information was available to Caltrans and FHWA to document the need for the project, including the traffic study for the proposed project, 2030 Regional Transportation Plan (RTP) and 2007 Final EIR/EIS for the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Corridor Project (and supporting documents), among other documentation as referenced in the Draft EIR/EIS. Information has been updated in the Final EIR/EIS, as appropriate, with sources referenced within the document. This additional documentation includes the CSMP and the San Diego Association of Governments' (SANDAG's) 2050 RTP, among others, with these documents serving to further support the need for the project. The available studies and planning documents continue to conclude that the North Coast Corridor will require upgrades to highway, train, bus, and non-motorized modes of travel through 2050. Please see the response to Comment 03 of this letter, below, for additional discussion related to lagoon concerns.
	03 The Phase 2 Lagoon studies plus the Lagoon Optimization Studies were completed to determine optimized channel dimensions on lagoon bridges that would be replaced. The Resource Enhancement and Mitigation Program (referred to as the Resource Enhancement Program in the Supplemental Draft EIR/EIS) is a package of mitigation for the *I-5 NCC Project*, LOSSAN, and other projects that would be mitigated together for regionally significant benefit. This information has been provided in the Supplemental Draft EIR/EIS and Updated Draft PWP/TREP and is provided in the Final EIR/EIS.

FEDERAL AGENCIES – COMMENTS	RESPONSES
	04 Sufficient information was provided to document that the build alternatives in the EIR/EIS would satisfy the six purpose and need criteria, including the following considerations. The data presented in *Tables 3.6.2* through *3.6.12* demonstrate that overall, the levels of service and travel times with any of the project build alternatives would be the same or better than the No Build alternative; these data also show the degree to which each build alternative would achieve these project objectives. Any of the project build alternatives would accommodate BRT, provide enhancements for bicycle and pedestrian modal options, and maintain I-5 as an effective link in the national Strategic Highway Network. Each project build alternative would be consistent with the adopted Regional Transportation Plans, as appropriate. The differences in impacts to the human and natural environments along the corridor for the different alternatives were (and are) addressed throughout *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. To further reduce such impacts, the 8+4 Buffer alternative has been refined. This is the Preferred Alternative and it would have the least overall impacts to adjacent properties, habitat, and species. Regarding the second sentence of this comment, mitigation was provided to avoid and minimize impacts; additional information regarding mitigation at the lagoons was provided within the Supplemental Draft EIR/EIS. Some avoidance, minimization and mitigation measures are described as being incorporated into the project design or plans. The remaining measures are listed within each section in *Chapter 3* and a summary listing of such measures is provided within the Environmental Commitments Record (ECR) in Appendix D.

FEDERAL AGENCIES – COMMENTS

3

Endangered Species Act Comments

The final EIS/EIR should clearly state that the proposed project lies within the endangered Southern California Distinct Population Segment (DPS) of southern California steelhead (Oncorhynchus mykiss), which extends from the Santa Maria River to the U.S.-Mexican border (71 FR 834). As a result, the proposed project could potentially impact the San Luis Rey River that is designated as habitat for the species in the Draft Recovery Plan. The final EIS/EIR should thoroughly describe all potential impacts of project alternatives on steelhead and aquatic habitat for this species inside the project area, including direct, indirect, temporary, and permanent impacts. More specific comments regarding the effects to steelhead and their aquatic habitat are as follows:

05

1. The effects of bridge widening on steelhead and their aquatic habitat should be thoroughly assessed in the final EIS/EIR. The assessment should include how the addition of new bridge piers and/or extension of existing bridge piers would affect the distribution of depths and velocities over a range of flows beneath modified bridges, and whether new depth and velocity profiles beneath modified bridges conform to NMFS' Guidelines for Salmonid Passage at Stream Crossings (NMFS, 2001, http://swr.nmfs.noaa.gov/hcd/NMFSSCG. PDF).

2. The effects of pile-driving on steelhead and their aquatic habitat during bridge construction should be thoroughly assessed in the final EIS/EIR. Expected aquatic noise levels resulting from pile driving activities should be analyzed and ultimately conform to decibel levels agreed upon by NMFS, the U.S. Federal Highway Administration, and Caltrans in the June 12, 2008 Memorandum regarding Interim Criteria for Injury to Fish from Pile Driving Activities.

06

3. The effects of project alternatives on river floodplains should be assessed in the final EIS/EIR. Impacts to floodplain connectivity resulting from bank stabilization, rock riprap protection of bridge infrastructure, and floodwall construction within the project area should be minimized.

07

4. Best management practices designed to minimize impacts of the proposed project on the southern California steelhead DPS should be fully described in the final EIS/EIR and summarized in a table. This should include the types of devices that will be deployed to control sedimentation and turbidity during project construction, how work schedules would be designed to minimize project impacts on steelhead, and what types of toxic spill prevention and cleanup measures will be implemented. The final EIS/EIR should also describe when and where biological monitors will be deployed during construction, and what type of biological survey techniques would be implemented. The types and locations of mitigation measures (e.g., riparian revegetation plans, runoff pollution reduction measures) should be thoroughly described in the final EIS/EIR.

RESPONSES

05 The Supplemental Draft EIR/EIS provided results of the detailed lagoon optimization studies and proposed mitigations. It also provided updated information on fish species associated with each lagoon. This information has been incorporated into this Final EIR/EIS as appropriate.

Southern California steelhead trout were addressed in *Section 3.21* of the Draft EIR/EIS. As stated, a channel large enough for fish movement would be kept open for steelhead movement throughout construction at the San Luis Rey River. Prior to initiation of construction in those locations, Caltrans would submit a plan to the USFWS for maintaining a channel for fish and/or rail movement in the San Luis Rey River and each of the lagoons. The San Luis Rey Bridge would only be widened and only one additional column at each bent is anticipated at the edges of the channel. This design would not impact movement of steelhead within San Luis Rey River under I-5. Caltrans has worked with the resource agencies to identify use of bubble curtains or other methods to ensure pile driving impacts are minimized. This coordination would continue through final design and construction.

- In-water construction activities at the San Luis Rey River would take place outside of the steelhead migration window when steelhead adults and juveniles are expected to be using the lower reach of the San Luis Rey River.

- Silt curtains, coffer dams, and/or other barriers would be used to prevent steelhead from entering the construction zone and prevent sedimentation and debris from entering the river. These structures would be installed in such a way as to allow movement of steelhead through the project area, should the species be present, but would be removed upon project completion.

FEDERAL AGENCIES – COMMENTS	RESPONSES
	05 cont. • Best management practices would be implemented during construction to minimize impacts on steelhead and aquatic habitat in the San Luis Rey River. These include sediment control measures to minimize erosion and impacts to water quality, measures to prevent debris and fresh concrete from entering the river channel, and fueling and maintenance of heavy machinery in areas away from the river channel and sensitive habitats.
	06 Floodplain impacts are addressed in *Section 3.9* of the EIR/EIS. Use of riprap was a focus of discussion during agency coordination in 2011 through 2013. Its use has been minimized to the extent possible and generally is not proposed for any channel bottom.
	07 Please see responses to Comments 02 through 05 of this letter. The details of the construction-period restrictions and monitoring have been developed as part of the Biological Opinion with the United States Fish and Wildlife Service. That information has been incorporated into the Final EIR/EIS. In addition, Caltrans must comply with the 2009 Construction General Permit water quality management requirements. Caltrans has submitted a biological assessment for informal consultation on southern California steelhead and conservation measures included in that document and those received from NOAA Fisheries have incorporated into the final document and ECR (Appendix D).

FEDERAL AGENCIES – COMMENTS

4

08 In conclusion, we have serious concerns regarding the adequacy of the DEIR/EIS. Because of the apparent out of order sequencing of related documents, and resulting lack of sufficient information and analysis of proposed alternatives, NMFS believes a supplemental document should be prepared and circulated for public comment prior to the finalization of the EIR/EIS. We strongly urge CALTRANS to coordinate with the cooperating federal agencies and relevant state agencies during the preparation of that supplemental document.

Please contact me at 562-980-4043, or via email at Bob.Hoffman@noaa.gov if you have any questions concerning our comments.

Sincerely,

Robert S. Hoffman
Assistant Regional Administrator
for Habitat Conservation Division

RESPONSES

08 Please refer to response to Comments 01 and 02 of this letter. As noted, Caltrans has coordinated regularly and intensively with the resource agencies in 2011 through 2013 during completion of the lagoon studies and decisions regarding design refinement and mitigation programs. Consistent with this comment, a supplemental document was circulated for public review and comment, with the results of that study (and responses to comments received), incorporated into this Final EIR/EIS.

FEDERAL AGENCIES – COMMENTS

U.S. Department of Homeland Security
United States Coast Guard

Commander
District Eleven

U.S. Coast Guard Island, Bldg 50-2
Alameda, CA 94501-5100
Staff Symbol: (dpw)
Phone: (510) 437-3514
Fax: (510) 437-5836

16590
Los Penasquitos Lagoon/River
San Dieguito Lagoon
San Elijo Lagoon
Batiquitos Lagoon
Agua Hedionda Lagoon
Buena Vista Lagoon
San Luis Rey River
Carmel Valley Creek
Loma Alta Creek

December 14, 2010

California Dept. of Transportation
Attn: Ms. Shay Lynn M. Harrison
4050 Taylor Street, M.S. 242
San Diego, CA 92100

Dear Ms. Harrison:

We have completed our review of information provided concerning the Interstate 5 North Coast Corridor Project in San Diego County, California.

01 The I-5 bridge crossings on the following waterways are located on reaches of the waterways that are considered navigable. However, the waterways are not navigated by anything larger than small motorboats and the waterways meet the criteria for Advance Approval of bridges pursuant to Title 33, Code of Federal Regulations, Part 115.70.

a. San Diego River.
b. Los Penasquitos Lagoon and River.
c. San Dieguito Lagoon.
d. San Elijo Lagoon.
e. Batiquitos Lagoon.
f. Agua Hedionda Lagoon.

The General Bridge Act of 1946 requires the approval of the location and plans of bridges prior to the start of construction (33 U.S.C. 525). The Commandant has given advance approval to the location and plans of bridges to be constructed across reaches of waterways considered navigable, but not actually navigated by other than logs, log rafts, rowboats, canoes and small motorboats. In such cases, the clearances provided for high water stages will be considered adequate to meet the reasonable needs of navigation (33 C.F.R. 115.70).

02 No individual Coast Guard bridge permit will be required for this part of the project (COMDTINST M16590.5C). This does not relieve the applicant from complying with all applicable federal, state and local laws, and associated permit requirements.

RESPONSES

Responses to David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, United States Coast Guard

01 Thank you for this information.

02 Caltrans intends to comply with all applicable federal, State, and local laws and associated permit requirements. If the project is approved, photographs and as-built drawings will be provided upon project completion. Drawings will show the elevation of the lowest “hittable” part of the bridges above mean high water over the channel.

FEDERAL AGENCIES – COMMENTS

16590
December 14, 2010

02 cont. If the character of navigation changes, such that one of the waterway no longer meets advance approval criteria, the Coast Guard will promptly withdraw the advance approval designation for the waterway, and notify all interested parties.

A photograph and as-built drawings (8½x11-inch) of the bridges are required upon completion of the project. The drawings should indicate the elevation of the lowest hittable part of the bridges above mean high water, or mean sea level, over the channel.

03 Our review and determination remains valid for a period of two years, and becomes null and void if the project has not begun within that time frame.

Please notify our office upon beginning and completing the bridge-related, over-water portions of the project, with 30 days advance notice, so we may provide Notice to Mariners.

The I-5 bridge crossings of the following waterways are located on reaches of the waterways considered to be non-navigable. Under the provisions of the Coast Guard Authorization Act of 1982, the Coast Guard has determined that these projects do not require Coast Guard involvement for bridge permit purposes:

a. Buena Vista Lagoon
b. San Luis Rey River
c. Carmel Valley Creek
d. Loma Alta Creek

You may contact Mr. Chris Cerles, Project Manager, by telephone at (510) 437-3461, to discuss this project.

Sincerely,

DAVID H. SULOUFF
Chief, Bridge Section
Eleventh Coast Guard District
By direction of the District Commander

Copy: U. S. Army Corps of Engineers, Los Angeles District
Coast Guard Sector San Diego

2

RESPONSES

03 Caltrans will provide 30-day notice of construction begin and end dates for bridge related, over-water construction.

FEDERAL AGENCIES — COMMENTS RESPONSES

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Chapter 4.2

STATE AGENCIES

STATE AGENCIES — COMMENTS

STATE OF CALIFORNIA - RESOURCES AGENCY

Arnold Schwarzenegger, Governor

DEPARTMENT OF PARKS AND RECREATION

RUTH COLEMAN, DIRECTOR

San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110
(619) 688-3260 FAX (619) 688-3229

November 17, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
California Department of Transportation, District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

RE: **Draft EIR/EIS for The Interstate 5 North Coast Corridor Project the (11-SD-5-KP R45.7/R28.4R55.4, EA 235800)**

Dear Ms Harrison,

01 Thank you for the opportunity to comment on the Draft EIR/EIS (DEIR/EIS) for the proposed *Interstate 5 North Coast Corridor* Project (Project). California State Parks (CSP) is responsible for seven (7) State Parks that occur downstream from the Project: Cardiff, San Elijo, Moonlight (operated by the City of Encinitas), South Carlsbad, and Carlsbad State Beaches, and Torrey Pines State Natural Reserve. The State Beaches are relatively distant from the Project but may be subject to indirect impacts related to proposed changes in hydrology. Torrey Pines State Natural Reserve (Reserve) is adjacent to a portion of the Project and will likely be subject to significant environmental impacts due to hydrological changes, habitat loss, increased spread of invasive plant species, and visual and noise effects.

02 CSP is concerned that there is not enough specificity in the impact analysis to calculate the Project-related effects on a particular watershed. An additional concern is that the DEIR/EIS has proposed a regional approach to mitigation where impacts in one watershed are provided in another. CSP understands the economies-of-scale advantages when consolidating habitat restoration work, but is concerned that loss of functions and values in a particular watershed may not be replaceable in another watershed. A regional approach to mitigation must only be considered after full analysis of mitigation opportunities within the immediate watershed for each element of the project.

03 Torrey Pines State Natural Reserve.
We are concerned that the mitigation measures proposed in the DEIR/EIS lack sufficient detail to analyze or does not adequately mitigate for significant losses to habitat functions and values the within Torrey Pines State Natural Reserve. Because the DEIR/EIS was written from a regional perspective where impacts and mitigation are considered in total, it does not provide details necessary to determine the scale or magnitude of impacts or mitigation measures as they relate to the function or sustainability of individual reserves.

Torrey Pines State Natural Reserve has numerous overlapping designations as an important area for natural resource conservation. It is a State Natural Reserve and supports Two State

RESPONSES

Responses to Clayton A. Phillips, Acting San Diego Coast District Superintendent, California Department of Parks and Recreation

01 Thank you for your comments regarding California State Parks (CSP) properties and jurisdiction in the project vicinity and related potential concerns from project implementation. Your concerns are addressed by specific comments provided below.

02 Regarding project-related impacts within individual watersheds and proposed mitigation strategies, EIR/EIS *Sections 3.17, Natural Communities,* through *3.22, Invasive Species*, describe project-related impacts in associated watersheds and note that all such effects to biological resources in the identified coastal lagoons and related waterways would be avoided, minimized, and/or mitigated through appropriate measures. Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways. Important new information from these additional studies, including descriptions of wetland impacts and mitigation strategies for individual watersheds, was provided in a Supplemental Draft EIR/EIS that was circulated in August 2012, and has been incorporated into this Final EIR/EIS as appropriate. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design to maximize preservation/enhancement

STATE AGENCIES — COMMENTS	RESPONSES
	02 cont. measures within individual watersheds, and opportunities to mitigate within individual watersheds have been reviewed. Some watersheds are severely constrained, however, and/or there could be more opportunities in watersheds where extensive restoration projects have not taken place. An extensive mitigation package has also been developed in concert with the wildlife agencies during project meetings in 2011 through 2013; see *Chapter 5* of this Final EIR/EIS for information regarding meeting dates and topics with the resource agencies. As indicated in this comment and shown in the agency-approved Resource Enhancement and Mitigation Program (REMP) in Appendix P and Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. That is, while the corridor-wide approach would entail some mitigation in areas outside the impacted watersheds, there are also substantial benefits to this methodology, including the following considerations: • The constrained, primarily developed, North Coast Corridor severely limits opportunities for large-scale restoration to enhance natural resources within some individual watersheds. • Many of the associated habitats (particularly lagoon communities) are biologically unique and cannot be replicated elsewhere. • The PWP/TREP proposes comprehensive corridor lagoon restoration that is over and above the mitigation components necessary to meet the requirement of no net loss of habitat, with this additional out-of-kind habitat restoration and integrated lagoon ecosystem restoration and enhancements to provide a significant ecological lift to the lagoon systems. • Mitigation for all included projects would be implemented in the near-term rather than as impacts occur, which would result in some mitigation being delayed for substantial periods of time.

STATE AGENCIES — COMMENTS

03 cont. Natural Preserves (the Los Peñasquitos Marsh Natural Preserve and the Parry Grove Natural Preserve). A large portion of the Reserve has also been designated as a National Landmark by The National Parks Service. The City of San Diego has included the Reserve within its Multiple Species Conservation Plan as a core area within its Multiple Habitat Preserve Area. These designations and a number of local, State, and Federal environmental laws and policies prohibit developments that would threaten the integrity of the Reserve.

04 Hydrological Changes
The DEIR/DEIS does not provide sufficient detail to effectively analyze the effects of the hydrological changes in the Los Peñasquitos Hydrological Unit as related to the proposed project. The DEIR/EIS describes a 311 to 410 acre (depending on the alternative), project-wide increase in impervious surfaces. This increase represents between 78 and 108 percent of existing impervious surfaces. It is not clear where these increases would occur and what their downstream effects would be. If the Los Peñasquitos Hydrolocical Unit represents 1/5 of the project, a rough estimate would be an 82 acre increase in impermeable surfaces. Impermeable surfaces reduce infiltration rates and increase the volume and velocity of fresh water down stream. This additional fresh water flow can displace salt water and dramatically reduce rare salt water-dependent habitats. Mitigation discussions need to include a commitment to construction techniques that can significantly reduce fresh water intrusion into salt water environments. Such techniques include the use of open-graded concrete and other permeable surface treatments.

05 The DEIR/EIS likely underestimates the acreage of impacts to coastal saltmarsh, saltpanne, and mudflat habitats from an unknown quantity of increased storm runoff. The cumulative effects of past development in the Los Peñasquitos HU (for example the communities of Mira Mesa, Sorrento and Carmel Valley, Interstate 5, SR56 and others) has contributed to the loss of approximately 200 acres of saltwater habitats due to the greater freshwater inputs from increased impervious surfaces upstream. The DEIR/EIS should detail the amount of acreage increase in impervious surfaces for a particular hydrologic unit and the estimated increase in freshwater inputs to each system.

06 Another effect of the increased volume and flow from increased impermeable surfaces is the erosive effect of this water. The DEIR/EIS quantifies the amount of temporary disturbed areas and proposes BMP's for reducing the amount of construction-related sediment lost to the construction sites. The DEIR/EIS does not discuss or quantify the downstream erosive effects of the increased runoff. Currently there are numerous storm drain outfalls that scour habitat areas and contribute sediment to the Los Peñasquitos Marsh Natural Preserve. The DEIR/EIS should assess potential for increased sedimentation as a result of increased volume and velocity of water being conveyed to natural areas from the increased impervious surfaces.

07 The Project proposes design features for the Sorrento and Carmel/Soledad Creek crossings that would improve flows by spanning the drainage or removing or widening existing boxed culverts. While these features will likely have a positive influence on wildlife crossings, CSP is concerned that these improvements will contribute to the loss of tidal habitats within the Los Peñasquitos Marsh by increasing freshwater flows. The DEIR/EIS must provide a more detailed analysis of this potential significant impact and provide appropriate design or mitigation measures to maintain or improve current functions and values.

Habitat Losses

RESPONSES

02 cont.
- Areas proposed to be acquired for habitat preservation, restoration, and/or enhancement are more likely to be available in the near term (i.e., such areas could be subject to development or other uses that would preclude mitigation if they are not secured in the near term).
- Implementing mitigation in the near term would result in substantial additional time during which functional and connected habitat areas mature and are available for use by associated flora and fauna, including sensitive species.

Please also refer to the Environmental Commitments Record in Appendix D for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Effects" for additional information on potential project-related impacts to coastal lagoons.

03 With respect to your concerns on potential project-related effects to the Torrey Pines State Natural Reserve, please note that no significant loss to habitat functions and values at the Reserve are anticipated to occur. As noted in the response to Comment 02, subsequent to circulation of the Draft EIR/EIS, additional detailed studies were undertaken relative to I-5 improvements and construction requirements. As discussed in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS, the minimal widening of the current I-5 bridge over Carmel Creek would result in minimal impacts to wetlands, ranging from no impacts to fewer than 100 square feet of impacts, depending on final design. All support columns for the HOV/Managed Lanes connector flyover bridge over Los Peñasquitos and Soledad Creeks would be located entirely outside of the creek channels; no impacts to wetlands, waters of the U.S. or sensitive upland habitats would occur. A connection under I-5 would support improved wildlife movement from the lagoon into the Carmel Valley Resource Enhancement Project. No new indirect impacts to habitats or wildlife are anticipated due to bridge improvements in this watershed. With respect to project mitigation strategies for the minimal but direct impacts, please refer to the response to your Comment 02 above. Based on this information, potential project-related impacts to the functions, values and sustainability of habitats within the

STATE AGENCIES — COMMENTS	RESPONSES
	03 cont. Torrey Pines State Natural Reserve would be effectively avoided, minimized, and/or mitigated through appropriate measures.
	04 Regarding your comments on the extent of project development and related potential impacts, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and was identified in the Final EIR/EIS as the Preferred Alternative. Refinement of this alternative has allowed for re-evaluation of impervious surface associated with the proposed project. The Preferred Alternative would result in approximately 214.5 acres of new impervious surface. While it is true that additional freshwater input can affect salt water habitats (e.g., by converting salt marsh to freshwater marsh), only a relatively small portion of the project-related increase in impermeable surface area would be within the Los Peñasquitos watershed. Most of the freeway widening in that area has already been completed and therefore proposed activities would be limited mainly to restriping. The project-related increase in runoff in this area would be relatively minor. Best management practices (BMPs) including bioswales and detention basins have been proposed throughout the corridor to provide "treatment" by filter watering and reducing sediment loads, with such "treatment" proposed for approximately 112 percent of the equivalent new impervious area being treated. Currently seven percent of existing impervious areas are being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. This is the minimum anticipated improvement percentage for "treatment" with potential increase in "treatment" percentage as design progresses. In addition, bioswales would be added along Old Sorrento Valley Road as part of the I-5 North Coast (NC) Bike Trail, and design pollution prevention BMPs, such as the preservation of existing vegetation, would be implemented wherever feasible. All of these BMPs would help to reduce the rate and amount of storm runoff within and from the project corridor, as well as related effects such as erosion and sedimentation, by slowing or regulating flows and providing infiltration capacity.

STATE AGENCIES — COMMENTS	RESPONSES
	05 Subsequent to circulation of the Draft EIR/EIS, a Water Quality Technical Memorandum for the I-5 North Coast Corridor Project, dated August 2013, was prepared to update and supplement the 2009 project Water Quality Report (WQR). The purpose of this technical report is to provide additional information related to the recently adopted Caltrans National Pollutant Discharge Elimination System (NPDES) permit and to describe Caltrans' practices and policies that are implemented by the various divisions to ensure all NPDES Permit mandates are complied with and documented. The limits and description of the project have not changed since the WQR was completed. Information presented in this technical report centers around the work being conducted in support of the LPA. This technical memorandum discusses differences between existing and proposed impervious areas as well as existing treatment within the corridor, as discussed in the response to your Comment 04. The following table (Table III.1.10.1 in the Water Quality Technical Memorandum) shows existing and proposed pavement acreage by watershed for the *I-5 NCC Project*. These calculations differ from previously provided numbers as a result of more precise cross-section and design information; previous data was based on GIS data. As discussed in the response to your Comment 04, treatment BMPs have been preliminarily sited based on the current footprint. Based on the proposed areas that will receive "treatment," an equivalent of 112 percent of the new pavement will receive "treatment."

STATE AGENCIES — COMMENTS | RESPONSES

05 cont.

Pavement Acreage

Watershed/ Hydrologic Area	Sub watershed/ Major Water Bodies	Location	Existing Impervious Area (Acres)		Proposed Impervious Area (Acres)	
Peñasquitos 906	Rose Canyon	La Jolla Village. Dr To Voigt Dr	11.7	193.5	8.7	30.0
	Peñasquitos	Voigt Dr To Roselle St	33.1		15.0	
		5/805 To SR 56	115.1		0.0	
		SR 56 – Del Mar Heights Ave	33.6		6.3	
San Dieguito 905	San Dieguito	Del Mar - S. Dieguito River	38.5	90.2	12.7	29.0
		S. Dieguito - V.V. Blvd	14.2		9.4	
		V.V. - Lomas Santa Fe Ave	37.5		6.9	
Carlsbad 904	San Elijo Lagoon	Loma. - Manchester Ave	14.5	327.8	20.2	142.3
		Man. - Birmingham Ave	38.3		19.0	
	Cottonwood	Bir.. - Encinitas Blvd	28.3		12.7	
		Enc. - Leucadia Ave	15.1		6.8	
	Batiquitos	Leu. - La Costa Ave	36.6		12.6	
		L.C. - Poinsettia Lane	19.1		8.3	
	Encinas	Poin. - Palomar Air. Rd	27.3		10.7	
		Pal. - Cannon Rd	32.9		11.3	
	Agua Hedionda Lagoon	Cannon - Tamarack Ave	16.7		7.2	
		Tamarack-Carlsbad Village Dr	28.2		9.0	
	Buena Vista Lagoon	Carlsbad - SR 78	21.9		7.2	
		SR 78 - Cassidy St	21.0		4.4	
	Loma Alta Creek	Cass. - Oceanside Blvd	10.1		5.4	
		Oceanside Blvd. - Mission Ave	17.8		7.5	

STATE AGENCIES — COMMENTS

RESPONSES

Pavement Acreage (cont.)						
Watershed/ Hydrologic Area	**Sub watershed/ Major Water Bodies**	**Location**	**Existing Impervious Area (Acres)**		**Proposed Impervious Area (Acres)**	
San Luis Rey 903	San Luis Rey	Mission - SR 76	16.8	46.0	4.5	12.4
		SR 76 - Harbor Dr	29.2		7.9	
Santa Margarita 902	Santa Margarita (Oceanside Harbor)	Harbor - Vandegrift Blvd	11.7	11.7	0.8	0.8
			TOTALS	669.2		214.5

STATE AGENCIES — COMMENTS

Coastal Sage Scrub

08 The proposed Project (10+4 w/barrier) would result in permanent impact to 87 acres of coastal sage scrub. Most of these impacts occur within the southern portion of the proposed Project. These areas are important to the movement of California gnatcatcher and other avian species between core reserve areas. Reduction in the size of these stepping stones will result in diminished opportunities for dispersing birds to find larger habitat reserves and could result in isolating core areas and reducing their long-term viability. Mitigation measures for impacts to coastal sage scrub and other native upland habitats should be focused on improving the connectivity between core areas in areas most compromised by the proposed project.

Wetlands

09 Approximately 4 acres of wetlands or waters of the U.S. will be subject to permanent impacts within the Los Peñasquitos watershed. Reduction of 4 acres of habitat will result in diminished storage capacity of freshwater. This will likely increase the volume and velocity of freshwater and sediment downstream within the Los Peñasquitos Marsh and reduce the acreage of tidal/saline habitats. The DEIR/EIS does not adequately address the downstream effects of wetland habitat loss. Project design or mitigation measures must be implemented to reduce the amount of sediment and freshwater flows to downstream estuarine systems.

10 CSP would prefer that upland and wetland impacts were further reduced within the Los Penasquitos Watershed. These areas are important to the sustainability of the Reserve. CSP understands that Caltrans is looking to develop mitigation opportunities within the Los Penasquitos Watershed. We are eager to assist in looking for solutions that would improve the habitat quality and sustainability of the Reserve.

Invasive Plant Species

11 The I-5 Corridor currently supports invasive plant species and a pathway for their movement between important biological reserves. Additional project-related disturbance and movement of equipment and materials will likely exacerbate problem. CSP and other local reserve management entities currently expend great effort controlling many of the species found in the corridor (for example, *Ehrharta calycina*, *Ehrharta longiflora*, *Brassica tournefortii*, *Cortedaria selloana*, and *Carpobrotus edulis*). This effort is currently unsustainable as long as there are unmanaged invasive plant populations adjacent to biological open space. The BMP's proposed in the DEIR/EIS to control the spread of invasive plants are sensible but are difficult to maintain and enforce given the complexity of construction management for a large-scale highway project. Additionally these BMP's do little for the long-term control of invasive plants. An integrated invasive plant control plan should be designed and implemented within the corridor to adequately address this problem. Potential solutions may include creating management zones within the corridor that would either provide barriers to invasive plant spread (for example hardscapes or high productivity plantings) from reserve to reserve or provide more effective maintenance of native habitat areas with dedicated funding to reduce or eliminate invasive plant populations. Included within this plan would be enforceable protocols for maintenance, construction, and emergency activities to follow when working within and moving between important habitat areas.

Visual Impacts

12 The bulk of the visual impact analysis in the DIER/EIS is focused on the perspective of Interstate 5 travelers and residential developments. The proposed projects have the potential for a far greater negative effect on views from public lands, especially within Torrey Pines

RESPONSES

06 Regarding project-related runoff generation and related potential erosion impacts, please refer to the response to your Comment 04 above.

07 With respect to potential effects to tidal habitats from project-related runoff generation, please refer to the responses to your Comments 02 and 04 above. It should also be noted that removing the constriction at Sorrento Valley Road was required as part of the I-5 / I-805 improvement project to accommodate the 100-year flood flow. Construction of the Carmel Valley Restoration Enhancement Project (CVREP) greatly increased the capacity of wetland filtering upstream of the lagoon, with associated detention basins reducing flows and sediment influx into the lagoon. The project REMP (referred to as the Resource Enhancement Program [REP] in the Supplemental Draft EIR/EIS) identifies an endowment to provide funding for mouth maintenance to enhance saltwater flows into Los Peñasquitos Lagoon.

08 Regarding your concerns on project-related impacts to coastal sage scrub habitat and associated bird species, please refer to the response to your Comment 04 above. As noted, the Preferred Alternative is the smallest of the build alternatives proposed, and as such, would have a smaller impact footprint than the 10+4 Barrier alternative. While all of the build alternatives have a similar impact footprint south of Del Mar Heights Road, the "sliver impacts" associated with expansion of an existing facility would primarily affect existing disturbed habitats and are not expected to result in a notable reduction of opportunities for birds moving between core areas.

With regard to mitigation focusing on improving connectivity between core areas and related wildlife movements, please refer to the response to your Comment 03 above.

Please also note that while I-5 improvements would impact coastal sage scrub, the freeway slopes would be revegetated with coastal sage scrub in most areas to maintain linkages; refinements associated with the Preferred Alternative have reduced anticipated

STATE AGENCIES — COMMENTS | RESPONSES

08 cont. impacts. Revegetation of the slopes would be in addition to off-site creation and preservation of coastal sage scrub in important areas of California gnatcatcher use.

09 With respect to project-related wetland impacts and associated runoff and sedimentation effects, the majority of project wetland impacts within the Los Peñasquitos watershed involve habitat located immediately north of Genesee Avenue and west of I-5. The I-5 / Genesee Interchange project would impact much of the same area, with associated mitigation to occur at the Deer Canyon Mitigation site located upstream of Carmel Creek (and within the same watershed). Impacts to Soledad Creek and Los Peñasquitos Creek are primarily due to shading, as a large flyover bridge would be built over these water sources. There would be no fill in either Sorrento Creek or Los Peñasquitos Creek, and all bridge columns would be located outside of the drainage channels. Bioswales are proposed to filter water and allow infiltration of water flowing downstream. There would actually be a net establishment of wetland in this area, based on the proposed replacement of culverts at Old Sorrento Valley Road with a bridge at Carmel Creek. Please also refer to the responses to your Comments 02 and 04 above.

10 Regarding your request to further reduce impacts to wetland and upland habitats within the Los Peñasquitos Watershed, Caltrans has been actively working to minimize footprint effects during design refinement since circulation of the Draft EIR/EIS. Similarly, Caltrans worked in concert with the resource agencies to identify opportunities for habitat or tidal action enhancement along I-5 as well as identification of appropriate mitigation locations. Caltrans appreciates your offer to provide assistance in identifying solutions to improve habitat quality and sustainability.

11 With respect to invasive plant species, and as noted in this comment, a number of related avoidance, minimization, and mitigation measures are identified in EIR/EIS *Section 3.22, Invasive Species.* Per that discussion, project implementation would require conformance with applicable regulatory requirements (including Executive Order 13112 and related Federal Highway Administration guidance), as well as implementation of a number

STATE AGENCIES — COMMENTS | RESPONSES

11 cont. of measures to control invasive plant species. Specifically, these would include (refer to *Section 3.22.4*, as well as *Section 3.17.3*, which provides additional compensatory mitigation measures pertaining to invasive plant species):

- Special care would be taken when transporting, using, and disposing of soils with invasive weed seeds. All heavy equipment would be washed and cleaned of debris prior to entering a lagoon area, to minimize spread of invasive weeds.

- Project landscaping would follow the provisions set forth in Executive Order 13112, which mandates preventing the introduction of and controlling the spread of invasive plant species on highway rights-of-way. Excluding focused areas of oleander retention in the median, only natives would be used. Therefore, no invasive species listed in the National Invasive Species Management Plan, the State of California Noxious Weed List, or the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory list would be included in the landscaping plans for the proposed project. Landscaping would not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas, and water runoff from landscaped areas would be directed away from adjacent native habitats and contained and/or treated within the development footprint.

- *Caulerpa* surveys would be completed before and after construction at each of the lagoons to ensure there is no infestation within the project limits. If *Caulerpa* is found, measures would be implemented to eradicate it from the area.

- Caltrans would submit final project design plans to the USFWS for review and approval, based on the draft plans dated August 22, 2012, with the following revisions: (1) measures, such as the use of fabric weed barriers and mulch, would be incorporated into the design plans to limit the establishment and spread of invasive species along the oleander median; and (2) invasive species would be removed from planting palettes.

STATE AGENCIES — COMMENTS

12 cont. State Natural Reserve. A key amenity of the Reserve is the viewsheds which include both important natural and cultural landscapes. Impacts to viewsheds from designated historic places (State Route 101/Park Road, The Torrey Pines Lodge, and Guy Fleming House) and important natural areas (for example, High Point Trial, and Red Ridge Trial) were not addressed in the DEIR/EIS. CSP recognizes that much of the Project will remain within the current developed space but the incremental widening and replacement of landscaping with retaining structures within the right-of-way will be more than noticeable. Together with past and other proposed projects (for example, the SR56 Flyover and NCTD rail double tracking), the current project will likely contribute to a cumulative significant impact to important public viewsheds.

13 Noise Impacts
Contrary to the 4(f) analysis (page A-12), CSP is concerned that elements of the proposed Project will increase noise impacts. While the main public portion of the Reserve is distant from I-5, the Reserve's important wetlands extend adjacent to the Proposed Project. The additional traffic combined with the removal of landscaping and addition of large retaining structures and hardscape may significantly increase the noise in an area important to wildlife. Additional information is required to determine the effect of this noise on important wildlife crossing areas including Sorrento Creek and Carmel Creek. These areas are currently constrained and additional impacts may further reduce their function. The two most likely species to be affected are southern Mule Deer and light-footed clapper rail.

Thank you for the opportunity to comment on The *Interstate 5 North Coast Corridor Project* DEIR/EIS. We look forward to working with CalTrans to further develop minimization and mitigation strategies that accomplish the needs for improved transportation without reducing the quality or sustainability of our lands. Please feel free to contact my staff Environmental Scientist Darren Smith (619-952-3895) for further discussion of our concerns and potential mitigation opportunities.

Sincerely,

Clayton A. Phillips, Acting San Diego Coast District Superintendent

Cc Jay Chamberlin, Natural Resources Division Chief
Brian Ketterer, North Sector Superintendent
Reading File

RESPONSES

11 cont. While your additional suggestions (e.g., providing barriers, such as hardscape) are not currently included in the project design, your comments have been reviewed by Caltrans technical staff and have been taken into consideration during resource agency coordination on this topic.

12 Regarding potential project-related impacts to views from the Torrey Pines State Natural Reserve (Reserve), Caltrans shares your concern on this issue. Per applicable requirements, the Reserve was included on the list of sites evaluated under Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 in Appendix A of the EIR/EIS. Based on that analysis, the project Section 4(f) evaluation concludes that the proximity of the project would not substantially impair the protected activities, features, or attributes of the reserve. With respect to visual concerns, this conclusion is based on the following considerations: (1) all improvements associated with the proposed project near the Reserve would take place within the existing Caltrans right-of-way; (2) while the proposed project is visible from the Reserve, most of the developed viewpoints are westerly toward the Pacific Ocean; (3) scenic views from trails would not be substantially impaired, as the canyon topography obscures most views of I-5; and (4) views from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would not substantially alter existing views. In addition, as described in EIR/EIS *Section 3.7, Visual/Aesthetics*, the project would encompass a number of design elements to address potential project-related visual concerns, including the use of appropriate landscaping to provide visual screening and/or blending and minimize related impacts in off-site areas, including the Reserve.

13 With respect to project-related noise generation and as discussed in EIR/EIS *Section 3.15, Noise,* project implementation is generally anticipated to increase noise adjacent to I-5. The portions of I-5 closest to the Reserve are addressed in *Tables 3.15.5* through *3.15.9*, which provide noise levels at representative noise receptors located adjacent to I-5 between Genesee Avenue and Carmel Valley Road. As shown on *Tables 3.15.5* and *3.15.7*, decibel changes between no build conditions and with project

STATE AGENCIES — COMMENTS	RESPONSES
	13 cont. conditions generally range from no difference to an increase of 1 decibel (dBA); an increase of 3 dBA or less is not perceptible to the human ear. Project-wide, the Draft EIR/EIS noted that under existing conditions, noise in excess of 70 dBA occurs over various amounts of wetland and upland habitats that either support, or have the potential to support, special status bird species. Although population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and otherwise consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. It should also be noted that light-footed clapper rails have been locally moving into closer proximity to the freeway based on the presence of better quality habitat, with habitat quality thus apparently representing a higher priority criterion for this species than noise levels. Specific to the crossings of Carmel and Sorrento Creeks, no effects to light-footed clapper rail are anticipated, and mule deer were not noted in this area.

STATE AGENCIES — COMMENTS

Department of Toxic Substances Control

Maziar Movassaghi
Acting Director
5796 Corporate Avenue
Cypress, California 90630

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

August 5, 2010

Ms. Shay Lynn Harrison
Environmental Analysis Branch Chief
California Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, California 90053-2325

NOTICE OF AVAILABILITY OF A DRAFT ENVIRONMENTAL IMPACT REPORT / ENVIRONMENTAL IMPACT STATEMENT REPORT FOR INTERSTATE 5 NORTH COAST CORRIDOR PROJECT (SCH# 2004101076), SAN DIEGO COUNTY

Dear Ms. Harrison:

01 The Department of Toxic Substances Control (DTSC) has received your submitted draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the above-mentioned project. The following project description is stated in your document: "The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose improvements to maintain or improve the existing and future traffic operations on the existing Interstate 5 (I-5) freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, extending approximately 43.4 kilometer (km) (27 miles (mi) from kilopost (KP) P45.7 to KP R89.1 (post mile [PM] R28.4 to PM R55.4) on I-5. The I-5 North Coast Corridor (NCC) Project sponsors include FHWA, Caltrans and the San Diego Association of Governments (SANDAG). The proposed improvements include one or two High Occupancy Vehicle (HOV) / Managed lanes (ML) in each direction, auxiliary lanes where needed, and possibly one general-purpose lane in each direction. The majority of the land surrounding the proposed project within the City of San Diego is either developed and urban in nature or is preserved as Open space. The project corridor traverses six municipalities, including san Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside. Primary land uses include parks and open space and residential. Additional uses include commercial, industrial park, light industrial-general, and the University of California, San Diego (UCSD)".

Based on the review of the submitted document DTSC has the following comments:

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RESPONSES

Responses to Greg Holmes, Unit Chief, Brownfields and Environmental Restoration Program, California Department of Toxic Substances Control

01 Thank you for your comments regarding hazardous waste and materials. Potential impacts associated with hazardous waste were assessed in the Draft EIR/EIS. As stated in EIR/EIS *Section 3.13, Hazardous Waste/Materials*, databases were reviewed for known hazardous sites within 0.5 mile of the project area.

STATE AGENCIES — COMMENTS

Ms. Shay Lynn Harrison
August 5, 2010
Page 2

01 cont.

1) The EIR/EIS should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- Envirostor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

02 2) The EIR/EIS should identify the mechanism to initiate any required investigation and/or remediation for any site within the Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.

03 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency

RESPONSES

02 Regarding project-related investigation and/or remediation procedures, and as noted in *Section 3.13.4* of both the Draft and Final EIR/EIS, soil excavation would be performed under the guidelines of a site-specific Soil Management Plan and Health and Safety Plan. Caltrans would provide oversight for routine actions carried out during construction in accordance with an approved mitigation program. If previously unidentified contamination is encountered during project construction, and Department of Toxic Substances

STATE AGENCIES — COMMENTS

Ms. Shay Lynn Harrison
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Page 3

03 cont. that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in

04 which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR/EIS.

05 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

06 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

07 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

08 7) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

RESPONSES

02 cont. Control (DTSC) oversight is required, Caltrans would work with DTSC to implement an oversight agreement, consistent with this comment, and DTSC would provide governmental oversight.

03 With respect to project-related hazardous material procedures, an investigation for suspected contaminants such as herbicides and pesticides, petroleum hydrocarbons and metals-impacted soil was performed and is found in reports entitled: (1) Site Investigation, Lead Investigation on Route 5 from Via de la Valle to Leucadia Boulevard, San Diego, Solana Beach, and Encinitas, California, KP R57.9/R68.7 (PM R36.0/R42.7) dated June 22, 2001; (2) Aerial Deposited Lead Investigation, Contract No. 43A0012, Task Order No. 11-07830K-VW, Route 5 Between Leucadia Boulevard and Brooks Street, San Diego County California. PM 42.7/R51.2. KP R68.7/82.4 dated June 28, 2001; (3) Limited Phase II Environmental Site Assessment Interstate 5 Expansion, Del Mar Heights Road to Birmingham Drive, San Diego California dated November 15, 2005; and (4) Phase II Environmental Site Assessment Interstate 5 Expansion, Birmingham Drive to Vandegrift Boulevard, San Diego California dated October 31, 2006. These reports were available for review during circulation of the Draft EIR/EIS and remain posted on www.keepsandiegomoving.com under I-5 Express Lanes "Technical Reports."

04 Regarding project-related documentation of hazardous material information, please refer to the response to your Comment 03 above. As noted, project reports contain detail as to sampling and testing programs, as well as results. The findings of these investigations are summarized in the EIR/EIS, and areas of concern are depicted on *Figures 3-13.1* and *3-13.2*.

STATE AGENCIES — COMMENTS	RESPONSES
	05 Structures to be demolished would be evaluated prior to demolition for the presence of hazardous waste materials (mercury, ACMs, LBP, etc.). If found, those substances would be handled and disposed of in accordance with federal, state, and local regulations.
	06 Regarding project excavation/grading and the potential to encounter contaminated soil, the project would include soil excavation and backfill. An investigation for potential on-site soil contamination was completed and documented in the Phase II environmental site assessment reports cited above. Contaminated soil would be either properly disposed at a landfill facility or placed on site following Land Disposal Restrictions. If soil is imported, the construction contract would specify that such soil to be free of contamination.
	07 Potential project-related effects to human health and sensitive receptors would be addressed throughout the duration of the project through preparation and implementation of a Health and Safety Plan and conformance with regional air quality guidelines.
	08 Regarding the management of hazardous wastes that may be encountered during project construction, and as indicated in EIR/EIS *Section 3.13*, hazardous wastes generated by the proposed operations would be managed in accordance with federal, State, and local regulations. If hazardous wastes are generated, a temporary USEPA ID number would be obtained. A line item would be in the project plans, specifications, and estimates to cease construction activities and observe appropriate health and safety measures if unforeseen contamination is encountered.

STATE AGENCIES — COMMENTS

Ms. Shay Lynn Harrison
August 5, 2010
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09 8) If during construction/demolition of the Project Area, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.

10 9) If a site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

11 10) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

If you have any questions regarding this letter, please contact me at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,

Greg Holmes, Unit Chief
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
ADelacr1@dtsc.ca.gov

CEQA # 2982

RESPONSES

09 With respect to the potential occurrence of contaminated soil and/or groundwater during project operations, construction and/or demolition activities would be halted in the area of potential contamination under such conditions until the situation can be properly assessed. Appropriate health and safety procedures would then be implemented and appropriate regulatory agency permits will be sought.

10 As noted in EIR/EIS *Section 3.13*, portions of the project area were agriculturally based in the past. In order to avoid or reduce impacts from agricultural chemicals, exported soil from locations containing current or prior farmland and nurseries would be tested for pesticide and herbicides to evaluate the proper disposal method.

11 Thank you for the information.

STATE AGENCIES — COMMENTS

STATE OF CALIFORNIA ARNOLD SCHWARZENEGGER, *Governor*

PUBLIC UTILITIES COMMISSION
320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013

October 6, 2010

Susanne Glasgow
California Department of Transportation (Caltrans)
4050 Taylor Street, MS 242
San Diego, CA 92110

Re: SCH# 2004101076; Interstate 5 North Coast Corridor Project

Dear Ms. Glasgow:

01 The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings.

The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Notice of Completion & Environmental Document Transmittal-Draft EIR* for the proposed Interstate 5 North Coast Corridor improvement project which includes the possibility of adding an auxiliary lane or general purpose lane between La Jolla Drive in the City of San Diego to Harbor Boulevard in the City of Oceanside.

02 If the chosen build alternative includes widening Interstate 5 over a crossing, then Caltrans should arrange a meeting with RCES, and North County Transit District railroad to discuss relevant safety issues and requirements for authority to modify a crossing.

03 Modifications to crossings including widening of an existing grade separation, are within the scope of Commission General Order (GO) 88-B: "Rules for Altering Public Highway-Rail Crossings." A request for authorization must be submitted to the Commission through RCES.

If you have any questions, please contact Laurence Michael, Utilities Engineer at 213-576-7076, laurence.michael @cpuc.ca.gov, or me at rosa.munoz@cpuc.ca.gov, 213-576-7078.

Sincerely,

Rosa Muñoz, PE
Senior Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection & Safety Division

RESPONSES

Responses to Rosa Munoz, P.E., Senior Utilities Engineer, Rail Crossings Engineering Section, Consumer Protection & Safety Division, California Public Utilities Commission

01 Thank you for your comments describing the jurisdiction of the California Public Utilities Commission (Commission) relative to the proposed project. Caltrans will comply with applicable Commission requirements related to highway-rail crossings.

02 If an approved build alternative crosses applicable rail facilities, Caltrans would appropriately coordinate with both the Commission's Rail Crossing Engineering Section (RCES) and North County Transit District (NCTD) regarding relevant safety issues and related requirements.

03 With respect to authorization requirements for rail crossing modifications, and as indicated in the responses to your Comments 01 and 02 above, Caltrans would submit the appropriate documentation through the RCES as requested. Current project design proposes construction over railroad facilities at two locations along I-5: (1) Sorrento Valley Road in the City of San Diego; and (2) Oceanside Boulevard in the City of Oceanside.

STATE AGENCIES – COMMENTS

Coastal Conservancy

Ms. Shay Lynn M. Harrison, Branch Chief
Environmental Planning Branch C
California Department of Transportation, District 11
Environmental Planning
4050 Taylor Street, MS 242
San Diego, California 92110

November 22, 2010

Subject: Comments on the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project, San Diego, California

Dear Ms. Harrison:

The California State Coastal Conservancy (Conservancy) has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (DEIR) for the Interstate 5 North Coast Corridor Project (the Project). We appreciate the opportunity to offer these comments for your consideration.

The Conservancy acts with our partners to preserve, protect and restore the resources of the California Coast. We have been funding land acquisition, restoration, and public access projects at Los Penasquitos, San Dieguito, San Elijo, Batiquitos, Agua Hedionda, and Buena Vista Lagoons, for more than twenty years. All of these coastal wetlands are intersected by Interstate 5 and would be directly impacted by the Project. We are currently funding planning efforts for major wetland restoration projects at San Elijo and Buena Vista Lagoons. We are interested in protecting our past financial investments and also ensuring that our current efforts and not harmed by, and potentially benefit from, the Project.

The following comments are provided to assist Caltrans in avoiding, minimizing, and providing adequate offsetting conservation for project related impacts to biological resources, and to ensure that the project is consistent with ongoing regional planning efforts:

General Comments

01 1. We request that the Conservancy be placed on the Project notification list and be invited to participate in agency coordination meetings, owing to the substantial

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Oakland, California 94612-2530
510-286-1015 *Fax:* 510-286-0470

California State Coastal Conservancy

RESPONSES

Responses to Megan Cooper, Project Manager of the California State Coastal Conservancy

01 Thank you for your comments and the information regarding Coastal Conservancy focus. The Conservancy has been placed on the notification list for this proposed project, as requested. As a non-regulatory agency, it is expected that the Conservancy's interests are represented by the California Coastal Commission (CCC), California Department of Fish and Wildlife (CDFW; previously the California Department of Fish and Game), U.S. Fish and Wildlife Service (USFWS), NOAA Fisheries, Regional Water Quality Control Board (RWQCB), and U.S. Army Corps of

STATE AGENCIES — COMMENTS

01 cont. investment that we have made in the coastal resources that will be affected by the Project.

02 2. The document lacks a clear evaluation of how a variety of improvements within the regional corridor can serve in part of in whole to meet the project's stated purpose and need. On-going and planned improvements to all modes of transportation within the corridor, including the LOSSAN (Los Angeles to San Diego) rail system collectively need to be understood and implemented in a manner that protects the environment and provides safe and efficient movement of goods and people in the region. The proposed I-5 corridor project alternatives cannot be understood or evaluated without this larger contextual analysis.

03 3. Several key supporting studies, such as a thorough examination of the resources, hydrology, and enhancement/restoration potential of affected lagoons in light of potential changes to transportation crossings for Interstate 5, LOSSAN, and Highway 101, have not been completed, have not been incorporated into the DEIR, or have not been completed adequately. The reports released on these subjects to date have been technically deficient and have not adequately incorporated sea-level rise considerations. These supporting studies must be completed and included to provide a whole picture of the project to the public. The studies must meet current expectations for scientific investigation and policy implementation.

04 a. The preliminary draft Public Works Plan (PWP), which was released July 16, 2010, should have been finalized and released prior to the DEIR. Since the PWP information is not available and/or has not been agreed upon, the impacts of the Project cannot be fully analyzed. The DEIR references wetland mitigation projects that could occur as a result of the Project and references the PWP as the document that would explain the mitigation approach. However, the mitigation sites have not been agreed to by the resource and regulatory agencies. Due to the duration of the project, the sensitive habitats it transverses, and the sensitive species that live along the corridor, more information is needed about project mitigation in order to analyze the Project. While the DEIR makes note of the PWP in some sections, it should more explicitly define the relationship between, and the phased implementation of the projects being considered for the I-5 corridor and the activities presented for implementation through the PWP.

05 b. The San Diego Regional Lagoon Overview Phase I Planning Study was deficient in several key aspects and direction was given by the Coastal Commission to address these voids either as a part of the Phase II Study, or through a secondary lagoon overview. The DEIR does not provide any analysis of the potential benefits that removal of existing transportation fills could provide to the impacted lagoon systems, or supplied any justification as to why this analysis is not warranted. Without this review, valuable

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California State Coastal Conservancy

RESPONSES

01 cont. Engineers (USACE) staff participation in project planning. These agencies cover the issues of habitat, sensitive species, and jurisdictional waters. Please see *Chapter 5* of the EIR/EIS for a listing of meetings and topics covered with these agencies.

02 Regarding your comments on the project need and purpose in association with other proposed improvements within the regional transportation corridor, these issues are addressed as appropriate in the EIR/EIS. The Final EIR/EIS has been clarified regarding the relationship of the *I-5 NCC Project* to other modal options in *Section 1.4*. Excluding the provision of a facility that is compatible with future bus rapid transit (BRT) and other modal options, the EIR/EIS does not need to describe how the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor and other transit options address or relate to the project's purpose and need. Relationships between these modes of travel and their effect on the North Coast Corridor travel issues were addressed in oversight documents by others (the 2000 San Diego Association of Governments [SANDAG] North Coast Transportation Study, the 2030 Regional Transportation Plan [RTP], and the 2050 RTP). Multiple transportation modes (including I-5) must be improved in order for the corridor to function; please refer to Topical Response "Multimodal System."

These various transportation modes are now preparing project-level California Environmental Quality Act (CEQA) and/or National Environmental Policy Act (NEPA) documentation, as appropriate. This EIR/EIS is the project-level document for this segment of I-5 only. Specific to the provision of a facility compatible with future BRT and other modal options, the EIR/EIS documents the provision of a multi-use facility, and Direct Access Ramp (DAR) facilities that would not only provide current benefit but also would be compatible with future BRT uses; incorporates and analyzes bike lanes and pedestrian paths to support non-motorized travel; and would not conflict with LOSSAN improvements built along parallel but separate and generally somewhat distant rights-of-way. Please also refer to the Topical Responses "Rail Preference" and "Mass Transit" for discussion regarding other modes of transportation options.

STATE AGENCIES — COMMENTS	RESPONSES
	03 With respect to your concerns about the project-related evaluations of the lagoons and other coastal resources crossed by the proposed project, potential impacts to biological resources at the six coastal lagoons and/or associated waterways within the I-5 corridor are evaluated under the *Biological Environment* heading of the EIR/EIS in *Sections 3.17* through *3.22*. This EIR/EIS focuses on I-5 improvements and their effect on these resources. It is agreed that LOSSAN and Coast Highway facilities and planned projects also have a bearing on the lagoons. Projects proposed for these facilities are addressed in *Section 3.25, Cumulative Impacts*, of the EIR/EIS, as appropriate. With different footprints, different logical termini, independent utility, and varying environmental lead agencies, however, the projects are being addressed independently on a project level. Although independently addressed in their project-specific documents for the reasons just noted, please note that consistent with California Senate Bill (CA SB) 468, LOSSAN and I-5 improvements would be coordinated to result in the least environmental harm possible during construction activities. This commitment has been incorporated into the Final EIR/EIS in *Section 1.3.4, Legislation and Executive Orders*. Please refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since circulation of the Draft EIR/EIS in 2010. Based on those studies, the existing I-5 lengths of I-5 crossings at Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons were determined to be appropriate, while crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. A conservative projected sea level rise of 55 inches, or approximately 4.5 feet, by 2100 was factored into bridge designs evaluated for each lagoon in the Phase 2 lagoon studies. Information related to lagoon crossings, bridge design, associated environmental impacts and benefits, and sea level rise was provided in the Supplemental Draft EIR/EIS in *Chapter 3*, and is now incorporated into the Final EIR/EIS in *Sections 3.9*, *3.17*, and *4.6*. Topical Response "Lagoon Evaluations" provides summary information on this topic and also addresses the importance of the project Public Works Plan (PWP) in association with the Transportation Regional Enhancement Program (TREP). This program is being coordinated among the transportation planning agencies with oversight by the CCC and

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	03 cont. wildlife resource agencies and will address transportation-related impacts and mitigation on a regional scale.
	04 Regarding the timing of the project PWP/TREP, an initial Draft PWP was circulated at approximately the same time as the Draft EIR/EIS to provide information to stakeholders and the public on the PWP concept and process. A revised Draft PWP/TREP was circulated for public review in March 2013, and the PWP/TREP completed in fall 2013 provided the additional information requested by the Conservancy. Additional information on the PWP was circulated as part of the Supplemental Draft EIR/EIS and has been included in this Final EIR/EIS as appropriate. While access to the described information is useful during EIR/EIS review (as was provided), combining the noted documents is not necessary or appropriate. Specifically, adequate reference to the PWP is located within the EIR/EIS, although each document is intended (and required) to stand on its own.
	05 The Draft EIR/EIS provided information available at the time of document release and highlighted information that was unavailable at that time. The fact that lagoon studies were under way was identified in the Draft EIR/EIS. Since then, lagoon optimization studies have been completed (see response to your Comment 03), which include detailed information and exhibits with respect to bridge length and width. The Phase 1 Planning Study identified several parcels for potential purchase and establishment of wetland habitat. Some of these parcels have been purchased. The Phase 1 document also identified that restoration plans for San Elijo and Buena Vista lagoons provide more chance for ecological lift and increase in habitat quality than is available from purchasing a few parcels around the lagoons. The Phase 2 lagoon study identified potential benefits to tidal flow and flood flows from increase in the channel dimensions. One of the alternatives specifically addressed by lagoon entailed removal of fill; this alternative scenario ultimately was not the chosen alternative for any lagoon. CCC and other resource agency staff were important team members in developing elements of the Phase 2 lagoon studies and in their evaluation in

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05 cont.

information needed to guide the development of critical design features and mitigation strategies is lacking and adds to the inadequacies of the current DEIR. In addition, the Phase II report was only recently received by the resource agencies and is similarly insufficient in terms of its scope and methodologies.

06

c. The Corridor System Management Plan (CSMP) (draft released August 30, 2010) should have been finalized and released prior to the DEIR to provide a justification for why other transportation improvements along the Corridor will not remove or reduce the need to widen I-5. The CSMP was released nearly two months after the DEIR was released. Since the final CSMP should provide the justification for the need for the proposed bridge widths, it is unclear how the DEIR could adequately analyze the project impacts in its absence.

07

4. The proposed project presents opportunities to enhance stream and lagoon crossings by lengthening bridges and redesigning bridge abutments. Because many of the supporting studies have not been completed, information that is necessary to determine appropriate bridge lengths and widths and mitigation opportunities is lacking. The DEIR cannot adequately analyze the project impacts in the absence of this information. Particularly from a California Coastal Act perspective, the lagoon systems of northern San Diego County are so sensitive and of such high value, crucial information related to selecting bridge design alternatives that will best protect and restore those lagoon systems must be developed before any environmental documents can they be considered complete. In light of these high values, a renewed effort to assess bridge design in relation to lagoon function, sea level rise, and potential modifications to LOSSAN bridges and local roads should be completed prior to release of the environmental analysis of the Project.

08

5. Discussion of cumulative impacts to natural communities identifies that planned restoration projects for San Elijo and Buena Vista Lagoons would reduce tidal muting and enhance flows and wetland habitats in these lagoons. However, it fails to identify potential enhancement available for the other four lagoon systems (Los Peñasquitos, San Dieguito, Batiquitos, and Agua Hedionda) that are also negatively impacted by the Project and original construction of the LOSSAN and I-5 transportation corridors.

09

6. Considering the proximity of the project to the coast, its elevation, and the number of lagoon crossings that may be affected, the DEIR should include a more comprehensive analysis of sea level rise and how it might affect the Project, and the lagoons that are bisected by the Project. The lack of CEQA guidance for analyzing sea level rise does not obviate the need to examine this future condition. Analysis of impacts and project design alternatives should, at a minimum, consider sea level rise scenarios of 16 inches by 2050 and 55 inches by 2100 (see attached California Coastal Conservancy's Climate Change policy, June 4, 2009).

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California State Coastal Conservancy

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05 cont. 2011, with subsequent incorporation of preferred bridge options into project design in 2011 through 2013 (see *Chapter 5* of the Final EIR/EIS for dates and topics of meetings).

06 Regarding your concerns on the CSMP, justification for multiple transportation modes is based in the programmatic planning documents that preceded the *I-5 NCC Project* EIR/EIS. Specifically, starting with the North Coast Corridor Transportation Plan in 2000, followed by the CSMP, and most recently the SANDAG Regional Transportation Plan; improvement to a range of transportation modes has been identified as required if the overall system is to function efficiently. The major documents associated with I-5 have been fluid in their interaction. The EIR/EIS, CSMP, and PWP/TREP have all undergone simultaneous and iterative development in close coordination with the resources agencies. There is no requirement that a CSMP be developed prior to the environmental process. Although a corridor must have a CSMP to be eligible for Proposition 1B Corridor Mobility Improvement Account funding, its development may occur simultaneously with project implementation. CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. The I-5 San Diego North Coast CSMP assessed several options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding managed lanes (now identified as express lanes) on I-5, and improving regional arterials, bicycle and/or pedestrian routes, and bus, rail, vanpools and carpool services. Please also refer to Topical Response "Multimodal System" regarding these overall planning efforts and identification of need for simultaneous improvement to all transportation modes. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to most efficiently function.

07 With respect to the concerns on stream/lagoon crossings and bridge design identified in this comment, please refer to the responses to your Comments 03 and 05 above regarding additional

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	07 cont. important studies completed following Draft EIR/EIS circulation, publication of the Supplemental Draft EIR/EIS and incorporation of this information into this Final EIR/EIS. CCC staff responsible for ensuring consistency with the California Coastal Act was instrumental in decisions regarding evaluation of bridge design alternatives presented in the Supplemental Draft EIR/EIS, which focused on additional information at the lagoons.
	08 The REMP identifies no-net-loss, preservation, and enhancements throughout the corridor for regionally significant mitigation. Regarding project-related impacts and enhancement efforts at coastal lagoons, bridge design studies at the lagoons have been prepared to evaluate the potential for the I-5 widening to adversely affect lagoon systems within the corridor. Specifically, the option of building bridges with longer spans to enhance associated flows was examined, with this design intended to increase tidal exchange and decrease tidal muting. Lengthening of bridges was found to result in tidal muting benefits, and longer bridges at San Elijo and Batiquitos Lagoons were incorporated into the project design. No change would result to conditions at Los Peñasquitos as the tide does not reach as far as the I-5 crossing, or conditions at Buena Vista unless a salt water alternative is chosen. At San Dieguito and Batiquitos Lagoons, the project would result in incremental improvements. These designs (as well as changes to flow and habitat effects) were described for each lagoon in *Chapter 3* of the 2012 Supplemental Draft EIR/EIS. Specifics related to LOSSAN alternative designs also were presented, and effects of I-5 changes based on existing or planned conditions associated with the Coast Highway and LOSSAN crossings were also briefly discussed. All of this information has been incorporated into *Sections 3.9* and *3.17* of this Final EIR/EIS.
	09 A conservative projected sea level rise of 55 inches, or approximately 4.5 feet, by 2100 was factored into bridge designs evaluated for each lagoon in the lagoon hydrology studies. Information related to sea level rise was provided in the Supplemental Draft EIR/EIS in *Chapter 3* and is now incorporated into *Sections 3.9* and *3.17* of this Final EIR/EIS. Bridge specifications confirmed following that analysis have been incorporated into project design and the Final EIR/EIS.

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10 7. Coordination with resource and regulatory agencies has been lacking. The DEIR states that "Early and continuing coordination with the … agencies is an essential part of the environmental process" (page 5.2). Based on Table 5.1, it appears that coordination with the agencies has been very limited since 2006. Inadequate coordination with the resource and regulatory agencies may have lead to the preparation of a DEIR that does not adequately address numerous, substantial issues, as documented in this letter.

Specific Comments

11 1. The proposed Park & Ride and DAR at Manchester Avenue adjacent to San Elijo Lagoon is the last sizeable piece of natural land left around San Elijo Lagoon and is proposed for conservation within the Focused Planning Area (FPA) of the northwestern San Diego County Multiple Habitat Conservation Program (MHCP). This upland area adjacent to San Elijo Lagoon is important in part because it could provide upland refugia for sensitive wildlife in the event of sea level rise. The DEIR does not provide a justification for the need for substantial size of this facility. There is an existing Park & Ride one exit north at Birmingham Drive which is underutilized and is about one tenth the size of the proposed Park & Ride at Birmingham.

12 2. Pages 3.21-7 to 3.21-8 and S14-15. On these pages the DEIR presents lists of mitigation opportunities. However, the DEIR does not include a commitment to implement specific mitigation and it is unclear how the project impacts will be offset. Because of the scale of the project, the rarity of the habitat, and the historic, cumulative, and ongoing impacts to this habitat, we recommend that significant mitigation for project impacts be provided. We recommend that the mitigation be described in the finalized PWP, including funding for maintenance and management. A commitment to implement the mitigation should be included in the DEIR. The following are specific comments on the proposed mitigation projects:

   a. Los Penasquitos Lagoon: an endowment to maintain the tidal inlet at Los Penasquitos Lagoon should be considered as a potential mitigation project.

   b. San Elijo Lagoon: please list the Conservancy as a partner on this project

13 3. Page 3.21.7. The DEIR states, "Caltrans has discussed a plant [sic] with the USFWS that would put together a package to implement the restoration of San Elijo Lagoon, Buena Vista Lagoon, and also restore USFWS refuge lands at the salt works in San Diego Bay to mitigate for transportation projects along the coastal corridor." Please provide more information about this plan or provide it as an attachment to the document.

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10 Monthly meetings with resource agencies and substantial coordination with appropriate regulatory agencies have been conducted, and would continue throughout the environmental process. Agency staff have provided critical input in developing elements of the Lagoon Optimization Studies and in their evaluation, with subsequent incorporation of preferred bridge options into project design in 2011 and 2012, with ongoing mitigation review and coordination in 2013. See *Chapter 5* of the Final EIR/EIS for dates and topics of meetings since the circulation of the Draft EIR/EIS.

11 With regard to Manchester Avenue, this DAR site provides a number of advantages and benefits. The Manchester DAR is expected to have a high volume of traffic, with Average Daily Traffic (ADT) of approximately 6,400 vehicles by 2030. Although a transit connection is not in the current RTP, if the transit connection is put back in a future RTP, the Manchester DAR would be able to accommodate the demand and would be a logical location for future transit expansion. This location also would provide access to Mira Costa College (San Elijo Campus) and Cardiff-by-the-Sea and Solana Beach Town Centers, and would have High HOV potential utilization on El Camino Real (serving eastern Encinitas). Combined with planned improvements to the Manchester Avenue undercrossing, the proposed San Elijo Multi-use Facility would connect directly to Class II bike lanes extending in both directions along Manchester Avenue; this would provide access to the Coastal Rail Trail, the NC Bike Trail, the California Coastal Trail, and Cardiff State Beach. The trails in and around San Elijo Lagoon, slated for expansion and enhancement as part of regional planning efforts, also would benefit from the additional parking and increased access provided by the DAR and multi-use facility. New trails extending along the lagoon and under the highway bridges would be easily accessible from this location. Changes have been made to this facility from the Draft EIR/EIS to the Final EIR/EIS. The design changes in the Final EIR/EIS include revising the DAR to an undercrossing which results in

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11 cont. a lower profile and less noticeable feature, reduction of parking to approximately 150 spaces, and commitment to use pervious hardscape to the extent practicable.

12 Substantial additional information regarding biological resource impacts and mitigation has been incorporated into the Supplemental Draft EIR/EIS and Final EIR/EIS. The Resource Enhancement and Mitigation Program (REMP; referred to as the Resource Enhancement Program [REP] in the Supplemental Draft EIR/EIS) is summarized in *Section 3.17* of the final EIR/EIS and also is provided in the PWP/TREP. With the extensive proposed mitigation package for I-5 improvements (see *Section 3.17* and the Environmental Commitments Record [Appendix D] of the Final EIR/EIS), the impacts to wetlands would be mitigated below a level of CEQA significance. Consistent with this comment, information regarding the mitigation package, including funding for maintenance and management, is provided in the PWP/TREP.

a. An endowment for funding of maintenance of the mouth of Los Peñasquitos Lagoon is identified in the REMP.

b. With regard to San Elijo Lagoon, the Conservancy has been involved and will continue to be involved through the San Elijo Lagoon Restoration Project (SELRP).

13 With respect to your concerns about lagoon impacts and restoration efforts, please refer to the responses to your Comments 03, 05, and 08 above. Since the circulation of the Draft EIR/EIS, the potential project effects and mitigation for impacts to the lagoons have been further analyzed as a result of the optimization studies for the lagoons discussed above, as well as ongoing coordination with the resource agencies; please refer to *Chapter 5* of the Final EIR/EIS for a list of meetings and topics discussed at the meetings, and to *Section 3.17.3* as well as Appendix P for information on the REMP.

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14 4. Page 3.21-9. In this section the DEIR includes a description of the options that are under consideration for management at Buena Vista Lagoon. This description should be updated to reflect the most current information. At this time only two alternatives are being considered, a non-tidal freshwater system, and a system that is a mix of fresh and saltwater habitat.

15 Under CEQA, "the EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison…" (CEQA Guidelines §15126.6(d)). Conservancy staff has concluded that the DEIR does not present an adequate level of information and comparison between the proposed project alternatives to allow for a meaningful analysis and public review.

16 In summary, it is the Conservancy's opinion that there are significant outstanding issues that have not been adequately addressed in the DEIR. Due to the above listed numerous and substantial issues with the DEIR we recommend that the document be revised and recirculated in draft form to fully disclose to the public the proposed project impacts while allowing for meaningful public comment. We appreciate the opportunity to comment on the referenced DEIR and to participate in the transportation planning process.

Sincerely,

Megan Cooper

Megan Cooper
Project Manager

Cc (via email):

Gabriel Buhr, California Coastal Commission
Bob Hoffman, National Marine Fisheries Service
Stephanie Hall, U.S. Army Corps of Engineers
Tim Dillingham, California Department of Fish and Game
Susan Sturges, U.S. Environmental Protection Agency
Elizabeth White, U.S. Environmental Protection Agency
Bruce Posthumus, Regional Water Quality Control Board
Susan Wynn, U.S. Fish and Wildlife Service
Sally Brown, U.S. Fish and Wildlife Service

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14 Updated information regarding saltwater and freshwater alternatives being presented for Buena Vista Lagoon was included in the Supplemental Draft EIR/EIS and is also presented in this Final EIR/EIS. The resources agencies and the City of Oceanside will decide which alternative is approved and carried forward in the project design.

15 The alternatives analysis in the EIR/EIS follows the mandated Caltrans format approved for use and provided for reference on the Caltrans Standard Environmental Reference and conforms to the requirements of CEQA (PRC, Division B, Sections 21000-21177) and NEPA (42 USC 4321 et seq.). All alternatives were analyzed at equal levels of detail in the Draft EIR/EIS. Comparisons between alternatives—and between temporary and permanent impacts—are provided in the EIR/EIS when such comparison would support choice between alternatives. This occurs for some specific footprint impacts (e.g., temporary versus permanent soil disturbance, or vegetation impacts). In other instances, because the total worst-case assessed impact would be less than substantial, incremental variations between the build alternatives would not vary so greatly as to provide a basis for choosing one alternative over another.

16 Where additional important information became available following Draft EIR/EIS production, Caltrans prepared and circulated a Supplemental Draft EIR/EIS that presented updated or more detailed information. That document included: documentation of measures adopted to address coastal wetlands; further details about the proposed community and regional enhancement features; information about project phasing; and information about the locally preferred alternative (LPA), which is consistent with CA SB 468. The Supplemental Draft EIR/EIS was circulated in August 2012 and provided for meaningful public review and comment.

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Coastal Conservancy

California Coastal Conservancy
Climate Change Policy
Adopted on June 4, 2009

Pertinent Facts

17

A. The State Coastal Conservancy Act of 1976 (Division 21 of the Public Resources Code) establishes the State Coastal Conservancy (Conservancy) to work cooperatively to protect and restore natural resources, agricultural lands, and to provide public access to and along the coast.

B. The Legislature later amended the Conservancy's geographic and programmatic jurisdiction to include the entire nine-county San Francisco Bay Area, the protection of coastal and marine habitats, urban waterfronts, coastal watersheds, educational projects and programs, administration of the Ocean Protection Council, and implementation of the California Coastal Trail and the San Francisco Bay Area Water Trail Plan.

C. The Global Warming Solutions Act of 2006 (AB 32) declares that global warming poses a serious threat to the environment of California and requires California to reduce its total greenhouse gas (GHG) emission levels.

D. AB32, the Governor's Executive Orders S-3-05 (2005) and S-13-08 (2008), the Governor's Office of Planning and Research Technical Advisory dated June 18, 2008, and pending revisions to formal Guidelines for the California Environmental Quality Act (CEQA) all require that agencies consider global warming with respect to their proposed actions.

E. The Conservancy's *Strategic Plan 2007* identifies many effects that climate change will have on ocean, coastal and near-coastal resources, and the need to consider these impacts in determining the priority of expenditures in the design and siting of Conservancy-funded infrastructure projects; to support others in order to improve our understanding of the effects of climate change; and to identify tools to mitigate and plan for a range of predicted changes.

F. The California coast, ocean, and the San Francisco Bay area are experiencing documented adverse changes as a result of global warming, and climate scientists are predicting that these changes will accelerate, posing tremendous impacts and threats to the resources within the Conservancy's jurisdiction.

G. California's coastal, near shore, and marine resources are expected to experience dramatic physical, ecological, economic and social impacts due to predicted higher air

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17 Thank you for providing the Coastal Conservancy climate change policy. It is generally consistent with the Caltrans approach to climate change. In particular, please note consistency with anticipated sea level rise heights by 2100 presented in Item 2(b).

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California Coastal Conservancy's Climate Change Policy
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and water temperatures, altered precipitation patterns, significant sea-level rise, salinity changes, more severe El Niño climate events, increased storm frequency and intensity, higher coastal erosion rates, greater fire intensity and frequency, increased ocean acidification, changes in ocean circulation and upwelling, saltwater intrusion into water sources for agriculture, and other changes.

H. Coastal and bay wetland habitats, already significantly altered and reduced in size due to human activities, are expected to be significantly affected by changes in climate-driven processes such as sea-level rise, fresh water flows, and sediment supplies.

I. Increased coastal erosion will likely reduce the lifespan of and threaten California's existing public and private facilities and structures, beaches and coastal habitats. Sea-level rise and other effects of climate change on the coast and ocean threaten California's $46 billion ocean-dependent economy.

J. Many Conservancy projects result in the protection of open space, restoration of urban areas, and development of multi-purpose trails which will help support efforts to implement transit-oriented, high-density development and reduce vehicle miles travelled and greenhouse gas emissions from transportation.

17 cont.

K. Agricultural protection projects are expected to be vulnerable to higher air temperatures and changes in water supplies, including from saltwater intrusion into groundwater sources.

L. The protection, restoration, and enhancement of habitats, ecosystem processes, and open space is essential to minimizing threats from global warming to California's biodiversity—an important part of the Conservancy's mission.

M. The coastal regions of the state are projected to have less severe temperature increases than inland regions, rendering the coastal region even more significant as a refuge for human use and overall biodiversity.

N. Protection of habitat inland and adjacent to tidal wetlands is essential for offsetting some wetland losses due to sea-level rise and changes in storm frequencies and intensities.

O. Many habitat restoration projects sequester carbon, an important factor in reducing the concentration of greenhouse gas emissions and slowing the rate of global warming.

P. The effects of climate change make adaptive management, coupled with monitoring of ecosystem processes, more important than ever to assure that non-climate related stressors are identified and addressed early on, to assure that management actions are effective or "do no harm," and to contribute toward the collective knowledge for use of scientists, managers, and the public.

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In light of the Pertinent Facts, above, the Conservancy adopts the following climate change policies:

1. The Executive Officer is directed to consider climate change in evaluating which projects to fund and the manner in which projects are selected, in order to reduce vulnerabilities from climate change while continuing to support the resources (public access, open space, etc.) the Conservancy is charged with protecting.

2. Sea-level Rise. Prior to the completion of the National Academies of Science report on sea-level rise, consistent with Executive Order S-13-08, the Conservancy will consider the following sea-level rise scenarios in assessing project vulnerability and, to the extent feasible, reducing expected risks and increasing resiliency to sea-level rise:

   a. 16 inches (40 cm) by 2050, and
   b. 55 inches (140 cm) by 2100.

3. Collaboration to Support Adaptation Strategies. The Conservancy will collaborate with other agencies and entities to develop, support, and implement climate change adaptation plans, strategies and projects that minimize or offset impacts to natural resources, public access, and other matters specified in the Conservancy's enabling legislation.

17 cont.

4. Adaptation Strategies. The Conservancy encourages applications for climate-sensitive projects that include robust adaptation measures and strategies, including pilot or demonstration projects that are consistent with its enabling legislation, strategic plan, and available funding. These may employ innovative strategies for adaptation and mitigation of greenhouse gas emissions to minimize effects of climate change on natural resources and public access. Applications are encouraged for, but not limited to the following types of projects or project elements:

   a. ***Protection of Areas Adjacent to Shoreline Habitats*** in order to support the inland shift of habitats such as tidal wetlands, in response to sea-level rise;

   b. ***Regional Sediment Management*** to support restoration of natural sediment processes and beneficial reuse of dredge materials to enable tidal wetlands and other shoreline habitats to keep pace with sea-level rise;

   c. ***Setbacks, Rolling Easements and Planned Retreat*** which 1) relocate developments further inland or away from areas likely to be affected by flooding and erosion within the life of the structure, 2) remove development as hazards encroach into developed areas, or 3) facilitate landward movement of coastal ecosystems subject to dislocation by sea-level rise and other climate change impacts;

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d. ***Innovative Designs*** that incorporate features that are resilient to climate change impacts and can serve as demonstration projects;

e. ***Protection of Land*** for supporting native species in responding to climate change;

f. ***Protection of Open Space*** to protect existing and future habitat for species impacted by climate change and to support transit-oriented, high-density development in urban areas that minimize impacts to habitats and that help reduce greenhouse gas emissions from transportation;

g. ***Restoration of Urban Waterfronts and Urban Coastal Watershed Areas*** to support transit-oriented, high-density development, which help reduce greenhouse gas emissions from transportation;

h. ***Conservation, Restoration and Enhancement of Habitats that Sequester Carbon***, including forests, tidal wetlands, and estuarine scrub/shrub habitats;

i. ***Development of Multi-use Trails*** that connect communities, provide access to and along the coast, and help reduce vehicle miles travelled;

j. ***Management of Invasive Species***, especially projects which prevent introduction or spread of invasive species, in order to reduce the impacts of this major stressor on biodiversity;

17 cont.

k. ***Riparian Protection, Enhancement, and Restoration Projects*** that allow for wider riparian corridors to accommodate increased flooding, or provide other benefits such as increased shading to moderate water temperature increases;

l. ***Acquisition Planning Projects*** that apply the latest information on climate change impacts and recommendations on reserve design, to identify wildlife migration corridors and natural lands that have a diversity of topography, soils and microclimates, to maximize the survival of native species and biodiversity and preserve ecosystem processes;

m. ***Adaptive Management and Monitoring*** of ecosystem and physical processes to support implementation of management actions to achieve project objectives under rapidly-changing climatic conditions; and

n. ***Living Shoreline Projects*** which restore and enhance nearshore and tidal habitats such as tidal wetlands, eelgrass and native oysters, to promote sedimentation and protect against shoreline erosion.

5. Climate Change Research. When appropriate and consistent with the Conservancy's enabling legislation and available funding sources, the Conservancy will support priority research projects that are targeted to increasing understanding of climate change

4

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impacts to coastal and bay resources, support vulnerability assessments, quantify carbon sequestration benefits of habitat enhancement and restoration projects, and that demonstrate the effectiveness of applied management strategies.

6. Education, Outreach and Guidance. To the extent feasible with staffing and funding limitations, the Conservancy will collaborate with others to provide current information and guidance to grantees on the latest relevant climate change information and best management practices.

7. Greenhouse Gas Emissions. Conservancy staff will work with applicants to identify, evaluate, and incorporate reasonable measures to reduce the greenhouse gas emissions of Conservancy-funded projects. The Conservancy will encourage use of best management practices and innovative designs that reduce greenhouse gas emissions and, as possible will support the development of such practices and designs through funding and other actions.

17 cont.

8. Carbon Reduction and Offsets. Conservancy staff will continue to measure, verify and report its overall greenhouse gas emissions with the goal of reducing them; and will explore opportunities to offset emissions from Conservancy operations. The Conservancy will require grantees to obtain the approval of the Executive Officer prior to sale of carbon credits on land for which the Conservancy provided funding to purchase, restore, enhance, or develop.

9. Transportation. Conservancy staff will, where feasible, attempt to reduce their work-related greenhouse gas emissions from travel, through the use of public transportation, carpooling, bicycling, use of low fuel vehicles, clustering meetings and events, and using phone- and web-based conferencing technologies.

5

STATE AGENCIES – COMMENTS

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor*

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November 2, 2010

File Ref: SCH# 2004101076
SD 2010-04-28.4
PRC 6982.9

California Department of Transportation, District 11
ATTN: Shay Lynn M. Harrison, Chief
Environmental Planning Branch C
4050 Taylor Street
San Diego, CA 92110

Subject: California Department of Transportation, North Coast Interstate 5 Corridor Project, Cities of San Diego, Oceanside, Carlsbad, Solano Beach, and Del Mar, San Diego County

Dear Ms. Harrison:

Staff of the California State Lands Commission (CSLC or Commission) reviewed the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the above-proposed project. Under the California Environmental Quality Act (CEQA), The California Department of Transportation (Caltrans) is the Lead Agency and the CSLC is a Responsible and/or Trustee Agency for any and all projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

01 As background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. Such lands include, but are not limited to, the beds of more than 120 navigable rivers and sloughs, nearly 40 navigable lakes, and the 3-mile wide band of tide and submerged lands adjacent to the coast and offshore islands of the State. The CSLC also retains residual and review authority for tide and submerged lands legislatively granted in trust to local jurisdictions (Public Resources Code §6301 and §6306). The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The boundary of these State-owned lands generally is the mean high tide line, except for fill and artificial accretion.

RESPONSES

Responses to Cy R. Oggins, Chief, Division of Environmental Planning and Management of the California State Lands Commission

01 Thank you for your comments describing the California State Lands Commission (CSLC) jurisdiction over tidelands and submerged lands, and the CSLC mission to utilize these lands for purposes including water-related commerce, navigation, recreation, and habitat and/or open space preservation. Caltrans understands the CSLC role in the potential project-related use of lands under CSLC jurisdiction.

STATE AGENCIES — COMMENTS

Shay Lynn M. Harrison Page 2 November 2, 2010

The facts pertaining to the proposed project include:

02
- Caltrans and the Federal Highway Administration (FHWA) propose activities to maintain or improve the existing and future traffic operations on the existing Interstate 5 (I-5) freeway from La Jolla Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton; such activities may also include widening of existing bridge structures at coastal lagoons.
- The proposed project would extend approximately 27 miles.
- The I-5 North Coast Corridor project would include one or two high occupancy vehicle (HOV)/managed lanes (ML) in each direction, auxiliary lanes where needed, and possibly one general-purpose lane in each direction.

The following information is based on staff's review of our in-house records and maps.

03

1. Los Peñasquitos Lagoon

Commission authorization will not be required for this portion of the project.

2. San Dieguito Lagoon

On May 22, 1986, the Commission approved a General Lease – Public Agency Use, PRC 6982.9, to Caltrans. The lease authorized the widening of I-5, including the San Dieguito River Bridge, and rock slope protection at the north bridge abutment. An amendment to the lease will be required, as well as new Right-of-Way maps pursuant to Section 101.5 of the Streets and Highways Code. As part of the wetland mitigation for the proposed project (Section 3.21.4 of the Draft EIR/EIS), Caltrans is proposing to implement wetland restoration in the San Dieguito Lagoon. Depending on where these restoration activities occur in the lagoon, a lease will be required for these areas where the CSLC has jurisdiction.

3. San Elijo Lagoon

This portion of the project is sovereign land under the jurisdiction of the CSLC, and will require authorization from the Commission.

4. Batiquitos Lagoon

The Commission has leased all its sovereign lands in Batiquitos Lagoon to the Department of Fish and Game (DFG) for inclusion in the Batiquitos Lagoon Ecological Reserve (Lease PRC 7242.9). According to our records, it does not appear that the Commission issued a lease to Caltrans for the existing I-5 bridge, pursuant to Section 101.5 of the Streets and Highways Code. This portion of the project is sovereign land under the jurisdiction of the CSLC. In addition to obtaining authorization from the Commission, Caltrans should contact DFG to see what impacts may occur within the Ecological Reserve.

RESPONSES

02 This comment provides an accurate summary of proposed project elements identified in the Draft EIR/EIS. Please note, however, that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

03 With respect to jurisdictional authority over the six coastal lagoons and/or related waterways potential affected by the proposed project, Caltrans would work with the CSLC and other applicable agencies, using the information provided, to ensure compliance with associated requirements for discretionary review, authorization, and/or issuance of related leases. Specifically, Caltrans would coordinate with the CSLC and California Department of Fish and Wildlife (CDFW; previously California Department of Fish and Game) as appropriate on proposed project activities involving San Dieguito, San Elijo and Batiquitos lagoons, and with the City of Oceanside regarding applicable portions of Buena Vista Lagoon and the San Luis Rey River. CDFW staff has been an active participant in resource team meetings focused on lagoon studies and the project mitigation program. Please see *Chapter 5* of this Final EIR/EIS for a listing of meetings and topics discussed.

Please also note that, since circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of the six lagoons and related waterways within the project corridor. Based on these studies, important new information was provided in the Supplemental Draft EIR/EIS circulated in August 2012 and incorporated into this Final EIR/EIS as appropriate. Please also refer to Topical response "Lagoon Evaluations" for additional information on lagoon/waterway resources, proposed improvements to freeway bridges and related structures, and associated avoidance/minimization and mitigation measures.

STATE AGENCIES — COMMENTS

Shay Lynn M. Harrison Page 3 November 2, 2010

5. Agua Hedionda Lagoon

Commission authorization will not be required for this portion of the project.

6. Buena Vista Lagoon

Commission authorization will not be required for this portion of the project. However, Caltrans should contact DFG to determine whether any of the proposed project will be within the Buena Vista Lagoon ecological reserve.

The northern portion of the I-5 bridge within the lagoon is located within the city of Oceanside. Any remaining State interest in the lagoon within the city of Oceanside has been granted to the city of Oceanside, pursuant to Chapter 846, Statutes of 1979. The city of Oceanside should be consulted regarding any portion of the project which might involve its jurisdiction.

03 cont.

7. San Luis Rey River

A portion of the San Luis Rey River located between the I-5 Highway bridge and the AT & SF Railroad Bridge is within lands granted to the city of Oceanside, pursuant to Chapter 846, Statutes of 1979. The city of Oceanside should be consulted regarding any portion of the project which might involve their jurisdiction.

Based on the above information, Commission authorization will be required for the portions of the project crossing over the San Dieguito, San Elijo, and Batiquitos Lagoons. The CSLC application materials are located on the CSLC's website, http://www.slc.ca.gov/Online_Forms/Surface_Leasing_Application_Home_Page.html, and a copy of the 101.5 guidelines is enclosed for your use. The application must be completed and returned to this office, attention Drew Simpkin, along with a $25 filing fee and a $3,000 processing deposit. Upon receipt of your application and fees, you will be provided a reimbursement agreement. An executed reimbursement agreement to cover the Commission's staff cost to process this transaction is required as part of a complete application. If the actual staff costs of processing this transaction are less than the deposited amount, the difference will be refunded.

04 This determination is without prejudice to any future assertion of State ownership or public rights, should circumstances change, or should additional information come to our attention. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.

05 Regarding wetland impacts by the proposed project, CSLC staff understands that Caltrans District 11 staff has been participating in the Southern California Wetland Recovery Project (SCWRP) interagency group. It is expected that Caltrans will continue

RESPONSES

04 These potential future changes to the identification of lands under State jurisdiction are recognized.

05 Caltrans will continue to be a part of the SCWRP.

STATE AGENCIES — COMMENTS

Shay Lynn M. Harrison Page 4 November 2, 2010

05 cont. to participate in SCWRP to help to optimize wetland restoration efforts as part of compensating wetland impacts from the proposed project.

06 Section 3.22 provides a discussion on invasive species; however, missing from the discussion is *Caulerpa taxifolia* although it is discussed in previous sections of the Draft EIR/EIS. *Caulerpa* is a highly invasive alga aquatic species that was discovered and eradicated in Agua Hediondo between 2000 and 2006. The regulatory setting should cite the legislation passed in 2001, AB 1334, regarding the control of *Caulerpa* species in California. The National Marine Fisheries Service (NMFS) has also developed a specific survey protocol (*Caulerpa* Survey Protocol, Version 4 - February 25, 2008) for proposed development projects in southern California marine ecosystems. Caltrans needs to implement this survey protocol for any disturbance activities that will occur at all the lagoon and river crossings. Page 3.17-4 cites that surveys were conducted in subtidal areas of the project area, but it is not clear if the surveys followed the *Caulerpa* protocol.

07 Section 4.6.6 provides a discussion of adaptation strategies for climate change. With regard to sea level rise, the Draft EIR/EIS should discuss project specific risks of sea level rise to all the lagoon crossings and identify what the vulnerabilities are at each lagoon crossing. If there are specific risks, the document should provide what measures should be implemented to adapt to predicted sea level rise at each of the lagoon crossings.

If you have any questions regarding CSLC leasing jurisdiction, please contact Drew Simpkin at drew.simpkin@slc.ca.gov or by phone at (916) 574-2275; for any questions regarding the environmental review, please contact Eric Gillies at eric.gillies@slc.ca.gov or by phone at (916) 574-1897.

Sincerely,

Cy R. Oggins, Chief
Division of Environmental Planning
and Management

Enclosure

cc: Office of Planning & Research
D. Simpkin
E. Gillies

RESPONSES

06 Regarding project-related assessment of effects from *Caulerpa taxifolia*, related surveys were completed for the lagoons in 2006 by the same people who completed the eradication in Agua Hedionda. While these efforts were conducted prior to issuance of the revised National Marine Fisheries Service (NMFS) protocol, as explained in the Draft EIR/EIS, additional *Caulerpa* surveys at every lagoon crossing would be completed immediately prior to and after construction using the most current protocol.

07 With respect to potential climate change/sea level rise "adaptation strategies" at lagoon crossings, additional information was provided in *Chapter 3* of the Supplemental Draft EIR/EIS and is incorporated into *Sections 3.9* and *3.17* and *Chapter 4* of this Final EIR/EIS. Potential sea level rise effects and related potential "vulnerabilities" to I-5 lagoon crossings were evaluated specific to each lagoon, with amount of freeboard between the bridge crossing and water levels during a combined 4.5-foot sea level rise combined with a 100-year flood event. Adequate freeboard is projected for every bridge except the crossing of Carmel Creek upstream from Los Peñasquitos Lagoon. At that location, Caltrans finds that under 100-year storms combined with the conservative sea level rise assumption, there would be a deficiency of 0.7 foot of freeboard. Such a deficiency is projected to be of short duration, however, and adaptation strategies are considered workable.

STATE AGENCIES – COMMENTS

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

South Coast Region
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201
http://www.dfg.ca.gov

November 22, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
California Department of Transportation –District 11
Environmental Planning
4050 Taylor Street, MS 242
San Diego, CA 92110

Subject: Comments on the Draft Environmental Impact Report/Environmental Impact Statement for the Interstate 5 North Coastal Corridor Project (SCH # 2004101076, EA 235800)

Dear Mr. April:

The Department of Fish and Game (Department) has reviewed the above-referenced Draft Environmental Impact Report / Environmental Impact Statement (DEIR/EIS) dated June, 2010, prepared by the U.S. Department of Transportation Federal Highway Administration and the State of California Department of Transportation (Caltrans). The comments provided herein are based on the information provided in the DEIR/EIS, our knowledge of sensitive and declining wildlife and vegetation communities in San Diego County (County), and our participation in regional conservation planning efforts.

The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (CEQA Guidelines § 15386), and pursuant to our authority as a Responsible Agency under CEQA Guidelines Section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (CESA; Fish and Game Code § 2050 et seq.) and Fish and Game Code Section 1600 et seq. The Department also administers the Natural Community Conservation Planning program.

The proposed project consists of the widening of Interstate 5 (I-5) over a distance of 27 miles from post mile R 28.4 at La Jolla Village Drive in the City of San Diego to post mile R 55.4 at Harbor Drive in the City of Oceanside/Camp Pendleton Marine Corps Base. Alternatives considered include 10+4 with Barrier Alternative, 10+4 with Buffer Alternative, 8+4 with Barrier Alternative, 8+4 with Buffer Alternative, and the No-Build Alternative. The alternative designations refer to the number of general-purpose lanes plus High Occupancy Vehicle (HOV)/Managed Lanes (ML) (e.g., 10 general purpose lanes + 4 HOV/ML would be described as 10+4). The 10+4 with Barrier Alternative would separate HOV/ML from general-purpose lanes with a concrete barrier. Depending on location, there would be from one to four HOV/ML. The 10+4 with Buffer Alternative would be similar to the 10+4 with Barrier Alternative but would use a buffer to separate lanes. The 8+4 with Barrier Alternative would separate HOV/ML from general-purpose lanes with a barrier (at one location there would be would a buffer). Depending on location, there would be from two to four HOV/ML. The 8+4 with Buffer Alternative would function like the 8+4 with Barrier Alternative but would separate lanes with a variable buffer. Build Alternatives may also include auxiliary lanes, Direct Access Ramps, noise barriers, ramp meters, utility relocations, drainage facility modifications, Park and Rides, trail and recreational

Conserving California's Wildlife Since 1870

RESPONSES

Responses to Edmund Pert, Regional Manager, South Coast Region, California Department of Fish and Wildlife (previously the California Department of Fish and Game)

STATE AGENCIES – COMMENTS

Shay Lynn Harrison, Environmental Analysis Branch Chief
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improvements, and other facility improvements. The purpose of the proposed project is to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor.

Design features and mitigation measures have been added to the project to avoid or reduce potential environmental impacts. Sensitive biological resources in the vicinity of the project are associated with the native terrestrial and aquatic habitats of Los Penasquitos Lagoon, San Dieguito Lagoon, San Elijo Lagoon, Batiquitos Lagoon, Agua Hedionda Lagoon and Buena Vista Lagoon, multiple drainages and the adjacent slopes and bluffs.

Sensitive species located within or directly adjacent to the project limits that may be adversely affected include CESA-listed and Endangered Species Act (ESA)-listed plant and animal species. Among the species which may be affected are: California least tern (*Sterna antillarum browni*), Western snowy plover (*Charadrius alexandrinus nivosus*), coastal California gnatcatcher (*Polioptila californica*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Epidonax tralii extimus*), light-footed clapper rail (*Rallus longirostris levipes*), and Belding's savannah sparrow (*Passerculus sandwichensis beldingi*).

The Department provides the following specific comments and recommendations to assist in avoiding or minimizing potential impacts to sensitive native plants, wildlife, and vegetation communities identified in the DEIR/EIS:

01 1. The DEIR/EIS identifies potential impacts to the CESA-listed endangered Belding's savannah sparrow (*Passerculus sandwichensis beldingi*) and notes that a CESA incidental take permit will be pursued pursuant to Fish and Game Code (FGC) section 2081(b) if impacts cannot be avoided. Additionally, as noted in the DEIR/EIS, a FGC section 2080.1 Consistency Determination (CD) will be pursued for species that are listed as threatened and/or endangered under CESA and ESA. The Department would like to emphasize that all mitigation measures for jointly listed species will need to be coordinated with the Department to ensure that a CD will be possible. In addition, pursuant to Section 3511 of the FGC, California least tern and light-footed clapper rail are designated as State Fully Protected species. This designation prohibits take or possession of these species at any time (i.e., no take authorizations from the State are available).

02 2. The Department recommends that Caltrans examine an alternative with a combination of barrier and buffer segments designed to meet higher safety goals for much of the corridor while reducing environmental impacts in Environmentally Sensitive Habitat Areas (ESHA) segments (e.g., lagoons). This approach in areas without sensitive habitats or species, a barrier alternative would provide benefits identified in the DEIR/EIS for that alternative. In areas with ESHAs, a buffer alternative would reduce the footprint of the project through the ESHAs, and therefore the associated impacts.

03 3. The Department recognizes that past losses of 95% of coastal wetlands in conjunction with recent restorations of the remaining lagoon systems have limited the availability of mitigation opportunities, and understands that it may not be possible to mitigate within the same lagoon where impacts will occur from this project. Therefore we recommend that placement of fill in lagoons should be avoided to the maximum extent feasible. The Department prefers that mitigation for unavoidable impacts occur within the affected lagoon, or in the nearest feasible location.

RESPONSES

01 Thank you for commenting. Caltrans will continue coordination with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) for species listed by both agencies. All habitat would be cleared outside the breeding season; therefore, no take of State listed species is anticipated.

02 For a barrier alternative to be most efficient, the barrier should be continuous. Please note, however, that each of the build alternatives evaluated in the EIR/EIS meet Caltrans design standards for highway facilities and are considered "safe." Specifically with regard to reducing potential project footprint; subsequent to public circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Although all alternatives currently remain viable for selection, this is the smallest of the build alternatives evaluated in the EIR/EIS and would result in reduced impacts

STATE AGENCIES — COMMENTS	RESPONSES
	02 cont. to biological and community resources. The alternative with the least environmental impacts was formally identified as required by the Clean Water Act and Section 404(b)(1) in 2013. This included alternatives analysis to identify the Least Environmentally Damaging Practicable Alternative (LEDPA).
	03 Wetland impacts cannot be avoided. Some mitigation would be completed in each lagoon; however, wetland establishment may not always be possible within the corresponding impacted lagoon. Mitigation at other locations, as close as possible to the affected lagoons, would be necessary. *Table 3.17.13* identifies proposed mitigation parcels and which of those parcels would accommodate wetland establishment. The *I-5 NCC Project* necessitates the placement of fill embankments to facilitate the proposed widening in the vicinity of the lagoons. In order to minimize the project footprint, Caltrans' Preliminary Geotechnical Report (October 2005) analyzed the feasibility of retaining walls, mechanically stabilized earth (MSE) walls and reinforced soil slopes (RSS). Some RSS slopes are proposed because they can be constructed on soft soil conditions and would have a smaller footprint than the conventional 2:1 (horizontal: vertical) slope fill embankment. Tall retaining walls and RSS slopes are infeasible on lagoon fill slopes. Some small retaining walls are also proposed in some areas within Caltrans right-of-way fill slopes (e.g., adjacent to the City of San Diego W6 Mitigation Site). These retaining walls would support steeper slopes and minimize footprint impacts into sensitive resources. It is possible that some very limited RSS may be constructed with short retaining walls for trails, although such facilities, if required, would be very minor in extent.

STATE AGENCIES — COMMENTS

Shay Lynn Harrison, Environmental Analysis Branch Chief
November 22, 2010
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04 4. Page 3.21-8, the DEIR/EIS discusses bridge design in relation to water exchange within coastal lagoons. The Department concurs that optimizing bridges for both past impacts and avoiding reduction of bathymetric volume (tidal prism in open tidal lagoon systems) should be done. In addition, bridges should be designed to have flows that would maintain the openings underneath the bridges, and flows should be directed, if possible, away from shorelines to avoid eroding the banks. For example, Batiquitos Lagoon is showing evidence of erosion on the north shore of the eastern basin, apparently from flows from underneath the existing I-5 bridge.

05 5. Various lagoons have been restored to allow tidal flows to enhance the salt marsh habitats. Many of these systems were designed with channels that depend on a volume of tidal flow to help scour sediments from the channel and keep them from closing or constricting. The Department recommends that the proposed project maintain or improve conditions for tidal flows so that the lagoon channels remain open, for example, by increasing tidal volume within the lagoon by dredging upland areas, or improving flows through bridges by enlarging the openings, deepening the channels, or other engineering solutions for that purpose. Drainage can be improved by elimination of flow restrictions or enhancement of the flows underneath the bridges.

06 6. As part of the DEIR/EIS process, Caltrans described the development of a study to examine the changes in tidal circulation within coastal lagoons related to lengthening bridges or otherwise modifying them as a means to offset past and proposed impacts to coastal lagoons from the I-5 Freeway. The San Diego Regional Lagoon Planning Studies Phase 2 report (October 2010) studied flow restrictions at all affected lagoons and further examined four alternative bridge and channel designs for Batiquitos and Agua Hedionda Lagoons. The study reports that all of the alternatives investigated would increase the tidal circulation within Batiquitos and Agua Hedionda Lagoons, with Alternative 4 (Chang Channel with flow fence) providing the greatest benefit to both systems. The Department recommends that this alternative, or any future improved versions, be incorporated into the project designs of bridges for both lagoons.

07 7. Wildlife requires undisturbed space for various activities including loafing, feeding and resting. The Department recommends that the proposed project not increase public access to areas of coastal lagoons which are currently undisturbed to provide refugia for CESA- and ESA-listed species, migratory birds and other wildlife. For example, migratory birds require these areas to recover and feed for continued strength during migrations. Human activity causes wintering waterfowl to expend energy to avoid humans at a time in their annual cycle when energy conservation is important to survival, migration, and breeding reserves. This will provide continued protection for those species most sensitive to human related disturbance.

08 8. On Page 2-53, figure 2-2.14y, the Nature Center and trails proposed at the La Costa Park and Ride would create significant obstacles to operations at Batiquitos Lagoon Ecological Reserve for the management and monitoring of the lagoon and wildlife. Currently, the Department accesses the E1 nesting area through the La Costa Park and Ride for monitoring of CESA/ESA-listed threatened and endangered species, for management of several nesting sites in the eastern basin of the lagoon, and to protect these species from predation. The proposed trail system and public viewing areas may impair the Department's ability to perform these activities if implemented as designed. This design also eliminates the ability of the Department to launch vessels for management and maintenance of the lagoon related to the 1997 Batiquitos Lagoon

RESPONSES

04 Design of the bridges at the lagoons has been additionally studied to identify designs that reduce tidal muting and scour, as well as increase water exchange. This information was provided in the Supplemental Draft EIR/EIS circulated in August 2012, and has been incorporated into this Final EIR/EIS.

05 Please see response to Comment 04. Given the location of I-5 bridges relative to other lagoon constraints (i.e., westerly locations of the Coast Highway, and/or railroad bridge crossings of the lagoons between I-5 and the ocean), project bridges have been designed to retain or improve flow beneath the bridges. Improved conditions would be the result of wider I-5 crossings and/or dredging of the existing channels beneath the I-5 bridges.

06 Please see response to Comment 04. In addition to the studies cited in the comment, full optimization studies were undertaken for San Elijo, Batiquitos, and Buena Vista Lagoons in 2011 and 2012. CDFW staff participated in regular meetings between Caltrans and resource oversight agencies throughout this period, providing input into the studies and evaluating study results. The Chang Channel option was reviewed by the team and is not being pursued as the best overall alternative. The optimized channel design for Batiquitos is similar to the Chang Channel. CDFW staff were instrumental in assessment of design alternatives and identification of the final Caltrans-proposed bridge designs.

07 Caltrans has continued to coordinate with the CDFW and other resource agencies regarding trails and access proposed as additional features of the project. Some facilities that might increase public access into highly sensitive areas have been deleted from the project as a result of this coordination. The potential for increased indirect impacts related to additional human use of improved trails proposed as part of project community enhancements was addressed in *Chapter 3* of the Supplemental Draft EIR/EIS, as well as incorporated into the Final EIR/EIS. As described in these documents, many of the proposed trail connections would represent improvements compared to existing unofficial connections occurring within sensitive areas.

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Shay Lynn Harrison, Environmental Analysis Branch Chief
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08 cont. vessel necessary to maintain the functions and values created by the enhancement project through maintenance dredging of the central and eastern basins. We recommend against this design unless a suitable alternative to the access and dredge launching facility can be incorporated into the overall project, and CESA/ESA-listed threatened and endangered species issues can be resolved.

09 9. On Page 2-53, figure 2-2.14z, the Batiquitos trail along the north shore is lacking in detail and may have undesirable impacts as designed. On the western side of I-5, the trail does not connect to the existing spur trail on the bluff, off of Navigator Circle. A trail without connections would likely cause additional impacts from users attempting to connect with the rest of the trail system, therefore the Department recommends Caltrans coordinate with us and other local stakeholders to finalize the design of the trail. On the eastern side of I-5, the trail should be realigned to remove the trail from the wetland areas through realignment or elevating the trail onto a boardwalk to improve conditions within the wetlands.

10 10. In reference to Page 3.4-5, the Department recommends that the Batiquitos Lagoon trail be designed to remain physically isolated through the use of barriers (e.g., aesthetic wooden fencing with colored vinyl coated chain link fabric attached) to prevent access to ESHA's by visitors and pets using the trail. A poorly designed trail could allow visitors and pets into areas occupied by ESA- and CESA-listed species, which would be a significant impact requiring additional environmental review.

11 11. Page 3.19-7, figure 3-19.1e (sensitive plants) illustrates a population of coast barrel cactus adjacent to the dead-end trail shown in figure 2-2.14z. The Department recommends that the trail be designed to avoid individual cactus to the maximum extent possible. Any impacted individuals from trails or roadway features should be salvaged and replanted on suitable slopes adjacent to the population.

12 12. As noted in the DEIR/EIS, notification of a Lake or Streambed Alteration Agreement (LSA) will be required for this project pursuant to Fish and Game Code, Section 1602 for any proposed project activity that would substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or use material from a streambed. A notification package for a LSA may be obtained by accessing the Department's web site at www.dfg.ca.gov/1600.

Thank you for the opportunity to comment on the DEIR/EIS. If you have any questions regarding this letter, please contact Mr. Tim Dillingham at (858) 467-4250 or tdilling@dfg.ca.gov.

Sincerely,

Edmund Pert
Regional Manager
South Coast Region

cc: State Clearinghouse, Sacramento
Sally Brown, U.S. Fish and Wildlife Service, Carlsbad

RESPONSES

08 Due to comments received from various resource agencies, cities and the public, the proposed nature center and trails at the La Costa Avenue park and ride lot have been eliminated from the *I-5 NCC Project* and, as a result, also have been removed as project features in the Final EIR/EIS. Any features that remain at the park and ride lot would not interfere with the CDFW operations at Batiquitos Lagoon. Caltrans has coordinated with CDFW staff to ensure CDFW's access to the least tern nesting area. The agreed-upon access elements have been incorporated into final design.

09 Please see response to Comment 07. Review of *Figure 2-2.3, Sheet 41* in the Final EIR/EIS indicates that the proposed trail alignment would correspond closely with the existing trail on the western side of I-5. Refinements to the proposed trail alignment would minimize impacts to the north shore of the Batiquitos Lagoon on both sides of the freeway. On the northeast side of the lagoon, an existing unpermitted trail along the edge of the marsh has resulted in trampling of vegetation. This has resulted in erosion and impacts to the wetland and/or native upland vegetation. The proposed upgraded trail would cross the high marsh on a boardwalk, and would be both fenced and signed. This is expected to result in fewer direct and indirect impacts associated with wandering from a single path, including reduced erosion. Specific locations of trail elements on the western side have continued to be a focus of project refinements completed in consultation with resource oversight agencies and the city.

10 Please see responses to Comments 07 and 09. Consistent with this comment, the trail would be both fenced and signed to keep pedestrians on the improved area and out of sensitive habitat. In coordination with the resources agencies, it has been determined that fencing material and design would be chosen to accommodate nighttime wildlife movement and flood events.

STATE AGENCIES — COMMENTS	RESPONSES
	11 The trail was moved to the facing slope of I-5 to avoid impacting the barrel cactus and maritime succulent scrub on the south facing slope. This change is not readily apparent on the figures due to their scale, which does not allow much definition.
	12 This Agreement is noted in the matrix of permits and approvals needed for the project on *Table ES.19, Permits and Approvals Needed,* of this Final EIR/EIS.

STATE AGENCIES — COMMENTS

RESPONSES

California Regional Water Quality Control Board
San Diego Region
Over 50 Years Serving San Diego, Orange, and Riverside Counties
Recipient of the 2004 Environmental Award for Outstanding Achievement from USEPA

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

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http:// www.waterboards.ca.gov/sandiego

November 22, 2010

In reply refer to:
656901: LPardy

Ms. Shay Lynn Harrison,
Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA, 92110

Dear Ms. Harrison:

Comments on the Interstate-5 (I-5) North Coast Corridor (NCC) Project Draft Environmental Impact Report/ Environmental Impact Statement (Draft EIR/EIS), (SCH# 2004101076)

The California Water Quality Control Board, San Diego Region (San Diego Water Board) hereby submits to comments on the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) Draft Environmental Impact Report/ Environmental Impact Statement (Draft EIR/EIS) for the Interstate-5 (I-5) North Coast Corridor (NCC) project. The San Diego Water Board understands Caltrans is the lead agency under the California Environmental Quality Act (CEQA) and FHWA is the lead agency under the National Environmental Policy Act (NEPA).

001 The NCC project proposes widening of the Interstate 5 (I-5) to include construction of one to two High Occupancy Vehicle/ Managed Lanes (HOV/ Managed Lanes) in each direction, Direct Access Ramps (DARs), a freeway-to-freeway connector, auxiliary lanes, and possibly one main general purpose lane in each direction on the existing freeway from La Jolla Village Drive in the City of San Diego to Harbor Drive in Oceanside/Camp Pendleton Marine Corps Base extending approximately 27 miles from Post Mile (PM) 28.4 to PM 55.4. The following four build alternatives and the No Build alternative are assessed in the Draft EIR/EIS: 10 + 4 with Barrier; 10+ 4 with Buffer; 8 + 4 with Barrier; and 8 + 4 with Buffer.

These comments are submitted in compliance with California Environmental Quality Act (CEQA) Guidelines section 15096, which requires CEQA responsible agencies to review and comment on the Draft EIR/EIS, including the need for mitigation and consideration of additional alternatives.

California Environmental Protection Agency

Recycled Paper

Responses to David T. Barker, Supervising Water Resource Control Engineer, California Regional Water Quality Control Board, San Diego Region

001 Thank you for your comments. They are part of the public record. Individual responses are provided to each of your comments below.

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002 The State Water Resources Control Board (State Board) and the Regional Water Quality Control Boards (Regional Water Boards) regulate discharges of waste to protect the quality of waters of the State, broadly defined as "*the chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affects its use*."[1] If projects authorized under the NCC have any of the following discharges, the project proponent will be required to obtain a permit from the State Board or Regional Water Boards:

Discharge Type	Types of Permits Involved
• Discharge of dredge and fill materials	- Clean Water Act (CWA) section 401 water quality certification for federal waters; or Waste Discharge Requirements for non-federal waters of the State.
• Point source discharges	- CWA section 402 National Pollutant Discharge Elimination System permit (e.g., storm water permit, new construction general permit (new CGP).
• Other discharges	- Waste Discharge Requirements or other permits for discharges that may affect groundwater quality and other waters of the State, such as operation of proposed solid waste transfer facilities, and other proposed project activities.

SCOPE AND LEVEL OF ANALYSIS

The San Diego Water Board is providing the following general and document specific comments:

GENERAL COMMENTS

003 The Draft EIR/EIS for this project should characterize the direct, indirect, and cumulative impacts of this project on the quality of waters of the State. The Draft EIR/EIS should also identify alternatives and other mitigation measures to reduce and eliminate such impacts. The Draft EIR/EIS currently lacks sufficient detail for the San Diego Water Board fully evaluate whether the proposed projects will comply with water quality standards and regulations. The Draft EIR/EIS should be re-circulated for public comment once it contains the necessary level of specificity.

1. Characterization of Impacts

004 Watersheds are complex natural systems in which physical, chemical, and biologic components interact to create the beneficial uses of water on which our economy

[1] California Water Code, section 13050.

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002 The State Water Resources Control Board (SWRCB) adopted Order No. 2009-0009–DWQ, National Pollutant Discharge Elimination System (NPDES) No. CAS000002 NPDES General Permit for storm water discharges associated with construction activities. The permit requires the dischargers to implement a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs that will prevent construction pollutants from entering a receiving water body. The Caltrans program complies with the substantive provisions of the Construction General Permit on projects; most requirements are met by implementing the SWPPPs prepared for each project during the project's construction phase.

The SWRCB adopted Order No. 99-06–DWQ, NPDES No. CAS000003 NPDES Permit Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans) properties, facilities and activities. Order No. 2012 0011-DWQ was adopted in September 2012 and supersedes Order No. 99-06-DWQ upon its effective date of July 1, 2013. This permit requires Caltrans to implement a Storm Water Management Plan (SWMP). The minimum requirement is to ensure that pollutants in discharges from storm drain systems owned or operated by Caltrans are reduced to the Maximum Extent Practicable (MEP) and that pollutants in discharges from construction activities covered by the General Construction Permit are reduced by employing Best Available Technology/Best Available Conventional Technology (BAT/BCT) performance standards. The MEP analysis is the process of evaluating the selected BMPs based on legal and institutional constraints, technical feasibility, relative effectiveness, and cost/benefit ratio. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting.

Caltrans also is currently working cooperatively with the San Diego Water Board (Water Board) and other named dischargers to comply with the adopted Revised Total Maximum Daily Loads for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region. On February 10, 2010, the Water

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002 cont. Board adopted Resolution No. R9-2010-0001, an amendment incorporating Revised Bacteria TMDLs Project I into the San Diego Basin Plan. This TMDL Basin Plan amendment was subsequently approved by the SWRCB on December 14, 2010, the Office of Administrative Law (OAL) on April 4, 2011, and the United States Environmental Protection Agency (USEPA) on June 22, 2011. Under State law, this TMDL Basin Plan Amendment became fully effective on April 4, 2011, the date of OAL approval.

Caltrans and other named dischargers are developing a Comprehensive Load Reduction Plan (CLRP). This CLRP will support the Responsible Parties' plans to address beach and creek impairments with coordinated, consistent, and phased implementation of BMPs. It will assist the Responsible Parties in complying with the approved Total Maximum Daily Loads for Beaches and Creeks (Bacteria TMDLs) developed in the region. In addition to addressing bacteria, the CLRP will allow for implementation planning that addresses other potential 303(d) impairments and pollutants within the watershed, to increase the effectiveness and efficiency of planning and implementation efforts, and to reduce the overall cost of implementation and compliance monitoring.

A monitoring plan will be developed to address the monitoring requirements of the approved Bacteria TMDLs and other existing or tentative TMDLs in the watershed. This plan will also address other 303(d) impairments that are proposed for inclusion in the CLRP. Monitoring is needed to evaluate progress toward attainment of the TMDLs and restoring the beneficial uses in the receiving waters. The same approach will be taken for the sediment TMDLs once adopted.

003 The project water quality analysis is based on the July 2009 I-5 North Coast Corridor Water Quality Report (WQR) and Water Quality Technical Memorandum prepared in August 2013 to supplement the 2009 WQR. The purpose of the August 2013 Technical Memorandum is to provide additional information related to the recently adopted Caltrans NPDES permit and to describe Caltrans' practices and policies to ensure all NPDES

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003 cont. permit requirements are complied with and documented for the proposed project. The Technical Memorandum also reflects the selection of the locally preferred alternative (LPA), which occurred subsequent to completion of the 2009 WQR.

Section 3.10.3 of the EIR/EIS and Section 5.0 of the associated WQR identify and evaluate potential direct and indirect water quality impacts associated with implementation of the project build alternatives and the No Build alternative. This includes direct impacts associated with short-term (construction) activities such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related contaminants (e.g., fuels and lubricants), as well as long-term (operational) direct impacts such as the generation of vehicle-related contaminants (e.g., particulates and metals from break pad wear, and exhaust-generated contaminants such as nitrite). This analysis also addresses associated indirect impacts, such as downstream sediment and contaminant transport (i.e., sedimentation), and the potential discharge of contaminants related to long-term facility operation and maintenance activities such as landscaping (e.g., green waste, pesticides, and herbicides).

The discussion in EIR/EIS *Section 3.10.4*, as well as Sections 6.0 and III of the associated WQR and Technical Memorandum, respectively, identifies appropriate BMPs to address potential direct and indirect water quality concerns outlined above, based on approved Caltrans standards, manuals and guidelines (with individual sources provided in the EIR/EIS text). These would include applicable measures related to maintenance BMPs (Category IA), design pollution prevention (DPP) BMPs (Category IB), Low Impact Development (LID), completed construction projects, construction site BMPs and runoff controls (Category II) and “treatment” BMPs (Category III). While the analysis notes that the selection of specific BMPs is an iterative process (with BMPs evaluated and implemented to address impacts during the planning and design, construction, and operational phases), preliminary measures are identified where practicable, along with the nature and location of existing “treatment” BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program. The analysis also describes regulatory requirements associated with water

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and well-being depend. Poorly planned urban transportation projects upset these natural interactions, and degrade water quality through a web of interrelated effects.

The primary impacts of poorly planned development projects on water quality are:

- **Direct impacts** – the direct physical impacts of filling and excavation on wetlands, riparian areas, and other waters;
- **Pollutants** – the generation of urban pollutants during and after construction;
- **Hydromodification** – the alteration of flow regimes and groundwater recharge by impervious surfaces and stormwater collection systems;
- **Watershed Impacts** – the disruption of watershed-level aquatic functions, including pollutant removal, floodwater retention, and habitat connectivity.

004 cont. These impacts typically degrade water quality, increase peak flows and flooding, and destabilize stream channels; resulting in engineered solutions to the disrupted flow patterns and, ultimately, near-total loss of natural functions and values in the affected basins. Specific technical comments indicating the information and analyses germane to the San Diego Water Board's statutory responsibilities are provided in the following attachments to this letter, and also in the comments which follow.

- Attachment 1, *Urban Development: Potential Water Quality Impacts and Required Analyses.* Outlines and diagrams the potential effects of land development on water quality and identifies related information needs.
- Attachment 2, *Low Impact Development References.* Lists documents providing guidance on principles and practices to avoid water quality and quantity problems associated with urban development.
- Attachment 3, *Terrestrial Habitat Connectivity Related To Wetland, Riparian, and Other Aquatic Resources*. Provides information and references on the importance of stream corridors, wetlands, and other waters in maintaining local and regional habitat connectivity.

005 As noted above, avoidance is the best strategy for managing potential water quality impacts. For unavoidable impacts, understanding how pollution pathways will operate is essential to managing them.

A. Specify the cause, nature, and magnitude of all proposed impacts. Provide a level of analyses commensurate with the size and complexity of the project and its potential water quality impacts, referring to Attachments 1 and 3 to these comments.

006 B. Quantify impacts as definitively as feasible, using appropriate modeling and adequate data. Modeling approaches should be documented; and data

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003 cont. quality concerns (e.g., NPDES criteria and the related Caltrans SWMP), and notes that Caltrans is committed to prevent or minimize impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that implementation of the project build alternatives, as part of (and in conformance with) Caltrans and related requirements, would ensure compliance with applicable water quality standards and regulations (including beneficial uses).

As outlined above, project implementation would require conformance with a number of regulatory requirements related to water quality concerns, including applicable elements of the Clean Water Act (CWA), NPDES, RWQCB Basin Plan, and associated Caltrans standards. Based on such conformance and implementation of the associated project design features and standard construction practices noted in *Section 3.10* of the EIR/EIS, all identified project-level hydrology and water quality impacts from implementation of the build alternatives would be avoided or effectively addressed.

The described regulatory requirements constitute a regional effort to implement water quality protections through a watershed-based program designed to meet applicable criteria such as CWA/NPDES and Basin Plan standards. To this end, these standards require the implementation of applicable water quality measures on a watershed-wide basis, and are specifically intended to address both project-specific and cumulative impacts. The project contribution to water quality effects within the associated watersheds would not be cumulatively considerable, based on the described regional watershed-based approach for water quality issues in existing regulatory standards; the fact that conformance with these requirements would be required for other (cumulative) projects within the associated watersheds (i.e., as well as the proposed project); and the project design features, standard construction practices and BMPs identified for the build alternatives.

004 Caltrans concurs with the characterization of activities that can result in water quality effects. Consistent with this, the EIR/EIS discusses the cause, nature, and magnitude of potential water quality impacts associated with the implementation of the identified

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	004 cont. build (and no build) alternatives. Please refer to responses to Comments 003 and 005 for additional information. Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification. Caltrans continues to comply with CWA Section 402 by complying with the requirements of the Caltrans Statewide NPDES Permit. The permit and the approved SWMP noted in response to Comment 002 of this letter consolidated the Caltrans storm water compliance activities under one permit, and provided a framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting. Post-construction BMPs would be deployed to the MEP, within constraints such as limited right-of-way (potentially resulting in additional right-of-way acquisition and residential relocation); proximity of sensitive habitat (potentially resulting in additional significant biological impacts); and public safety concerns. Every effort would be made to emulate pre-project conditions; for example, the use of appropriately sized energy dissipation structures at all drainage outlets to reduce flow velocities prior to discharge. The use of such measures would avoid or minimize drainage impacts. Attachments 1, 2, and 3 were reviewed by staff. The information within them is consistent with Caltrans' understanding of: (1) how urban development can affect water quality, (2) available references for low-impact development (LID), and (3) the importance of habitat connectivity. Consideration of these issues has been, and would continue to be, ongoing throughout the development process to plan, design, and construct this project.
	005 Please refer to response to Comment 049 of this letter for specifics regarding aerial deposition. The project is designed in accordance with Caltrans NPDES Permit and guidance documents. The project would also comply with the Statewide NPDES Permit current at the time of permitting. *Section 3.10* of the EIR/EIS and Section 6.0 of the WQR address the potential impacts of the construction and operation of the proposed improvements.

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	005 cont. The SWMP describes how Caltrans would comply with the provisions of the NPDES Permit (Order 2012-0011-DWQ). The SWMP describes the Caltrans program to reduce the discharge of pollutants to the storm water drainage system that serves the highway and highway-related properties, facilities, and activities. Hydromodification analysis would be performed to ensure that downstream flows would not cause erosion or impacts to the ultimate receiving water body in accordance with the renewed NPDES Permit (Order 2012-0011-DWQ). BMPs would be considered to address potential water quality impacts during the planning and design, construction, and operational and maintenance phases. The SWMP divides the BMPs into separate categories from the planning and design phase to the operational and maintenance phase. Short-term potential impacts to water quality during the construction phase would be avoided and/or minimized through the use of Construction Site BMPs and proper implementation of the project's SWPPP, and long-term potential impacts from operation and maintenance of the freeway or other Caltrans facilities would be avoided and/or minimized through the use of DPP BMPs, "treatment" BMPs, and maintenance BMPs. "Treatment" BMPs listed in WQR Table 6-3 (and Table III.1.6.1 of the August 2013 Water Quality Technical Memorandum) were considered for this project. These BMPs have been approved for Statewide consideration and implementation. As required under the SWMP, "treatment" BMPs would be considered for this project to avoid or minimize potential long-term impacts from any Caltrans facilities or activities. Caltrans would follow the assessment to implement "treatment" BMPs as listed under Section III.1.6. The approved "treatment" BMPs addressed in response to Comment 006 below are considered to be technically and fiscally appropriate. Caltrans experience has found these BMPs to be constructible, maintainable, and effective at removing pollutants to the maximum extent practicable. Caltrans would comply with all applicable TMDLs approved pursuant to 40 Code of Federal Regulations (CFR) 130.7 for which Caltrans has been assigned a Waste Load Allocation (WLA).

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	005 cont. Compliance may include, but is not limited to, implementation of BMPs and other measures identified in the respective TMDL implementation plan. Effluent limitations and implementation requirements are specified in the adopted Regional Board Basin Plan and authorizing resolutions.
	006 Please refer to Section 6.0 of the WQR regarding avoidance and minimization measures, and Section III of the Water Quality Technical Memorandum for updated BMPs, as well as Final EIR/EIS *Section 3.10.4*. A preliminary review of the project area has been completed and conceptual locations and types of "treatment" BMPs have been assessed for feasibility based on such factors as climate, water volume, soil conditions, physical limitations, other environmental considerations, etc. Preliminary locations of some of the "treatment" BMPs were shown on Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao* (see Appendix K), and are now in the Final EIR/EIS as *Figures 2-2.3, Sheets 1* through *67*. As the proposed project proceeds through the design phase, the locations of these "treatment" BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints or hydraulic capacity. In addition, in areas where "treatment" BMPs could not be incorporated due to above-mentioned constraints, vegetation would be maximized and every effort would be made to ensure the successful establishment of landscaping and erosion control throughout the project limits. The project would also consider any future "treatment" BMPs that might be approved by Caltrans from the ongoing research and monitoring program. Implementation of the refined 8+4 Buffer alternative (Preferred Alternative) would result in a total of 112 percent of equivalent new impervious areas being treated. Currently seven percent of existing impervious areas are being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. This is the minimum anticipated improvement percentage for "treatment" with potential increase in "treatment" percentage as design progresses.

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006 cont. deficiencies or other factors affecting the reliability of the results identified and characterized.

007 C. Identify whether impacts will be temporary or permanent.

2. Avoidance, Minimization, and Mitigation Analysis

008 The San Diego Water Board requires any applicant who seeks Clean Water Act section 401 water quality certification for their proposed project to: (1) avoid temporary or permanent impacts to water resources, and/or impacts to the functions and values of water resources, where possible; (2) where these impacts cannot be avoided, minimize impacts to the extent possible; and (3) where impacts cannot be avoided or minimized, mitigate impacts within the appropriate watershed.

There are many ways the proposed project can degrade water quality, and this complicates analysis. Fortunately, avoiding or minimizing any step in a pollution pathway will eliminate or reduce subsequent effects, and will simplify the associated needed analyses. Because the build-alternatives for the NCC project have significant permanent contribution(s) to impervious surface area, the build-alternatives pose a significant threat to water quality.

009 In order to alleviate water quality impacts and to protect beneficial uses, the proposed project should develop ways to facilitate the movement of people and goods with transportation alternative(s) having the smallest footprint(s) and smallest impervious area(s), including no-build alternative(s) and creating a more efficient mass transit system (including, but not limited to improving the passenger rail system and double tracking to improve the movement of goods).

010 A small number of key variables control most of the pathways causing water quality degradation. The San Diego Water Board strongly encourages avoidance as the primary strategy to address water quality concerns.

011 A. Include measures to avoid or minimize each potential cause of water quality degradation as described in Attachments 1 and 3 to these comments.

- Include design modifications or scale reductions within alternatives that minimize or reduce the width of the roadways over waterbodies, including lane and shoulder width reduction. In addition, this would include rejecting the project's 'barrier alternatives' which require an extra 22 feet of roadway width in each direction.

012
- Include design features such as the use of permeable pavement where feasible, including but not limited to road shoulders, ramp gore areas, and park-and-ride lots.

013
- Include design features that reflect the full range of Best Management Practices (BMPs), including post-construction controls (treatment) of storm

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006 cont. Detailed modeling at this phase of the project is not practical because the design is still preliminary. As noted in prior responses, the project is designed in accordance with Caltrans' design standards and NPDES Permit. The project would also comply with all future NPDES requirements as they are adopted.

007 Please refer to *Section 3.10* of this Final EIR/EIS and Section 6.0 of the WQR. Please also refer to responses to Comment 003 (regarding characterization of impacts as short-term or long-term) and Comment 005 (regarding avoidance and minimization of potential temporary and permanent impacts). Reference *Section 3.18* for temporary and permanent impacts information.

008 Please refer to *Section 3.10* of the EIR/EIS, as well as Sections 3.0 and 6.0 of the WQR for discussions of federal regulations, and avoidance and minimization measures, respectively. The August 2013 Water Quality Technical Memorandum provides additional information related to the recently adopted Caltrans NPDES Permit, and provides updated practices and policies, as well as a revised list of BMPs, per the NPDES Permit mandates. Please also refer to responses to Comment 002 for discussion of the Caltrans storm water permit and associated SWMP, Comment 004 for discussion of conformance with CWA Section 402, Comment 005 for discussion of the SWMP and BMPs, and Comment 006 for discussion of preliminary review of "treatment" BMPs.

009 One of the project design goals is to minimize potential environmental impacts, including effects to water resources. To this end, and following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in this Final EIR/EIS as the Preferred Alternative. Also, as discussed in response to Comment 006, a preliminary review of the project area has been completed and potential locations and types of "treatment" BMPs have been assessed for feasibility (based on

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009 cont. such factors as climate, water volume, soil conditions, physical limitations, other environmental considerations, etc.). Preliminary locations of some of the proposed "treatment" BMPs are shown on *Figures 2-2.3, Sheets 1* through *67,* of the Final EIR/EIS and in Appendix B of the WQR. If the proposed project proceeds to the design phase, the locations of these "treatment" BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints or hydraulic capacity. In addition, in areas where "treatment" BMPs cannot be incorporated due to above-mentioned reasons, vegetation would be maximized and every effort would be made to ensure the successful establishment of landscaping and erosion control throughout the project limits. The project also would consider any future "treatment" BMPs that might be approved by Caltrans from the ongoing research and monitoring program.

010 Please refer to response to Comment 009.

011 Please refer to *Section 3.10* of the Draft EIR/EIS and Section 6.0 of the project WQR. The project is designed in accordance with Caltrans Highway Design Manual standards to address existing congestion issues and future demands along the corridor to the design year of 2050 where practical. The project is proposing High Occupancy Vehicle (HOV)/Managed Lanes to provide safe and efficient regional movement of people and goods as well as potential future implementation of a bus rapid transit (BRT) system. Please also refer to response to Comment 009 regarding the project Preferred Alternative, which would implement the narrowest alternative at each of the lagoon crossings.

012 Permeable pavement is being evaluated by Caltrans for storm water runoff "treatment." Until the studies are completed and proven successful, Caltrans cannot recommend the use of permeable pavement within the freeway limits. Caltrans will continuously review best options for BMPs consistent with the Statewide NPDES Permit current at the time of permitting.

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013 cont. water to be implemented. It is anticipated that the NCC project will fall under Caltrans' proposed updated Municipal Separate Storm Sewer System (MS4) permit, which will address post-construction controls.

014 The San Diego Water Board recommends that environmental documents be updated to reflect the concepts in the proposed Caltrans MS4 permit. Caltrans is requested to explicitly state that post-construction controls will be sized to address not only the flows resulting from the additional impervious area, but also for the existing impervious area, and for future expansion(s) wherever technically feasible. If this is not possible, Caltrans should reserve sufficient right-of-way to accommodate the treatment controls needed for future expansion.

015 B. Include an analysis of why any remaining impacts cannot be avoided or further minimized.

016 C. Any mitigation proposed for the NCC project impacts, should emphasize in-watershed mitigation first. If out-of-watershed mitigation is proposed, Caltrans should emphasize in-kind, higher ratio, and high functioning mitigation. In addition, all proposed mitigation should include continuous monitoring and effectiveness assessment to ensure functionality of the mitigation is maintained in perpetuity.

3. Alternatives Analysis

017 Because transportation projects can individually and cumulatively cause major water quality impacts, the San Diego Water Board encourages a low-impact planning approach.

A. Include in the alternatives, an approach that would reduce or limit the area of impervious surface(s). For example, instead of widening the roadways, provide alternatives which improve mass transit and rail systems for the movement of passengers and goods. Instead of creating additional impervious surfaces to accommodate more vehicles, seek alternatives that reduce the amount of impervious surfaces, and retrofit existing roadways to treat storm water runoff to the Maximum Extent Practicable (MEP) thresholds.

018 B. Include in the alternatives, a low-impact approach for future authorized projects, based on principles and practices described in the documents listed in Attachment 2 to these comments, *Low Impact Development References.* Such an approach generally involves more compact development that:

- Minimizes generation of urban pollutants;
- Preserves the amenity and other values of natural waters;

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013 Please refer to response to Comment 006 regarding preliminary review of BMPs.

014 Please refer to *Section 3.10* of the EIR/EIS, as well as Sections 3.0 and 6.0 of the WQR, for discussions of federal regulations and avoidance and minimization measures, respectively, and the August 2013 Water Quality Technical Memorandum.

Environmental documents contain provisions as approved by the SWRCB. The Final EIR/EIS has been revised to reflect that Order No. 2012-0011-DWQ was adopted in September 2012 and supersedes Order No. 99-06-DWQ upon its effective date of July 1, 2013. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting. Please also see response to Comment 002 regarding the current storm water permit.

015 There are no remaining impacts to be avoided or mitigated.

016 Please refer to *Section 3.10* of the Draft EIR/EIS, Section 6.0 of the WQR, and Section III of the Water Quality Technical Memorandum. All mitigation for water quality would be within the watershed. Please also see response to Comment 006 regarding preliminary review of potential BMPs.

017 Please refer to response to Comment 011 regarding project design in accordance with Caltrans HDM standards to address existing congestion issues and future demands to the design year, as practical, to provide safe and efficient regional movement of both people and goods. As noted above, the project site has been evaluated for feasibility of incorporation of all Caltrans approved "treatment" BMPs and they have been implemented to the MEP in accordance with Caltrans NPDES Permit. Caltrans would comply with permit requirement Scope of Design Criteria Applicability for Redevelopment Projects. Please also see response to Comment 009 regarding the proposed Preferred Alternative, which would be the smallest of the potential build alternatives. Please also refer to Topical Response "Multimodal System" with regard to the need for multimodal transportation improvements.

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018 cont.
- Maintains natural waters, drainage paths, landscape features and other water-holding areas to promote stormwater retention, pollution removal, and groundwater recharge;
- Designs transportation projects, buffers and landscaping to minimize stormwater generation, runoff, and concentration; promote groundwater recharge; and reduce water demand; and
- Promotes water conservation and re-use.

019 C. Include in the alternatives, an analysis of the most appropriate BMPs for each runoff area in accordance with the type of pollutant to be treated, the amount of runoff expected, and the water quality needed to sustain the beneficial uses of the receiving water body.

020 D. Include in the no-build (no project) alternative an explanation of the basis for the assertion that there would be a water quality improvement with the build alternative(s) over the no-build alternative.

021 4. Identification of Affected Waters

A clear understanding of the location and nature of the waters potentially affected by this project is fundamental to fulfillment of the San Diego Water Board's regulatory responsibilities.

A. Provide a regional-scale map and general description of all waters potentially affected by projects authorized by the NCC project, tabulated and organized by watershed (drainage basin) and waterbody type, e.g., wetlands, riparian areas (as defined by the National Academy of Sciences)[2], streams, other surface waters, and groundwater basins (a greater level of discrimination is usually appropriate, e.g. of wetland type).

022 B. For waterbodies expected to be directly affected by projects authorized by the NCC, identify the acreage and, for drainage or shoreline features, the number of linear feet potentially impacted, and sum the total affected acres and linear feet by waterbody type.

[2] "Riparian areas are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological process, and biota. They are areas through which surface and subsurface hydrology connect water bodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines" (National Research Council. *Riparian Areas, Functions and Strategies for Management.* National Academy of Sciences, Washington, D.C., 2002). Riparian areas are created and maintained by periodic inundation by overbank flood flows from the adjacent surface water bodies.

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018 Please refer to *Section 3.10* of the EIR/EIS.

The project incorporates the following LID features: biofiltration swales; minimization of urban pollutants through incorporation of biofiltration swales; utilization of native landscaping; and use of compost, which promotes water conservation and minimizes the use of fertilizers.

019 Please refer to *Section 3.10* of the EIR/EIS, as well as response to Comment 006 regarding preliminary review of the project area and BMPs.

020 Text has been added to *Section 3.10.3* under No Build Alternative to explain that there would be a water quality improvement with the build alternative(s) over the No Build alternative because of the opportunity to implement "treatment" BMPs throughout the *I-5 NCC Project* limits. These BMPs would "treat" water to remove targeted design constituents from existing impervious areas (including pollutants generated by future traffic volumes). This treatment would not occur under No Build conditions.

021 Please refer to *Section 3.10* of the EIR/EIS, Section 2.0 of the WQR, and Section II of the Technical Memorandum. A regional-scale map (*Figure 3-10.1*) depicting all waters within the project hydrologic basins is provided in *Section 3.10;* the same map is also included as Figure 2 of the WQR. In addition, detailed discussions of hydrologic units and principal waters within the project corridor and vicinity are provided in *Sections 3.9, Hydrology/Drainage (and Floodplains)*, and *3.10* of the EIR/EIS, as well as Sections 2.0, Affected Environment, and 4.0, Watershed Characteristics, of the WQR. In addition, water and drainage features within the project corridor and vicinity are depicted on numerous Final EIR/EIS graphics encompassing aerial photograph base maps, including *Figures 2-2.3, Sheets 1* through *67,* and *3-9.1* through *3-9.12*.

If the project is approved, all regulatory requirements regarding potential impacts to groundwater occurrence and quality would be met, including NPDES and Basin Plan standards. In addition,

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021 cont. information on Basin Plan beneficial uses and water quality objectives for applicable groundwater basins (and surface waters) within the project corridor is provided in EIR/EIS *Section 3.10.* Specifically, *Table 3.10.4, Beneficial Uses for Ground Waters,* identifies the Encinas groundwater basin in Hydrologic Area (HA) 904.40. This table has been updated in the Final EIR/EIS to also include the Lower San Luis Groundwater Basin in HA 903.10. While the I-5 corridor extends through a number of additional groundwater basins associated with the Carlsbad, San Dieguito and Peñasquitos Hydrologic Units (HUs), the Basin Plan notes that the associated beneficial uses "…do not apply westerly of the easterly boundary of the right-of-way of I-5 and this area is exempted from the sources of drinking water policy." Accordingly, these groundwater basins are not specifically included in the project analysis. Summary descriptions of the San Luis (which includes the Lower San Luis HA) and Encinas groundwater basins are provided below, with more detailed information regarding mapping and descriptions of pertinent groundwater basins to be provided in the Stormwater Data Report developed during final design. It is also important to note, however, that the occurrence of local groundwater basins would not represent a major factor in the ultimate selection of a project alternative.

- San Luis Groundwater Basin – The San Luis Groundwater Basin includes an areal extent of approximately 29,700 acres (46 square miles), with roughly half of this area located within the Lower San Luis HA. The primary water-bearing deposits in this basin are relatively shallow alluvium, with lesser amounts of groundwater also present in the underlying sedimentary units of the Eocene-age La Jolla Group. The principal recharge areas for the San Luis Basin include the watersheds of the San Luis Rey River and associated tributaries, with an estimated total storage capacity of 240,000 acre-feet. Observed water quality is generally moderate to poor, as characterized by an average total dissolved solids (TDS) level of 1,258 milligrams per liter (mg/l). (Data derived from the California Department of Water Resources Bulletin 118, California's Groundwater, updated through February 27, 2004).

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	021 cont. • Encinas Groundwater Basin – While detailed information on the Encinas Groundwater Basin is not known to be available, the associated HA includes approximately 3,400 acres and is associated with the Canyon de las Encinas watershed. The principal water-bearing units would include Quaternary-age alluvial and beach deposits, with an estimated groundwater depth of approximately 10 feet below the surface in coastal areas., (Data derived from: [1] Encina Wastewater Authority Advanced Treatment And Water Reuse Analysis Final. May 2012; and [2] http://www.projectcleanwater.org/pdf/car/Encinas4-4_L.pdf).
	022 Identification of impacts to wetlands for each of the alternatives has been completed and presented in *Section 3.18, Wetlands and Other Waters*, of the EIR/EIS. Detailed impacts by water body will be calculated for the design alternative in permit applications.

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023 C. Identify at planning area-scale any "isolated" wetlands or other waters excluded from federal jurisdiction by court decisions.[3]

5. Low Impact Development BMPs

Caltrans needs to implement low impact development post-construction BMPs at the NCC project that (1) reduce discharges of storm water pollutants to the MEP; (2) prevent discharges from the project from causing or contributing to a violation of water quality standards; (3) prevents illicit discharges; and (4) manages increases in runoff discharge rates and durations that are likely to cause increased erosion of streambeds and banks, silt pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force. The NCC Project needs to meet the following post-construction BMP sizing criteria requirements standard within the San Diego Region:

024 Utilization of Low Impact Development (LID)[4] stormwater design as an integral part of transportation development and re-development could help to minimize transportation system impacts to water resources and improve sustainability, social equity, and healthy environment. Utilizing LID stormwater design is important because roadways and other impermeable surfaces to be built as part of the transportation system can cause an increase in runoff velocity, generate an increase in channel and stream bank erosion, cause an increase in sediment pollution and negatively impact beneficial uses, especially aquatic-habitat dependent beneficial uses. Also, transportation systems can be significant sources of gaseous, liquid, and solid pollutants that can be discharged into waterbodies by stormwater runoff.[5]

Applied on a broad scale to the transportation system, LID can help to maintain or restore the water quality and beneficial uses of waterbodies. LID employs principles such as preserving and recreating natural landscape features, minimizing effective

[3] e.g., U.S. Supreme Court, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 2001.

[4] *Technical Advisory, CEQA and Low Impact Development Stormwater Design: Preserving Stormwater Quality and Stream Integrity through California Environmental Quality Act (CEQA) Review*. August 5, 2010. State of California, Governor's Office of Planning and Research. 11 pp. Available online at: www.opr.ca.gov

[5] Waterbodies have been placed on the Clean Water Act, section 303(d) impaired waterbody list due to polluted stormwater runoff. For example, to remedy the water quality impairment at Chollas Creek tributary to San Diego Bay, a TMDL (Total Maximum Daily Load) for metals (including copper, lead, and zinc) in storm water runoff is currently in effect. One of the primary sources for copper in runoff from urban pavement includes brake lining wear, while zinc sources include tire and engine wear. Lead sources include tailpipe emissions and brake pads.

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023 No isolated wetlands were identified. The USACE has verified the jurisdictional determination.

024 Please refer to *Section 3.10* of the Draft EIR/EIS, Section 6.0 of the WQR, and Section III.1.4 of the Water Quality Technical Memorandum. Please also refer to the responses to Comments 002, 006, and 018 for discussion of the Caltrans permit and required SWMP, as well as BMP review.

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024 cont. imperviousness to create functional and appealing site drainage that treats stormwater as a resource rather than a waste product.

025 There are many practices that have been used to adhere to LID principles. Some of these practices include: (1) making sensitive choices in site layout leaving sensitive natural areas undeveloped; (2) utilizing pervious surfaces (e.g., permeable pavements on shoulders of roadways); (3) dispersing runoff to adjacent pervious areas; and (4) directing runoff to bioretention facilities, vegetated swales, green gutters, stormwater curb extensions, dry wells, and cisterns. By implementing LID stormwater design, water can be managed in a way that reduces the impact of built areas in transportation systems and promotes the natural movement of water within an ecosystem or watershed.

025 Please refer to the response to Comment 024.

026 The NCC Project should:

A. Implement Low Impact Development (LID) stormwater design as an integral part of the project. Utilize LID Best Management Practices (BMPs) at right-of-ways, park-and-ride lots and enhancements, overpass enhancements and relocations, streetscape enhancements, and support building areas. For example, incorporate planting strips for bioswales to treat stormwater from pavement, and incorporate porous pavement on road shoulders and in parking areas to allow water to drain through pavement reducing runoff.

026 Please refer to the response to Comment 024.

027 B. Identify the water quality benefit that would result from a reduction in impervious surface area including LID stormwater design.

027 Please refer to the response to Comment 024.

028 Additionally, the NCC Project should be designed to meet the following post-construction BMP sizing criteria requirements, standard within the San Diego Region, including:

C. Use of onsite retention Low Impact Development (LID) BMPs sized and designed to ensure onsite retention without runoff, of the volume of runoff produced from a 24-hour 85th percentile storm event.

028 Please refer to the response to Comment 024.

029 D. If onsite retention LID BMPs are technically infeasible, other LID BMPs may treat any volume that is not retained onsite provided that the total volume of the other LID BMPs, including pore spaces and pre-filter detention volume, are sized to hold at least 0.75 times the portion of the design capture volume that is not retained onsite. The LID BMPs must be designed for an appropriate surface loading rate to prevent erosion, scour and channeling within the BMP.

029 Please refer to the response to Comment 024.

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030 6. Hydromodification Analysis

Because increased runoff from impervious areas is the key variable driving a number of adverse effects, attention to maintaining the pre-development hydrograph will prevent or minimize many problems and will limit the need for other analyses and mitigation in the EIR.

San Diego Water Board Order R9-2007-0001[6], provision D.1.g requires the San Diego Stormwater Copermittees to implement a Hydromodification Management Plan (HMP) "…to manage increases in runoff discharge rates and durations from all Priority Development Projects, where such increased rates and durations are likely to cause increased erosion of channel beds and banks, sediment pollutant generation, or other impacts to beneficial uses and stream habitat due to increased erosive force." Priority development projects, like the NCC Project, are required to implement hydromodification mitigation measures so that post-project runoff flow rates and durations to not exceed pre-project flow rates and durations where such increases would result in an increased potential for erosion or significant impacts to beneficial uses.

The Draft EIR/EIS needs to include the following:

031 A. The NCC Project will meet the requirements of the Final Hydromodification Management Plan for San Diego County (Dated December 29, 2009) adopted by the San Diego Water Board on July 14, 2010.

032 B. Provide analysis of potential cumulative impacts to watershed hydrology from impervious surfaces, and existing and planned development in the watershed or planning area.

033 C. Include in the EIR's alternatives and mitigations analyses measures to maintain the pre-project hydrograph.

034 D. Provide bioengineered stream bank stabilization practices (e.g., live staking or fascines, live brush mattresses, vegetated riprap, vegetated articulated concrete blocks) first, prior to more conventional techniques (grouted riprap, channel armoring) to stabilize stream banks.

[6] California Regional Water Quality Control Board, San Diego Region, *Order No. R9-2007-0001, NPDES No. CAS018758, Waste Discharge Requirements for Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds of the County of San Diego, the Incorporated Cities of San Diego County, the San Diego Unified Port District, and the San Diego County Regional Airport Authority*. Available online at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/sd_stormwater.shtmll

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030 Please refer to *Section 3.10* of the Draft EIR/EIS, Section 6.0 of the WQR, and Section III.1.5 of the Water Quality Technical Memorandum. Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification.

The SWMP describes how Caltrans would comply with the provisions of the NPDES Permit (Order No. 2012-0011-DWQ). The SWMP describes the program that Caltrans would implement to reduce the discharge of pollutants to the storm water drainage system that serve the highway and highway related properties, facilities and activities. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting.

The hydromodification analysis is imperative to ensure that downstream flows would not cause erosion or impacts to the ultimately receiving water body. EIR/EIS *Section 2.9.4* describes measures to avoid or minimize short- and long-term water quality project-related impacts.

031 Please refer to the response to Comment 030.

032 Please refer to the response to Comment 030.

033 Please refer to the response to Comment 030.

034 Please refer to the response to Comment 030.

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035 E. Provide scheduling and maintenance of erosion and sediment control construction and post-construction BMPs to ensure that BMPs achieve performance measures, and are fully functioning and complete, as soon as possible after the placement of the permanent impervious surfaces. Post-construction erosion and sediment control BMPs that are completed in a timely manner can help to prevent or reduce downstream hydromodification and discharges that could affect water quality.[7]

036 F. Provide receiving water monitoring to assess effectiveness of the hydromodification mitigation measures, erosion and sediment control construction and post-construction BMPs, and to evaluate potential impacts from the NCC project. The receiving waters monitoring shall be designed to assess conditions before, during, and after impacts have occurred by measuring changes in the benthic macroinvertebrate community (e.g., California Stream Assessment Procedure[8]), water quality, and a functional assessment [e.g., California Rapid Assessment (CRAM)[9]] of the health of wetland and riparian habitats in water resources affected by the NCC project.

037 7. Habitat Connectivity Analysis

Riparian corridors and other waters within the regulatory purview of the Water Boards play an important role in maintaining habitat connectivity. Both aquatic and terrestrial habitat may be fragmented by impacts to streams, riparian areas, or other waters.

A. Analyze the regional importance of movement corridors in and along waterbodies, the potential effect of disrupting such corridors, and the potential for enhancing such corridors through mitigation measures.

038 B. Include information regarding any sensitive plant and animal species that likely utilize the corridors.

[7] California Regional Water Quality Control Board, San Diego Region, Christina Arias and David Gibson. *State Route 125 Toll Road, A Report Describing Lessons Learned for Future Regulatory Action*, March 2008. 13pp. Available online at: http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/caltrans/lessonlearned031208.pdf

[8] Copies of the California Stream Bioassessment Procedure can be obtained at http://www.dfg.ca.gov/cabw/cabwhome.htmll. Additional information on stream bioassessment may be obtained at http://www.waterboards.ca.gov/sandiego/programs/bioassessment.html

[9] Information on CRAM is available at the California Rapid Assessment Method homepage at http://www.cramwetlands.org/

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035 The maintenance of erosion and sediment control BMPs would be included as part of the construction contract document for the contractor to implement in the field. Language has been added to the BMP discussion in *Section 3.10* relative to the new NPDES Construction General Permit. For post-construction BMP maintenance, Caltrans has specific guidelines outlined in Caltrans Storm Water Quality Handbook-Maintenance Staff Guide (CTSW-RT-02-057, Revised September 2012).

036 Please refer to response to Comment 030. Also, Caltrans would coordinate with the Water Board on the bioassessment monitoring requirements during the permitting process.

037 Consistent with Attachment 3 to this letter, I-5 improvements would support movement of wildlife to a greater extent than the existing conditions. No new elements proposed as part of project modifications to an existing facility would cut off any existing paths of wildlife movement. Animals would continue to have access to both upland and wetland habitats either to the extent that currently occurs, or in some instances (where project-related enhancement or restoration would occur) to improved quality of habitat. Identified impacts are incremental and generally linear in nature due to the pre-existing condition of I-5 being a major transportation corridor. In no instance would a unique “patch” of habitat relied upon by sensitive species moving between wetland complexes within a watershed be removed. Please note that subsequent to circulation of the Draft EIR/EIS, the lagoon optimization studies were completed. As part of subsequent bridge evaluation, areas of wildlife movement in the vicinity of the I-5 bridges were reviewed for each of the six lagoons in the I-5 vicinity, and improvements to the corridors under the bridges were incorporated into the proposed project. Analysis of these bridges and information regarding the improved crossings under the bridges, were circulated in the August 2012 Supplemental Draft EIR/EIS and have been incorporated into this Final EIR/EIS.

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	038 All identified species have the potential to use the corridors. Please refer to *Sections 3.20, Animal Species*, and *3.21, Threatened and Endangered Species*, of the EIR/EIS. *Table 3.20.1, Sensitive Animal Species Observed within the Study Area,* lists these species; consisting of reptiles, small mammals, and birds.

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039 C. Identify any impacts to riparian or other waters that could compromise future remediation of existing connectivity barriers.

040 D. To inform these analyses, consider the information and literature referenced in Attachment 3, *Terrestrial Habitat Connectivity Related To Wetland, Riparian, and Other Aquatic Resources*, including recent data on the role of riparian corridors as movement corridors in California.

8. Pollution Prevention

041 Pollution prevention measures are important for maintaining water quality and beneficial uses of waterbodies and need to be identified to ensure water quality will not be impacted.

A. Identify pollution prevention measures to be implemented. This includes but is not limited to the following:

- Utilize Best Management Practices (BMPs) which meet Maximum Extent Practicable (MEP), or where appropriate, meet Best Available Technology Economically Achievable (BAT)/ Best Conventional Pollutant Control Technology (BCT), and water quality standards. It is appropriate to address pollutants known to be in a waste stream, even if there is not yet any documented evidence of adverse effect (from Caltrans Stormwater Permit, part F.1).

042
- Utilize BMP measures to control the expected increase in stormwater pollution related to the increased use of facilities after redevelopment. This includes increased road and park-and-ride lot sweeping frequency, the need for additional trash containers, and frequency of maintenance activities such as cleanout of storm drains.

043
- Identify whether or not the treatment flow rates or volumes meet the numeric sizing criteria for Priority Development Projects (as specified in the San Diego County Municipal Stormwater Permit).

044
- Utilize integrated pest management techniques to reduce the use of toxic chemicals (including fertilizer and pesticides), and minimize runoff in landscaping practices. This includes selecting drought-tolerant and/or regionally-appropriate native species for landscaping.

045
- Provide trash receptacles along transportation corridors at places where people gather or stop to enter any park-and-ride lot, regular pickup of trash placed in collection containers, regular maintenance of trash receptacles, periodic pickup of trash deposited on the ground or not in the trash receptacle, and periodic pickup of trash which accumulates by other means along the transportation corridor.

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039 All impacts to Waters of the U.S. and corridors have been identified. No additional impacts that could compromise future remediation of existing connectivity barriers are currently known.

040 Analysis of corridors has been completed. Please also refer to response to Comment 037 of this letter, which specifically addresses information relative to Attachment 3 to this letter.

041 Please refer to *Section 3.10* of the EIR/EIS, Sections 3.0 and 6.0 of the WQR, and the August 2013 Technical Memorandum for discussions of federal regulations and avoidance and minimization measures. Post-construction BMPs would be implemented as part of the project to the MEP as required; the BAT/BCT requirements would be met by implementation of appropriate construction BMPS.

042 Mitigation for the facilities would be implemented based upon projected future traffic and modified as needed in accordance with future necessity.

043 The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting for the sizing of “treatment” BMPs or any future requirements of the updated Caltrans NPDES Permit. The “treatment” BMP sizing criteria are consistent with California Stormwater Quality Association (CASQA) and San Diego MS4 Permit requirements.

044 Where appropriate, Caltrans already incorporates integrated pest management techniques and drought-tolerant and/or native species for landscaping. Project landscaping in the corridor would be native and drought tolerant to minimize irrigation use. EIR/EIS *Section 3.22* and the Design Guidelines: I-5 NCC Project (Appendix L) identify invasive species issues and proposed conservation measures, including use of native species.

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046 • Consider site-specific and seasonal conditions when designing storm water control practices.

047 • Minimize land disturbance, minimize impervious surfaces, treat storm water runoff using infiltration and detention/retention, and use biofilter BMPs.

048 • Make use of erosion and sediment control measures such as fiber rolls and erosion control blankets that utilize biodegradable materials such as jute instead of plastic mesh, to avoid potential plastics pollution hazards to wildlife and aquatic life beneficial uses.

Picking up trash, including automobile parts, deposited in a riparian area, near a river close to a transportation corridor. Photo by J. Smith on 10-15-2010

9. Atmospheric Deposition

049 The San Diego Water Board recognizes that construction of new roadways or freeway expansions introduces pollutants to the watershed via aerial deposition from either vehicle exhausts or re-suspension of materials deposited on road bed surfaces (e.g., tire and brake pad wear), and that quantification of this phenomenon is useful for designing strategies to reduce such pollutants. This is especially important because current aerial particulate standards enforced by the California Air Resources Board are set for the protection of human respiratory health – and have little consideration for the protection of aquatic ecosystems.

In one study, researchers characterized the dry deposition patterns of chromium, copper, lead, nickel, and zinc upwind and at increasing distances downwind of the I-405 Freeway in coastal Los Angeles (Sabin et al., 2006). Dry deposition fluxes and atmospheric concentrations of these metals were highest at the site closest to the freeway, and reduced to approximately urban background concentrations between 10 and 150 meters (0.006 to 0.9 miles) downwind of the freeway. These data indicate that over time aerial deposition of metals in the vicinity of major roadways can be a significant anthropogenic source of such pollutants to the affected watershed.[10]

[10] Sabin, Lisa D., Jeong Hee Lim, Maria Teresa Venezia, Arthur M. Winer, Kenneth C. Schiff, and Keith D. Stolzenbach, 2006. *Dry deposition and resuspension of particle-associated metals near a freeway in Los Angeles*. Atmospheric Environment 40:7528-7538. Available on-line at:

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045 While specific BMPs would be identified during the planning and design, construction, and operational and maintenance phases of the project, Caltrans will consider the placement and maintenance of trash receptacles at park and ride facilities. It also should be noted that the Caltrans 2010 *Park and Ride Program Resource Guide* specifically identifies trash receptacles as "eligible enhancements" under the Urbanized Area Formula Program for transit-related enhancement expenditures.

046 Please refer to responses to Comments 003 regarding BMPs, and 005 regarding SWMP purpose. Caltrans practices for designing storm water control usually consider the (temporary and permanent) specific sites as well as seasonal conditions. Pollution Prevention and Source Control requirements are intended to be implemented on a year-round basis. *Section 3.10.4* of the EIR/EIS describes avoidance, minimization and/or mitigation measures.

047 Please refer to responses to Comments 003 regarding BMPs, and 005 regarding SWMP purpose. Caltrans usually practices standard design for the best preliminary design to minimize disturbance, impervious surface, and to coordinate with proposed highway features. Storm water runoff is treated using approved "treatment" BMPs, including bioswales, and detention and/or retention basins to fit within State right-of-way along I-5. *Section 3.10.4* of the EIR/EIS describes minimization and/or mitigation measures.

048 Please refer to response to Comment 041. Caltrans' erosion and sediment control measures incorporate biodegradable material where appropriate.

049 The deposition of compounds related to combustion of motor fuels is based upon the fuel formulation, as well as the efficiency of the vehicle burning the motor fuels. The formulation of motor fuels is regulated exclusively by the California Air Resource Board, which has exclusive regulatory control over fuel formulations, including seasonal blends, and is a co-regulator of fuel efficiency standards. As such, because Caltrans cannot limit the individual

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049 cont. vehicles that use its facilities, controls of compounds that may ultimately be deposited onto waters of the State is a function of fleet composition and fuel formulation, neither of which Caltrans has the legal authority to address. The long-term and continuing trend is that because of more stringent fuel formulation regulations and increased fleet efficiency regulations, as well as continual monitoring and enforcement through the "Smog Check" program, it is anticipated that deposition of compounds related to fuel combustion will decrease in the region, even assuming an overall increase of vehicle miles traveled.

Caltrans is not legally authorized to regulate the components of automotive brake systems. It should be noted that in 2010, California Senate Bill (SB) 346 was passed into law. That law provides for changes to the California Health and Safety Code to address automotive brake systems. That law, like the regulatory schemes for motor fuel formulation and fleet efficiency standards, will greatly assist in reducing the emission of materials that might be associated with vehicles using the State highway system at the source—the vehicles themselves.

Beyond continued regulatory enforcement described above, Caltrans' maintenance operations have included, and will continue to include, sweeping, storm drain inlet maintenance and the full suite of activities provided for in Caltrans' Statewide NPDES Permit. Caltrans finds that BMPs associated with its storm water program are equally beneficial to, and directly address, those same compounds that might make their way into waters of the State via direct conveyance as opposed to aerial deposition.

As noted, the cited study indicated an extremely rapid decrease in the observation of particles greater than six microns in size that were associated with chromium, copper, lead, nickel, and zinc. Initially, it appears that waters of the State that are within approximately 33 feet of the traveled way are not listed as impaired for chromium, copper, lead, nickel, or zinc; therefore, the fractional deposition that may occur beyond the edge of the right-of-way appears to be less than significant for the project location. Further, it is important to note that in many locations, due to shoulders,

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	049 cont. slopes, swales and other features, the edge of the travelled way is greater than 33 feet from the edge of the right-of-way. This necessarily implies that, based upon the Sabine, et al. study, the deposition of the vast majority of any entrained or re-entrained metals is occurring within the right-of-way and is not proceeding to adjacent waters. It was also noted that at greater distances, such as 1476 feet downwind from the freeway, the measurements of three of the five metals were actually lower than those recorded upwind of the freeway (assumed urban background). As such, and given that the receiving water in the study is listed as impaired under Section 303(d), it appears that in most instances large particles would be deposited within the State highway right-of-way and that once longer distances are measured, the observance of many of these particles dissipates to below urban background levels. Ultimately, the mechanism of conveyance (via storm water wash down or aerial deposition) does not change the fact these compounds are already being addressed by Caltrans' maturing storm water program, as well as through continued regulation by agencies with the legal authority to regulate the source of the compounds.

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050 Aerially born pollutants pose a threat to waterways because these pollutants deposit directly into surface waters; and/or deposit within the watershed to potentially dissolve during storm events to contaminate surface waters via runoff. Therefore, it is critical to develop and implement adaptive management strategies which will reduce both the quantity of aerially born pollutants likely to be deposited into waterways, and also remove pollutants from stormwater runoff that would otherwise be likely washed by precipitation into nearby surface waters.

A. Identify and quantify aerial pollutants projected to be delivered by aerial deposition from the project to affected surface waters.

B. Evaluate treatment BMPs to be implemented that will reduce the discharge of aerial pollutants to affected surface waters.

10. Invasive Exotic Pest Plants

051 Beneficial uses of the waterbodies in the San Diego Region are negatively affected by the spread of invasive exotic pest plants, and by the degradation and loss of native plant communities. Caltrans activities can inadvertently facilitate the spread of invasive exotics pest plants (such as *Arundo donax*, or giant reed) from infected sites to new areas. For example, construction activities involving heavy equipment in soil containing invasive exotic pest plants may crush and break-up giant reed rhizome (root) fragments and stem nodes.[11] Once the rhizomes and stems are crushed, these fragments can then easily spread. To control the spread of exotic invasive pest plants, appropriate best management practices must be implemented to control and manage invasive exotic pest plants wherever heavy equipment disturbs infected soil.

052 In addition, Caltrans operations and activities (e.g., installing non-pervious pavement which results in stormwater runoff, irrigating landscaping) results in wet soil conditions favoring the recruitment, propagation and/or growth of invasive exotic pest plants (including, but not limited to pampas grass and tamarisk). Therefore, measures to control and manage invasive exotic plant pests need to be taken on all irrigated areas, and in all areas where storm water runoff concentrates to create wet soil conditions. (Note: For a full list of the invasive exotic plants of greatest ecological

http://www.sccwrp.org/Documents/AnnualReports/BrowseAllAnnualReports/2005-06AnnualReport.aspx

[11] Boland, J. M. 2008. *The Roles of Floods and Bulldozers in the Break-up and Dispersal of Arundo donax (Giant Reed)*. Madrono, Vol. 55. No. 3. pages 216-222. Available online at: http://www.bioone.org/doi/abs/10.3120/0024-9637-55.3.216

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050 Please refer to *Section 3.10* of the EIR/EIS and Section 6.0 of the WQR. Please also refer to responses to Comments 005 regarding BMPs, and 049 regarding aerially born pollutants.

051 Methods to avoid spread of invasive species from infected sites to new areas are identified in *Section 3.22, Invasive Species*, of the EIR/EIS. These include measures focusing on soil transport and equipment maintenance. Special care would be taken when transporting, using, and disposing of soils with invasive weed seeds. In addition, all heavy equipment would be washed and cleaned of debris prior to entering a lagoon area, to minimize spread of invasive weeds.

052 Species on the California Invasive Plant Council (Cal-IPC) list would not be planted. Project landscaping in the corridor would be native and drought tolerant to minimize irrigation use. *Section 3.22* identifies invasive species issues and proposed conservation measures, including use local native species, with the only exception being the potential replacement of oleanders in the median in focused locations.

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052 cont. concern in California, see the California Invasive Plant Council (Cal-IPC) website located at http://www.cal-ipc.org/).

053 A. Identify measures to use regionally native plants which will provide broad-scale watershed benefits protecting waterbodies and their beneficial uses.

054 B. Identify additional measures to control and manage germination and dispersal of seeds from invasive exotic pest plants. This includes implementing water-efficient practices and selecting and siting regionally native plants for landscaping that conserves water and controls soil erosion, and that do not promote the establishment and propagation of invasive exotic pest plants.

055 C. Identify additional measures to be implemented to prevent dispersal of invasive exotic plant propagules. This includes, but is not limited to BMPs to avoid the break-up and dispersal of giant reed propagules, and measures to control exotic invasive plants along right-of-ways, park-and-ride lots, streetscapes, and other disturbed and/or infected areas; and measures to re-vegetate these areas with regionally native plants appropriate for the site.

056 D. Identify measures to monitor irrigation system(s) to ensure that invasive exotic plants do not become established in areas that are/or have been irrigated, and measures to remove any invasive exotic plants that become established.

DOCUMENT SPECIFIC COMMENTS BY PAGE NUMBER

Page S-4, 'S.6 Coordination with the Public and Other Agencies':

057 1. The summary states, "Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process." The San Diego Water Board concurs with this statement. The San Diego Water Board is concerned that coordination has been very limited, as documented in Table 5.1, entitled 'NEPA/ 404 Consultation and Coordination.' The San Diego Water Board is concerned that inadequate coordination with the regulatory agencies has lead to the preparation of a Draft EIR/EIS that does not adequately address water quality impacts.

058 2. This project should be coordinated with the Los Angeles to San Diego (LOSSAN) rail corridor double tracking projects. The NCC project presents opportunities to enhance stream and lagoon crossings by lengthening bridges, redesigning bridge abutments and armoring, and modifying interchanges. However, because the coordination has been done in reverse order, the information that is necessary to

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053 EIR/EIS *Section 3.7, Visual/Aesthetics*, provides descriptions of the proposed use of native drought-tolerant varieties in project landscaping (e.g., under Corridor Landscaping), which would provide watershed and beneficial uses as noted. Please also refer to responses to Comments 051 and 052 for information regarding control of invasive species.

054 Please refer to responses to Comments 003 and 005 for discussion of proposed BMPs. These can include the use of native and drought-tolerant landscaping for erosion and sedimentation control. Please also refer to responses to Comments 051 and 052 for information regarding control of invasive species.

055 Please refer to responses to Comments 051 and 052. Consistent with the request to revegetate areas with regionally native plants appropriate for the site, as noted in *Section 3.17.3* of the Draft EIR/EIS, cut slopes would be revegetated with native upland plant species and fill slopes and areas adjacent to wetlands and drainages would be revegetated with appropriate native upland and wetland species. A minimum of three years of irrigation and maintenance would occur in order to confirm native plant establishment and control invasive weeds. Bioswales and detention basins also would be planted with native species as determined by the project biologist in coordination with qualified storm water personnel. Care to control invasive species would be implemented wherever project actions would result in ground disturbance and revegetation, including along right-of-way, at park and ride lots, and along streetscapes.

056 Revegetated areas would have temporary irrigation and be planted with native container plants and seeds selected by the project biologist. As noted in response to Comment 055, there would be at least three years of plant establishment and maintenance on these slopes to control invasive weeds and ensure that the plants become established. As is routine practice, the construction contract would specify the number of times per

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056 cont. year the implementing contractor would visit the site to ensure that species are surviving and that the irrigation system is operating correctly. These specifications require checking, and proof of that checking is provided as part of the monitoring record.

057 Coordination with the regulatory agencies has been ongoing since 2003. Coordination with the regulatory agencies has occurred frequently and regularly in 2011 through 2013 (see *Chapter 5* of this Final EIR/EIS) and will continue during permitting processes and construction, as needed. Caltrans has included State regulatory issues in the Section 404 coordination meetings. The EIR/EIS adequately addresses water quality impacts, as indicated throughout the responses to this letter. Specifically with regard to these effects, new information has been gathered relative to amount of proposed hardscape and BMPs during ongoing design refinement, and as described in this final document. If a build alternative is approved, additional coordination will occur directly with the Water Board during project permitting and final design. Please also refer to responses to Comments 002 through 006 for additional information on Caltrans storm water and water quality standards and associated project-specific BMPs.

058 In accordance with CA SB 468, both rail and highway bridges crossing each lagoon shall be planned and constructed concurrently, unless construction in phases will result in an environmentally superior alternative to concurrent construction. Consistent with CA SB 468, LOSSAN and I-5 improvements would be coordinated to result in the least environmental harm possible during construction activities. This commitment has been incorporated into the Final EIR/EIS in *Section 1.3.4, Legislation and Executive Orders*. Please also refer to Topical Responses “Multimodal System” and “Rail Preference” for additional discussion regarding transportation agency coordination and ongoing rail improvements.

The lagoon studies were not completed at the time of Draft EIR/EIS release; studies were noted as “under way” in that document. The Draft EIR/EIS provided information available at the time of document release and disclosed information that was unavailable at that time. Since then, lagoon optimization studies have been completed, which include detailed information

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058 cont. determine appropriate bridge lengths and widths is lacking. The Draft EIS/EIR cannot adequately analyze the project impacts in the absence of this information.

059 a. The preliminary draft Public Works Plan (PWP), which was released July 16, 2010, and was provided to us in hardcopy on August 10, 2010, should have been finalized and released prior to the Draft EIR/EIS, such that all impacts in the area could be taken in to account and bridges for the project could be designed such that they will not be a constraint, in future restoration efforts, to the restoration of tidal and fluvial flows, and protection of beneficial uses, while taking into account sea level rise. The PWP should provide information that is necessary to determine appropriate bridge lengths (the information that is necessary to determine appropriate bridge lengths is not available at this time). Since this information is not available and/or has not been agreed upon, the impacts of the proposed project cannot be analyzed, and as a result, information on bridge lengths presented in the Draft EIR/EIS is incomplete and is not consummate with the proposed project impacts. (See specific comment on page 3.9-6).

060 b. The Corridor System Management Plan (CSMP)(draft released August 30, 2010) should have been finalized and released prior to the Draft EIR/EIS to provide a framework for understanding how transportation improvements along the Corridor will function together, and to better understand what improvements are needed along the I-5 NCC project corridor. The CSMP was released nearly two months after the Draft EIR/EIS was released. Since the final CSMP should provide the rationale for the proposed bridge widths along the NCC project corridor, it is not clear how the Draft EIR/EIS could adequately analyze project impacts.

061 c. The technical reviews with identifying potential mitigation opportunities for offsetting NCC project impacts are incomplete because the San Diego Regional Lagoon Overview Phase 1 Planning Study (Phase 1 Study) is not complete, and the Phase 2 Study has not yet begun.

062 **Page S-10, Water Quality:** Stormwater treatment BMPs for the NCC project should be sized to treat polluted runoff generated by the entire road at build out. If analysis indicates that bioswales and biostrips will not be able to treat the entire project, Caltrans must incorporate other approved treatment BMPs to assure that the entire road at build out of the project is treated.

063 **Page S-15, paragraph 2:** Correction needed. The sentence, "Mitigation for impacts at the San Luis Rey River would be completed by debiting credits from the Pilgrim Creek Mitigation Bank" should be deleted because there are no remaining credits available for use as mitigation at the Pilgrim Creek Mitigation Bank, the last remaining credit was

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058 cont. and exhibits with respect to bridge length and width. Completion of these lagoon studies and analysis of the results provided a major focus of continued review following circulation of the Draft EIR/EIS. Caltrans examined the option of building bridges with longer spans to enhance flow under the bridges, thereby increasing tidal exchange, decreasing tidal muting, and improving water quality. These studies, which included review of a conservative assumed rise in sea level by 2100 (55 inches, or 4.5 feet), resulted in refined bridge specifications over area lagoons, and updated information related to design. As a result, refinement of potential project impacts was circulated for public review and comment in August 2012 in the Supplemental Draft EIR/EIS, pertinent to those issues. Lengthening of bridges was found to result in benefit, and longer bridges were incorporated into project design, at three of the lagoon crossings. The enhanced bridge designs (verified to allow or support restoration efforts) are now incorporated into project design, and environmental review is completed. These designs have been incorporated into the Final EIR/EIS.

059 Please refer to response to Comment 058 regarding additional data available for lagoon analyses and timing of the data. Those specifics have been incorporated into the final Public Works Plan (PWP). As stated, the PWP provides important information; the document is critical to California Coastal Commission review of the project for consistency with the California Coastal Act. Access to that information is clearly useful during EIR/EIS review, but a PWP does not necessarily need to be released prior to an EIR. Adequate reference to the PWP is located within the EIR/EIS, but each document stands on its own. In an effort to provide additional preliminary information to the public, agencies, and decision makers, a preliminary Draft PWP was released shortly after the Draft EIR/EIS was released, and was available for review and reference during the EIR/EIS public comment period of July through November 2010. An updated draft was created in March 2013 and the report was finalized in fall 2013. As noted in response to Comment 058, lengthening of bridges was found to result in benefit, and longer bridges at three of the lagoon crossings have been incorporated into the project design.

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	060 The major documents associated with I-5 have been fluid in their interaction. The EIR/EIS, Corridor System Management Plan (CSMP), and PWP/Transportation and Resource Enhancement Program (PWP/TREP) have all undergone simultaneous and iterative development in close coordination with the resource agencies. There is no requirement that a CSMP be developed prior to the environmental process. Although a corridor must have a CSMP to be eligible for Proposition 1B Corridor Mobility Improvement Account funding, its development may occur simultaneously with project implementation. CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. The I-5 San Diego North Coast CSMP assessed several options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding HOV/Managed Lanes (now identified as express lanes) on I-5, and improving regional arterials, bicycle and pedestrian routes, and bus, rail, vanpool carpool services. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function at peak efficiency. Information augmenting the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. Please also refer to Topical Response "Multimodal System" regarding these overall planning efforts and identification of need for simultaneous improvement to all transportation modes.
	061 Please refer to response to Comment 058 regarding the completion of the Phase 1 and 2 lagoon optimization studies. With those studies completed and design refinements incorporated into bridge design, impact identification was updated and mitigation options were further explored. Mitigation specifics provided a major focus of inter-agency coordination in 2011 through 2013. Updated information was circulated as part of the August 2012 Supplemental Draft EIR/EIS, and the Final EIR/EIS contains this augmented, clarified, and refined information regarding the mitigation program. The completed Resource Enhancement and Mitigation Program (REMP) is in Appendix P to this EIR/EIS. Appendix D contains the Environmental Commitments Record (ECR). This information is also provided in the PWP/TREP.

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063 cont. used as mitigation for the amendment to the Valley Center North Road Improvement Project (File No. 03C-116).

064 **Page S-15, paragraph 6:** The summary states, "All temporary impact areas would be revegetated and restored to pre-existing conditions." Please clarify what is meant by the term "pre-existing conditions." Invasive exotic plants and other weeds tend to propagate very easily in areas temporarily impacted by grading disturbances, so the temporary impact area(s) should be restored with native plant species determined by the project biologist to be suitable for the area, and a long-term maintenance/restoration plan to control invasive exotic species should be implemented. If pre-existing conditions included invasive exotic species, extra care should be taken to control these invasive exotic weeds, because these weedy invasive exotic species tend to spread and flourish with land disturbance(s).

065 **Page S-16, paragraph 7:** The San Diego Water Board will likely require a pre-construction *Caulerpa* survey in accordance with the *Caulerpa* Control Protocol (see http://swr.nmfs.noaa.gov/hcd/caulerpa/ccp.pdf, and a pre-construction eelgrass survey in accordance with Southern California Eelgrass Mitigation Policy (see http://swr.nmfs.noaa.gov/hcd/eelpol.htm). If the pre-construction survey demonstrates the presence of eelgrass within the project area, then a post-project eelgrass survey is also required.

066 **Page 2-1 'Chapter 2 – Project Alternatives':** The Draft EIR/EIS proposes several new or enhanced park-and-ride and Direct Access Ramps (DARs) along the NCC project. These facilities are described as common design features of the NCC project. The Draft EIR/EIS needs to describe a range of reasonable alternatives for these facilities that would substantially lessen the significant effects of the project. The San Diego Water Board is concerned that the common design features of the proposed project may result in considerable impacts to beneficial uses and water quality, and no range of alternatives is presented for these design features.

067 a. The proposed park-and-ride and DAR at Manchester Avenue adjacent to San Elijo Lagoon would impact an important piece of land proposed for conservation within the Focused Planning Area (FPA) of the northwestern San Diego County Draft Multiple Habitat Conservation Program (MHCP). The Draft EIR/EIS does not provide alternatives to this facility, design features to mitigate impacts, or justification for the need for this facility. There is an existing park-and-ride one exit north at Birmingham Drive.

068 b. The proposed enhanced park-and-ride at La Costa Avenue adjacent to Batiquitos Lagoon would likely impact the beneficial uses and water quality of the lagoon. The Draft EIR/EIS does not provide alternatives to this facility, design features to mitigate impacts, or justification for the need for this facility.

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062 Please refer to *Section 3.10* of the EIR/EIS, Sections 3.0 and 6.0 of the WQR, and Section III.1.6 of the Technical Memorandum. Please also refer to response to Comments 002 and 006. The project would be in compliance with the current NPDES Permit, as described elsewhere in these responses. The project was evaluated for implementation of "treatment" to the MEP, as required by the Caltrans NPDES Permit.

063 Thank you. The reference to mitigation at the Pilgrim Creek Mitigation Bank has been deleted. Updated mitigation information has been provided in *Section 3.17* of this Final EIR/EIS and in Appendix D.

064 Only native habitats would be replaced in temporary impact areas. Additionally, as noted above in response to Comment 056, there would be at least three years of plant establishment and maintenance to control invasive weeds and ensure that the plants become established.

065 As described in *Sections 3.17* and *3.22* of the EIR/EIS, surveys for *Caulerpa* and eelgrass were completed, and pre- and post-construction surveys also would be conducted. Pre-, during, and post-construction surveys would be completed for eelgrass.

066 Caltrans proposed and showed several enhanced park and ride facilities and Direct Access Ramps (DARs) along I-5 for four alternatives in the layout plans for these alternatives. The ranges for these mentioned features would not be significantly different based on the proposed alternatives. Please note that the Cannon Road and Oceanside Boulevard DARs and park and ride facilities are no longer proposed. None of the remaining park and ride facilities would directly impact any sensitive biological resources, as they are located within currently disturbed areas. Conditions at the Carmel Valley and State Route (SR-) 76 parking areas would improve due to the installation of additional landscaping as a buffer between the park and ride users and sensitive resources adjacent to trails. Impacts at the Manchester Avenue and Voigt Drive DAR locations have been minimized to the extent possible. At Manchester, redesign to an undercrossing rather than flyover has been incorporated into the project, and the number of parking spaces at the San Elijo Multi-use Facility has been substantially

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066 cont. reduced to avoid and/or minimize potential impacts. Also, at Voigt, use of a single column (rather than dual column) base, redesign of slopes to 2:1 (steeper) slopes, and use of retaining walls would all minimize the potential impacts of the project design. Locational alternatives are not required due to the need for the facilities to be located where sited and/or the less than substantial level or amount of impact associated with the proposed location. Caltrans has reviewed the rest of the proposed park and ride and DARs along I-5 to ensure these facilities: (1) would be appropriately sized and (2) minimize impacts to natural features and natural resources as part of ongoing project refinement.

067 Regarding concern for the Focused Planning Area (FPA), the proposed San Elijo Multi-use Facility would be on the far side of Manchester Avenue from the lagoon. The facility would be designed with bioswales to treat runoff and local native species, with the only exception being the potential replacement of oleanders in the median in focused locations. Lighting would be shielded and directed down to minimize impacts to surrounding habitats. There is no sensitive biological habitat south of the facility (it is strawberry fields) and planting on either side of the facility would consist of native species that are permeable to wildlife. Agricultural field area in the vicinity would be restored to coastal sage scrub if agricultural operations cease in these areas. Please note, however, that these parcels are anticipated to remain viable at this time (see EIR/EIS *Section 3.3.3)*.

Section 2.2, Alternatives, of the Draft EIR/EIS described the advantages of the proposed DAR near Manchester Avenue. It should be noted that one of those advantages has been revised as follows: one of the main advantages of this DAR location and the proposed San Elijo Multi-use Facility is their potential to support and facilitate a potential BRT line (Route 653) along I-5 to Carlsbad. The original plan was to accommodate a BRT line along El Camino Real to Oceanside. The San Diego Association of Governments (SANDAG) is no longer considering this BRT line as an option, as evidenced by Figure 1.1 “2050 Revenue Constrained Transit Network” from the 2050 Regional Transportation Plan (RTP) adopted by the SANDAG Board of Directors in October 2011. Although specific BRT facilities would not be constructed as part

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067 cont. of this project, future use of the HOV/Managed Lanes by BRT would not be precluded. Other potential advantages of this DAR include access to Mira Costa College (San Elijo Campus), Cardiff by the Sea and Solana Beach town centers, and El Camino Real as mentioned above. In addition, *Section 3.6.3.1, Traffic and Transportation*, lists the criteria used to select the proposed DARs along the I-5 North Coast Corridor. These criteria include:

- Potential land availability
- Proximity to employment and activity centers
- Potential to serve local and regional transit services
- Proximity to park and ride facilities
- Proximity to underrepresented communities
- Engineering feasibility
- Local support
- Projected traffic demand (approximately 6,400 average daily trips [ADT] by 2030)

Provision of multimodal transportation corridor needs (such as BRT and park and ride facilities) is the purpose for this proposed San Elijo Multi-use Facility (see *Table 3.1.1*, *Project Consistency with Local Plans and Policies*, of the Draft EIR/EIS). As noted in the EIR/EIS, the proposed San Elijo Multi-use Facility would provide individuals with a place to park to transfer to their carpool, vanpool, or bus pool partners, as well as access to regional and community trails in the vicinity (see *Table ES.2*). This facility also would contain lockers for storage and a solar-powered electrical vehicle recharge station. As noted, the proposed San Elijo Multi-use Facility and DAR at Manchester Avenue have been redesigned. The DAR is now an undercrossing, and the number of parking spots has been reduced to 150, plus 7 handicapped spaces.

The most important of the above criteria as they pertain to the DAR and the proposed San Elijo Multi-use Facility at Manchester Avenue are the very high ADT at El Camino Real, the expected demand for park and ride lot usage, and the connectivity to the local/regional transit services, as well as trails providing coastal access.

068 Caltrans has evaluated the proposed park and ride facility at La Costa Avenue to ensure that appropriate sizing and design criteria are implemented to minimize associated potential impacts to

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069 **Page 2-7 – 2-12 'I-5 North Coast Community Enhancement Projects':** The Draft EIR/EIS does not provide an evaluation of the NCC project's direct, indirect, and cumulative impacts on beneficial uses and water quality. These potential impacts to beneficial uses include, but are not limited to, discharge of pollutants in storm water, temporary and permanent impacts to waters of the State, impacts to the quality of migratory corridors; hydromodification, the impacts from increased public access of new or enhanced facilities, the on-going and future threat(s) due to invasive exotic plants and animals. The Draft EIR/EIS needs to propose ways to mitigate and/or minimize potential negative effect(s) of the NCC project on the water quality and beneficial uses of waterbodies within the San Diego Region.

070 **Page 3.1-18, '3.1.1.3 Avoidance, Minimization, and/or Mitigation Measures':** The Draft EIR/EIS section states, "The proposed project would not result in adverse impacts to land use. No mitigation measures are required." The San Diego Water Board disagrees. The NCC Draft EIR/EIS lacks specificity with respect to compensation for impacts to natural resources, including wetlands. Many important considerations such as mitigation ratios and mitigation sites are deferred to future negotiations and potential land purchases. The mitigation plan should be included in this document to allow for an evaluation of the mitigation measures. Otherwise, the Draft EIR/EIR avoidance, minimization and/or mitigation measures are conjecture, dependent on future events, and their adequacy to compensate for impacts to natural resources cannot be determined. If planned compensatory mitigation measures cannot be undertaken, then certain permits may not be possible for this project. Therefore, it would seem prudent to include the mitigation plan as part of the Draft EIR/EIS.

071 **Page 3.1-19, '3.1.2.1 Natural Communities Conservation Plans':** The Draft EIR/EIS should include a full analysis of the impacts of the NCC project on the City of San Diego's Multiple Species Conservation Program Subarea Plan (MSCP Subarea Plan) and the Draft Multiple Habitat Conservation Program (MHCP), and how the impacts will be mitigated.

072 **Page 3.1-22, '3.1.2.2 Environmental Consequences':** Regardless of the alternative selected, it is anticipated that the NCC project will be required to meet Caltrans' statewide Municipal Separate Storm Sewer System (MS4) permit requirements and/or any updates. The San Diego Water Board recommends that the draft EIR/EIS include language that any future EIR/EIS will reflect updated Caltrans MS4 permit requirements. The Draft EIR/EIS needs amending to state that post-construction stormwater treatment BMPs will be implemented for the NCC project to meet the standards listed in the 'Post-Construction' comments section listed previously. Also, we urge Caltrans to explicitly state that post-construction controls will be sized to address not only the flows resulting from the additional impervious area, but also for the existing impervious area, and for future expansion(s). Caltrans should reserve sufficient right-of-way to accommodate the treatment controls needed for future expansion.

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068 cont. beneficial uses and water quality in Batiquitos Lagoon. Please also refer to the response to Comment 067 regarding the purpose of these facilities within the project area.

069 Although not specifically mentioned in the water quality section, community enhancement projects were incorporated into Draft EIR/EIS evaluations. BMPs for community enhancement projects would be implemented and would be in compliance with permits as projects develop.

Caltrans continues to comply with CWA Section 402 by complying with the requirements of the Statewide NPDES permit. The permit and the approved SWMP consolidated Caltrans storm water compliance activities under one permit and provided a framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the Statewide NPDES Permit current at time of permitting.

070 Land use mitigation would require impacts to land use plans or designations and mitigation would consist of revisions to plans or policies. Biological mitigation measures would be implemented and are listed under the habitat types (including those for wetlands), as opposed to under land use. As noted in the comment, specifics of the framework identified in the Draft EIR/EIS have continued to be refined since the public circulation of that document. Mitigation specifics provided a major focus of inter-agency coordination in 2011 through 2013 (see *Chapter 5* of this Final EIR/EIS). The REMP details a package of mitigation that includes no net loss (1:1) mitigation for permanent impacts, as well as other enhancements to mitigate for temporal impacts such as shading. The majority of no net loss mitigation would be in place prior to impacts occurring. Details of the wetland mitigation package were included in the Supplemental Draft EIR/EIS. This Final EIR/EIS contains this augmented, clarified, and refined information regarding the mitigation program, as does Appendix D and the updated Final PWP/TREP, which was completed in fall 2013.

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	071 Caltrans is not a signatory to the MSCP and MHCP; therefore, this information would not be applicable to this project. State right-of-way is not included in these plans. Please note, however, that although Caltrans is not granted coverage for projects under the MHCP/MSCP, and does not have the ability to use mitigation habitat identified in the MHCP, Caltrans does strive to be consistent with MSCP/MHCP mitigation requirements and to identify and purchase appropriate mitigation parcels within desired connected MHCP/MSCP preserves. Detailed information on potential impacts to sensitive species is provided in the project's Natural Environment Study (NES) technical study, by reference. Details regarding mitigation are provided in this Final EIR/EIS, as well as the project REMP and associated PWP/TREP. In general, however, the mitigation package is extensive and is anticipated to provide greater regional benefit than mitigating in a piecemeal basis as individual improvements move forward over the next few decades. This is because: (1) mitigation would be implemented in the near-term rather than as impacts occur; without this, some mitigation could be delayed for substantial periods of time; (2) areas proposed to be acquired for habitat preservation, restoration, and/or enhancement are more likely to be available in the near term because such areas could later be subject to development or other uses that would preclude mitigation if they are not secured in the near term; and (3) implementing mitigation in the near term would result in substantial additional time during which functional and connected habitat areas mature and are available for use by associated flora and fauna, including sensitive species.
	072 Language has been added to this Final EIR/EIS stating that Caltrans would comply with the Statewide NPDES permit current at the time of permitting. BMPs would be sized for build out of the I-*5 NCC Project*, which is now expected to be fully implemented by 2035 per the SANDAG 2050 RTP.

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073 **Page 3.1-42:** The Draft EIR/EIS presents an inadequate analysis of impacts to section 4(f) resources (49 USC 303[d]; 23 USC 138[d]).

074 **Page 3.9-6:** No baseline is given for many of the bridges to compare the existing condition (e.g., Los Penasquitos Creek, San Elijo Lagoon), while for others the amount the bridge will be lengthened is provided but the total bridge length is not provided (e.g., San Dieguito River). Several bridges propose a minimal lengthening of 14.4 feet which is not consummate with the project impacts (e.g., Batiquitos Lagoon, Buena Vista Lagoon), and at least one bridge will be shortened by the proposed project by 20 feet (i.e., Agua Hedionda Lagoon).

075 **Page 3.9-10:** Table 3.91 entitled '100-Year Floodplain Impacts Comparison' appears to have several typographical errors which lead to confusion in review of the alternatives. For example, the 8+4 with Buffer lists impacts to FEMA 100-year floodplains with bridge widening as 6.1 hectares while the 10+4 with Buffer lists 5.7 hectares of impacts. The San Diego Water Board requests correction of the table errors, or to be provided with an explanation of why there are greater impacts to the FEMA 100-year floodplains with a smaller project footprint .

076 **Page 3.10-3, paragraph 2:** The last sentence states, "The Lake Henshaw Reservoir intercepts approximately 37 percent of the uppermost basin watershed and has a storage capacity of over 63 million m^3 (51,000 acre-ft) and somewhat affects the upstream flows." The sentence is unclear, since is does not provide an explanation of how Lake Henshaw affects the "upstream flows."

077 **Page 3.10-5, Table 3.10.3, row titled San Elijo Lagoon:** Correction needed to the hydrologic subarea for San Elijo Lagoon. San Elijo Lagoon is within hydrologic unit 904, and the hydrologic subarea (HSA) is 904.61, not 905.61. Furthermore, to be precise the column heading should be revised to say "Hydrologic Subarea", not "Hydrologic Unit."

078 **Page 3.10-6, section 3.10.2.5 entitled, 'Total Maximum Daily Loads (TMDLs):'** This section discusses the need for Caltrans and other dischargers in the area of the NCC project to meet Total Maximum Daily Load (TMDL) requirements for Impaired Lagoons, Adjacent Beaches and Agua Hedionda Creek (Investigative Order R9-2006-0076) for water quality constituents of concern. A critical issue with regard to meeting TMDLs concerns post-construction BMPs. The Draft EIR/EIS does not provide sufficient detail concerning which areas will be equipped with treatment controls for indicator bacteria, sediment/siltation, nutrients, sediment toxicity, phosphate, total dissolved solids, eutrophic conditions, and chloride. Each location where there is a need for pollutant treatment should be identified and listed in the Draft EIR/EIS.
In addition the types of treatment control that will be used to address bacteria in each area should be included.

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073 Properties evaluated in accordance with 49 USC 303 are addressed in EIR/EIS Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f). The analytical process followed the SER and the regulations of 23 CFR 774, and has received approval from FHWA. The Section 4(f) analysis is adequate.

074 Baseline bridge information was provided in both table and text as part of the Supplemental Draft EIR/EIS for bridges in the vicinity of Los Peñasquitos, San Dieguito, Agua Hedionda, San Elijo, Batiquitos, and Buena Vista Lagoons. Specifics regarding length and width of the existing facility, the bridge proposed in the Draft EIR/EIS, and (as appropriate) the proposed alternative bridge design following completion of the Phase 2 lagoon optimization studies, were provided in the August 2012 Supplemental Draft EIR/EIS. Final information has been incorporated into the Final EIR/EIS.

075 The cited difference between the bridge widening effects is related to impacts to floodplain for the 8+4 Buffer design being assigned to bridge widening rather than roadway widening. A footnote has been added to *Table 3.9.1* in the Final EIR/EIS, noting that the total amount of impacts to FEMA 100-year floodplain would be lowest for the 8+4 Buffer alternative when compared to the other three build alternatives. New *Table 3.9.2* in this Final EIR/EIS also addresses floodplain impacts relative to the refined 8+4 Buffer alternative (Preferred Alternative).

076 Thank you. The part of the sentence that states, "…and somewhat affects upstream flow," has been removed from Final EIR/EIS *Section 3.10.2.1, Hydrologic Units*.

077 Thank you. The revisions noted in this comment have been incorporated in Final EIR/EIS *Table 3.10.3*. San Elijo Lagoon is noted as being in hydrologic unit 904 and the HSA is corrected to 904.61. Additionally, the column heading has been revised to say "Hydrologic Subarea" rather than "Hydrologic Unit."

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078 Please refer to Section II of the August 2013 Water Quality Technical Memorandum. Table II.1 lists the hydrologic areas and subareas that are within the proposed *I-5 NCC Project.* The table compares the area of each of the hydrologic areas or subareas versus existing Caltrans right-of-way within the I-5 project limits. Table 4.1 shows that the maximum Caltrans tributary area to any of the hydrologic areas and subareas is less than two percent. Please also refer to responses to Comments 005 (regarding TMDLs and "treatment" BMPs), and 006 (regarding preliminary review of the project and potential BMP feasibility). Additional specifics are provided below.

Caltrans complies with CWA Section 402 by complying with the requirements of the Statewide NPDES permit. The permit and the approved SWMP consolidated Caltrans storm water compliance activities under one permit and provided a framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the then current Statewide NPDES Permit.

"Treatment" BMPs are permanent minimization measures that will aid in storm water pollution prevention throughout the life of the project. The BMP Retrofit Pilot Program Final Report demonstrates the effectiveness of several BMP types in reducing pollutant concentrations and mass loadings, and can be found at the following links: http://www.dot.ca.gov/hq/env/stormwater/special/newsetup/_pdfs/new_technology/CTSW-RT-01-050.pdf and http://www.dot.ca.gov/hq/env/stormwater/special/newsetup/_pdfs/new__technology/CTSW-RT-01-05a.pdf

Section 303(d) of the federal CWA requires states to develop TMDLs for 303(d) listed water bodies and establish the TMDL process to guide application of State standards to individual water bodies/watersheds. According to the San Diego RWQCB website:

> A TMDL is a quantitative assessment of water quality problems, contributing sources, and load reductions or control actions needed to restore and protect bodies of water. The TMDL approach does not replace existing water pollution control programs. It provides a framework

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078 cont. for evaluating pollution control efforts and for coordination between federal, state and local efforts to meet water quality standards.

Within the project limits, Caltrans is a stakeholder in the TMDLs for Impaired Lagoons, Adjacent Beaches and Agua Hedionda Creek (Investigation Order R9-2006-0076). Caltrans and the other dischargers completed the monitoring required by the Investigation Order and are working with the RWQCB to develop TMDLs for the listed water bodies. EIR/EIS *Table 3.10.6* lists the water bodies addressed in this Order, as well as the responsible stakeholders.

As part of Caltrans runoff characterization studies, Caltrans identified pollutants that are discharging with a load or a concentration that commonly exceeds allowable standards and that are considered treatable by Caltrans approved “treatment” BMPs. These pollutants are referred to as Targeted Design Constituents (TDCs); which include sediment, metals (total and dissolved zinc, lead and copper), nitrogen, phosphorus, and general metals.

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079 **Page 3.10-6, section 3.10.2.6 entitled, 'Navigable Waterways,' paragraph 1:** Correction needed to spelling of San Luis Rey, it is not San Luis Ray.

080 **Page 3.10-9, table 3.10.9, last row:** Correction(s) needed to the totals. The buffer and barrier totals for Table 3.10.9 appear to be incorrectly switched, and the sum of the area estimates need correction. Also, the column heading(s) need correction, specifically the hydrologic subarea should be abbreviated as HSA, not HAS; and 'Number' would more accurately be identified as 'HSA Number'.

081 **Page 3.10-11 entitled, 'Treatment BMPs':** The San Diego Water Board requests that existing and proposed BMPs be thoroughly described, and potential impacts to the beneficial uses and water quality be analyzed for each lagoon. The analysis should include a description of the maintenance that Caltrans would conduct on the BMPS to ensure that they function as intended.

082 **Pages 3.13-1 thru 3.13.4:** Metals (including chromium, copper, lead, nickel, and zinc) have the potential to enter waterbodies through aerial transport and dry deposition of particulates from vehicles driving on freeways. In one study done on dry deposition patterns of metals (including chromium, copper, lead, nickel, and zinc) upwind and at increasing distances downwind of a coastal freeway (I-405 Freeway in coastal Los Angeles); dry deposition fluxes and atmospheric concentrations of metals were found to be highest at the site closest to the freeway, and reduced to approximately urban background concentrations between 10 and 150 meters (0.006 to 0.9 miles) downwind of the freeway (Sabin et al, 2006).[9] These data indicate that over time aerial deposition of metals in the vicinity of major roadways can be a significant anthropogenic source of metal pollutants to the affected watershed.

As an example, in the nearby Chollas Creek watershed in San Diego County, the San Diego Water Board established TMDLs for toxicity caused by dissolved copper, lead, and zinc to aquatic life.[12] The top two land use categories, freeways and commercial/ institutional, contributed over 75 percent of the total load for each metal. To protect water quality and beneficial uses, measures to avoid, minimize, and mitigate significant impacts from aerially deposited metal pollutants are needed from new and/or re-developed roadways, and existing roadways.

[12] The Chollas Creek Metals TMDL Basin Plan Amendment was adopted by the San Diego Water Board on June 13, 2007, approved by the State Water Board on July 15, 2008, approved by the State Office of Administrative Law on October 22, 2008, and approved by USEPA on December 18, 2008. See http://www.waterboards.ca.gov/sandiego/water_issues/programs/tmdls/chollascreekmetals.shtml

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079 Thank you; the spelling of San Luis Rey has been corrected.

080 Draft EIR/EIS *Table 3.10.9* has been deleted from the Final EIR/ EIS. To address potential short term impacts of each of the build alternatives, all disturbed soil areas would be stabilized before the completion of construction with permanent landscaping and/or permanent erosion control.

081 Please refer to *Section 3.10* of the EIR/EIS, and Section 6.0 and Appendix A of the WQR. Please also refer to response to Comment 006 regarding preliminary review of the project area and potentially practical BMPs, as well as response to Comment 005 regarding the SWMP and "treatment" BMPs.

The description of the type of maintenance and frequency is described in the WQR as part of the Caltrans Maintenance Indicator Document, and is included in the Maintenance BMP staff guide available at http://www.dot.ca.gov/hq/env/stormwater/pdf/CTSW-RT-02-057.pdf

082 Please refer to response to Comment 049 for information regarding aerial contaminant transport and deposition; and responses to Comments 003, 005, and 006, for information on Caltrans storm water and water quality standards, regulatory (including TMDL) requirements, and associated project-specific BMPs. In addition, dust control measures would be implemented during construction to help minimize the dispersal of airborne contaminants, with additional information provided in *Sections 3.10* and *3.14* of the EIR/EIS.

In addition to transportation sources, concentrations of copper, lead, and zinc were found to be higher in commercial and industrial land uses relative to residential land uses with concentrations of total and dissolved copper correlating with higher percent impervious surface areas (City of San Diego 2009b). Modeling efforts

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082 cont. For example, the San Diego Water Board Clean Water Act, 401 water quality certification for all roadways requires the use of post-construction BMPs that treat storm water runoff, and meet the maximum extent practicable (MEP) performance standard. The water quality certification requirements includes post-construction BMPs designed to meet at least a 80% efficiency removal rate for total metals, and at least an 80% efficiency rate for total suspended solids (TSS/sediments). Also, BMPs for roadways are designed to remove oil and grease, pathogens, and trash to the MEP. In addition, the 401 water quality certification will call for no net increase in nutrient concentrations from the BMPs.[13]

083 **Pages 3.14-10:** The Draft EIR/EIS states that the surface of dirt piles will be stabilized if the dirt is not removed immediately. Due to the presence of aquatic habitat beneficial uses in the receiving waters adjacent to the project area, and a concern about the use of positively charged (cationic) polymers which are highly toxic to fish and aquatic organisms because they can bind directly to the respiratory membranes on the gill surface causing suffocation at relatively low concentrations, these types of soil stabilizers should not be used where runoff will enter waterbodies. The San Diego Water Board requests information on how the surface of the dirt piles will be stabilized, and the BMP measures which will be taken to prevent polluted runoff from entering waterbodies.

084 **Page 3.17-1, Affected Environment:** According to the Draft EIR/EIS, the studies of the natural communities were done between 2000 and 2007. The San Diego Water Board recommends that biological surveys be updated to ensure that the analysis of impacts addresses current conditions within the project site. For example, eelgrass surveys conducted in San Dieguito Lagoon in 2000 found no eelgrass, and the Draft EIR/EIS states that "none is expected to occur in the future due to lack of tidal flushing and scour" (page 3.17-4); however an eelgrass survey in July 2010 shows that eelgrass is currently present in San Dieguito Lagoon.[14]

[13] State Route (SR)-125 South Toll Road (File No. 99C-133)
[14] Coastal Environments. 2010. *Caulerpa/Eelgrass Survey from the Jimmy Durante Bridge to the W1 Basin of the San Dieguito Lagoon Restoration Project, Del Mar, California*. Technical Report for Southern California Edison by Coastal Environments, La Jolla, CA, CE Reference No. 10-14. July 13, 2010.

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082 cont. conducted under the Chollas Creek TMDL for metals indicate that freeways and commercial and institutional land uses account for over 75 percent of the predicted metal loadings with potential metal sources generally clustered along commercial streets (City of San Diego 2006). Caltrans is responsible for the California Highway system which, according to subsequent revisions to the Chollas Creek model, contributes 3.8, 2.7, and 7.1 percent of the total watershed loads of copper, lead, and zinc, respectively (RBF Consulting 2009). For commercial and institutional land uses, the revised model identified copper, lead, and zinc loads to be 10.3 percent, 14.8 percent, and 14.9 percent, respectively. This study found that high and low density residential areas had the highest combined loads for copper, lead, and zinc (72.6, 79.1, and 69.4 percent, respectively). These revised load distributions were estimated from the average annual loads of metals for the 2000 to 2006 period.

083 Stockpiled soil and other materials would be placed in areas where runoff would not discharge directly into surface water bodies, in accordance with RWQCB guidelines, and would include appropriate BMPs to prevent infiltration to water bodies. Specific types of BMPs that may be used include soil stabilizers (in appropriate locations), perimeter controls (e.g., silt fence and fiber rolls), and temporary controls such as tarps or mats. The use of cationic polymers would be specifically prohibited for the proposed project, with this prohibition to be included in the special provisions once the project design is complete and ready for construction advertisement (PS&E). Please also refer to *Section 3.10.4* of the EIR/EIS, Section 6.0 of the project WQR, and Section III.1.3 of the Technical Memorandum for additional information on erosion and sediment control BMPs.

084 Eelgrass has been found in San Dieguito Lagoon, but not near the I-5 bridge; eelgrass identified in San Dieguito Lagoon is located well west of the I-5 bridge. As stated in *Sections 3.17 and 3.22* of the EIR/EIS, pre- and post-construction eelgrass surveys would be conducted. Other applicable surveys also have been

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085 **Page 3.17-4, paragraph 7, Subtidal Communities:** The last sentence in this paragraph states, "Pre and post construction surveys and construction monitoring would likely be required in the lagoons to monitor for toxic algae." Please note that *Caulerpa taxifolia* survey(s) in accordance with the lastest version of the Caulerpa Control Protocol (viewable at http://swr.nmfs.noaa.gov/hcd/caulerad.htm) are required for marine habitats within the NCC project. These *Caulerpa taxifolia* survey(s) will help to ensure that the NCC project does not result in the inadvertent spread of the invasive species. Also, pre-construction eelgrass survey(s) in accordance with the Southern California Eelgrass Mitigation Policy (Policy) are required. These eelgrass surveys will help to ensure that mitigation measures will be put in place to protect eelgrass habitats.

086 **Page 3.17-5 Wildlife Corridors:** The Draft EIR/EIS provides insufficient information about impacts to wildlife corridors and how these impacts will be mitigated. The project impacts to wildlife corridors should be identified, including but not limited to, the type of activity and the duration of construction activities near waterbodies and the measures that will be taken to protect the beneficial uses.

087 **Page 3.17-9, section 3.17.3 Avoidance, Minimization and Mitigation Measures, paragraph 4; and Appendix D, page D-17:** The text indicates that there would be at least three years of plant establishment/ maintenance on cut and/or fill slopes to control invasive weeds and ensure that native plants become established. These cut and/or fill slopes disturbed by construction activities actually require more than three years to restore because the disturbance of the soil by heavy equipment favors the recruitment and propagation of invasive exotic weed(s). Plant establishment/maintenance of the cut and/or fill slope is needed for at least five years to ensure reasonable success in removal of invasive exotic weeds, and more maintenance time would be necessary for cut and/or fill slopes where invasive exotic weed problem(s) persist.

Tamarisk in the Caltrans right-of-way produces seeds continuously throughout the year, continually infecting nearby wet areas, seeps, riparian habitats, and waterbodies. Post-construction maintenance BMPs (e.g., weed control) are needed on a regular basis in right-of-ways. Photo by L. Pardy 10-24-2010.

088 In addition, it is important that Caltrans provide regular long-term inspection and maintenance of Caltrans right-of-ways (especially graded areas) to remove invasive exotic weeds (e.g., tamarisk, see photo) to ensure that the beneficial uses of the rivers and streams within the San Diego Region are protected.

089 Maintenance BMPs (especially invasive exotic weed control) are important in right-of-ways because the right-of-way is disturbed by the transportation

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084 cont. updated as warranted. Avoidance, minimization and mitigation measures for those resources identified in the project REMP and as described in this Final EIR/EIS would be implemented during and after construction.

085 Survey protocols would be completed. Please refer to responses to Comments 065 and 084.

086 Wildlife corridors occur at the lagoons. As identified in the EIR/EIS, I-5 is currently a barrier to wildlife movement and the bridges at the lagoons are the major corridors. Also as identified in the document, a 16-foot-wide bench would be added to one or both sides of the lagoon channels to facilitate wildlife crossing. Falsework would be utilized during bridge construction that would not block use by wildlife; and, as described in the Draft EIR/EIS, during construction, corridors on one side of the bridge would remain open. Additionally, as described in *Chapter 3* of the Supplemental Draft EIR/EIS and incorporated into this Final document, conservation measures have been identified to require the identification of environmentally sensitive areas (ESAs) near the project construction limits, and to shield lighting from nighttime construction (where applicable) away from ESAs. Caltrans has coordinated in 2011 through 2013 with U.S. Fish and Wildlife staff and with California Department of Fish and Wildlife (CDFW; previously California Department of Fish and Game) staff for lagoons under their preserve management) regarding bench locations and the types of wildlife that would be expected to utilize each side. In each instance, the wildlife crossing would be equal to, or improved by, the project compared to no build conditions, and the specific improvements have been incorporated into the project design. This revised design information was included within the August 2012 Supplemental Draft EIR/EIS. With regard to uplands, along with restoration and enhancement at the Dean and Hallmark mitigation sites, several parcels containing important linkage areas and habitats that were originally slated for development have been purchased by Caltrans. These would be incorporated into

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	086 cont. the plans for upland habitat mitigation, preserving what is present, and supporting wildlife movement. The project is expected to be fully implemented by 2035; construction would occur in segments, however, so that the duration of construction impacts at any given location would be expected to last just one to three years.
	087 At least three years is adequate for freeway landscape; however, at least five years of plant establishment would occur in temporary impact areas by the lagoons.
	088 During plant establishment, weeding would occur. Consistent with this comment, following installation, Caltrans attempts to control invasive exotic plants in Caltrans rights-of-way. As noted in Draft EIR/EIS *Section 3.22.4* and carried into this Final EIR/EIS, revegetation of the slopes would require maintenance to keep weed species from re-invading new slopes.

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089 cont. corridor, and is continually exposed to invasive exotic plant propagules through transportation vectors and continually receives excess runoff (from stormwater, irrigation water, and seepage water). Without sufficient regular maintenance of invasive exotic weeds in Caltrans right-of-ways (see photos above and below), invasive exotic weeds (e.g., Tamarisk and Arundo) become established, and continue to transfers propagules (e.g., seeds and rhizomes) long after the project grading is complete. These propagules propagate, and cause considerable impacts to the beneficial uses of waterbodies in the San Diego Region.

Downstream, Tamarisk is in the river.
Photo by L. Pardy 10-24-2010.

090 **Page 3.18-3, section 3.18.3 Environmental Consequences:** The San Diego Water Board requests that the Draft EIR/EIS include a broader discussion of the benefits of designing bridges with increased spans over waterbodies so that future efforts to restore tidal and fluvial flows and the beneficial uses of waterbodies, while taking into account sea level rise, could occur.

091 **Page 3.18-3, Table 3.18.1 Permanent and Temporary Impacts to ACOE Jurisdictional Waters of the U.S.:** This table documents the amount of jurisdictional waters of the U.S. by alternative, and includes greater amounts of temporary impacts for alternatives with smaller footprints. Please correct typographical error(s) in the table, or explain.

092 **Page 3.18-4 'Avoidance, Minimization and/or Mitigation Measures:** The Draft EIR/EIS states that appropriate BMPs will be used for erosion control and sedimentation control of the NCC project. The San Diego Water Board requests that erosion and sedimentation control BMPs, such as fiber rolls or erosion control blankets, make use of products made from biodegradable materials to avoid adding pollutants.

093 **Page 3.21 'Threatened and Endangered Species':** The Draft EIR/EIS states that the proposed project will result in impacts to threatened and endangered species. The Draft EIR/EIS should quantify temporary and permanent impacts to critical habitats and provide an explanation of how these impacts will be offset.

094 **Page 3.21-4 'Southern Steelhead Trout – Southern ESU':** The Draft EIR/EIS states that a federally endangered steelhead trout (*Oncorhynchus mykiss*) was reported by DFG in the lower San Luis Rey River in May 2007. California Department of Fish and

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089 Caltrans attempts to control invasive exotic plants in Caltrans right-of-way. Please refer to response to Comment 088. As noted in Draft EIR/EIS *Section 3.22.4*, and carried into this Final EIR/EIS, construction of a build alternative would provide an opportunity for control of some invasive species on project slopes. No exotic species listed on the Cal IPC List A and B would be used in the right-of-way and all plantings would be local native species, with the only exception being the potential replacement of oleanders in the median in focused locations. Through careful handling of soil and equipment that works the soil, invasive plants currently within the impact area can be removed. As noted in this comment, however, the right-of-way may receive runoff and invasive plants from adjacent off-site uses. In addition to maintenance noted in response to Comment 088, partnerships would be required with lagoon foundations and landowners to simultaneously work to eradicate similar invasive species outside Caltrans impact areas. The August 2012 Supplemental Draft EIR/EIS included additional information on lagoons, bridge designs, and biological mitigation specificity. That information has been incorporated into this Final EIR/EIS.

090 Bridge design studies at the lagoons have been prepared to evaluate the potential for the I-5 widening to adversely affect the current water exchange in the lagoon or constrain future lagoon restoration programs. Caltrans examined the option of building bridges with longer spans to enhance flow under the bridges; thereby increasing tidal exchange, decreasing tidal muting, and improving water quality. Lengthening of bridges was found to be beneficial, and longer bridges at three of the lagoon crossings were incorporated into project design. Consistent with the concern regarding sea level rise, an analysis of sea level rise relative to freeboard at existing and proposed I-5 lagoon bridges also was conducted. The analysis assumed a worst-case 55-inch (approximately 4.5-foot) increase in sea level. These changes were described in detail in the August 2012 Supplemental Draft EIR/EIS and have been incorporated into the Final EIR/EIS. Please note that proposed bridge designs at San Elijo and Buena Vista Lagoons would each accommodate any of the lagoon restoration scenarios under evaluation for implementation.

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094 cont. Game manuals entitled, '*Guidelines for Salmonid Passage at Stream Crossings*' and '*Culvert Criteria for Fish Passage*'[15] provide information to assist with bridge design for fish passage. DFG staff with expert knowledge about sediment regime[16], hydrodynamic regime[17], and steelhead fisheries re-establishment should be consulted to address how bridge design at the San Luis Rey River will accommodate the migration of steelhead [and other migratory native species e.g., (Pacific lamprey)[18]].

Ammocetes larvae of Pacific lamprey, *Lampetra tridenta* found within San Luis Rey River near the crossing of Foussat Road on June 24, 1997.

095 **Page 3.21-5 'Indirect Effects':** The San Diego Water Board requests a more thorough analysis of edge effects and how threats to beneficial uses will be alleviated, including, but not limited to the following: increased exposure to exotic invasive species, increased exposure to trash and other pollutants, increased potential for aerial pollutants, and increased potential for hydrologic changes due to the creation of impervious surfaces.

096 **Pages 3.21-7 through 3.21-8, '3.21.4 Avoidance, Minimization, and/or Mitigation Measures':** The Draft EIR/EIS presents various mitigation opportunities, however a commitment to implement specific mitigation measures to offset project impact(s) is not presented. A commitment to implement mitigation measures to offset project impact(s) should be included in the Draft EIR/EIS.

[15] Available online at http://www.dfg.ca.gov/nafwb/manual.html.

[16] Sediment regime is a simple term for a complex set of processes which include wildfire regime, mass wasting, and winter flood regime with attendant fluvial transport processes. All these are important for maintaining a dynamic system of pool habitat (and spawning gravels) while preventing too large a buildup of fine sediments.

[17] The hydrodynamic regime plays a role in not just fluvial transport of sediments, but also in maintaining migration connectivity for steelhead.

[18] An ammocetes larvae of Pacific Lamprey, *Lampetra tridentata* was discovered on June 24, 1997 within the San Luis Rey River near the Foussat Road crossing Jack Linn (DFG) and Linda Pardy (San Diego Water Board). Photo by L. Pardy.

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091 Temporary impacts are estimates of the area needed for construction and are limited to the right-of-way, if possible. In some cases, the temporary impact area was determined to be the right-of-way line, and therefore, the smaller footprints resulted in a larger assumed temporary impact area. In other instances, a larger permanent impact footprint would require less "temporary" area, since the construction area is then incorporated into permanent footprint. Some of the alternatives have slightly different designs in certain areas that do not result in a proportionate difference in impact compared to the other build alternatives in the same location. All temporary impact numbers have been revised in this Final EIR/EIS.

092 Where possible, erosion and sedimentation control measures using materials such as fiber rolls or erosion control blankets would use products made from biodegradable materials with no plastic mesh to avoid wildlife endangerment. Use of biodegradable materials is identified in the 2010 Caltrans Project Planning and Design Guide for applicable situations, such as activity in areas of sensitive habitats. Please also see the response to your Comment 048.

093 Permanent and temporary impacts to critical habitat have been quantified and this information has been added to the Final EIR/EIS. Temporary impact areas would be revegetated when construction is completed as specified in *Section 3.17.3* of the EIR/EIS. The REMP identifies the proposed mitigation for all impacts.

094 It is correct that steelhead trout are known to be present in the San Luis Rey River. The existing bridge over the River has columns on the edge of the channel. The widened bridge would have columns in line with existing columns and would not impact fish passage in the channel. Although some falsework may be temporarily required in the channel during construction, area suitable for fish passage would be maintained throughout construction. Please also note that CDFW and NOAA Fisheries staff were active participants in meetings regarding project effects and avoidance and minimization in 2011 through 2013 (see *Chapter 5* of the

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094 cont. EIR/EIS). An informal consultation with NOAA Fisheries was completed and coordination will continue through design and construction.

095 For information on control of indirect effects, please refer to responses to Comments 049 regarding aerial deposition of pollutants, 089 with regard to control of invasive exotic species, and 092 regarding construction controls of erosion and sedimentation.

As described in *Section 3.10* of the EIR/EIS and Section 6.0 of the project WQR, BMPs to address trash and litter control may include efforts such as good housekeeping (e.g., proper trash control and/or containment), street sweeping, storm drain inlet maintenance, and appropriate material storage/recycling (i.e., to reduce potential trash generation).

Indirect effects are analyzed in *Sections 3.17* through *3.21*. The REMP identifies mitigation that will cover both direct and indirect effects.

096 Other related avoidance and minimization measures are listed in *Sections 3.17, 3.18, 3.19,* and *3.20* of the EIR/EIS. Further conservation measures, as required, would be coordinated with the resource agencies. Specifics about mitigation have been a major focus of inter-agency coordination in 2011 through 2013 and are included in the Final EIR/EIS. This information is also provided in the REMP and PWP/TREP and will continue as an item of coordination through the project permitting phase. Please also refer to response to Comment 071 regarding benefits of the mitigation package over conventional ratio approaches. Commitments to each of these minimization and mitigation measures can be found in the project ECR, as noted in response to Comment 063.

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097 **Page 3.21-7, '3.21.4 Avoidance, Minimization, and/or Mitigation Measures' paragraph 3, bullet(s) 1 through 7:** This section of the Draft EIR/EIS lists seven proposed measures to minimize impacts to threatened and endangered species during construction. While the list is a starting point, additional avoidance and minimization measures are likely needed to protect RARE beneficial uses, and the proposed mitigation measures need to be coordinated with the San Diego Water Board.

098 **Page 3.21-7, '3.21.4 Avoidance, Minimization, and/or Mitigation Measures' paragraph 3, bullet 2:** The Draft EIR/EIS states that, "Measures to minimize potential effects of pile driving on fish species would be negotiated with NOAA Fisheries and CDFG." Measures to minimize potential effects of pile driving on beneficial uses (including, but not limited to RARE beneficial uses, such as the federally endangered tidewater goby (*Eucyclogobius newberryi*) need to be coordinated with the San Diego Water Board, as well.

099 **Page 3.21-7, '3.21.4 Avoidance, Minimization, and/or Mitigation Measures' paragraph 3, bullet 5:** The Draft EIR/EIS states that, "Detention basins would be placed in many of the loop ramps, and bioswales would be placed on many of the slopes to treat runoff from the freeway." The environmental document(s) needs to provide information on the location and placement of these bioswales and what impervious area(s) these BMPs will treat the stormwater runoff from.

100 **Page 3.21-8, paragraph 1:** The Draft EIR/EIS references ongoing studies to determine bridge lengths and states that the results of these studies will be included in the final EIR/EIS. Placing the results of these bridge studies in the final environmental documents, and not the public review Draft EIR/EIS does not allow for meaningful public comments about bridge lengths. The public should be given the opportunity to review the results of these technical studies in the Draft EIR/EIS in order to for proper public review to occur.

101 **Page 3.21-9, paragraph 8:** Correction needed. The sentence "Mitigation for impacts at the San Luis Rey River would be completed by debiting credits from the Pilgrim Creek Mitigation Bank" should be deleted. Caltrans mitigation credit balance in the Pilgrim Creek Mitigation Bank is now zero acres.[19] The last remaining 1.0 acre credit at the Pilgrim Creek Mitigation Bank was used for Caltran's impact to a portion of the County

[19] August 18, 2010 letter from Bruce April, Chief, Environmental Stewardship, California Department of Transportation to Mr. Dean Hiatt, San Diego Association of Governments, re: Use of the Reserved One Acre Credit at the Pilgrim Creek Mitigation Bank.

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097 Please refer to response to Comment 096. In addition, the water quality-related BMPs described in *Section 3.10* of the EIR/EIS would help to protect beneficial uses in downstream receiving waters, including those related to RARE. Please refer to responses to Comments 003, 005, and 006, for additional information on Caltrans storm water and water quality standards, regulatory requirements, and associated project-specific BMPs. All of the avoidance, minimization and conservation measures in the Biological Opinion and informal consultations have been added for all listed species.

098 Please refer to responses to Comment 097, immediately above.

099 Please refer to *Section 3.10* of the EIR/EIS, Section 6.0 of WQR, and Section III.1.6 of the Technical Memorandum; as well as responses to Comments 002 and 006 of this letter, with regard to the SWMP and preliminary review of the project area and potential "treatment" BMPs, respectively. Conceptual BMPs are shown in Project Features Maps (*Figures 2-2.3, Sheets 1* through *67*).

100 As noted in response to Comment 058, following circulation of the Draft EIR/EIS in 2010, lagoon optimization studies were completed, which included detailed analysis with respect to bridge length and width. This information (text, tables and graphics) was presented in the Supplemental Draft EIR/EIS. Consistent with this comment, that document and the supporting technical studies were made available for public review and comment, with responses to comments received incorporated into this Final EIR/EIS.

101 Please refer to response to Comment 063. As stated therein, the reference to Pilgrim Creek has been deleted and current information has been provided.

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101 cont. of San Diego's existing Bonsall Mitigation Site in the amendment to the County of San Diego's Valley Center North Road Improvement Project (File No. 03C-116).

102 **Page 3.21-9, 'Buena Vista Lagoon':** The Draft EIR/EIR should be updated to reflect the two current alternatives that are being considered for management of Buena Vista Lagoon, a non-tidal freshwater system, and a system and is a mix of fresh and saltwater.

103 **Page 3.22-1, Section 3.22 Invasive Species:** Caltran's commitment on page 3.22-1 to plant non-invasive plant species is appreciated. See also *Comment #11, Invasive Exotic Pest Plants* above. However, the Draft EIR/EIR should also analyze and discuss measures to avoid, minimize, and/or mitigate the entry of invasive exotic animal pest species from the increased vehicular usage of roadways and bridges.[20] Animals have the potential to be dispersed to waterbodies via roadways, bridges, park-and-ride lots, and right-of-ways by intentional or accidental release from motor vehicles and/or trailers, their drivers or passengers; and/or from bicyclists or pedestrians.

104 **Page 4-4 to 4-5:** The Draft EIS/EIR presents an inadequate analysis of the proposed project's effect on climate change. The document states that decreased congestion along the corridor will result in improved travel times, reducing green house gas (GHG) emissions in 2030. This analysis should look at the effects of the project on GHG emissions over the life of the project, including construction emissions. The San Diego Water Board recommends that revisions to the analysis make use of the *Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions* (February 18, 2010).[21]

The revisions to the analysis should also make use of the recent American Association of State Highway and Transportation Officials Standing Committee on the Environment (AASHTO) guidance on calculating emissions: Gavilan, F. August 2010. *Greenhouse Gas Mitigation Measures for Transportation Construction, Maintenance, and Operations*.[22]

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[20] Information about invasive animal species can be found online at DFG's Invasive Species website: http://www.dfg.ca.gov/invasives/ and also in DFG's 'Aquatic Invasive Species Management Plan' online at: http://www.dfg.ca.gov/invasives/plan/

[21] Available on-line at: http://ceq.hss.doe.gov/nepa/regs/Consideration_of_Effects_of_GHG_Draft_NEPA_Guidance_FINAL_02182010.pdf

[22] Available on-line at: http://onlinepubs.trb.org/onlinepubs/nchrp/docs/NCHRP25-25(58)_FR.pdf

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102 Relative to Buena Vista Lagoon restoration scenarios, the resource agencies asked Caltrans to model four potential restoration designs in order to determine an optimal bridge length for I-5 that would not limit potential future restoration activities. This modeling was completed as part of the Buena Vista Lagoon Bridge Optimization Study in 2012. This information was provided in the Supplemental Draft EIR/EIS.

103 Please refer to responses to Comments 051, 052, 055, 056, 088, and 089 with regard to control of invasive plants. Please also note that all plants used in Caltrans landscaping are inspected for invasive pest species prior to installation. With regard to introduction of domesticated animals into areas of sensitive habitat, project effects are expected to be minimal. The North Coast Corridor is largely developed. Residential developments, local roadways and existing and planned trails are more likely to introduce additional animals into native habitat than expansion of I-5. Specifically with regard to I-5 related facilities, however; and excluding the San Elijo Multi-use Facility where initial plans do not show fencing, park and ride facilities, trails, and the right-of-way generally are (and would be) fenced to keep larger non-native species out of habitats. The potential for indirect impacts related to increased human and animal access at area lagoons was specifically evaluated in the Supplemental Draft EIR/EIS with regard to park and ride facilities and trails upgrades proposed as part of the project. Given existing access conditions, effects were either found to be negligible or beneficial, as the project would provide fencing and signs that currently do not exist. A sample sign identifying sensitive habitat and restricted activities was circulated for comment as *Figure 2-2.6* in the Supplemental Draft EIR/EIS and has been carried forward into this Final EIR/EIS as *Figure 2-2.7*.

STATE AGENCIES — COMMENTS	RESPONSES
	104 Neither the USEPA nor the FHWA has promulgated explicit guidance or methodology to conduct project-level GHG analysis. As stated on FHWA's climate change website (http://www.fhwa.dot.gov/hep/climate/index.htm), climate change considerations should be integrated throughout the transportation decision-making process–from planning through project development and delivery. Information on GHG emissions is provided in *Chapter 4* of the Final EIR/EIS, including an analysis of construction GHG. The GHG analysis was prepared in accordance with Caltrans policies for implementing CEQA guidance relative to GHG, including CEQA statutes (PRC, Division 13, Section 21097) and CEQA Guidelines (Title 14, CCR Section 15183.5.) EIR/EIS *Table 4.2* identifies the projected emissions improvement associated with the I-5 build alternatives compared to the No Build alternative through 2030. A reduction of over 300 tons of CO per day would be expected with the Preferred Alternative versus a no build condition. Please also refer to Topical Response "Climate Change."

STATE AGENCIES — COMMENTS

Ms. Shay Lynn Harrison - 28 - November 22, 2010
Caltrans District 11
Interstate 5 North Coast Corridor Project

105 **Page 4-8:** The San Diego Water Board recommends that the Draft EIR/EIS include an analysis of sea level rise and how that might affect the NCC project with regard to the beneficial uses and water quality of coastal waterbodies.

106 **Page A-8, Table 1, Potential Section 4(f) Resources and Distance from I-5 NCC Project, and Figure 4 on page A-11:** Clarification needed. For the line entitled Map ID 6, Torrey Pines State Reserve, the distance in miles and kilometers is shown as 0.17 miles and 0.27 kilometers. However, Figure 4 shows I-5 directly abuts Torrey Pines State Reserve/Los Penasquitos Marsh Natural Preserve. Please provide an explanation of how this distance was determined.

107 We welcome the opportunity to work with you to make this project an example of environmental sustainability in California. We are available for further consultation to discuss project alternatives that may be required to avoid, minimize, and adequately mitigate for impacts to waters of the State. If we may clarify these comments or be of further assistance, please contact Ms. Linda Pardy at 858 627-3932 or LPardy@waterboards.ca.gov.

Respectfully,

DAVID T. BARKER
Supervising Water Resource Control Engineer

EB:llp

Attachments:
Attachment 1 - Urban Development: Potential Water Quality Impacts and Required Analyses.
Attachment 2 - Low Impact Development References.
Attachment 3 -Terrestrial Habitat Connectivity Related to Wetland, Riparian, and other Aquatic Resources.

RESPONSES

105 The Supplemental Draft EIR/EIS included analysis of sea level rise relative to freeboard at existing and proposed I-5 lagoon bridges. This was part of the analyses completed to review lagoon health and water movement relative to the crossings of the transportation corridors (the Coast Highway, LOSSAN and I-5). The analysis assumed a worst-case 55-inch (approximately 4.5-foot) increase in sea level by year 2100. This information has also been incorporated into the Final EIR/EIS.

106 Thank you for pointing out this discrepancy. Although I-5 does not cross the Torrey Pines State Reserve, it is in close proximity to a portion of the Reserve. Based on review of Figure 4 (Page A-11), the distance to the Reserve is approximately 0.01 mile. The distance from the Reserve has been corrected in this Final EIR/EIS. Please also note, however, that no new right-of-way is proposed in this area. Project improvements would be located within existing Caltrans' right-of-way. In addition, while preliminary design indicates that a temporary construction easement (TCE) would be required on the west side of the freeway, this TCE is not anticipated to extend into Torrey Pines State Reserve property.

107 Caltrans staff appreciates your offer of consultation and expect to work closely with the Water Board during permitting if an I-5 build alternative is approved.

STATE AGENCIES — COMMENTS | RESPONSES

Ms. Shay Lynn Harrison
Caltrans District 11
Interstate 5 North Coast Corridor Project

November 22, 2010

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STATE AGENCIES — COMMENTS

Attachment 1

Urban Transportation Development:
Potential Water Quality Impacts and Required Analyses

INTRODUCTION

108 This Attachment consists of a table and a diagram showing how urban development can affect water quality, and the information needed to predict and manage the impacts. Pollution pathways are described and diagrammed at the level of detail at which potential effects can be analyzed and management measures applied. The table and diagram are described (and in electronic version hyperlinked) below.

Watersheds are complex natural systems in which physical, chemical, and biologic components interact to create and maintain the beneficial uses of water on which society's well being and economy depend. Similarly, disturbances to natural watershed dynamics caused by urban development degrade water quality through a complex of interrelated causes and effects. Unmanaged, these pollution pathways ultimately destroy the physical, chemical, and biological integrity of the watersheds in which they occur, diminishing or destroying the beneficial uses.

The table and diagram are:

Table 1, Potential Effects of Urban Development on Beneficial Uses and Required Analyses outlines the causes of water quality degradation caused by urban development, provides literature citations for each of the effects, and identifies for each effect the project-specific information needed to assess and mitigate its adverse impact to water quality.

Figure 1, Potential Effects of Urban Transportation Development on Beneficial Uses flowcharts the causes and effects listed in Table 1. It begins on the left with three activities which are associated with urbanization: filling, construction (active construction and post-construction phases), and channelization. Figure 1 ends on the right with the resulting impaired beneficial uses and the potential for increased maintenance and property damage. In between are intermediate processes. Cause-and-effect relationships are shown by arrows.

RESPONSES

108 Attachments 1 through 3 were reviewed during compilation of responses to the above comments.

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California Regional Water Quality Control Board, San Diego Region

POTENTIAL EFFECTS OF URBAN TRANSIT DEVELOPMENT ON BENEFICIAL USES

This diagram shows how urban transit development can can affect beneficial uses of water.

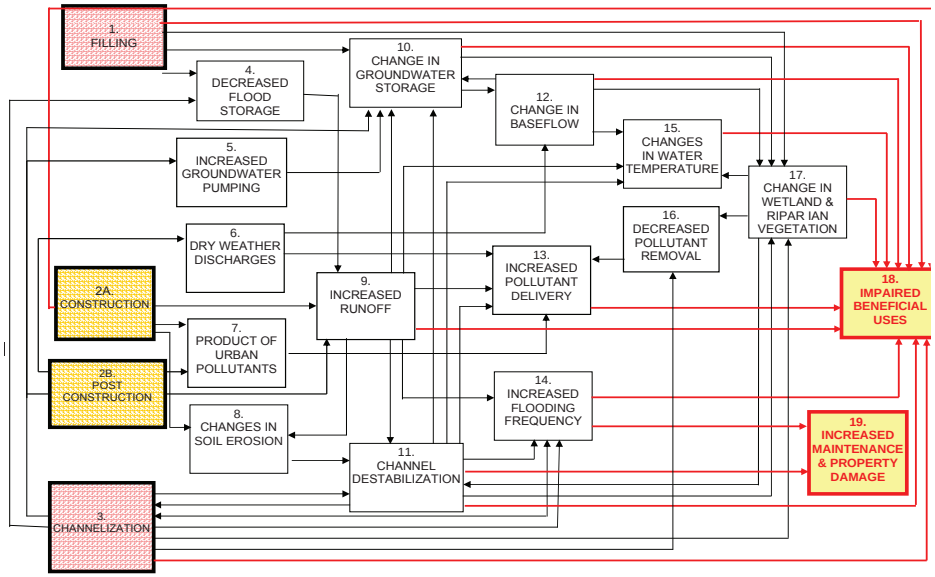

Figure 1

STATE AGENCIES — COMMENTS

RESPONSES

ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

TABLE 1

Potential Effects of Urban Transportation Development on Beneficial Uses and Required Analyses

Urban transportation development degrades water quality through a complex of interrelated causes and effects.

How to Use this Table. Table 1 outlines the pollution pathways potentially associated with urban development, provides literature citations for each cause-and-effect relationship, and identifies the information needed to assess and manage potential effects on a project-specific basis. The pollution pathways are described at the level of detail at which project-specific potential effects can be analyzed and management measures applied. The same analysis can also be applied more broadly at a general level, e.g., to urban development that would be authorized under a land-use general plan. This Table is comprised of three worksheet sub-tables described below. (In the electronic version of this table, the sub-tables are accessed via tabs at the bottom of the page).

The **"Potential Water Quality Impacts and Required Analyses"** worksheet displays the potential causes and effects (in the "Cause" and "Effect" columns respectively) of water quality degradation associated with urban development, and the information needed to assess and manage project-specific effects (the "Needed Analysis" column). Because of the complex nature of watershed dynamics, many "effects" are also "causes" along the pollution pathways, and the number in square brackets listed with each "effect" cross-reference to its enumerated place in the "Cause" column. Additionally, each of the "effects" is footnoted, and the footnote number refers to the associated note in the "Notes" sub-table.

A related flow-chart diagram (Figure 1, "Potential Effects of Urban Transportaton Development on Beneficial Uses") graphically displays these cause-and-effect relationships.

The **"Notes"** worksheet displays the summary literature citations for each of the "effects" in the "Potential Water Quality Impacts…" sub-table, keyed to the numeric footnotes in the "Effects" column.

The **"References" worksheet** displays the full literature citations, indexed by author.

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CAUSE	EFFECT	NEEDED ANALYSES
1. FILL & EXCAVATION Fill or excavation in wetlands, riparian areas, or other waters of the state.	**A. Decreased Flood Storage. [4]** Fill can impinge on the natural storage volume of ephemeral, intermittent, and perennial channels, backwaters, and wetlands, reducing capacity to retain runoff.[1]	1) Quantify reduced flood storage in each affected basin. 2) Identify mitigation.
	B. Change in Groundwater Storage. [10] Fill and excavation can decrease groundwater recharge and cause lower water tables by changing soil percolation characteristics and reducing the area of standing water in recharge basins.[2] Linear excavation (e.g., for utility lines) can act as a conduit to drain groundwater and locally lower watertables.	1) Quantify groundwater response to changes in percolation. 2) Identify locations where linear alignments could act to dewater shallow aquifers. 3) Identify mitigation.
	C. Change in Wetland and Riparian Vegetation. [17] Fill and excavation can bury or remove vegetation and can change site features to prevent reestablishment of characteristic species.	1) Identify and map types and areal extents of affected vegetation. 2) Identify mitigation.

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

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CAUSE	EFFECT	NEEDED ANALYSES
	D. Impaired Beneficial Uses. [18] Fill can directly impair beneficial uses by reducing water area and changing hydrology, geomorphology, substrate, and other waterbody characteristics. In addition, projects which fragment habitat and reduce wildlife movement along riparian and other corridors can degrade remaining patches of wetlands and other habitat by changing their physical characteristics and by isolating and exposing small populations of plants and animals, resulting in local or regional extinctions.[3]	1) Document types, areal extents, and (for drainage features) lengths of affected waters. 2) Characterize and map at project-area and regional scales existing wildlands, along with riparian corridors and other water features supporting habitat connectivity. 3) Identify effects of fill on terrestrial and aquatic habitat connectivity (refer to Enclosure 3). 4) Identify watershed-level effects on pollutant removal and flood retention. 5) Identify mitigation.
2A. CONSTRUCTION Clearing, grading, and construction of structures and facilities.	**A. Production of Urban Pollutants. [7]** Construction can produce pollutants through improper use and disposal of toxic construction materials.	1) Identify mitigation for inclusion in stormwater pollution prevention plan.
	B. Change in Soil Erosion. [8] Active construction can dramatically increase soil erosion by exposing and destabilizing soils. Erosion is compounded by the increased runoff typically accompanying construction.[6]	1) Identify location and extent of planned grading. Display proximity and slope relationships to receiving drainages. 2) Document erodibility of soils and subsoils in areas proposed for grading. 3) Quantify amount and duration of increased sediment loadings to each affected drainage. 4) Identify mitigation.
	C. Increased Runoff. [9] Construction can increase both the total and peak volume of stormwater runoff by removing vegetation, compacting soil, exposing dense subsoil, creating steep graded slopes, and eliminating terrain depressions and ephemeral and intermittent drainages that would naturally slow the movement of stormwater.[9]	1) Quantify total and peak volumes of increased runoff for each affected drainage 2) Identify mitigation.
	D. Impaired Beneficial Uses. [18] Projects which fragment habitat and reduce wildlife movement along riparian and other corridors can degrade remaining patches of wetlands and other habitat by changing their physical characteristics and by isolating and exposing small populations of plants and animals, resulting in local or regional extinctions.[11]	1) Characterize and map at project-area and regional scales existing wildlands, along with riparian corridors and other water features supporting habitat connectivity. 2) Identify effects of construction on terrestrial and aquatic habitat connectivity (refer to Enclosure 3). 3) Identify mitigation.
2B. POST-CONSTRUCTION Ongoing effects of constructed environment.	**A. Dry weather discharge. [6]** Construction can cause dry-season "nuisance" runoff from activities such as landscape irrigation[5], sidewalk and vehicle washing, and basement dewatering.	1) Characterize volumes, seasonality, and other pertinent characteristics of "nuisance" flows for each affected drainage.
	B. Increased Groundwater Pumping. [5] Construction can cause increased groundwater pumping for domestic or landscape use.[4]	1) Quantify and map locations of increased pumping.

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

CAUSE	EFFECT	NEEDED ANALYSES
	C. Production of Urban Pollutants. [7] After construction, urban areas can generate pesticides, nutrients, oxygen-demanding substances, heavy metals, petroleum hydrocarbons, bacteria, viruses, and other pollutants from activities such as landscape care and vehicle operation and maintenance.[7]	1) Quantify projected increase in pollution production in each affected basin. 2) Identify mitigation.
	D. Change in Soil Erosion. [8] After construction, erosion can be reduced to below natural levels because soils are covered with buildings and pavement, and runoff is routed through storm drains.[8]	1) Quantify reduction of natural sediment delivery rates to each affected basin. 2) Identify mitigation.
	E. Increased Runoff. [9] After construction, maintained landscapes and impervious surfaces such as roofs and streets increase total and peak runoff. The increased flows move quickly over paved surfaces and are collected, concentrated, and further accelerated in stormdrain systems. The combination of increased flows and more efficient transport causes a higher, "flashy", more rapidly peaking and falling hydrograph, especially for smaller, more frequent floods.[10]	1) Quantify project-induced changes in total and peak runoff rates to each affected drainage. 2) Identify mitigation.
3. CHANNELIZATION Engineered changes in channel structure or morphology to stabilize banks, prevent flooding, or increase flow conveyance.	**A. Decreased Flood Storage. [4]** Channelization can reduce flood storage within a basin by restricting flows to the active channel, thereby preventing detention of floodwater in backwaters and on the adjacent floodplain.[12]	1) Quantify and map reductions in flood storage in each affected basin. 2) Identify mitigation.
	B. Change in Groundwater Storage. [10] Lining channel bottoms can change groundwater storage by reducing percolation and groundwater recharge.[13] Deepening natural channels can drain adjacent shallow water tables.[14]	1) Quantify and map locations of reduction in recharge rates. 2) Quantify effects on channelization on shallow water tables and associated wetlands. 3) Identify mitigation.
	C. Channel Destabilization. [11] Channelization can cause channel destabilization by changing the balance between the stream's flow, sediment load, and channel form. Destabilization tends to affect entire stream systems. For example, channelization can concentrate and synchronize peak flows from tributary streams, causing increased channel erosion both above and below the channelized reach. The eroded sediment is then deposited downstream when the flow slows down, where it may initiate further destabilization.[15]	1) Quantify basin-level hydrologic and fluvial geomorphic effects of channelization in each affected drainage. 2) Identify mitigation.

108 cont.

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

108 cont.

CAUSE	EFFECT	NEEDED ANALYSES
	D. Increased Flooding Frequency. [14] Constricted channels (e.g., in leveed sections) can cause water to back up, resulting in localized upstream flooding. Rapid passage of floodwaters through "improved" channels can increase flooding downstream by concentrating and synchronizing tributary peaks.[16]	1) Quantify basin-level hydrologic effect of channelization on each affected basin, including changes in flood return frequencies. 2) Identify mitigation.
	E. Decreased Pollutant Removal. [16] Channelization can decrease natural pollutant removal by reducing instream structural complexity and turbulent-flow aeration, increasing flow velocity, reducing overbank flow, and by causing change in vegetation.[17]	1) Map waters lost to channelization in each affected drainage and characterize type, areal extent, and pollutant removal value. 2) Quantify affect on pollutant loadings to each affected waterbody and downstream receiving waters. 3) Identify mitigation.
	F. Change in Wetland and Riparian Vegetation. [17] Channelization and associated maintenance can directly destroy wetland and riparian vegetation and can change site features to prevent reestablishment of characteristic species.[18]	1) Map and Identify types and areas of affected vegetation. 2) Identify mitigation.
	G. Impaired Beneficial Uses. [18] Channelization and associated maintenance can directly impair beneficial uses by reducing waterbody area; increasing stream velocity; disrupting riffle and pool sequences, cover, and other structural features; changing substrate; cutting off nutrient inputs to and from backwaters and riparian wetlands, dewatering upstream reaches, and reducing aesthetic and recreational value. Reduced overbank flooding can adversely affect reproduction of riparian vegetation and wetland and riparian functions.[19] Channelization can inhibit the movement of fish, other aquatic biota, and wildlife, and thus isolate and reduce the viability of populations up and downstream.[20] Construction of channels can introduce sediment, nutrients, and toxics into the water column.[21]	1) Identify direct and indirect effects of proposed channelization projects on beneficial uses. 2) Characterize and display at project-area and regional scales existing wildlands, along with riparian corridors and other water features supporting habitat connectivity. 3) Identify effects of channelization on terrestrial and aquatic habitat connectivity. 4) Identify mitigation.
4. DECREASED FLOOD STORAGE	**A. Increased Runoff. [9]** Reduced flood storage on the floodplain and in channels, swales, wetlands, backwaters, and other natural depressions increases and accelerates runoff.[22]	1) Quantify total and peak volumes of increase runoff for each affected drainage. 2) Identify mitigation.
5. INCREASED GROUNDWATER PUMPING	**A. Change in Groundwater Storage. [10]** Increased groundwater pumping can lower watertables locally or in distant donor basins.[23]	1) Quantify and map locations of project-induced changes in groundwater levels. 2) Identify mitigation.

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

108 cont.

CAUSE	EFFECT	NEEDED ANALYSES
6. DRY WEATHER DISCHARGE	**A. Change in Baseflow. [12]** Dry weather runoff from urban activities can increase dry-period streamflows.[24]	1) Quantify hydrologic effects of dry weather flows on the baseflow of each affected drainage.
	B. Increased Pollutant Delivery. [13] Dry weather runoff can carry the pollutants generated by the activity causing the flow, e.g., pesticides, nutrients, and petrochemicals from landscape maintenance and cleaning sidewalks and vehicles. Collection of polluted dry weather flows in catch basins may result in shock loadings when it is displaced by subsequent storm flows.[25]	1) Quantify and characterize pollutant loadings from activities generating dry weather runoff to each affected drainage. 2) Identify mitigation.
7. PRODUCTION OF URBAN POLLUTANTS	**A. Increased Pollutant Delivery. [13]** Increased production of urban pollutants can cause increased delivery of pollutants to surface and groundwater.[26]	1) Quantify and characterize pollutant loadings from to each affected drainage. 2) Identify mitigation.
8. CHANGE IN SOIL EROSION	**A. Channel Destabilization. [11]** Changes in upland soil erosion can destabilize stream channels by changing the amount of sediment carried into the stream. The stream may then erode or aggrade its channel to balance its available energy with the changes in its sediment load. 1. Increased sediment from construction causes channel aggradation, changing stream cross sections and redirecting flows.[27] 2. Decreased sediment from a paved watershed can cause channel incision and/or side-cutting. The effect may be compounded by increased runoff from the paved watershed. Aggradation may occur downstream where the flow slows and deposits the eroded sediment, which may deflect flows against the channel banks and cause further bank erosion.[28]	1) Conduct geomorphologic analysis of channel response to increases in construction-related sediment. 2) Conduct geomorphologic analysis of channel response to long-term reductions in sediment delivery to each affected drainage. 3) Identify mitigation. Note: Sediment as a pollutant is considered in No. 7, "Production of Urban Pollutants".

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

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CAUSE	EFFECT	NEEDED ANALYSES
9. INCREASED RUNOFF	**A. Change in Soil Erosion. [8]** Increased runoff can dramatically increase soil erosion by causing greater runoff velocities which more effectively displace and carry soil particles. Construction-related soil destabilization can compound the effect.[29]	1) Quantify increases in sheet and gully erosion resulting from increased runoff. 2) Identify mitigation.
	B. Change in Groundwater Storage. [4] Increased runoff can reduce groundwater recharge and lower water tables, since water draining from impervious surface is unable to percolate to groundwater at that location.[30]	1) Map locations of and quantify losses of recharge and water table response. 2) Identify mitigation.
	C. Channel Destabilization. [11] Increased peak runoff can destabilize channels by increasing the flow velocity and erosive power of the stream. Head cutting, incision and/or widening of the channel, and associated sideslope failures can result. Reduced sediment input as a result of change in soil erosion rates can compound the effect.[31] In small streams, increased runoff may also dislodge logs and other channel features that help to define the channel.[32]	1) Quantify channel geomorphic response to increased runoff for each affected drainage. 2) Identify mitigation.
	D. Increased Pollutant Delivery. [13] Increased runoff increases pollutant delivery because it can more effectively carry particulate and soluble pollutants to receiving waters. Increased flow velocity reduces contact time with soil and vegetation that might otherwise remove pollutants.[33]	1) Quantify types and quantities of increased pollutant loadings to each affected drainage. 2) Identify mitigation.
	E. Increased Flooding Frequency. [14] Increased runoff and greater transport efficiency result in higher peak flows from storms of a given return period.[34]	1) Quantify basin level hydrologic effect of increased runoff on each affected basin, including changes in flood return frequencies. 2) Identify mitigation.
	F. Change in Water Temperature. [15] Increased runoff from urban areas can raise the temperature of receiving waters because runoff from impervious surfaces is often warmer than runoff from pervious surfaces or subsurface flow.[35]	1) Model increase in water temperature along stream profile of each affected drainage. 2) Identify mitigation.
	G. Impaired Beneficial Uses. [18] Increased runoff can impair habitat values by flushing fish and invertebrates out of streams,[36] increasing water level fluctuations and the velocity of flows entering wetlands,[37] and causing salinity changes in estuaries and other nearshore marine waters.[38]	1) Identify direct effects of increased flow on aquatic biota, hydrologic regimes of adjacent wetlands, and salinity of marine receiving waters for each affected drainage. 2) Identify mitigation.

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

CAUSE	EFFECT	NEEDED ANALYSES
10. CHANGE IN GROUNDWATER STORAGE	**A. Change in Baseflow. [12]** Changes in watertable level can cause changes in the dry weather baseflow of streams fed by groundwater.[39]	1) Quantify for each affected drainage the changes in baseflow associated with lowered water tables and map locations. 2) Identify mitigation.
	B. Change in Wetland and Riparian Vegetation. [17] A lowered watertable can dry up wetlands, stress or kill mature riparian vegetation, and reduce or eliminate seedling survival.[40]	1) Identify types and areas of wetlands and riparian areas that would be affected by expected lowering of shallow water tables and map locations. 2) Identify mitigation.
	C. Impaired Beneficial Uses. [18] A lowered watertable can impair water supply and other beneficial uses which use groundwater. Seawater intrusion is possible in coastal areas.[41] Aquifer compaction and subsidence can also occur.[42] Wetland and riparian areas can be dewatered, harming associated vegetation and habitats.[43]	1) Identify affects of expected water table lowering on water supply and other beneficial uses and map locations. 2) Identify mitigation.
11. CHANNEL DESTABILIZATION	**A. Channelization. [3]** Channel erosion can threaten property and structures, leading to placement of riprap or other engineered stabilization of critical sections.[45]	1) Identify stream reaches in which project-induced channel destabilization may require channelization. 2) Identify mitigation.
	B. Change in Groundwater Storage. [10] Channel incision can dewater shallow aquifers adjacent to the channel.[46]	1) Identify and map stream reaches in which project-induced stream incision may dewater shallow aquifers. 2) Identify mitigation.
	C. Increased Pollutant Delivery. [13] Channel erosion can result in increased suspended solids and turbidity in the water column.[47]	1) Identify and map stream reaches subject to project-induced destabilization, quantify changes in channel dimension, and volume of eroded material for each affected basin. 2) Identify mitigation.
	D. Increased Flooding Frequency. [14] Channel aggradation can cause local flooding by diverting flows and decreasing a stream's flow capacity.[48]	1) Identify and map stream reaches in which project-induced channel destabilization may cause aggradation and associated flooding. 2) Identify mitigation.
	E. Change in Water Temperature. [15] Bank erosion and aggradation can increase water temperature by creating a broader channel with shallow flows, increased water surface relative to flow volume, and a smaller proportion of shaded water surface. As a result, summer water temperatures and daily and seasonal temperature fluctuations tend to be greater.[49]	1) Identify and map stream reaches in which project- induced destabilization can increase water temperature. 2) Identify mitigation.
	F. Change in Wetland and Riparian Vegetation. [17] Channel destabilization can encroach on riparian wetlands and undermine streamside vegetation.[50]	1) Identify, characterize, and map wetland and riparian areas subject to encroachment by channel destabilization; . 2) Identify mitigation.

108 cont.

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

108 cont.

CAUSE	EFFECT	NEEDED ANALYSES
	G. Impaired Beneficial Uses. [18] Channel destabilization can reduce or eliminate habitat, recreation, esthetic values, and other uses by affecting deep pools, pool-riffle ratios, undercut banks, substrate suitability, and other structural features.[51]	1) Identify, characterize, and map stream reaches in which channel destabilization can directly impair beneficial uses. 2) Identify mitigation.
	H. Increased Maintenance and Property Damage. [19] Channel erosion can undermine streamside buildings, bridges, utility crossings, and other property. Aggradation can bury diversion structures and other infrastructure and may require removal to maintain flow capacity.	1) Identify and map stream reaches in which destabilization may cause increased maintenance and property damage. 2) Identify mitigation.
12. CHANGE IN BASEFLOW	**A. Change in Groundwater Storage. [10]** Reduced stream baseflow can decrease groundwater recharge by reducing wetted area and the amount of water available for recharge in stream channels.[52]	1) Identify and map affected stream reaches. 2) Quantify losses of recharge and water table response. 3) Identify mitigation.
	B. Change in Water Temperature. [15] Decreased baseflow, typically resulting from change in groundwater storage, can cause elevated and fluctuating stream temperature because groundwater usually enters the stream at cool, stable temperatures.[53]	1) Identify and map affected stream reaches; 2) Quantify temperature effects along stream profile. 3) Identify mitigation.
	C. Change in Wetland and Riparian Vegetation. [17] Decreased stream baseflow can cause riparian vegetation to shift to upland species.[54]	1) Characterize and map affected riparian areas. 2) Identify mitigation.
	D. Impaired Beneficial Uses. [18] 1. Decreases in the amount or duration of baseflow can impair habitat quality by eliminating aquatic and riparian habitat area, reducing flow velocities, and otherwise disrupting the life cycles of plants and animals which are dependent on water.[55] 2. Increases in baseflow resulting from dry weather discharge can impair waterbodies such as seasonal wetlands, vernal pools, and intermittent streams which are naturally defined by seasonal water availability.	1) Identify and map affected waterbody segments. 2) Characterize and quantify changes in baseflow. 3) Identify direct effects on beneficial uses 4) Identify mitigation.
13. INCREASED POLLUTANT DELIVERY	**A. Impaired Beneficial Uses. [18]** Urban pollutants can impair many beneficial uses, e.g., water supply, recreation, fish and wildlife habitat, and shellfish production.[56]	1) Identify direct effects of increased pollutant loadings on beneficial uses in each affected waterbody segment. 2) Identify mitigation.

STATE AGENCIES — COMMENTS

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

108 cont.

CAUSE	EFFECT	NEEDED ANALYSES
14. INCREASED FLOODING FREQUENCY	**A. Channelization. [3]** Increased flooding can lead to channelization of the critical section to more efficiently pass flood flows.[57]	1) Identify stream reaches in which project-induced flooding may require channelization. 2) Identify mitigation.
	B. Impaired Beneficial Uses. [18] Increased flooding can impair habitat,[58] water supplies, navigation, and other beneficial uses.	1) Identify stream reaches in which project-induced flooding may impair beneficial uses. 2) Identify mitigation.
	C. Increased Maintenance and Property Damage. [19] Increased flood frequency can result in more maintenance and flood damage.	1) Identify stream reaches in which project-induced flooding may increase maintenance and property damage. 2) Identify mitigation.
15. INCREASED WATER TEMPERATURE	**A. Impaired Beneficial Uses. [18]** Increased water temperature can directly stress aquatic biota and can also affect other parameters associated with habitat quality, such as dissolved oxygen concentration and rate of chemical reactions.[59]	1) Identify and map affected waterbody segments. 2) Quantify temperature changes. 3) Characterize effects on beneficial uses. 4) Identify mitigation.
16. DECREASED POLLUTANT REMOVAL	**A. Increased Pollutant Delivery. [13]** Less removal of pollutants by natural processes can result in greater concentrations of pollutants in receiving waters.[60]	1) Quantify effects to pollutant loadings for each affected waterbody. 2) Identify mitigation.
17. CHANGE IN WETLAND AND RIPARIAN VEGETATION	**A. Channel Destabilization. [11]** Loss of vegetation and its associated anchoring root masses can destabilize channel banks and other geomorphic features.[61]	1) Characterize and map affected geomorphic features. 2) Identify mitigation.
	B. Change in Water Temperature. [15] Loss of riparian vegetation can increase maximum water temperature by exposing more water surface to the sun. Daily and seasonal temperature fluctuations also tend to be greater.[62]	1) Identify and map stream reaches in which loss of riparian vegetation can increase water temperature. 2) Identify mitigation.
	C. Decreased Pollutant Removal. [16] Removal of vegetation adjacent to a waterbody can reduce removal of pollutants from the waterbody and from the overland flow draining to the waterbody.[63]	1) Describe type, areal extent, and pollutant removal value of affected vegetation and map location. 2) Identify mitigation.
	D. Impaired Beneficial Uses. [18] Loss of vegetation directly impairs the quality of aquatic and riparian habitat by reducing cover, structural diversity, and nutrient sources.[64] Removal of vegetation can also fragment and isolate remaining patches of habitat, resulting in decreased habitat value over large areas.[65]	1) Identify affected waterbody segments. 2) Characterize direct effects of vegetation loss on beneficial uses. 3) Characterize and display at project-area and regional scales existing wildlands, along with riparian corridors and other water features supporting habitat connectivity. 4) Identify effects of vegetation change on terrestrial and aquatic habitat connectivity. 5) Identify mitigation.

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ATTACHMENT 1 - TABLE 1
POTENTIAL EFFECTS OF URBAN TRANSPORTATION DEVELOPMENT ON BUs and RQD ANALYSES

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CAUSE	EFFECT	NEEDED ANALYSES
18. IMPAIRED BENEFICIAL USES	Figure 1 - End point for water quality impairment.	
19. INCREASED MAINTENANCE AND PROPERTY DAMAGE	Figure 1 - End point for maintenance and property damage effects.	

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NOTES

[1] Terrene Institute 1994, pp.1, 26.
USEPA 1993b, pp. 15-17.
USEPA 1993a pp. 4-5 – 4-10.

[2] Ca SWRCB 1994a, p. 22.
Terrene Institute, 1994, p. 1.

[3] Knutson 1997, p. 71.
Soulé 1991.
US Fed Interag Str Rest Wk Gp 1998, pp. 2-80 - 2-82.
Soulé 1992.
Noss and Cooperrider 1994, 33-34, 50-54, 59-62, 61-62.
Saunders et al 1991.

[4] Dunne and Leopold 1978, p. 223.
Kondolf and Curry 1986.

[5] Mount 1995, pp. 288, 290.

[6] Dunne and Leopold 1978, pp. 511, 516-17.
USEPA 1993b, p.15-16.

[7] Knutson 1997, p. 70.
USEPA 1993b, p. 15-16.
Mount 1995, p. 288, 290.
Ca SWRCB 1994b, P. 3.
Schueller 1994.
Schueller, 1995.
USEPA 1993a pp. 4-5 – 4-10.

108 cont.

[8] Booth 1990.
Arnold et al, 1882.
Dunne and Leopold 1978, pp. 511, 515-518, 693.
US Fed Interag Str Rest Wk Gp 1998, p. 3-24.
Mount 1995, p. 288.
Kondolf and Keller 1991.
Klein 1979.
Graf 1975.
USEPA 1993a p. 4-5 – 4-10.

[9] Dunne and Leopold 1978, p. 517, 694.
US Fed Interag Str Rest Wk Gp 1998, pp. 1-15, 2-12.
USEPA 1993b, pp. 15, 17, 29.
USEPA 1993a PP 4-5 – 4-10.
Terrene Institute 1994, pp.1, 26.

[10] Ca SWRCB 1994b, p. 3
Knutson 1997, p.67.
US Fed Interag Str Rest Wk Gp 1998, pp. 1-15, 2-12,.3-15,.3-22, 3-23.
USEPA 1993b, p.3, 15, 29, 30.
Dunne and Leopold 1978, pp. 275, 327, 687, 693, 695.
Klein 1979.
Hollis 1975.
Graf 1975.
Mount 1995, pp. 287-292.
Kondolf and Keller 1991.
Booth 1990.
Arnold et al 1982.
Schueller 1994.
USEPA 1993a pp. 4-5 – 4-10.

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108 cont.

[11] Knutson 1997, p. 71.
Soulé 1991.
US Fed Interag Str Rest Wk Gp 1998, pp. 2-80 - 2-82.
Soulé 1992.
Noss and Cooperrider 1994, 33-34, 50-54, 59-62, 61-62.
Saunders et al 1991.

[12] USFWS 1982, p. 34.
Mount 1995, p. 306.
Arnold et al 1982.

[13] USFWS 1982, p. 73.

[14] Dunne and Leopold 1978, p.404.
USFWS 1982, p. 37.
USEPA 1993a pp.6-4 – 6-6

[15] Cal SWRCB 1994a, p. 31.
USFWS 1982, pp.19, 26-28, 34, 39, 100.
Dunne and Leopold 1978, p. 404, 703, 707.
Mount 1995, p. 287, 302, 305.
USEPA 1993b.

[16] Dunne and Leopold 1978, p. 404.
Mount 1995, p. 287.
Kondolf and Keller, 1991.

[17] USFWS 1982, p. 27.
USEPA 1993a pp.6-4 – 6-6

[18] USFWS 1982, pp.32, 39, 46, 47, 54, 73.
USEPA 1993a pp.6-4 – 6-6

[19] Terrene Institute 1994, p.4.
US Fed Interag Str Rest Wk Gp 1998, p.3-8.
USFWS 1982, pp. 26-28, 32, 33, 45-63, 73, 95ff.
Dunne and Leopold 1978, p.707.
Mount 1995, p. 308.
USEPA 1993a pp.6-4 – 6-6

[20] USFWS 1982, p. 97.
USEPA 1993a pp.6-4 – 6-6.
Knutson 1997, p. 71.
Soulé 1991.
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Soulé 1992.
Noss and Cooperrider 1994, 33-34, 50-54, 59-62, 61-62.
Saunders et al 1991.

[21] USFWS 1982, p. 37.
Mount 1995, p. 309.

[22] Mount 1995, p. 306.
Arnold et al 1982.

[23] Kondolf and Curry 1986.

[24] Mount 1995, pp. 290.

[25] Mount 1995, p. 289.

[26] Knutson 1997, p. 70.
Terrene Institute 1994, pp.1-3.
USFWS 1982, p.43.
US Fed Interag Str Rest Wk Gp 1998, p. 3-25.
USEPA 1993(1) pp. 4-5 – 4-10.

[27] Dunne and Leopold 1978, p.687, 697.
Mount 1995, pp.288, 305.
Terrene Institute 1994, p.2.
Graf 1975.

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108 cont.

[28] Dunne and Leopold 1978, p.687, 697.
Mount 1995, pp.288, 305.
Terrene Institute 1994, p.2.
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[29] Dunne and Leopold 1978, pp. 511-513.

[30] Ca SWRCB 1994b, p. 2.
US Fed Interag Str Rest Wk Gp 1998, pp. 1-15, 3-24.
USEPA 1993b, pp.3, 17, 29, 30.
Terrene Institute 1994, p.1.
Dunne and Leopold 1978, p. 275, 277
Klein 1979.
USEPA 1993a pp. 4-5 – 4-10.

[31] USEPA 1993b, pp. 3, 30.
Ca SWRCB 1994a, p.31.
Ca SWRCB 1994b, p. 4.
Knutson 1997, pp. 67, 70.
US Fed Interag Str Rest Wk Gp 1998, pp. 3-24, 3-25.
Dunne and Leopold 1978, p. 277, 695, 697, 699.
Mount 1995, pp. 287.
Kondolf and Keller 1991.
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Arnold et al, 1982.
Klein 1979.
Graf 1975.
Schueller 1994.
USEPA 1993a pp. 4-5 – 4-10.

[32] Booth 1990.
Patton 1981, cited in Arnold et al 1982.

[33] Knutson 1997, p.70.
Terrene Institute, 1994, p.1.
USEPA 1993b, p. 15, 32.

[34] Ca SWRCB 1994a, p.31.
Ca SWRCB 1994b, p. 3.
Dunne and Leopold 1978, pp. 276-77, 695.
USEPA 1993b, p.17.
Mount 1995, p. 290-291.
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[35] Ca SWRCB 1994b, p. 4.
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Knutson 1997, pp.70, 70-71.
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USEPA 1993a pp. 4-5 – 4-10.

[36] Klein 1979,
Borchardt and Statzner 1990.

[37] USEPA 1993b, pp.30, 35-38.

[38] USEPA 1993a pp. 4-5 – 4-10

[39] Ca SWRCB 1994b, p. 3.
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[40] USFWS 1982, p. 73.
Kondolf and Curry 1986.

[41] Dunne and Leopold 1978, p. 225

[42] Dunne and Leopold 1978, p. 227-229.

[43] USEPA 1993b, p. 30.
USEPA 1993a pp.6-4 – 6-6

[44] Ca SWRCB 1994a, p. 31.
Dunne and Leopold 1978, p. 404.
Mount 1995, p. 305.
USEPA 1993b, p.30.
USFWS 1982, pp.39, 100.
Arnold et al 1982.

[45] Dunne and Leopold 1978, p.703.
Mount 1995, p. 287.
USEPA 1993a pp. 4-5 – 4-10.

[46] Ca SWRCB 1994a, p. 31

[47] US Fed Interag Str Rest Wk Gp 1998, pp. 3-24, 3-25.
Dunne and Leopold 1978, pp. 694-695, 697.

[48] Mount 1995, p. 305.

[49] Knutson 1997, p.71.
Klein 1979.

[50] Ca SWRCB 1994b, p. 3.
US Fed Interag Str Rest Wk Gp 1998, p.3-24 – 3-25.
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[51] Ca SWRCB 1994a, p. 31.
Knutson 1997, p.70.
US Fed Interag Str Rest Wk Gp 1998, p. 3-26.
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Klein 1979.
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Schueller 1994.

[52] USFWS 1982, p.69.

[53] Klein 1979.

[54] USEPA 1993b, p.37.

[55] USEPA 1993b, p.30, 37.
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[56] Ca SWRCB 1994b, p. 4.
USEPA 1993b, pp.15, 32, 37, 38.
Borchardt and Statzner 1990.
USEPA 1993a pp. 4-5 – 4-10.

[57] Mount 1995, pp.287, 305.

[58] USEPA 1993b, pp.36-38.
Schueller 1994.

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[59] Terrene Institute 1994, p.4.
USFWS 1982, pp.39, 56.

[60] Ca SWRCB 1994a, p.22.

[61] Terrene Institute 1994, p.26.
US Fed Interag Str Rest Wk Gp 1998, pp.3-14, 3-16.
USFWS 1982, pp.54, 73.
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[62] Terrene Institute 1994, p.26.
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US Fed Interag Str Rest Wk Gp 1998, pp. 3-16, 3-25.
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[63] Ca SWRCB 1994a, p. 22.
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USFWS 1982, pp. 54, 62.

[64] Ca SWRCB 1994a, p.22.
Knutson 1997, pp.19-38, 69.
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[65] Burke 1995, pp. 1365-1369
Dodd 1998, pp. 331-339
Findley 1997, pp. 1000-1009
Hilty 2004, pp. 126-135
Joyal 2001, pp. 1755-1762
Knutson 1997, p. 32, 71.
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Noss 1994, pp. 33-34, 50-54, 59-62
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Pounds 2004, pp. 107-109
Root 2003, pp. 57-60
Saunders 1991, pp. 18-32
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URBAN DEVELOPMENT AND WATER QUALITY PROTECTION

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ATTACHMENT 2

Low-Impact Development References

Low-impact (LID) development generally involves more compact development that:

- minimizes generation of urban pollutants;
- preserves the amenity and other values of natural waters;
- maintains natural waters, drainage paths, landscape features and other water-holding areas to promote stormwater retention and groundwater recharge;
- designs communities and landscaping to minimize stormwater generation, runoff, and concentration; promote groundwater recharge; and reduce water demand;
- promotes water conservation and re-use.

The following documents are among many that provide more specific guidance in LID.

Bay Area Stormwater Management Agencies Association. Start at the Source. 1999. Online: http://www.cleanwaterprogram.org/uploads/SAS-TOC_Howto.pdf

Center for Watershed Protection. Better Site Design: A Handbook for Changing Development Rules in Your Community. August 1998. Online: http://www.cwp.org/.

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State Water Resources Control Board

Terrestrial Habitat Connectivity Related To Wetland, Riparian and Other Aquatic Resources

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ATTACHMENT 3

Terrestrial Habitat Connectivity as Related To Wetland, Riparian, and Other Aquatic Resources

"Habitat connectivity" refers to the need for plant and animal populations to have some mobility over the landscape, i.e., to avoid becoming "isolated" or "disjunct."[1] A large body of research has demonstrated that such "isolated" populations face a high probability of eventual extinction, even if their immediate habitats are spared.[2] In general, the smaller such an isolated population, the more quickly it will die out. Urban development typically fragments habitat by creating artificial landscapes which are movement barriers for most species. Unless mitigation measures are taken, isolated, non-viable populations are created as buildings, roads, and landscaping cut off lines of movement.

In the context of wetlands, "habitat connectivity" refers to three related phenomena:

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a. The need of some animals to have access to both wetland and upland habitats at different parts of their life cycle. Some wetland animals, e.g., some amphibians and turtles, require access at different seasons and/or at different life stages to both wetland and to nearby upland. Preserving the wetland but not access to upland habitat will locally exterminate such species.[3]

b. The ecological relationship between separate wetlands. Some wetland communities and their associated species comprise networks of "patches" throughout a landscape. Wetland plants and animals are adapted to the presence of wetland complexes within a watershed and are dependent on moving among the wetlands within the complex, either regularly or in response to environmental stressors such as flood or drought, local food shortage, predator pressure, or influx of pollution. Removing one such water from the complex will reduce the biological quality of the rest, and at some point the simplified wetland complex will be incapable of supporting at least some of the species, even though some wetlands remain.[4]

c. The role wetlands and riparian corridors play in allowing larger-scale movements. Some strategically located wetlands and continuous strips of riparian habitat along streams facilitate connectivity at watershed and regional scales for terrestrial as well as aquatic and amphibious species.

As noted above, habitat connectivity is critical to biodiversity maintenance, and will become more so because of global warming. Significant range shifts and other responses to global warming have already occurred. The ability of biotic populations to move across the landscape may be critical to their survival in coming decades.[5]

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[1] Such mobility may occur at the level of the individual organism (e.g., a bird or turtle travelling between separated wetlands) and/or of the population (e.g., a plant species colonizing a new wetland through seed dispersal); and over different time scales.

[2] For the effects of habitat fragmentation and population isolation on the survival of plants and animals, see for example:

K. L. Knutson and V.L. Naef, *Management Recommendations for Washington's Priority Habitats: Riparian*, Washington Dept. of Fish and Wildlife, Olympia, WA, December 1997, p. 71.

R.F Noss and A.Y Cooperrider, *Saving Nature's Legacy; Protecting and Restoring Biodiversity,* Washington, D.C., Island Press, 1994, pp. 33-34, 50-54, 59-62, 61-62.

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[3] Regarding the relationship between wetland/riparian and upland habitats, see for example:

Vincent J. Burke and J. Whitfield Gibbons, "Terrestrial Buffer Zones and Wetland Conservation: A Case Study of Freshwater Turtles in a Carolina Bay," *Conservation Biology* 9(6), 1995, pp. 1365-1369;

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National Research Council, *op. cit.,* 2001, p. 42;

Nature Conservancy, *op. cit.*, July 2000, p. 10.

[5] Recent reports comprehensively review observed effects of global change on plant and animal range shifts, advancement of spring events, and other responses. See:

Terry L. Root, Jeff T. Price, Kimberly R. Hall, Stephen H. Schnieder, Cynthia Rosenzweig, and Alan Pounds, "Fingerprints of Global warming on Wild Animals and Plants," *Science* 421:2, January 2003, pp. 57-60.

Camille Parmesan and Gary Yohe, "A Globally Coherent Fingerprint of Climate Change Impacts cross Natural Systems," *Science* 421:2, January 2003, pp. 37-42.

Thomas, et al. "Extinction risk from climate change", *Nature* 427, January 2004, pp. 145-148

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STATE OF CALIFORNIA – THE NATURAL RESOURCES AGENCY ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA COASTAL COMMISSION

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November 22, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
California Department of Transportation, District 11
4050 Taylor Street
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Subject: Comments on the Draft Environmental Impact Report / Environmental Impact Statement (DEIR/EIS) for the Interstate 5 North Coast Corridor Project

Dear Ms. Harrison,

Commission staff appreciates the opportunity to review and provide comments on the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project (DEIR/EIS). These comments are offered to assist Caltrans in identifying information needed to review the proposed project for conformity with the Coastal Act, as well as CEQA, and issues raised regarding conformance with Coastal Act requirements.

The project as proposed would result in the widening of Interstate 5 (I-5) over a distance of 27 miles from post mile R 28.4 at La Jolla Village Drive in the City of San Diego to post mile R 55.4 at Harbor Drive in the City of Oceanside/Camp Pendleton Marine Corps Base. The proposed project includes two High Occupancy Vehicle Managed Lanes in each direction, and, dependent on the alternative, an additional general purpose lane in each direction; the replacement and widening of several bridges; four proposed Direct Access Ramps (DARs); auxiliary lanes; noise barriers; retaining walls and landform modifications; ramp meters; utility relocations; drainage facility modifications; Park & Ride facilities; trail and recreational improvements; and other facility improvements.

The primary objectives of the project as described in the "Purpose and Need" are to maintain or improve the existing and future traffic operations within the I-5 north coast corridor (I-5 NCC) in order to improve the safe and efficient movement of people and goods, while protecting and enhancing both the human and natural environment located along the corridor.

Coastal Commission staff has identified a number of concerns relative to the DEIR/EIS for the Interstate 5 North Coast Corridor (NCC) Project. We have the following principal issues with the document; they are as follows:

01 • The document lacks a clear evaluation of how a variety of improvements within the regional corridor can serve in part or in whole to meet the project's stated purpose and need. On-going and planned improvements to all modes of

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Responses to Gabriel Buhr, Coastal Program Analyst III, San Diego District, and Sherilyn Sarb, Regional Director, San Diego District, California Coastal Commission

01 The purpose of this EIR/EIS is to provide the relevant information from the studies conducted in the corridor, to the public and decision makers, so informed decisions can be made regarding the proposed highway project. The Draft EIR/EIS (July 2010) and Supplemental Draft EIR/EIS (August 2012) were circulated to the public with a total of four proposed build alternatives that met the purpose and need of the project.

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01 cont. transportation within the corridor, including the LOSSAN rail system, collectively need to be understood and implemented in a manner that protects the environment and provides safe and efficient movement of goods and people in the region. The proposed I-5 corridor project alternatives cannot be understood or evaluated without this larger contextual analysis.

02
- The relationship of the proposed Public Works Plan that guides the implementation of the subject I-5 corridor widening alongside improvements to the LOSSAN corridor, bicycle/pedestrian facilities, and significant restoration, enhancement and mitigation of affected coastal lagoon systems, is not clearly articulated throughout key sections of the DEIR/EIS.

03
- Several key supporting studies, such as a thorough examination of the resources, hydrology and enhancement/restoration potential of affected lagoons in light of potential changes to transportation crossings for Interstate 5, LOSSAN (rail), and Highway 101, have not been completed and have not been incorporated in the DEIR/EIS. The reports released on these subjects to date have been technically deficient and have not adequately incorporated sea-level rise considerations. These supporting studies must be completed and included to provide a whole picture of the project to the reader. The studies must meet current expectations for scientific investigation and policy implementation.

04
- Particularly from a Coastal Act perspective, the lagoon systems of northern San Diego County are so sensitive and of such high value, crucial information related to selecting bridge design alternatives that will best protect and restore those lagoon systems must be developed before any environmental document can be considered to be complete. A renewed effort to assess lagoon function, related resources, and transportation improvements in light of these high values should be completed prior to release of the environmental analysis of the Interstate 5 North Coast Corridor Project.

05
- The DEIR/EIS addresses various lane additions to the I-5 freeway as the only set of alternatives that need to be evaluated within the context of the environmental document. In fact, a host of alternative considerations should be evaluated relative to the potential design options for "common features" and "community enhancements" associated with the project. These design options must be presented and evaluated in concert with lane addition proposals to afford a complete range of appropriate highway improvements for review.

06
- Relative to the alternatives that are presented for meeting the project's purpose and need, the DEIR/EIS must present specific, side-by-side comparisons of basic information on the impacts that would be anticipated to result from each option or a combination of options, as required by CEQA and NEPA. Such a comparison is lacking, and is necessary for the reviewer to discern what might constitute a preferred alternative. Further, the DEIR/EIS

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01 cont. These environmental documents included information summarizing the multimodal transportation planning in the corridor from the 2030 and 2050 Regional Transportation Plans (RTPs) and Final EIR, as well as the Corridor System Management Plan (CSMP) and the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP). The RTP, CSMP, and PWP/TREP are the appropriate documents to present the detailed "contextual analysis" for the multimodal transportation program in the county. The PWP/TREP presents the ongoing and planned improvements to all modes of transportation within the North Coast Corridor. Please see Topical Response "Multimodal System" and *Section 1.4, History and Background*, in the Final EIR/EIS.

Additionally, this Final EIR/EIS also provides information summarizing the extensive ongoing coordination that Caltrans has conducted with multiple jurisdictional agencies to plan the proposed improvements, including the San Diego Council of Government's (SANDAG); the cities of San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside; the resource agencies such as the U.S. Environmental Protection Agency (USEPA), the U.S. Fish and Wildlife Service (USFWS) the U.S. Army Corps of Engineers (USACE), the U.S. National Marine Fisheries Service (NMFS), the California Coastal Commission (Commission), the California Department of Fish and Wildlife (CDFW; previously the California Department of Fish and Game), and the California Regional Water Quality Control Board (RWQCB); and multiple other government agencies, interested parties, and members of the public. Please see *Chapter 5* summarizing the agency coordination throughout the environmental process.

02 The Draft EIR/EIS and Supplemental Draft EIR/EIS addressed the PWP/TREP and the permitting requirements are incorporated into the Final EIR/EIS Executive Summary (*ES.9, Coastal Considerations*) and *Sections 1.5, Other I-5 Considerations,* and *3.1, Land Use*.

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	03 Please see the response to Comment 01. Information from the lagoon studies conducted for the *I-5 NCC Project* has been incorporated into this Final EIR/EIS, and the focused discussion of most studies can be found in *Sections 3.9* and *3.17*. Lagoon studies were not completed at the time the Draft EIR/EIS was released, and were presented in the Supplemental Draft EIR/EIS. The lagoon studies did assume a rise in sea level of 4.5 feet by the year 2100. Caltrans engineers, in consultation with the resource agencies, have used information from these studies to refine bridge specifications over the lagoons and develop further strategies to avoid, minimize, and mitigate potential environmental impacts. Updated information about the refined project design, and associated impacts to lagoons was included in the Supplemental Draft EIR/EIS. This Final EIR/EIS, as well as the PWP/TREP, also include the requested information.
	04 Please see the response to Comment 03. Bridge design studies at the lagoons have been prepared to evaluate the potential for the I-5 widening to adversely affect lagoon systems within the corridor. Caltrans has examined the option of building bridges with longer spans to enhance flow under the bridges, thereby increasing tidal exchange, decreasing tidal muting, and improving water quality. Lengthening of bridges was found to be beneficial, and longer bridges have been incorporated into the project design at three of the lagoon crossings. These designs were described in detail in the Supplemental Draft EIR/EIS and have been incorporated into the Final EIR/EIS.
	05 The project common features and community enhancements have gone through extensive analysis to develop options that address the transportation needs in the I-5 corridor. Impact avoidance and minimization strategies have been incorporated into the project design, along with mitigation components that comply with environmental requirements. Information about potential environmental impacts for the proposed common design features and community enhancements was provided in *Tables 2.2.2, Community Enhancements Information, 2.2.3, Regional Enhancements Information*, and *2.2.4,Common Design Features, Direct Access Ramps* in the Supplemental Draft EIR/EIS, as well as in *Tables ES.1, ES.12,* and *ES.13* of the Final EIR/EIS.

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05 cont. The common features, such as auxiliary lanes and Direct Access Ramps (DARs), are proposed to provide specialized lanes to reduce traffic weaving and freeway congestion on I-5. Local traffic traveling a short distance within the corridor, enter and exit the freeway, interrupting traffic flow in the main lanes. The auxiliary lanes are designed to improve traffic flow by providing an additional lane between interchanges for local traffic to use instead of merging across the main lanes. Similarly, DARs provide dedicated ramps for traffic to directly access the fast lanes (or HOV/Managed Lanes) from a local street, thus avoiding the need to weave across the main travel lanes, which can slow traffic down.

Modifications to the project design, such as minimum lane widths and use of retaining walls, have been incorporated to minimize the project footprint and potential environmental impacts. The proposed locations for DARs were based on traffic projections, proposals for future bus rapid transit (BRT), and input from the local cities. A listing of criteria considered prior to site selection for the Voigt Drive and Manchester Avenue DARs was provided in *Table 2.2.4* in the Supplemental Draft EIR/EIS and is included in *Table ES.2* of the Final EIR/EIS. Please note that the Cannon Drive and Oceanside Boulevard DARs have been eliminated from the proposed project following circulation of the Draft EIR/EIS and receipt of new information regarding city options at those locations. At Voigt Drive, two designs were considered, and the slimmest (least impactive) design has been incorporated into the project. At Manchester Avenue, the design has been modified from an overpass, to a far less impactive underpass.

Proposed community enhancement, such as walking and bicycle trails, pedestrian streetscape with landscaping, and parks were originally identified through an extensive planning process that began with field surveys and review of (multiple) planning documents of the cities within the I-5 corridor. Meetings were held with planning agencies to identify specific improvements, and with public representatives to develop a ranking of the enhancements prior to decisions on the final list of enhancements. The details of the processes followed to identify the enhancements can be found in the following technical studies circulated to the public with the Draft EIR/EIS: the Community Enhancement Plan Notebook

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06 cont. is insufficient in providing a basis to determine whether significant impacts have been avoided to the maximum extent possible or whether unavoidable impacts have been mitigated to the greatest degree feasible.

07 • The DEIR/EIS does not adequately detail unavoidable impact mitigation proposals nor provide sufficient commitments to mitigate impacts to a level of insignificance as required under CEQA or to find any future project consistent with Coastal Act policies.

As a result of these information deficiencies, and as discussed further below, Commission staff strongly recommends that the DEIR/EIS be revised, expanded and re-circulated in draft form to allow for adequate public review.

08 The majority of the proposed project is located within the Coastal Zone, and will, therefore, require approvals from the Coastal Commission. The Commission is the state agency responsible for implementing the Coastal Zone Management Act (CZMA); and, therefore, the project will require a federal consistency determination from the Commission related to any actions that either require federal approval or utilize federal funding dollars. In addition, the proposed project would also require the issuance of coastal development permits (CDPs), either by the Commission or by local municipalities depending on the jurisdiction. Given the variety of transportation needs and choices within the corridor that implicate coastal policies, Commission staff has recommended that Caltrans, in partnership with SANDAG, develop a Public Works Plan (PWP) to address the various transportation related improvements located within the North San Diego County Coastal Zone. A PWP would present a platform to illustrate the linkages between freeway, transit, community enhancements and restoration projects proposed within the I-5 NCC. At the same time, a PWP could guide implementation of projects that are designed and paced so that access needs are appropriately met in tandem with maximum protection and restoration of coastal resources. As stated in the DEIR/EIS, Caltrans has been working cooperatively with Commission staff in the preparation of a PWP for transportation related improvements located within the North San Diego County Coastal Zone. The DEIR/EIS addresses only one component of the proposed PWP; however, it is not possible to review the highway widening component in isolation due to its significant impacts on coastal resources and inconsistency with Coastal Act policies.

09 The scope of the proposed project under review in the DEIR/EIS encompasses approximately 27 miles of the San Diego County coastline. Due to the large expanse of the subject area, multiple jurisdictions have permitting authority, including areas where local governments have certified Local Coastal Programs (LCPs), areas where LCPs have yet to be certified, as well as areas where the Commission retains jurisdiction (including tidelands, submerged lands and public trust lands). In areas where there is an LCP that has been certified by the Commission as consistent with Chapter 3 policies, the LCP is the standard of review; while in areas where an LCP has yet to be certified, the standard of review remains Chapter 3 policies of the Coastal Act. These LCP and Coastal Act policies would apply to the Commission's review of the proposed PWP as well. Upon any approval of a PWP, all applicable future development proposals within the geographic scope of the PWP would be evaluated by the Commission for conformance with the PWP provisions and would not be subject to CDP permit

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05 cont. and the Community Enhancement Plan. They can be accessed digitally through www.dot.ca.gov/dist11/Env_docs/I-5NCCDraft.html and www.keepsandiegomoving.com.

06 Please see *Table ES.14* in the Final EIR/EIS, which summarizes potential impacts by alternative. To some extent, the potential for minimization was evaluated in the build alternatives, which compared roadway efficiency of the varying lane and buffer or barrier alternatives, as well as associated environmental effects. These have been summarized from the information in *Chapter 3* of the EIR/EIS, where topic-specific data are provided in a side-by-side format for the different build alternatives. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative is the smallest of the build alternatives presented in this Final EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Additional bridge design and biological and/or coastal resource mitigation specificity for this alternative was included in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. Minimization of impacts has been incorporated into the Preferred Alternative and will continue throughout the project design and permitting process, in consultation with the Commission.

07 As noted in *Chapter 4* of the EIR/EIS, two areas were identified as CEQA-significant impacts after avoidance, minimization, and mitigation efforts. These impacts were assessed to the issues of Visual/Aesthetics for all alternatives and Community Character and Cohesion. With regard to community effects, a potentially significant and unmitigable impact was identified only with regard to the 10+4 Barrier alternative, due to the potential for that alternative to displace and relocate 47 residential units in the City of Carlsbad. The issues of cultural resources, paleontological resources, hazards and hazardous materials, corridor-wide noise along the 27-mile-long project, and biological resources were each found to be less than significant following avoidance, minimization and mitigation. Impacts to all other resource areas were found less than significant, due to their minor footprint impacts or beneficial

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07 cont. effects associated with project implementation, and/or the required compliance with environmental regulations. Mitigation also provided a focus of resource agency coordination in 2011 through 2013. See response to Comment 01, as well as *Chapter 5* of the Final EIR/EIS for a listing of meetings and topics. Additional mitigation specificity was provided in the Supplemental Draft EIR/EIS and subsequently incorporated into the Final EIR/EIS in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* as well as Appendix D, Environmental Commitments Record (ECR), and the Resource Enhancement and Mitigation Program (REMP), which is Appendix P in this Final EIR/EIS. The mitigation program detailed in these complementary documents adequately mitigates the project impacts and is applicable to future implementation of the proposed project. The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible through specific, tangible actions that will reduce a physical environmental effect. "Mitigation" for purposes of NEPA is defined in 40 CFR 1508.20 as including avoiding, minimizing, rectifying, reducing, and compensating, and the measures discussed may have been incorporated into the project design/plan. In 40 CFR 1502.14(f) and 40 CFR 1502.16(h), NEPA requires that appropriate mitigation measures be discussed. In contrast, CEQA Guidelines 15126.4(3) state that mitigation measures are not required for effects that are not found to be significant. As noted in EIR/EIS *Section 4.1, Determining Significance under CEQA*, there are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. It cannot be inferred, therefore, that measures listed in *Chapter 3* mean impacts are potentially significant under CEQA. *Chapter 4* references the measures in *Chapter 3* where such measures are relied upon to reach a CEQA conclusion regarding significance following mitigation.

08 Caltrans has worked closely with SANDAG and the Commission to prepare a PWP/TREP. See also the notation in response to comment 01. This Final EIR/EIS includes the updated information regarding the Coastal Zone Management Act (CZMA), including information on the Coastal Development Permits (CDP). The

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	08 cont. Draft PWP/TREP was circulated in the summer of 2010, along with the I-5 Draft EIR/EIS. Additional information and analysis developed during monthly meetings held in 2011 through 2013 with the resource agencies (including the Commission) was circulated to the public in a Supplemental Draft EIR/EIS in 2012. A revised Draft PWP/TREP was circulated in March 2013 and the Final PWP/TREP was completed in fall 2013, which addresses the full range of transportation improvements that are designed to implement the maximum protection and restoration practicable for the benefit of coastal resources.
	09 Caltrans agrees with this statement regarding requirements of the proposed project and the PWP. The PWP will be the means of obtaining Commission permitting for the project within the jurisdictions of multiple resource agencies. Caltrans understands the lagoons are areas of retained jurisdiction and projects within these areas would be reviewed through the Commission's permit processes.

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09 cont. requirements at the local level. Projects within the Commission's areas of retained jurisdiction, however, would continue to be reviewed through the Commission's permit processes since that authority cannot be delegated.

10 Under CEQA, "the EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison..." (CEQA Guidelines § 15126.6(d)). Commission staff has concluded that the DEIR/EIS does not present an adequate level of information and comparison between the proposed project alternatives to allow for a meaningful analysis and public review. Such inclusive disclosure is necessary both under CEQA and for a Coastal Act evaluation. Recirculation of a draft document with expanded, updated and more clearly presented information is necessitated under CEQA requirements (CEQA Guidelines §15088.5(a)(1-4)).

The document does not provide adequate detail to allow for an informed review of the proposed project alternatives, as described below. Additionally, "common features" among alternatives, such as DARs, auxiliary lanes, and community enhancements, are not described with any review of potential design alternatives that could avoid and minimize impacts caused by these features. Such an alternatives analysis is necessary for both a CEQA and Coastal Act evaluation.

11 The proposed alternatives for all aspects of the I-5 project are not presented with sufficient supporting documentation, or in such a manner to allow for substantial differentiation of anticipated negative or positive impacts between alternatives. The current DEIR/EIS does not clearly present mitigation proposals in a manner that demonstrates all anticipated impacts would be adequately offset; nor does the document contain any clear commitments related to potential mitigation. Without all of this information, a reviewer is unable to fully understand and compare the alternatives presented and determine which may be the least damaging proposal as it relates to environmental impacts, including impacts to coastal resources.

12 In the absence of additional information, and assuming all alternatives equally meet the stated "purpose and need", it can only be assumed that the project adding fewest travel lanes and having the smallest footprint would best avoid and minimize critical environmental impacts to the greatest extent feasible.

13 Furthermore, this environmental document will later be a substantive component of information needed to evaluate this corridor project for consistency with the applicable policies of the Coastal Act and certified LCPs, as required by the Commission's planning and regulatory processes. In its current form, the DEIR/EIS does not contain adequate information required under these standards of review and is not sufficient to support the highway component of any proposed PWP or any federal consistency review of a Record of Decision required for a final EIS.

14 Although thresholds for NEPA and CEQA reviews generally do not encompass topical areas such as public access, and may not be as stringent or specific as what is required under the Coastal Act, it is important to understand that, as written, the DEIR/EIS cannot be relied on to provide substantive documentation for the Commission's future review of Coastal Act and LCP consistency. In addition, Commission staff believes that the public review process should be more thoroughly informed by providing this additional information and detail as a component of the environmental document and review process.

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10 Extensive alternatives analysis has been conducted for the *I-5 NCC Project* to analyze a reasonable range of alternatives that meet the purpose and need for the project, as required by NEPA and CEQA. Four build alternatives and one No Build alternative were carried through the Caltrans environmental analysis process. See *Section 1.4*, *History and Background*, in this Final EIR/EIS for a discussion of this process. Please refer to Topical Response "Corridor Alternatives," as well as, responses to Comment 05 regarding common features and 06 regarding alternatives comparison. Recirculation is unnecessary because the information sought was: (1) in the Draft EIR/EIS, (2) provided in the Supplemental Draft EIR/EIS, and (3) provided in this Final EIR/EIS as a matter of clarification and refinement.

11 The information provided in the Draft EIR/EIS, the Supplemental Draft EIR/EIS, the Final EIR/EIS, and PWP/TREP contains sufficient information to satisfy CEQA and NEPA requirements and provide the Commission with adequate information for the Coastal Act evaluation. Please also refer to responses to Comments 06 and 10 above and Comment 12 below. Details of the completed Resource Enhancement and Mitigation Program (REMP) have been developed in concert with the all of the jurisdictional resource agencies.

12 As noted in response to Comment 06, build alternative comparisons of the varying lane and buffer or barrier scenarios relative to the roadway, as well as associated environmental effects, were presented throughout Draft EIR/EIS *Chapter 3* of the EIR/EIS and summarized in *Table ES.1* (*Table ES.14* in this Final EIR/EIS). Although variations in traffic efficiency are shown, all build alternatives meet baseline purpose and need requirements. As noted above, as a result of continued analysis to reduce impacts, the smallest of the build alternatives, the refined 8+4 Buffer alternative, has been identified as the Preferred Alternative.

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	12 cont. Since the Preferred Alternative has the smallest footprint, it would result in the fewest and least impacts to natural and community resources.
	13 Please refer to response to Comment 11 of this letter.
	14 Information regarding public access to coastal resources, sufficient to address CCA and LCP consistency, is included in the PWP/TREP. The Draft EIR/EIS and Supplemental Draft EIR/EIS contain sufficient reference to this information provided in the PWP/TREP. Please refer to the response to Comment 08 regarding availability of the PWP/TREP for review in conjunction with the EIR/EIS.

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General Document Wide Comments

15 The DEIR/EIS presents four proposed alternatives without sufficient information to allow for differentiation between alternatives and related temporary and permanent impacts. In addition, it only briefly mentions other alternatives considered but eliminated, and does not explain how and why these potential alternatives were rejected. The EIR/EIS does not adequately explain how planned improvements to the LOSSAN rail corridor and other transit options address, or relate to, the project's purpose and need. Moreover, the document fails to adequately present quantitative comparisons of impacts from each alternative presented, including impacts to water quality, air quality, energy consumption and the like. These deficiencies are detailed below. Finally, the document does not adequately present alternatives analysis of subcomponent common design features such as bridges, interchanges and DARs. For all of these reasons, we recommend that the document be revised and recirculated in draft form to support a thorough and meaningful public review process.

Inadequate Supporting Documentation

Clear side-by-side quantitative comparisons of impacts between alternatives are needed for each of the topic areas addressed in the DEIR/EIS. Particularly of concern from a Coastal Act perspective, the document does not include a review of potential lagoon crossing design options, and does not explain how alternatives selected promote wetland and sensitive habitat creation or enhancement and avoid and minimize impacts to the greatest extent possible. Coastal staff has directed Caltrans since early in the project development process that these lagoon crossings are significant areas to apply focused study and design as they relate to the sensitive coastal resources located directly adjacent to the transportation corridor (NOP comment letter March 2005).

16 Specifically, all lagoon crossing designs should include a level of detail to allow a discussion of how each alternative would impact hydrology, biological productivity, floodplain function, water quality, and habitat connectivity – given both the existing and the proposed transportation corridor. A number of potential design features, such as narrower lane widths or freeway shoulders, or the inclusion of permeable pavement, should be considered and included in the discussion of design alternatives. The common design features (DARs, interchanges, auxiliary lanes, community enhancements, etc.) of the proposed project may result in considerable impacts to coastal resources, and a range of these alternatives must be presented for these components in order to ensure that they are designed to minimize and avoid potential impacts. The project features map used in Figures 2-2.14a-ao depicts the 10+4 buffer alternative and was selected for presentation because it represents an "approximate average" of the alternative footprints. However, the maximum potential impact from the 10+4 barrier is not shown on the features map. In order to allow for a more comprehensive review of proposed alternatives, a project features map for each proposal should be included in the document.

17

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15 Comparisons between alternatives, and between temporary and permanent impacts, are provided in the EIR/EIS when such comparison would show the differences between the proposed project alternatives. This occurs for some specific footprint impacts (e.g., temporary versus permanent soil disturbance, or vegetation impacts). For some topics, incremental variations between the build alternatives would not vary so substantially as to provide a basis for choosing one alternative over another. For instance, air quality construction emissions are assessed against the federal general conformity *de minimis* thresholds, which are used to determine conformity of a federal action with existing air quality plans. Based on appropriate maintenance plan standards, the applicable *de minimis* threshold is 100 tons per year for each criteria pollutant. Based on the construction criteria for combined bridge and roadway implementation, the estimated tons per year of volatile organic compounds (VOCs), nitrogen oxides (NO_x), carbon monoxide (CO), and particulate matter (PM_{10} and $PM_{2.5}$) would be 2.7, 20.7, 21.9, 7.1, and 2.7 tons, respectively. Each of these is so substantially below the threshold of 100 tons that minor differences between the build alternatives would be negligible for purposes of distinguishing between build alternatives.

This EIR/EIS is a project-level document for this project only. The relationships between the LOSSAN Rail, transit options, and the *I-5 NCC Project*, with their effects on the North Coast Corridor travel issues, have been addressed in multiple regional environmental documents; which include the 2000 SANDAG North Coast Transportation Study, the 2030 Regional Transportation Plan (RTP), the 2050 RTP, as well as other documents referenced in the EIR/EIS. For the *I-5 NCC Project*, these transportation modes are being addressed by providing a facility compatible with future bus rapid transit (BRT) and other modal options, including park and ride and DAR facilities that would provide current benefit, as well as compatibility with future BRT uses. In addition, the project incorporates bike trails and pedestrian paths to support non-motorized travel. Please also refer to Topical Response "Multimodal System" and *Chapter 2.0*, *Project Alternatives*.

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	16 Please refer to responses to Comments 03 and 04 regarding lagoon studies carried out in 2011 and 2012. In consultation with resources agencies, matrices have been developed for each lagoon, detailing alternative build scenarios across the lagoons, and identifying differences in lagoon hydrology, biological impacts, wildlife corridor information, etc. Commission staff participation in building these matrices and ensuring that appropriate alternatives were evaluated was invaluable and highly appreciated. The matrices were included within the Supplemental Draft EIR/EIS that was circulated in 2012 and have been incorporated into this Final EIR/EIS. Please also refer to the response to Comment 05 regarding the lack of need for additional alternatives analysis related to common design features.
	17 The Draft EIR/EIS presented impacts of the four build alternatives and the No Build alternative. Because the proposed project would expand an existing major transportation facility, differences in impacts are related to the addition of one or more lanes through a largely already developed corridor, and impacts to resources generally would not vary greatly between the alternatives. These differences would not be very visible at the scale of exhibits appropriate for a public document. Maps were provided by alternative in the Draft Project Report, which was available for review at libraries during the public circulation of the Draft EIR/EIS and remains available for review at the Caltrans website http://www.dot.ca.gov/dist11/Env_docs/I-5NCCDraft.html. Larger scale maps are available and have been provided to resource and regulatory agencies, including the Commission.

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Sequencing of Background Information

The release of the documents relevant to the proposed project has been sequenced out of order. Early in the project development process, Caltrans and SANDAG were asked by Commission staff (see, for example, Coastal staff's June 2007 letter) to provide an overview of existing and historic lagoon conditions of the six lagoon systems bisected by the proposed project, with a goal of describing wetland creation and lagoon protection/enhancement opportunities. Commission staff has focused on the need for Caltrans to identify how freeway bridges and lagoon mitigation efforts can be designed to protect, restore and enhance each of the affected systems. We have also repeatedly asked that opportunities for coordinating improvements to existing berms and bridges within the PCH and LOSSAN corridors, both from a timing and technical design perspective, be pursued to avoid negative cumulative impacts and optimize resource enhancements.

Unfortunately, as noted in our comment letter (May 2010), the San Diego Regional Lagoon Overview Phase I Planning Study (received February 2010) was deficient in several key aspects and direction was given to address these voids either as a part of the Phase II Study, or through a secondary lagoon overview. The DEIR/EIS does not provide any analysis of the potential benefits that removal of existing transportation fills could provide to the impacted lagoon systems, or supplied any justification as to why this analysis is not warranted. Without this review, valuable information needed to guide the development of critical design features and mitigation strategies is lacking and adds to
18 the inadequacies of the current DEIR/EIS. In addition, the Phase II report was only recently reviewed with resource agencies late in the comment period for this DEIR/EIS and similarly was insufficient in terms of its scope and methodologies for providing critically necessary information to guide the proper design of bridges needed for the corridor.

The problems presented by this situation are several fold. First, the lack of background studies to fully analyze historical conditions and current opportunities for significant ecosystem protection and restoration of each of the bisected lagoon systems does not afford resource agencies the necessary information to properly evaluate project design alternatives that affect these systems. (When referenced throughout this comment letter, project design considerations include the proposed footprint, alignment and dimensions of the proposed alternative and associated features.) Second, this background information has not been incorporated into the body of technical studies that are needed to support the preparation of this environmental document; the necessary background information is instead being released out of sequence after the publication of the draft environmental document. The DEIR/EIS cannot adequately analyze project impacts and guide necessary design features in the absence of appropriately scoped and finalized versions of these technical lagoon reviews. Finally, without these background studies, a reviewer is unable to determine if the project alternatives presented represent the least environmentally damaging options available.

19 In addition, relative to the sequencing of documents to allow for adequate review of this DEIR/EIS, the Draft PWP that was released in tandem with the document is undeveloped, especially as it pertains to the necessary proposal of a resource enhancement package. In its finalized form, the PWP is expected to provide an essential

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18 The Draft EIR/EIS provided information available at the time of document release, noting information that was unavailable at that time. Since then, the Phase 2 lagoon studies and Lagoon Optimization Studies have been completed (see response to Comment 03), which include detailed information and exhibits with respect to bridge length and width. Consistent with California Senate Bill (CA SB) 468, LOSSAN and I-5 improvements would be coordinated to result in the least environmental harm possible during construction activities. This commitment has been incorporated into the Final EIR/EIS in *Section 1.3.4, Legislation and Executive Orders*.

The fact that lagoon studies were under way was identified in the Draft EIR/EIS. These studies have now been completed. The Phase 1 Planning Study identified several parcels for potential purchase and establishment of wetland habitat. Some of these parcels have been purchased. The Phase 1 document also identified that restoration plans for San Elijo and Buena Vista lagoons provide more chance for ecological lift and increase in habitat quality than is available from purchasing a few parcels around the lagoons. The Phase 2 and Lagoon Optimization Studies identified potential benefits to tidal flow and flood flows from increase in the channel dimensions. Commission staff were important team members in developing elements of the lagoon studies and in their evaluation.

Although the details of the lagoon studies were not available at draft document circulation, this information was provided within the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. Additional information requested by the Commission is provided within the PWP/TREP.

19 An initial Draft PWP was circulated at approximately the same time as the Draft EIR/EIS to provide information to stakeholders and the public on the PWP concept and process. Additional updated information developed in association with the PWP was circulated

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19 cont. linkage between the proposed freeway improvements and mass transit improvements to the LOSSAN rail system, public access improvements and significant lagoon resource enhancements. While the DEIR/EIS makes note of the Draft PWP in some sections, it should more explicitly define the relationship between, and the phased implementation of the projects being considered for the I-5 corridor and the activities presented for implementation through the PWP.

20 Finally, the Corridor System Management Plan (CSMP), which was released after the DEIR/EIS, should have been finalized and released prior to the environmental document in order to provide meaningful justification and assurance that the proposed project alternatives are a necessary component of the multi-modal transportation needs of the region. Further, much of the CSMP analysis should be integrated into the DEIR/EIS evaluation of studied alternatives and their ability to meet the project purpose and need. Without such regional context information, a reviewer cannot evaluate the adequacy of the alternatives presented for safely and efficiently providing for the movement of goods and people in a manner that protects the environment.

As currently presented in the DEIR/EIS, the discussion regarding the no-build alternative is the only place expansion of improvements within the LOSSAN corridor is mentioned. The I-5 project's relationship to improving rail service as presented in the DEIS/EIR is otherwise generally ambiguous and non-committal and does not adequately reflect the CSMP. In presenting each alternative, the DEIR/EIS must be more clear and explicit how the project's purpose and need is intended to be met through concurrent regional rail and highway improvements. The function and role of each I-5 project alternative should be examined over its design life in light of expectations for LOSSAN improvements and how these could affect the capacity and performance of each corridor.

Coastal Act Policy Analysis

21 The DEIR/EIS describes several Coastal Act policies relevant to the proposed project and inconsistencies that may exist between the proposed project and these policies. As presented, the review is flawed and either misrepresents consistency with the listed policies or completely fails to identify relevant policies altogether. Coastal staff has historically provided guidance to Caltrans on a number of areas where potential conflicts with Coastal Act policies may be anticipated as a part of the proposed I-5 widening (NOP comment letter March 2005). The environmental document correctly identifies project conflicts with Coastal Act Sections 30240 (environmentally sensitive habitat areas) and 30241.5 (agriculture). However, the discussion regarding other Coastal Act Sections either fails to acknowledge or incorrectly asserts project consistency. The proposed project would be inconsistent with Section 30233 (wetlands) as an unpermitted use, and would also be inconsistent with the agricultural sections of the Coastal Act (30241 and 30242) as the proposed project would have permanent impacts on coastal agricultural resources as well. Furthermore, the environmental document lacks any discussion regarding likely inconsistencies with Sections 30231 (water quality), 30251 (visual resources), and 30253 (air quality and energy use).

22 As stated previously, from a Coastal Act perspective, proposed projects within these lagoon systems must be designed to avoid and minimize impacts and enhance the

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19 cont. to agencies and the public in 2012 within the Supplemental Draft EIR/EIS and in an updated Draft PWP/TREP was circulated in March 2013. The Final PWP/TREP was completed in fall 2013. Additional information on the PWP/TREP has been included throughout this Final EIR/EIS as appropriate, with primary references in *Chapter 1* and *Sections 3.1*, *3.3*, and *3.17* of this Final EIR/EIS.

20 The EIR/EIS, CSMP and PWP/TREP have all undergone simultaneous and iterative development in close coordination with the resources agencies, including the Commission.

There is no requirement that a CSMP be developed prior to the environmental process. Although a corridor must have a CSMP to be eligible for Proposition 1B Corridor Mobility Improvement Account funding, its development may occur simultaneously with project implementation. CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. The I-5 San Diego North Coast CSMP assessed several options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding HOV/Managed Lanes (also identified as express lanes) on I-5, and improving regional arterials, bicycle and pedestrian routes, and bus, rail, vanpools and carpool services. Information augmenting the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. Please also refer to Topical Response "Multimodal System" regarding these overall planning efforts and identification of the need for simultaneous improvement to all transportation modes. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function at peak efficiency.

With regard to alternative evaluation, the Draft EIR/EIS was prepared and circulated to agencies and the public when it was determined that: (1) sufficient information was available; and (2) it was early enough in the process to allow meaningful input and

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	20 cont. associated project modifications. Based on input received from the public and agencies, the Preferred Alternative is now identified (and legislatively mandated in 2011 as part of CA SB 468). Additional and updated information regarding bridge designs and habitat impacts was compiled and circulated to agencies and the public in August 2012 in the supplemental environmental document. LOSSAN projects are being independently evaluated, starting with programmatic-level plans for rail improvements in the 2007 Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Final Program EIR/EIS. Additionally, a number of rail-focused efforts are under way, including double-tracking, bridge replacement, and stabilization efforts. LOSSAN projects were identified in *Table 1.3.11* of *Chapter 1* of the Draft EIR/EIS. Table 1.3.11 has been updated in this Final EIR/EIS. These documents are appended by reference to the EIR/EIS and are accessible through the KeepSanDiegoMoving website (keepsandiegomoving.com). LOSSAN improvements are specifically noted in the No Build alternative because they would occur and bring some level of congestion relief to the North Coast Corridor, even if I-5 improvements are not approved. Please refer to the response to Comment 15 for discussion of why LOSSAN projects would not address I-5 relief overall. 21 *Section 3.1.2*, *Consistency with State, Regional and Local Plans and Programs,* of the Final EIR/EIS has been revised to include discussions of Sections 30231 (water quality), 30251 (visual), and 30253 (air quality and energy use) of the California Coastal Act (CCA). The project incorporates mitigation measures to minimize impacts.

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function of the lagoon systems to the greatest extent feasible. After selecting an alternative that adheres to these principles, remaining impacts on coastal resources from specific project components may still exist that would result in a direct conflict with the coastal resource protection policies of the Coastal Act. Assuming that each proposed project is designed to inherently provide wetland, sensitive habitat, public access and related coastal resource benefits and that failing to take advantage of those benefits would be inconsistent with one or more Coastal Act policies, the conflict resolution provisions of the Coastal Act may be invoked to allow approval of these projects. Further, any benefits associated with a project must be inherent to the nature of the proposed project and the alternative selected to meet the project purpose and need is expected to represent the greatest feasible package of benefits to coastal resources.

22 cont. As an example, a proposed bridge replacement project might involve an unavoidable amount of fill being placed within the wetland/lagoon that it crosses in order to provide structural support. This fill would not be an allowable use of wetlands and would result in a direct conflict with Section 30233 of the Coastal Act. However, if the project design of the bridge included significant removal of existing fill within the wetlands resulting in improved tidal exchange and water quality (Sections 30230 and 30231), floodplain restoration (Section 30236), habitat connectivity and creation (Section 30240), then it may be arguable that the denial of the proposed bridge structure would itself be inconsistent with Coastal Act policies requiring improvement in the quality of those coastal resources. The proposed project alternatives as currently presented do not contain a sufficient description of inherent project benefits of the proposed project that could be acknowledged and allow for consideration of the provisions contained within Section 30007.5 of the Coastal Act to resolve potential conflicts with Coastal Act policies.

Greenhouse Gas and Climate Change Implications

23 The DEIR/EIS presents an analysis of the proposed project's effects and relationship to various aspects of climate change that is, both from a scientific and policy standpoint, inadequate. The document states that decreased congestion along the corridor will result in improved travel times, reducing GHG emissions in 2030. This analysis should look more broadly at the varying effects of the project alternatives on GHG emissions over their projected life and compare these impacts between proposed alternatives. Moreover, the potential effects of induced demand (i.e. additional trips, or the diversion of trips from high-occupancy or non-vehicular modes to single-occupancy trips that otherwise would not occur without the additional highway capacity provided by the project) should be clearly analyzed relative to vehicle miles travelled and GHG emissions. In addition, the GHG analysis should also take into account the considerable contribution of construction emissions, which are not quantified or significantly discussed in the DEIR/EIS, and should examine the use of construction materials that might reduce the overall carbon footprint of any proposed project. In addition, particular emphasis should be given to how project alternatives may result in mass transit improvements that can significantly reduce GHG emissions, including improvements on the LOSSAN corridor and the region's Bus Rapid Transit system, which may contribute to the project purpose and need as stated in the DEIR/EIS. A full accounting of the potential GHG emissions that might be expected from these various transportation options should be included to allow for a

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22 Please refer to responses to Comments 17 and 18 of this letter. Commission staff provided input regarding the content and approach for evaluation of bridge design alternatives presented in the Supplemental Draft EIR/EIS, including substantial information and analysis at the lagoons; benefits of the project, such as improved lagoon function, wildlife movement, and coastal access; and measures to reduce human intrusion into sensitive habitat areas. This information is provided to address the project benefits in consideration of Section 30007.5 of the CCA, and has been added to *Section 3.1* of the Final EIR/EIS. These benefits, combined with the smallest footprint, would result in the Preferred Alternative providing the greatest practicable package of benefits to coastal resources. The REMP provides a regionally significant mitigation program for the North Coast Corridor that offsets impacts to wetlands with large-scale enhancements, establishment, and restoration.

23 Information on GHG emissions is provided in *Chapter 4* of the Final EIR/EIS, including an analysis of construction GHG. Please also refer to Topical Response "Climate Change."

This document is a project-specific EIR/EIS focused on highway improvements and associated community enhancements, including park and ride facilities and improvements to bicycle and pedestrian facilities. The need for the proposed highway improvements has been previously documented within prior multimodal studies that concluded improvements to all modes of transportation are needed within the corridor (see response to Comment 15). SANDAG's 2050 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) include a regional analysis of GHG emissions for the entire multimodal transportation system.

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side-by-side comparison between alternatives for meeting the access and mobility needs of the region.

24 Additionally, considering the proximity of the project to the coast, its elevation, and the number of lagoon crossings that may be affected, the DEIR/EIS should include a more comprehensive analysis of sea level rise and how predicted future sea levels might affect the proposed project's structural integrity, as well as impacts to the lagoons bisected by the North San Diego County transportation corridors. This review should include analysis of the structural integrity of any proposed structures, and should also look at potential impacts that project design could have on adjacent habitat and wildlife corridor connectivity, and wetland functions including effects on water quality, hydrology and floodplain elevations under future sea level rise conditions. The lack of formal statewide planning scenarios for relative sea level rise does not obviate the need to examine project alternatives under potential future sea level rise conditions. Given general agreement over the observed and measured changes worldwide in ocean elevations over the last several decades, most of the scientific community has ceased debating the question of whether sea level will rise substantially higher than it is today, but instead is only questioning the time period over which this rise will occur. Regardless of its particular rate, over time, elevated sea level will have a significant influence on the frequency and intensity of coastal flooding and erosion. Especially in light of the huge public infrastructure investments being contemplated under the DEIR/EIS, project design alternatives need to be compared and selected in order to ensure floodplain and hazards' resilience and to avoid and minimize impacts on coastal resources under future sea level rise conditions for the life of the project.

Specific Comments (presented by section)

Project Summary, Description and Alternatives

25 Section 2.2 describes the common design features of the build alternatives. These common features include DARs, auxiliary lanes, park and rides, and community enhancement features, many of which are located where they would likely impact sensitive coastal resources. We are concerned that the common design features of the proposed project may result in considerable impacts to coastal resources, and no range of alternatives, including no-build alternatives, is presented for these design features. Without this information, reviewers cannot determine whether or not the common feature designs selected are the least environmentally damaging alternatives. Moreover, it is not possible to discern if the selected location and design of each "common feature" avoids and minimizes impacts to the greatest extent feasible. Significant supplemental information is required to assist in the review of each of these proposed developments. Also, all of the proposed project alternatives include an Intelligent Transportation System (ITS) element developed to facilitate traffic movement. The ITS would include overheard scanner devices, traffic monitoring stations, ramp meters, signage, and other ITS components. The ITS and its associated technological structures are not described in any detail related to location or dimension, or included in any analysis of potential impacts to existing visual or biological coastal resources.

24 A conservative projected sea level rise of approximately 4.5 feet by the year 2100 was factored into the bridge design at each of the lagoons studied in the San Diego Regional Planning Studies - Phase 2. Information related to sea level rise was provided in the Supplemental Draft EIR/EIS in *Chapter 3* and is now incorporated into this Final EIR/EIS in *Section 3.9* and *Chapter 4*.

25 Please refer to response to Comment 05 regarding design scenarios for common design features and why these locations and designs are considered the least environmentally damaging options and still address safety and transportation needs. Additional biological data and representative views have been provided in this Final EIR/EIS in *Sections 3.17* through *3.22*, and *3.7*, respectively, along with additional information on the Intelligent Transportation System (ITS) and associated facilities. Where located adjacent to lagoons or areas of coastal views, these facilities are being adjusted in coordination with the resource agencies to minimize adverse effects to the greatest practical extent.

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26 Section 2.3 lists the community enhancement projects that "could" be included as a part of any preferred project alternative. The document states that "these 'candidate' projects for consideration would not have additional impacts for the I-5 NCC Project" (pages 2 7-12); however, no analysis or rationale to support this conclusion is presented. Several of the proposed enhancements would be located directly adjacent to sensitive resources and therefore warrant a more thorough project description and analysis to ensure that they are designed and located in such a manner to minimize and avoid potential impacts. No commitment to implement the proposed community enhancements is included pending future agreements with local municipalities; however, these improvements to public access and recreation, especially as they relate to east-west connectivity for pedestrians and bicyclists, will necessarily be an integral component of any PWP that is approvable under the Coastal Act. Furthermore, the role that bike and pedestrian facilities may play in meeting the purpose and need of the proposed project also needs to be explicitly examined. The linkage between the PWP required components should be more thoroughly detailed in the environmental document to better explain why the proposed community enhancements are included and to confirm commitments to their construction. Moreover, the DEIR/EIS should confirm that, under the PWP, the proposed community enhancements will move forward in parallel with the proposed freeway construction. We understand that certain community enhancements will require further

27 environmental assessment and coordination with the local jurisdictions; however, some of the community enhancements are critical to the overall planning efforts for both alternate transit linkages and/or coastal access benefits. Therefore, Caltrans needs to identify and commit to the implementation of a minimum range of community enhancement projects. The environmental document should also explain how these proposed enhancements will relate to either planned or existing local mass transit services. Prior to including any community enhancements for review, it will be necessary to include supplemental information on their alternative designs and locations and possible alternatives considered in order to address both direct and indirect effects on adjacent sensitive coastal resources..

Specifically, the following community enhancement projects warrant additional attention given their proposed location:

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- Los Penasquitos Creek Trail Connection.
- Soledad Creek - Carmel Valley Bicycle Connectors (partially within conserved MHPA lands).
- San Elijo Lagoon - trail under I-5 at San Elijo Lagoon south of channel, bike facility under I-5 at San Elijo Lagoon north of channel, pedestrian bridge undercrossing over channel.
- Batiquitos Lagoon – Nature Center, enhanced Park & Ride, trail improvements north and south of channel, pedestrian bridge undercrossing. In addition to addressing the effects of these community enhancements on wildlife habitats, wildlife connectivity, and listed species, the DEIR/EIS should address how

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26 Specific updated information regarding regional and community enhancement impacts, avoidance, minimization, and mitigation was provided in the Supplemental Draft EIR/EIS in *Chapter 2* (including *Tables 2.2.2* and *2.2.3*) and is incorporated into this Final EIR/EIS in the Executive Summary (see *Tables ES.12* and *ES.13)*. Prior to implementation of the enhancements, further agreement on the design and responsibility for future maintenance must be documented with the local agency or owner, where future maintenance is the responsibility of the respective agency or owner. The design of each enhancement has included impact avoidance and minimization within the scope of each of the proposed project alternatives presented in the Draft EIR/EIS and Supplemental Draft EIR/EIS, as clarified in this Final EIR/EIS.

27 Additional information on the list of community enhancements is provided in the PWP/TREP and incorporated into *Chapter 2* of this Final EIR/EIS. *Figures 2-4.1a* through *2-4.1c* show the timing of I-5 improvements, community enhancements, and lagoon and other habitat improvements that are proposed as part of the phased construction of the project. *Tables ES.12* and *ES.13* provide information regarding the connections of proposed community enhancements to mass transit, as applicable. No further environmental analysis is required.

28 Direct impacts from trails were identified in the Draft EIR/EIS and analyzed with development of the project alternatives. Refinements and additions to trail information since circulation of the Draft EIR/EIS include segments of the proposed I-5 North Coast (NC) Bike Trail which were addressed in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. See *Tables ES.12* and *ES.13* for a focused look at the community enhancements and regional enhancements, including the NC Bike Trail. All trails would be fenced and signed to keep people on trails to avoid impacts to adjacent sensitive resources. Fencing material and design would be chosen to accommodate nighttime wildlife movement and flood events. Enhancements were deliberately designed and located, in collaboration with the jurisdictional resource agencies, to avoid

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28 cont. impacts to sensitive habitats and species, while also providing for multimodal travel around I-5 and associated access to coastal resources.

- Following circulation of the Draft EIR/EIS, the Los Peñasquitos Creek trail connection has been eliminated from the list of proposed community enhancements due to impacts to wetlands. Additional analysis is not required.
- The trail connection under I-5 along Carmel Creek (not Soledad Creek) would provide a missing trail connection to connect the east/west Sea to Sea Trail with the north/south NC Bike Trail, and with improvements to an existing minimally maintained park and ride lot. This would provide a crossing for humans separated from wildlife at Carmel Creek with removal of culverts under Sorrento Valley Road and replacement with a long, raised bridge. Lighting under the bridge would be minimized and this crossing would be open for human use only during daylight hours. Also, an existing park and ride lot would receive improvements, such as landscaping and informational signs, to educate the public regarding the wildlife and lagoon features in the area and provide additional access to the coast.
- At San Elijo Lagoon the existing pedestrian and bicycle facility under I-5 would be improved along Manchester Avenue and is needed for multimodal use of this right-of-way. The trail under I-5 would provide an official trail to the existing trails on either side of I-5. An unofficial trail that is eroded and highly used would be replaced with a fenced, maintained trail to connect the western and eastern portions of the lagoon. The pedestrian bridge from Manchester Avenue to the south side of the I-5 bridge would connect the trail from the north, and improve existing access through the lagoon. The bridge would be suspended from I-5 and would not result in any direct impacts. The trails would be fenced and signed to keep people on the trails, which is an improvement over the existing condition.

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	28 cont. • The proposed nature center and trail on the southeastern side of Batiquitos Lagoon have been removed from the project after discussions with the resources agencies. Caltrans is working directly with CDFW staff to support a desirable design for the trail north of the bridge. All proposed improvements are within the existing parking area. • The Agua Hedionda pedestrian bridge would provide a pedestrian connection from north to south and deter people from walking through sensitive marsh habitat within the lagoon. • The connection to the San Luis Rey River trail via stairs would route pedestrians to a single access point and eliminate erosion occurring along the existing informal pathway under I-5 north of the San Luis Rey River. Increased landscaping would additionally buffer users from sensitive resources. South of the river, the trail from the park and ride would connect to the existing bike path. As with other trails, it would be fenced and signed. The parking area would not only focus parking along this sensitive river, but also provide a dual use as a park and ride during weekdays for those wishing to access mass transit.

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maintenance dredging of the central and eastern basins of the lagoon will be conducted in the future as the Nature Center is proposed to be constructed on the current maintenance dredging access road.

- Agua Hedionda Lagoon – proposed trail improvements, pedestrian bridge undercrossing.
- San Luis Rey River – proposed pedestrian trail head and parking enhancement.

29 Section 2.4 describes the planned construction phasing for the proposed project construction activities, including almost all of the improvements for the southern portion of the corridor and accounts for over 40% of the proposed budget. Caltrans has asserted in previous communications that it wishes to put an advanced mitigation program in place before it proceeds with creating impacts as a result of this corridor project. However, this phasing schedule does not appear to allow adequate time for such an approach. Advanced mitigation must be implemented and have achieved certain performance standards prior to the possibility of reduced mitigation ratios becoming available for proposed project impacts.

30 Additionally, most of the potential impacts from the project, and the traffic needs for the region are modeled on a project horizon date of 2030; however, both Phase 2 (2021 – 2035) and Phase 3 (2036 – 2050) of the proposed project extend well beyond any 2030 analysis. Furthermore, the proposed expansions of the I-5 corridor can be expected to have design lives of 75 to 100 years. How is this time horizon being considered relative to both transportation projections and facility structural integrity relative to hazards (especially within the floodplains in light of sea level rise)? Section 2.4 describes that the 2050 RTP for the San Diego Region will be consistent with the I-5 NCC Project phasing, but it is unclear how this conclusion can be assured since the 2050 RTP is not expected to be adopted until 2011 at the earliest. Please clarify how the proposed project can be consistent with the 2050 RTP, and also how study projections that only extend to 2030 can be applied to a project with a construction phase that is predicted to extend until 2050.

31 In addition, upcoming plans for extension of California's High Speed Rail to service San Diego can be expected to dramatically affect transportation patterns for the entire region and should be factored into these long-term planning horizons. The DEIR/EIS should specifically evaluate the role that High Speed Rail and LOSSAN improvements can be expected to play in meeting the stated purpose and need over these timeframes.

32 Figure 2-2.4 and Figure 2-2.5 appear to be mislabeled. The improvements depicted in Figure 2-2.4 as Phase 2 correspond with the written description for Phase 3 improvements on the previous page; this applies to Figure 2.2-5 as well. Finally, presentation of proposed project phasing also seems like a logical location to describe the anticipated linkages between proposed phasing of highway improvements, and phasing of other components of the PWP including improvements to the LOSSAN rail corridor, public access and recreation enhancements, and lagoon/habitat restoration and enhancements. Currently, the environmental document does not provide ample

29 A phasing schedule, and a plan to achieve performance standards, have been developed during monthly meetings with the resource agencies in 2011, 2012, and 2013 to develop the REMP. These negotiations included development of a funding endowment to ensure success of the mitigation program. The Draft PWP/TREP for I-5 was available for review with the Draft EIR/EIS and an updated Draft PWP/TREP was publicly circulated in March 2013. The Final PWP/TREP was completed in fall 2013. The resulting agreements regarding the project mitigation program are summarized in *Sections 3.17* through *3.22* and Appendix D (the ECR) of this Final EIR/EIS. The resource agency coordination that has occurred is summarized in *Chapter 5* of this Final EIR/EIS, as well as the Final PWP/TREP. Based on the agreements reached with the resources agencies, the majority of no net loss biological resources mitigation will be under construction by 2015, and will be completed by 2025.

30 The final build impacts for the project would be completed by 2035 and would support traffic projections through 2050. The 2050 RTP was approved by the SANDAG Board of Directors in October 2011. The 2030 projections are considered representative of what is expected to occur in the 2040 to 2050 time frame. This topic is addressed in the Final EIR/EIS in *Sections 1.3.2* and *3.6.2.1*. The 8+4 Buffer alternative, which is consistent with the Preferred Alternative, is included in the Revenue Constrained section of the 2050 RTP. Sea level rise projections were carried through year 2100, thus accommodating a longer design life.

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	31 LOSSAN projections for the countywide, multimodal transportation system were considered in detail in the 2050 RTP, which concluded that a multimodal approach is necessary to address the evolving transportation needs in the county, including highway, rail, and other transit projects, as well as improvements to local streets, bicycle, and pedestrian facilities. Please also refer to Topical Response "Multimodal System." The preliminary plans for the High Speed Rail in San Diego County include an inland, rather than a coastal route. The northern-most San Diego County stop is projected to be Escondido, followed by downtown San Diego. This rail line would bypass coastal cities and is not expected to improve the peak hour freeway level of service in the I-5 corridor.
	32 This information has been corrected and updated in the Final EIR/EIS. *Figures 2-4.1a* through *2-4.1c* of the Final EIR/EIS show the timing of the I-5 improvements, community enhancements, and lagoon and other habitat improvements proposed as part of the project and PWP/TREP. Information on LOSSAN improvements relative to this data is provided in the PWP/TREP on *Figures 6-1* through *6-3*.

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32 cont. description of these linkages to confirm the potential benefits being provided through the PWP package and process.

33 Section 2.5 discusses alternatives considered but eliminated from further consideration. In general, this section fails to include adequate discussion as to how key investments in other modes of travel, particularly rail, might be combined with lower impact alternatives to meet the project purpose and need. Specifically, in the description and analysis of individual rejected alternatives, the 8+2 HOV lanes is described as being rejected because of biological impacts; however, due to what one would assume to be a significantly smaller project footprint, it is unclear how this alternative is rejected due to a failure to meet the biological protection components of the purpose and need, while the larger project alternatives are selected for further analysis. Additionally, given the large scope of potential impacts associated with the four proposed alternatives, the 8+2 HOV alternative offers for a reduced alternative that would still provide some level of traffic relief and therefore warrants further analysis. The 8+4 [3+1] alternative is described as being rejected due to biological impacts, as well as an inability to provide adequate highway capacity or traffic improvements; however, the discussion does not provide information that would explain why these statements would be true for this rejected alternative but not for the similar footprint and capacity of the proposed 8+4 buffer and barrier alternatives (the 8+4 barrier alternative presumably would also have a similar or larger project footprint equating to increased biological impacts).

34 Section 2.6 includes a table of permits and approvals needed and should include Local Coastal Programs (LCPs) and likely LCP amendments that would be associated with a PWP, or CDPs that would be required from the Coastal Commission and/or local governments located within the project area with or without a PWP being completed.

Land Use

35 Section 3.1.2.1 and 3.1.2.2 include a brief description of the California coastal zone permitting structure that the proposed project would be required to follow, and also includes reference to the preparation of a PWP in order to achieve these requirements. As referenced above, the Coastal Commission jurisdictional and permitting responsibilities within the proposed project area are complicated and include varied regulatory requirements. The PWP should be better defined and presented to illustrate how the PWP process would be utilized to coordinate federal, state and local approval processes, including Coastal Act reviews. This discussion should include a more thorough discussion of the PWP development process and how it would relate to necessary LCP amendments and areas where the Commission would retain permit jurisdiction under the Coastal Act (lagoon systems), and required federal consistency reviews under the CZMA. Additionally, it is important to reiterate here that, only after the project has been designed to avoid and minimize impacts to the greatest extent feasible could it even be considered for approval under the Coastal Act. Even under that scenario, it is anticipated that the project will need to be able to invoke and meet stringent conflict resolution provisions of the Coastal Act if it is to be approvable.

36 Table 3.1.1 more specifically describes project consistency with relevant key policies of the Coastal Act, as well as with other local planning documents. The table fails to

33 Alternative options have been considered, such as the 8+2 HOV alternative; however, they do not meet the purpose and need of the project and would not improve or even maintain traffic operations or travel times within the I-5 corridor by the design year.

Additionally, the 8+4 (3+1) alternative proposed four HOV/ Managed Lanes in the median of I-5, with a moveable median barrier to accommodate peak directional flows. This alternative would require additional outside widening to accommodate the associated auxiliary lanes, managed lanes, and space separating the HOV/Managed Lanes and the general-purpose lanes, including large maintenance areas for the barrier moving equipment. Greater widening would be required at the lagoon slopes, and the existing bridges spanning the lagoons would have to be demolished and replaced. This alternative would result in greater impacts to natural and community resources.

34 The table has been revised to reflect Commission permitting options.

35 Additional information regarding coastal zone permitting has been provided in *Section 3.1.2* of the EIR/EIS. Please also see the response to Comment 21.

36 With regard to the first half of this comment, please refer to the response to Comment 21. Agriculture under the Coastal Act policies also has been specifically addressed on *Table 3.1.1* and in *Section 3.3* of this Final EIR/EIS.

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identify or acknowledge that certain areas of the proposed project located below the mean high tide line and exposed to tidal influence would remain under the retained jurisdiction of the Coastal Act under State law. In areas of Commission retained jurisdiction, the Commission's permit authority cannot be delegated; and, therefore, the Commission will need to process separate CDPs for components of the project that are located within these areas.

Additionally, the discussion presented within Table 3.1.1 is flawed in many areas as it pertains to consistency with relevant Coastal Act policies. The table correctly identifies anticipated conflicts with Section 30240 (environmentally sensitive habitat areas/ESHA) and Section 30241.5 (agriculture). However, the discussion regarding other Coastal Act Sections either fails to acknowledge or incorrectly asserts project consistency. The proposed project would be inconsistent with Section 30233 (wetlands) as an unpermitted use, and would also be inconsistent with the agricultural sections of the Coastal Act (30241 and 30242) as the proposed project would have permanent impacts on coastal agricultural resources as well. Furthermore, the environmental document lacks any discussion regarding inconsistencies with Sections 30231 (water quality), 30251 (visual resources), and 30253 (air quality and energy use). Potential conflicts with the above Coastal Act policies are more specifically discussed in the appropriate topic areas of this comment letter. 36 cont.

Section 3.1.3 describes existing 4(f) resources, such as public park and recreation lands, wildlife and waterfowl refuges and historic sites, located within the project corridor, and potential impacts the proposed project may have on these resources. The DEIR/EIS presents an inadequate analysis of impacts to 4(f) resources. No analysis is presented as to how potential impacts to 4(f) resources have been reduced through alternate project designs. The conclusory statements that the proposed project would not have any impacts on the visual or audible characteristics of the adjacent park areas are not supported by any evidence. It is not clear why Los Penasquitos Lagoon, Batiquitos Lagoon, and Buena Vista Lagoon have been excluded from this section of the DEIR/EIS. If there is no permanent loss, or temporary occupancy of 4(f) resources at these locations, the DEIR/EIS should nonetheless analyze potential impacts on the adjacent public lands including the potential for aesthetic impairment and deterioration as well as the effects of increased noise attributable to the project which may substantially interfere with the use and enjoyment of these public lands as wildlife viewing and recreation areas. In addition, impacts to any publicly owned and conserved MHPA lands where there is public access, which may be considered wildlife and waterfowl refuges, should also be analyzed in this section of the DEIR/EIS. Also, more specifically, the descriptions of existing 4(f) resources and trails located in San Dieguito River Park (SDRP) are dated and inaccurate. The Coast to Crest Trail has been constructed and is currently open to public use within the boundaries of the SDRP and presents excellent opportunities for public access within the Park. Some of the trail's orientation is directly adjacent to the northwest proposed project boundary; therefore, it is imperative that potential impacts to this existing trail resource be further analyzed and described. 37

The land use discussion related to the City of Encinitas describes potential impacts to existing agriculture, but provides no justification to support the statement that after 18.5 acres of the 30.5 acre existing agriculture site located just north of San Elijo Lagoon and 38

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36 cont. *Section 3.1.34* of the EIR/EIS provides a summary of detailed analysis regarding park and recreational facilities. Please also see EIR/EIS Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f). Los Peñasquitos Preserve, Batiquitos Lagoon, and Buena Vista Lagoon, as well as other recreational areas, are included in the Section 4(f) analysis.

Avoidance alternatives, or alternate project designs, are only required where potential Section 4(f) resources would have greater than *de minimis* impacts. No alternative would have greater than *de minimis* impacts and some facilities would not be physically impacted by any of the build alternatives. As indicated in the comment, non-footprint impacts to Section 4(f) resources may include aesthetic or noise impacts that could substantially impair the primary function of the Section 4(f) resources. Los Peñasquitos Preserve, Batiquitos Lagoon, and Buena Vista Lagoon were analyzed for proximity impacts in accordance with 49 USC 303. No proximity (constructive) impacts were identified. Please see Appendix A, Section 3.2, Section 4(f) Resources Evaluated for Proximity Impacts.

37 The trail is identified in EIR/EIS Appendix A – Resources Evaluated Relative to the Requirements of Section 4(f), Section 3.2. The Coast to Crest Trail in this area traverses the slopes of the I-5 bridge crossing and passes beneath the bridge, within Caltrans right-of-way. The trail is a secondary use of the property and lies within a revocable easement that is not subject to Section 4(f) at this location. Mention of this portion of the Coast to Crest Trail has been carried into the Final EIR/EIS in *Section 3.1.3*.

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immediately east of the existing I-5 alignment is converted to freeway related facilities, that the remaining acreage could still function in agricultural production. Figure 3.1-5 also does not depict any future agricultural uses at this location adjacent to the proposed DAR and park-and-ride at Manchester to support the assertion that future agriculture activities would continue at this site. Similarly, Figure 3.1-7 shows a future conversion of existing land use patterns at the Cannon Road agricultural site from existing agriculture to future commercial land uses, further highlighting concerns that agricultural practices will not be maintained at these locations after proposed land use conversions (agricultural to freeway) result from the proposed project.

Agriculture

Coastal Act Section 30241 states in part:

> *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following:*
>
> *…(c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250. …*

38 cont.

Coastal Act Section 30242 states:

> *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

Table 3.1.1 of the DEIR/DEIS ("Project Consistency with Local Plans and Policies"), on page 3.1-39, states as follows:

> *"…Section 30241 allows the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250. Section 30250, in turn, allows development located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it. The proposed improvements are contiguous with or in close proximity to existing developed areas and are wholly consistent with Section 30250 of the Coastal Act."*

Section 30241 directs that the maximum amount of prime agricultural land within the coastal zone shall remain in agricultural production. The remainder of the section establishes methods to be used to minimize conflicts between agricultural and urban land uses, but nowhere does it state (nor is it true) that the first requirement is limited by the second part of the section (i.e., that Section 30241 allows prime agricultural lands to be converted to other uses so long as one or more of the conflict resolution methods listed in

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38 The Draft EIR/EIS states: "There is potential that the remaining 12 acres, which are located on a more eastern slope, could continue agricultural production. Coordination between the Department [Caltrans] and the land owner would occur to determine the possibility of continuing agricultural operations." Since circulation of the Draft EIR/EIS, Caltrans has redesigned the Manchester Avenue DAR. The Cannon Road DAR also has been eliminated from the project. Impacts to agricultural lands have been minimized as much as possible. Specifically with regard to continued agricultural viability following construction of the Manchester Avenue DAR and San Elijo Multi-use Facility, an Agricultural Viability Analysis for the property was prepared in July 2013. The analysis indicated that impacts of the Preferred Alternative would not impair viability of the parcels to remain in agricultural production. Please see the discussion in *Section 3.3.3*, under the heading *Coastal Zone Management Act/California Coastal Act*. Regarding CCA Sections 30241 and 30242, please also refer to the response to Comment 21. Should agricultural operations cease in these areas, habitat restoration may be considered as appropriate, and as discussed in resource agency meetings, including on May 24, 2012. *Table 3.1.1* in the Final EIR/EIS has been revised.

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38 cont. the second part of the section is satisfied). Furthermore, Section 30241(c) describes a situation where existing agricultural land is "surrounded" by urban uses. In the cases of the proposed DAR locations at Manchester Road and Cannon Road, that would result in significant impacts to existing agriculture, both sites are bordered by open space and habitat areas associated with adjacent lagoon systems, making reference to Section 30241(c) inappropriate in these instances. The agricultural lands in question at both sites would have potential for future habitat restoration and mitigation if agricultural production were to cease, therefore providing additional value to these sites as coastal resources. Thus, Caltrans' statement that Section 30241 allows the conversion of agricultural land as long as it is surrounded by urban uses and the conversion would be consistent with Section 30250 is both a misstatement of Section 30241, relies on an inapplicable subsection of Section 30241, and represents an incorrect evaluation of the project as it relates to these policies.

39 In addition, it is worth clarifying one point about PRC section 30250. The quote above from Table 3.1.1 of the DEIR/DEIS states that Section 30250 "allows development located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it." In fact, the relevant portion of Section 30250 states:

> *"(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources."* (emphasis added)

The quoted language imposes a geographical limitation upon any new development, in addition to any other limitations/requirements that exist throughout the rest of the Coastal Act policies, or in any other body of law, for that matter. It does not state that development that meets that geographical criterion is automatically allowed, regardless of consistency with other provisions. Section 30250 allows for the concentration of development where it would serve to preserve an existing urban and rural/agricultural interface. In the case of the proposed project, the agricultural parcels in question are some of the few remaining coastal agricultural land uses still operating within the coastal zone of San Diego County and the land use conversions associated with the proposed project would serve to eliminate or significantly reduce any remaining border between urban and agricultural uses. This is counter to the protection of coastal resources afforded through Section 30250 and therefore the argument presented by Caltrans in Table 3.1.1 is not applicable.

40 Section 3.3.1 fails to identify relevant Coastal Act policies or certified LCP policies that would further regulate any proposed development on existing agricultural lands. Coastal Act Sections 30241, 30241.5 and 30242 specifically protect existing agricultural resources located within the State's Coastal Zone, and the discussion of potential impacts to existing agricultural resources should be updated to include this information.

Table 3.3.1 presents permanent impacts to existing agriculture caused by the four proposed design alternatives as a percentage of total agriculture acreages existing

39 The Cannon Road DAR has been eliminated from the proposed project, and the Manchester Avenue DAR footprint has been minimized. As noted, discussion in *Table 3.1.1* has been modified. Please also see responses to Comments 21 and 38.

40 The information related to CCA policies is addressed in *Section 3.1* of the EIR/EIS, as part of the existing land use and policy discussion. This discussion has been expanded to more fully address the Commission's concerns. Please note that the Cannon Road DAR has been eliminated from the project and the Manchester Avenue DAR has been redesigned to reduce impacts. At Manchester Avenue, the San Elijo Multi-use Facility is being proposed due to the potential for a multimodal center at this

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40 cont. throughout San Diego County. In order to present a more meaningful comparison, this table should be revised to include the permanent impacts to existing agriculture as a percentage of total agricultural acreages located within the Coastal Zone of San Diego County.

The largest impacts to coastal agriculture appear to be the result of the proposed DAR structures located at Manchester Avenue and Cannon Road. No design alternatives to these common features that would reduce or avoid potential agricultural impacts are presented in the document, and no justification for the need, operation, or size of these facilities is provided to support their development or justify potential impacts. Specifically, in relation to the proposed Manchester DAR, the statement is made that the remaining 12 acres (from current 30 acres) of farmable land could continue in agricultural production although no evidence or assurances are provided to support this statement. Furthermore, the DEIR/EIS does not provide justification why a DAR and Park and Ride facility is needed at the Manchester interchange in light of the fact a Park and Ride facility already exists and is proposed to remain, one exit north at Birmingham Drive. In addition, the proposed Cannon Road DAR / Paseo del Norte Intersection will result in the construction of a northbound extension of Paseo del Norte that lacks a logical terminus, abruptly dead-ending in agricultural lands adjacent to Agua Hedionda Lagoon (Figures 2-2.14ad and 2-2.14ae). If this facility is proven to be necessary, we recommend redesigning this DAR to remove the northbound extension of Paseo del Norte and more closely follow the I-5 northbound on-ramp to minimize impacts to agricultural lands adjacent to Agua Hedionda Lagoon. Alternatively, at a minimum, the document should more clearly describe the need for this additional impact created by the dead-end extension into adjacent agricultural lands and how that impact would be mitigated.

41 Overall, the section does not include any opportunities for potentially mitigating the permanent impacts to existing Coastal Zone agricultural resources, and no documentation or feasibility analysis is presented to support the statement that potential impacts would have no significant effects on current farming operations. The environmental document should be updated to include this information in order to present an argument as to why any impacts to agricultural resources could be considered under the Coastal Act.

Traffic

42 The traffic studies used to develop this section relied upon traffic forecasts extending out until the year 2030. As identified above, the phasing for the proposed project extends until 2050. It is unclear if the proposed project alternatives will be able to achieve their stated purpose and need based upon anticipated traffic demand for 2050 when the project would be completed, or to what level anticipated 2030 traffic amounts would be accommodated by an incomplete project still under construction.

This section also describes that the proposed DAR structures were not forecasted to have any effect on future levels of service (LOS). Since these structures would result in significant impacts to coastal resources, the discussion should present whether or not the DARs are necessary to achieve the project's purpose and need or what other benefits to coastal resources or mass transit they might afford. It is not clear why they are

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40 cont. location, including support for potential future BRT along I-5. Land availability, access to Mira Costa College (San Elijo Campus), and a high potential for HOV/Managed Lane use along El Camino Real were also major factors in selecting this site for potential DAR and park and ride facilities. The existing park and ride facility at Birmingham Drive has a capacity of 56 parking spaces, which is less than the potential use anticipated for the proposed San Elijo Multi-use Facility at Manchester Avenue, which is currently designed with approximately 150 parking spaces. It should also be noted that the likely number of users is directly related to the number of daily trips on the road serving the facility. Therefore, the demand at Manchester Avenue is much higher than at Birmingham Drive, which has much lower traffic volumes. In addition, the proposed San Elijo Multi-use Facility at Manchester Avenue would have direct access to the HOV/Managed Lanes on the I-5 median, which would provide additional incentive to carpool from Manchester Avenue. Furthermore, Mira Costa College (San Elijo Campus), and El Camino Real would be closer to the proposed San Elijo Multi-use Facility at Manchester Avenue than to the park and ride at Birmingham Drive. Based on the noted considerations, Caltrans has determined that Manchester Avenue is an excellent option to accommodate such a facility, even though the distance to Birmingham Drive would be approximately one mile. Per Caltrans' records, the park and ride lot at Birmingham Drive has been in operation since January 1981, and would remain a viable option for carpool users that live close to this site.

41 Please refer to *Section 3.3* of the Final EIR/EIS, which addresses agricultural impacts with respect to Farmland Protection Policy Act regulations.

42 Please also see responses to Comments 21, 38, and 40 of this letter.

Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the

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42 cont. necessarily included in the proposed project. Similarly, the section states that there would be no difference in LOS or traffic circulation patterns between barrier and buffer-separated versions of the different proposed alternatives. The barrier versions have a significantly larger footprint than the buffer versions of the same alternative; therefore, the document should provide discussion as to why the barrier versions should be considered given the prediction that LOS will be unaffected by either version, but that the greater barrier footprints would result in significant increased impacts to surrounding coastal resources.

43 Table 3.6.11 presents estimated annual revenue for the I-5 HOV Managed Lanes concept for both 8+4 and 10+4 alternatives. The table describes significantly higher estimated revenue for the 8+4 alternatives, but does provide any supporting analysis to describe why this outcome is predicted to occur. Given that this revenue would be directed to fund mass transit improvements and maintenance for the Bus Rapid Transit (BRT) system, the 8+4 alternatives appear to better support these important mass transit components of the proposed project. Recent State budget cuts to funding for local mass transit operations and maintenance further highlight the need for increased commitment that any revenue generated from proposed Managed Lanes must be sufficient to support a BRT system. The DEIR/EIS should demonstrate that the Managed Lanes for any of the proposed alternatives or other secured commitments would generate sufficient funding to ensure that proposed mass transit improvements could function at optimal service levels. In addition, the document should discuss if and how the proposed lane construction would improve the functionality, service and/or predictability of the BRT system.

Impacts resulting from increased traffic and related emissions would also result in an increase in GHG emissions. Please refer to our comments in the appropriate section below regarding GHG emissions and associated Climate Change.

Visual/Aesthetics

44 Coastal Act Section 30251 states in part:

> *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. …*

Recent court decisions have clarified that the phrase "coastal areas" as used in Section 30251 is not limited to the area directly on or along the ocean. It refers to the entire coastal zone, including, in some cases, areas that are more than four miles inland. *Douda v. California Coastal Commission* (2008), 159 Cal.App.4th 1181, 1199-1200. Thus, since this entire project is within the Coastal Zone, based on the first sentence of 30251, any impacts on the scenic or visual qualities anywhere along the path of the project must be assessed to ensure that those qualities are protected. In addition, based on the second sentence, the project must be sited and designed to protect views to and along both the ocean and other scenic areas within the coastal zone, among other things.

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42 cont. project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*.

The analysis includes how the project fits into the greater multimodal regional plan (2050 RTP), that includes options for vehicle travel on freeway general-purpose lanes or HOV/Managed Lanes, Coaster and BRT ridership, and pedestrian and bicycle travel. It was determined that the project provides a key part of the multimodal transportation solution for the region, helping to ensure that the strategic multimodal plan remains viable. Please see Topical Response "Multimodal System" for additional discussion.

Four DARs were originally proposed at Voigt Drive, Manchester Avenue, Cannon Road, and Oceanside Boulevard. Discussions with resource agencies, cities, and the public resulted in the elimination of two of the four DARs (Cannon Road and Oceanside Boulevard) from the project in order to further avoid and minimize potential impacts. Benefits from the proposed DARs at Manchester Avenue and Voigt Drive were detailed in the Supplemental Draft EIR/EIS. This information has been incorporated into *Chapter 2* of the Final EIR/EIS.

As presented in the Draft EIR/EIS, the overall project footprint of the buffer alternatives would provide smaller footprints compared to barrier alternatives. The Preferred Alternative identified in the Final EIR/EIS (the refined 8+4 Buffer alternative) would incorporate the lowest impact buffer design, as well as the smallest lane requirements (8+4).

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Furthermore, Coastal Act Section 30251 protects the scenic and visual qualities of the coast as resources of public importance. Proposed development must be designed to protect scenic coastal views, minimize landform alteration, and be compatible with community character. These Coastal Act policy requirements should be identified in the regulatory portion (3.7.1) of this section of the environmental document.

The visual analysis conducted along the corridor utilized the 10+4 Buffer alternative based on the rationale that, "its footprint width is an approximate average of the other proposed build alternatives." This explanation is then supported by a description that the 8+4 alternatives included auxiliary lanes, and the 10+4 alternatives had narrow inside shoulders which resulted in similar footprints for all alternatives under comparison. This statement is confusing for two reasons. First, the auxiliary lanes were presented in the project summary as a common feature between all proposed alternatives; it is therefore unclear as to why the auxiliary lanes would then only be applied to a visual review of the 8+4 alternatives. Secondly, if narrow shoulder widths are available as a design option to reduce the project footprint, thereby minimizing potential impacts, this design feature should then be incorporated across all alternatives equally. As presented, the potential differences between visual impacts caused by the various proposed alternatives are vague and unclear. While noise walls may be similar among alternatives, differences in retaining walls, pavement widths and median design are not clearly depicted or explained. For both types of walls, there should be an explanation of the minimum functional dimensions that could be applied. In addition, this section of the environmental document should be expanded to better differentiate between the potential visual impacts associated with each design alternative and individual design components associated with each alternative. 44 cont.

The environmental document references Corridor Design Guidelines that would be developed to supplement the mitigation requirements found in the visual assessment, and describes that future project design options would adhere to these guidelines. The guidelines are not included within the document, and appear to not have been completed at this time. Without the proposed corridor design guidelines, it is difficult for the reviewer to ascertain if appropriate and sufficient mitigation or project design options have been incorporated into the proposed project in order to mitigate the high level of visual impacts associated with the proposed project. The environmental document should be expanded to include these design guidelines in order to allow for a more comprehensive review of potential impacts to coastal resources and community character caused by the proposed project.

The visual assessment presented includes 17 key view points located along the corridor selected to display the various visual effects of the proposed project. The list of key view points fail to include views across any of the lagoon systems to the east or west from either north or southbound traffic lanes. The lagoon systems and their associated scenic viewsheds located within the corridor present significant visual coastal resources protected under the Coastal Act, and further analysis should be conducted to illustrate what potential effects the proposed project may have on these resources to the hundreds of thousands of viewers that encounter these unique views daily. Additionally, no key view points were included that depicted views of, and across, the freeway from other 45 46

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43 Supporting analyses and methodologies used to obtain estimated revenues as outlined on *Table 3.6.11* of the Draft EIR/EIS can be found on the I-5 North Coast Value Pricing Planning Studies Concept Plan Volumes 1 and 2 (incorporated by reference into the Draft EIR/EIS). The difference in anticipated revenue between the 8+4 and 10+4 build alternatives is linked to remaining congestion levels—drivers on a future I-5 with the fewer general-purpose lanes associated with the 8+4 design scenarios would be expected to benefit to a greater extent from HOV/Managed Lanes (and therefore pay for them), whereas the larger 10+4 scenarios would be expected to carry more free-flow traffic for longer periods of time during the day (with less incentive and, therefore, demand for paid use of HOV/Managed Lanes.) The Preferred Alternative is the refined 8+4 Buffer alternative and is consistent with CA SB 468 and the 2050 RTP; it would achieve optimal benefit through variable pricing, transit scheduling, and route planning, as well as FasTrak® sales, and would accommodate any future implementation of BRT.

44 Coastal Act Section 30251 is discussed in the policy conformance analysis in *Section 3.1* of the Final EIR/EIS. The refined 8+4 Buffer alternative has been identified as the LPA and the Preferred Alternative. If approved, it would result in the smallest impact footprint of the four build alternatives, and would minimize impacts to natural, community, visual and scenic resources while meeting project purpose and need. Additional specifics of the Preferred Alternative with regard to design elements, including retaining walls, pavement width (including auxiliary lanes) and median design are all provided in the Final EIR/EIS. The Design Guidelines: I-5 NCC Project are included as Appendix L to this Final EIR/EIS. The Design Guidelines have been circulated to Commission staff, other resource agencies, and local agencies for review and comment and they are included as Appendix L to this Final EIR/EIS. Final Design Guidelines would be completed during project design.

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46 cont. public access or viewshed areas. Public views to the ocean or other coastal elements such as the lagoon viewsheds may be impacted by the proposed freeway improvements; however, this information is lacking from the environmental document and therefore unavailable for public review. Public trails, view points, and designated scenic roads (Manchester Road for example) should all be included in any review of potential impacts to visual resources resulting from the proposed project. Views from bridges across the lagoon systems should be given particularly careful attention as well and careful consideration should be given to choosing see-through bridge railings.

47 The ITS element is a common feature among all proposed alternatives that would include overhead scanners, signage, lighting and other associated technological structures. These common features would add significant height and size to the proposed project but no descriptions of their design or location are included in the document. Specifically, where it relates to potential impacts to coastal visual resources, description and analysis of potential impacts from the ITS features is especially relevant, and should be included in the environmental document to provide for a more accurate depiction of potential visual impacts along the I-5 corridor from the proposed project. This emphasis should especially be placed on western views, lagoon viewsheds, and areas of undisturbed habitat or natural landforms. The statement within the document that these appurtenances could cause additional impacts that may require additional assessment in the future is not acceptable and does not inform the reviewer's evaluation of the proposed project.

Hydrology/Drainage (and Floodplains

48 The submitted build alternatives all propose to use the same bridge lengths. The criterion used for selecting the proposed bridge lengths appear to be that the new bridge would not worsen current conditions. Since the majority of the proposed bridges are replacement bridges that are essentially new structures, the standards imposed and utilized for any bridge length design should be that it would avoid adverse impacts to the extent practicable and that it mitigates all unavoidable impacts. Toward that end, the bridge length analysis should be expanded to cover the following options for their hydraulic efficiency, flooding risk, and impacts or benefits to coastal resources:

- 100-year flood alternative: The minimum bridge length necessary to convey the full 100-year flood for the expanded bridge width, under both current sea level conditions and with the maximum possible sea level over the life of the structure (such as 1.4 meters by 2100; see sea level rise comments for further discussion.). The Pacific Institute prepared a study of the effects of Sea Level Rise on coastal erosion and flooding for the California Climate Action Team; this report can be used as a reference for areas that might be at risk of flooding now or in the future due to the effects of sea level rise. This report may provide a starting point for this examination.

- 500-year flood alternative: The minimum bridge length necessary to convey the full 500-year flood for the expanded bridge width, under both current sea level conditions and with the maximum possible sea level over the life of the structure. As a major community corridor, this road could be considered to be a critical

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45 Additional views across the lagoons at Batiquitos, Agua Hedionda, Buena Vista, San Elijo, and San Dieguito have been incorporated into this Final EIR/EIS in *Section 3.7*, and additional analysis related to Coastal Zone consistency is provided in *Section 3.1.2.*

Additional measures for the protection of the lagoons have been incorporated into *Sections 3.7* and *3.17* through *3.22* of the Final EIR/EIS. These additional measures are based on the PWP/TREP, Biological Opinion and Design Guidelines: I-5 NCC Project that have been developed for the project since circulation of the Draft EIR/EIS. Proposed views at and across the lagoons to the east and west are located in *Section 3.7.2*, *Affected Environment*, of this Final EIR/EIS; including *Figures 3-7.75* through *3-7.96*, *3-7.107* and *3.7.108*.

46 View impacts from the project to the coastline, lagoons, and river valleys, would be avoided or minimized as matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Where they are present, as at Agua Hedionda and Batiquitos Lagoons, the retaining walls support slopes currently obscuring more open views to the water resource, as shown in *Section 3.7.3* of this Final EIR/EIS. Most lagoon crossings do not have large retaining walls or sound walls associated with them. Also, the Manchester DAR, which would be located at the north end of San Elijo Lagoon, has been substantially redesigned from an overcrossing to an undercrossing, minimizing the extent to which the facility would change views in this area adjacent to the lagoon. Therefore, the project would be consistent with Section 30251 of the CCA. For additional information please refer to the Design Guidelines: I-5 NCC Project. Please also refer to the response to Comment 45. Additional simulations from trails associated with San Dieguito, Batiquitos, and Agua Hedionda Lagoons are provided in *Section 3.7.3*.

47 Additional description of ITS features has been incorporated into the Final EIR/EIS in *Chapter 2*, and is provided in the Design Guidelines: I-5 NCC Project. As noted, placement of ITS features with overhead components would be determined during final

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48 cont.

facility and as such should be designed to the standards of a critical facility. As with the 100-year flood analysis, the Pacific Institute study, or equivalent, may be used as the starting point for this analysis.

- Full span option: The maximum bridge length possible if all roadway fill were removed with an analysis of the hydraulic efficiency of this option, including future effects from sea level rise.

49

The lagoon crossings are within reach of tidal currents and will be subject to influence from tidal flooding, tidal scour and sea level rise. Just as with riverine flooding, the proposed bridge design and alignment should avoid or minimize adverse impacts from flooding and mitigate unavoidable impacts. There has been no analysis of the change in flood conditions from sea level rise. Analysis of impacts and project design alternatives should consider sea level rise of at least 1.4 meters by 2100, and an evaluation of risks from higher amounts of sea level rise are encouraged. While 1.4 meters of sea level rise might not occur by 2100, this amount of sea level rise has been accepted as a level that merits examination (see for example, Executive Order S-13-08, State Coastal Conservancy Policy Statement on Climate Change, and the Ocean Protection Council's Draft Resolution for Sea Level Rise) In addition, many climate scientists are of the opinion that for rising sea level, the question is not if there might be a rise of 1.4 meters, but when there will be that amount of rise. Given the extensive public investment that is necessary for the highway expansion, the perceived permanence of highways and bridges and the impacts from each highway expansion as well as Caltrans should be planning and designing the road bridges so that they can accommodate or readily adapt to future sea level. The design concerns for sea level rise should consider bridge height, bridge spans and changes in scour and tidal currents that may result from an increase in the tidal prism.

50

The replacement of the I-5 bridge over Batiquitos Lagoon is proposed to be lengthened by 4.4m on either side. This proposed extension of the bridge length is described in the DEIR/EIS to provide enhancements to the adjacent lagoon system including a lowered floodplain and reduced constriction of tidal flows. The discussion however fails to identify why the new bridge could not be lengthened even further to create additional benefits and enhancements. Furthermore, the DEIR/EIS does not identify why other bridges were not designed with new, longer spans in order to provide similar benefits to the other lagoon systems currently constrained by existing fill used to support the current I-5 alignment. The document and the attached technical studies fail to consider these design options which have the potential to provide significant enhancements to the constrained lagoon systems located along the corridor.. Lengthened bridge spans or replacement of bridge approaches on fill with pile supports or additional bridge spans could serve not only as a means to avoid and minimize impacts to the surrounding sensitive habitats, but also as a potential avenue to enhance and restore improved hydrologic connectivity within the lagoon systems.

51

The proposed replacement bridge over Agua Hedionda Lagoon is described to be 6m shorter than the current freeway bridge. This proposed design would exacerbate existing constrictions placed on this lagoon system by the fill installed as a part of the original freeway construction. The design of this replacement bridge and bridge supports should be lengthened in order to provide potentially significant enhancement to the lagoon

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47 cont. design. Where located adjacent to lagoons or areas of coastal views, these facilities would be sited in coordination with the resource agencies to minimize adverse effects to the greatest practical extent, including consideration of coastal views.

Final EIR/EIS *Section 3.7* under the heading *Loss of Existing Views and Creation of a 'Tunnel Effect'* notes that views from the freeway would be diminished in quantity and quality by the introduction of walls, structures, and appurtenances (overhead signs, traffic sensors, video cameras, etc.); however, while ITS structures would contain both vertical and horizontal elements, they would be narrow relative to the viewshed. ITS features would be excluded from viewsheds containing scenic resources and incorporated in other architectural features, where possible.

48 Based in part on the hydrological issues noted below, bridge designs have been updated since circulation of the Draft EIR/EIS. The modifications reflect a continued effort by Caltrans to avoid and minimize potential impacts. The floodplain model would be updated during the design phase for a number of the drainages crossed by I-5. See *Section 3.9, Hydrology/Drainage (and Floodplains)* of this Final EIR/EIS.

- The project analysis completed as part of the Phase 2 and Lagoon Optimization studies evaluated 100-year flood events occurring in conjunction with a year 2100 sea level rise of 55 inches (approximately 4.5 feet and considered very conservative). Bridge specifications that were identified following that analysis have been incorporated into project design and *Chapter 2* and *Sections 3.9* and *3.17* of the Final EIR/EIS.

- In accordance with Caltrans policy and FEMA guidance for transportation projects, Caltrans has included the national standard used by the NIFP for the 100-year flood event that has a one percent (out of a 100) chance of occurring in any given year. The Water-Surface Elevations (WSEL) for the 500-year flood is typically used for other floodplain management purposes. For example, the 500-year flood is used for sitting critical facilities, such as hospitals or emergency operation facilities.

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51 cont. system associated with removal of some or all of the highway-related fill material. The document should analyze how the proposed narrowing of the connection between the east and central basins of Agua Hedionda lagoon would avoid or minimize impacts to this lagoon system.

52 The development of large-scale, lagoon-wide, restoration plans are underway for both San Elijo Lagoon and Buena Vista Lagoon. Proposed bridges for these systems should be designed so that they would not encumber or restrict any potential restoration design options for either of these lagoon systems.

53 Potential changes to all existing bridge supports should be better described within the DEIR/EIS. Proposed piling numbers, locations and dimensions should be better illustrated. Additionally, information should be provided as to how existing pilings will be addressed during demolition. For example, when pilings will not be used in the new bridge design, please explain whether the piles will be removed, left in place, cut at the mud line, or other. (As noted below, careful attention should be given to avoiding and ameliorating any potential barotrama effects from any proposed demolition or pile-driving activities.)

54 Specifically, as it relates to Encinas Creek, please examine options that would convey 100-year flood flows (using new FEMA analysis or equivalent) without upstream ponding.

Water Quality

55 Coastal Act Section 30231 states:

> *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Although the DEIR/DEIS includes a section on water quality (Section 3.10), the regulatory setting discussion in the section of the DEIR/DEIS never mentions reference to Section 30231 of the Coastal Act. In fact, it never mentions the Coastal Act at all. To the contrary, it characterizes the Porter-Cologne Water Quality Control Act as the sole legal basis in state law for water quality regulation. The Commission recognizes the authority of the State Water Resources Control Board and the regional water quality control boards (RWQCBs), but it also retains some concurrent authority over water quality protection, particularly as it relates to land use. Accordingly, the DEIR/DEIS must assess the project's consistency with the relevant water quality-related provisions of the Coastal Act.

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48 cont.
- The project analysis completed as part of the Phase 2 and Lagoon Optimization studies (and reported in the Supplemental Draft EIR/EIS and Final EIR/EIS) evaluated the option of the removal of all roadbed fill at the I-5 crossings for each lagoon where a new bridge would be constructed (Agua Hedionda, Batiquitos, San Elijo, and Buena Vista).

49 Please refer to the response to Comment 48, above. Issues of sea level rise, tidal currents, and scour were included in the lagoon studies and were important considerations in the choice of the ultimate bridge design, as depicted and explained in the Supplemental Draft EIR/EIS and Final EIR/EIS *Chapter 2* and *Sections 3.9* and *3.17*.

50 The detailed lagoon optimization studies referenced above were included in the Supplemental Draft EIR/EIS circulated in August 2012 and incorporated into the Final EIR/EIS. As a result of those studies, the channel under the I-5 bridge at Batiquitos Lagoon would be longer and deeper than the current bridge channel. The potential for benefit related to longer bridge spans was reviewed for the other I-5 lagoon and creek crossings. As a result, benefits to longer bridge lengths related to hydrological and biological concerns were identified for two other lagoons, San Elijo and Buena Vista. These longer bridges are now proposed for construction and have been incorporated into this Final EIR/EIS.

51 As clarified in the Supplemental Draft EIR/EIS, the replacement bridge would not be shorter than the existing bridge. The channel dimensions would be the same at Agua Hedionda Lagoon as they are currently, with wildlife benches provided under the bridge.

52 The lagoon optimization studies completed for both San Elijo and Buena Vista Lagoons proposed bridge designs that would allow any potential restoration program under consideration to be implemented. Information specific to this issue was provided in the August 2012 Supplemental Draft EIR/EIS and is now incorporated into this Final EIR/EIS.

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55 cont.

To be consistent with Section 30231 of the Coastal Act, each project alternative should be evaluated to assess whether or not it would *quality and/or biological productivity sufficient to maintain optimal populations . . . and human health*. If an alternative would not maintain or restore such water quality standards it should be noted that it is inconsistent with these Coastal Act objectives.

From a water quality perspective, the greatest area of concern is the project's potential *permanent* contribution to impervious surface area. Increase in impervious surface is directly proportional to higher runoff volumes and higher runoff velocities (hydromodification). As the area of impervious surface increases, it becomes incrementally more difficult to dissipate, infiltrate or treat runoff.

As a result, pollutants found in highway runoff are more likely to enter and degrade coastal waters and, in addition, to negatively impact wetland habitats and increase the risk of flooding. These pollutants commonly include:

- Sediment eroded from surrounding lands, highway embankments and cut slopes, and receiving streambeds and banks
- Nutrients from plant debris, organic soils, fertilizer, vehicle exhaust, emulsifiers and surfactants
- Pesticides
- Dissolved and particulate metals
- Trash

56

To meet the objectives of NEPA and CEQA, an environmental document should present a range of alternatives that fulfill the Purpose and Need stated for the project, and should then evaluate impacts that would result from each alternative. This DEIS/EIR does not present basic information that would allow for comparison of the water quality impacts that may result from each alternative.

57

The Department of Transportation *Statewide Stormwater Management Plan* specifies that Treatment Best Management Practices (BMPs) for Category B projects (where the Project Study Report is approved but the Environmental Document is not final) "*will be evaluated and where feasible incorporated into a project's design and addressed in the environmental documents*". For Category A projects (where the Project Study Report is not yet approved) "*storm water quality issues will be evaluated and treatment BMPs considered during the project alternatives and work plan development*". The DEIS/EIR does not "evaluate" treatment BMPs proposed for the project in a meaningful way. It "presents" possible treatment BMPs - without any evaluation.

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53 Updated preliminary information regarding proposed bridge support designs is provided in the Final EIR/EIS; precise specifications would continue to be refined during final design. As noted in *Section 3.18.4* of the Draft and Final EIR/EIS, all debris from the replacement of old bridges or construction of new bridges would be contained so that it does not fall into rivers and lagoons.

54 As discussed in *Section 3.9* of this Final EIR/EIS, the project proposes placement of additional fill into the existing ponding area (floodplain boundary), which would slightly increase water surface elevations at the new extended inlet location at Encinas Creek, including during 100-year flood flows. This increase would perpetuate proportionally upstream for 288 feet, at which point the water surface elevations would be unaffected by the proposed freeway widening. Because the banks of the ponding area between I-5 and Paseo del Norte are so steep, this small rise in water surface elevation would cause a negligible effect on the existing floodplain boundary. The existing box culvert size under I-5 somewhat controls how deep the upstream ponding would be in the new widened configuration, but alternative inlet designs for the extended (upstream) box culvert would be investigated and implemented to alleviate any adverse ponding concerns.

55 The analysis of Coastal Act Section 30231 has been updated in the policy conformance analysis in *Section 3.1* of the Final EIR/EIS. Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification. Please also refer to the response to Comment 21.

Please refer to *Section 3.10*, *Water Quality and Storm Water Runoff*, of the EIR/EIS, as well as Sections 3.0 and 4.0 (Federal Regulations, and Watershed Characteristics, respectively) of the Interstate 5 North Corridor Water Quality Report (WQR; July 2009). Caltrans operates under the strict requirements of a general permit issued by the State Water Resources Control Board (SWRCB) to meet State and federal regulations regarding water quality and storm water runoff.

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An example of an analysis of impervious surface area introduced by a project, by alternative, is given in the following tables (source: *Draft Water Quality Report*, Caltrans EA 2232E0). This type of analysis should be incorporated in the DEIS/EIR.

Chapter 2: Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures

Table 2.10.A Summary of Permanent Treatment Area for Alternative 2

Segment	Area of New Impervious (ac)	Total Runoff Area Proposed to be Treated (ac)	Percent of New Impervious Treated	Area of Total Impervious (Existing plus New) (ac)	Percent of Total Impervious Treated	Total Area Drained (ac)	Percent of Total Runoff Area Treated
Segment 1: Bull Creek	7.1	0.0	0%	28.0	0%	76.0	0%
Segment 1: Santa Clara River	24.1	72.8	302%	89.7	82%	100.0	72%
Total Segment 1	31.2	72.8	233%	116.1	63%	176.0	41%
Total Segment 2	26.7	26.3	92%	116.6	23%	238.0	11%
Total Segment 3	15.7	73.2	472%	54.9	131%	81.0	90%
Total Project	73.7	171.3	242%	297.6	58%	495.0	35%

Source: Draft Water Quality Report (Parsons, December 2008)
ac = acres, N/A = not applicable

Chapter 2: Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures

Table 2.10.B Summary of Permanent Treatment Area for Alternative 3

Segment	Area of New Impervious (ac)	Total Runoff Area Proposed to be Treated (ac)	Percent of New Impervious Treated	Area of Total Impervious (Existing plus New) (ac)	Percent of Total Impervious Treated	Total Area Drained (ac)	Percent of Total Runoff Area Treated
Segment 1: Bull Creek	8.8	28.8	326%	28.0	103%	81.1	35%
Segment 1: Santa Clara River	29.9	32.9	110%	94.0	35%	106.5	31%
Total Segment 1	38.8	61.8	159%	123.4	50%	187.6	33%
Total Segment 2	35.5	25.7	72%	118.1	22%	233.6	16%
Total Segment 3	13.3	67.2	507%	57.4	117%	85.8	78%
Total Project	87.3	154.4	177%	297.0	52%	527.0	29%

Source: Draft Water Quality Report (Parsons, December 2008)
ac = acres

57 cont. BMPs needed to treat runoff should be specified in the DEIS/EIR – this is not to say that more detailed design of the BMPs will not need to be done as the project design unfolds. However, the resource agencies and the public need to be informed of the range of effectiveness and potential impacts of the BMPs proposed for each alternative, and the DEIS/EIR must establish, using supportive information, whether or not a water quality impact is likely.

Suitability of sites available for each type of BMP, by alternative, should be discussed relative to the space available inside/outside of the right of way, hydraulic capacity available/needed, soil and substrate properties, depth to ground water, geotechnical limitations and accessibility for long term maintenance in order to match each location to each BMP type for the purpose of the environmental review. All information currently available to appraise these conditions and the suitability of sites for specific BMPs should be presented in the DEIS/EIR.

Each sub-watershed runoff basin should be identified, along with a general description of current and anticipated runoff amounts. The most appropriate treatment BMPs for each runoff area should be identified in a preliminary analysis presented in the DEIS/EIR. The nexus between treatment BMP type and pollutant category should be presented in the DEIS/EIR. For example, if a vegetated swale will be used because it is effective in minimizing nutrient loading to lagoon waters, it should be so stated. Each should be

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55 cont. The SWRCB adopted Order No. 99-06–DWQ, NPDES Permit No. CAS000003, Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans) Properties, Facilities and Activities. Order No. 2012-0011-DWQ was adopted in September 2012 and supersedes Order No. 99-06-DWQ upon its effective date of July 1, 2013. This permit requires Caltrans to implement a Storm Water Management Plan (SWMP), the purpose of which is to protect and achieve water quality standards at all times. The minimum requirement is to ensure that pollutants in discharges from storm drain systems owned or operated by Caltrans are reduced to the maximum extent practicable (MEP) and that pollutants in discharges from construction activities covered by the General Construction Permit are reduced by employing Best Available Technology/Best Conventional Technology (BAT/BCT) performance standards. The MEP analysis is the process of evaluating the selected BMPs based on legal and institutional constraints, technical feasibility, relative effectiveness, and cost/benefit ratio.

Caltrans continues to comply with CWA §402 by complying with the requirements of the Statewide NPDES permit. The permit and the approved SWMP consolidated Caltrans storm water compliance activities under one permit and provided a framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting.

56 As discussed in *Section 3.10* of the EIR/EIS, the analysis of potential water quality and storm water runoff impacts is applicable to all of the identified build alternatives. This conclusion is based on the fact that all of the potential alternatives encompass similar facility types and locations (as is typical for a freeway widening situation with limited available right-of-way), as well as similar water quality and storm water runoff conditions and regulatory requirements that must be met for any of the alternatives. While the specific locations and extent of associated water quality and storm water runoff impacts would vary somewhat among the build alternatives, the overall type, nature and level of these impacts essentially

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chosen in accordance with the type of pollutant to be treated and the receiving water body limitations.

The project features maps show detention basin and bioswale locations for one of the four alternatives. Other project maps (Natural Environment Study maps, for example) show a different, single alternative. The maps provided do not allow a comparison of resource impacts to be made for any of the alternatives. Preliminary project features maps should include tentative but reasonable BMP locations for each alternative considered, so that it can be seen when BMPs will or won't be employed and whether or not they conflict with other resources. In order to illustrate this comparison, this may require five (5) map sets be developed; one for the existing conditions and one for each proposed alternative. 57 cont.

This project is proposed to create a very large area of impermeable pavement. After the area of impermeable surface is reduced to the greatest extent possible, the project would best be designed so that BMPs employed to reduce the discharge of pollutants to the maximum extent practicable can reduce impacts below a level of significance. There may be design modifications or scale reductions that can be integrated to allow BMPs used to the maximum extent practicable to be effective. If BMPs are unlikely to reduce water quality impacts to a level of insignificance for an alternative, it should be noted in the DEIS/EIR.

The coastal zone surrounding Los Penasquitos Lagoon, San Elijo Lagoon and Batiquitos Lagoon have been designated as Critical Coastal Areas (CCAs) by a committee representing fifteen state agencies working to implement California's Non Point Source (NPS) Program (http://www.swrcb.ca.gov/water_issues/programs/nps/protecting.shtml). CCAs are of particular concern to the state since there is the potential for new and expanding development to discharge pollutants to coastal waters identified by the state as important resources. Over the last decade, the Coastal Commission has supported the implementation of all appropriate nonpoint source management measures to reduce the impacts of polluted runoff in CCAs. Nonpoint source management measures that apply to this project include, but are not limited to 3.1 Runoff from Developing Areas, 3.3 Runoff from Existing Development, 3.5 Transportation Development (Roads, Highways and Bridges), and 6 A/B Protection and Restoration of Wetlands/Riparian Areas. CCA strategy requires implementation of all appropriate management measures found in the California NPS program plan, such as incorporation of BMPs to reduce or eliminate the discharge of excess nutrients, pesticides and solids to those waters. 58

San Elijo and Los Penasquitos Lagoons are included on the state list of impaired waters (the Clean Water Act Section 303(d) list); San Elijo for sedimentation, bacteria, eutrophication and Los Penasquitos for sedimentation. Since these waters are already exceeding state water quality standards, any development that increases the discharge of the 303(d) list pollutants would be a conflict with Coastal Act policies protecting coastal waters and habitat. The San Diego Regional Water Quality Control Board is in the process of collecting data to develop a Total Maximum Daily Load (TMDL) requirement for each of these lagoons; and once it is completed, there is likely to be numeric effluent criteria for each entity discharging to the lagoons, including Caltrans. It should be demonstrated how, for each alternative, the water quality objectives will be met, and beneficial uses, protected. For each 303(d) listed receiving water, the degree to which 59

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56 cont. would be the same under all potential build alternatives. Where specific differences among the alternatives could potentially affect water quality and storm water runoff considerations (e.g., proposed disturbance areas and new impervious surfaces), the differences are called out as appropriate (refer to *Table 3.10.8* in the EIR/EIS, and Table 5.1 of the project WQR). To address potential short-term impacts of each of the build alternatives, all disturbed soil areas would be stabilized before the completion of construction with permanent landscaping and/or permanent erosion control. Please also refer to responses to Comments 12, 14, and 21.

57 EIR/EIS *Section 3.10*, as well as Sections 3.0 and 4.0 (Federal Regulations, and Watershed Characteristics, respectively) of the project WQR, address these issues. Please also see the response to Comment 55 regarding NPDES No. CAS000002 and Caltrans SWPPPs, and NPDES No. CAS000003 and Caltrans SWMPS. Per the August 2013 Water Quality Technical Memorandum for the I-5 North Coast Corridor Project, the project has been evaluated for compliance with the recently adopted Caltrans NPDES Permit and for implementation of MEP "treatment," as required by the Caltrans NPDES Permit.

58 Thank you for this information. Please refer to responses to Comments 55, 56, and 57 regarding NPDES permits Nos. CAS000002 and CAS000003.

Caltrans continues to comply with CWA Section 402 by complying with the requirements of the Statewide NPDES permit. The permit and approved SWMP consolidated Caltrans' storm water compliance activities under one permit and provided a framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting.

59 Caltrans is currently working cooperatively with the San Diego RWQCB and other named dischargers to comply with the adopted Revised Total Maximum Daily Loads (TMDLs) for Indicator

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59 cont. runoff will be effectively treated to avoid additional degradation should be discussed. A discussion in the DEIS/EIR as to how the project would promote a CCA interagency planning approach would also be appropriate.

60 According to the project features maps, a number of the bioswales appear to be sited in unconventional locations. We realize there are some difficulties with the resolution of the GIS overlays with the aerial photo background on the project features maps (e.g. compare figure 2-2.14q with 2-2.14r, note the variability between the two maps in the distance from the structure next to the label for "Soundwall S 633" to the highway footprint). However, some bioswales appear to be located midway on a compacted embankment, intersecting retaining walls, or displacing wetlands. If a location would conflict with other coastal resources, it should be noted. If a location is not realistic, it should not be shown on the layout or be included in the calculation of treated versus non-treated runoff.

61 It should be clarified whether or not the retention basins proposed will be used to infiltrate runoff or just slow the runoff. The size of the storm event that will be retained before overflowing should be stipulated. The 85th percentile 24-hour storm event is the standard applied to this type of BMP for major projects within the coastal zone, as well as in the RWQCB's municipal stormwater permit and the Caltrans stormwater program. Also, a discussion of the type of trash BMPs that will be used for the project should be included.

From the perspective of adopting an approach that would limit impervious surface, developing a double track- LOSSAN -passenger and freight rail system could be far more effective in protecting coastal water quality than a project to widen the highway corridor. It would also provide for a more efficient mass transit project that would benefit the coastal environment in other ways.

62 A major reduction in impervious surface area would be achieved from selecting the alternative with the smallest footprint. The Purpose and Need for the project is, in part, to *maintain or* improve Level of Service to design year 2030, *maintain or* improve travel times, and *maintain* the facility as an effective link within the highway system. The Purpose of the project does not appear to necessitate an improvement. Given the apparent acceptability of a project that would *maintain* current conditions, the alternative with the smallest footprint would be the most desirable from the standpoint of introducing the least impermeable surface area and probably, the most space for treatment BMPs.

Design considerations, such as lane and shoulder width reduction, and use of permeable pavement, should be discussed in the DEIS/EIR as design methods to reduce impervious surface area, polluted runoff, and hydromodification. Permeable pavement should be considered as an alternative to conventional pavement wherever possible. Road shoulders and ramp gore areas would be good candidates for permeable pavement. Width reduction, or funneling down highway widths in specific areas (e.g. where runoff could directly enter a water course or municipal separate stormwater sewer system) could also be effective.

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59 cont. Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region. On February 10, 2010, the San Diego RWQCB adopted Resolution No. R9-2010-0001, an amendment incorporating Revised TMDLs Project I into the San Diego Basin Plan. This TMDL Basin Plan amendment was subsequently approved by the SWRCB on December 14, 2010, the Office of Administrative Law (OAL) on April 4, 2011, and the U.S. Environmental Protection Agency (USEPA) on June 22, 2011. Under State law, this TMDL Basin Plan Amendment became fully effective on April 4, 2011, the date of OAL approval.

Caltrans and other named dischargers are developing a Comprehensive Load Reduction Plan (CLRP). This CLRP will support the Responsible Parties' plans to address beach and creek impairments with coordinated, consistent, and phased implementation of BMPs. It will assist the Responsible Parties in complying with the approved TMDLs for Beaches and Creeks (Bacteria TMDLs) developed in the region. In addition to addressing bacteria, the CLRP will allow for implementation planning that addresses other potential 303(d) impairments and pollutants within the watershed, to increase the effectiveness and efficiency of planning and implementation efforts, and to reduce the overall cost of implementation and compliance monitoring.

A monitoring plan will be developed to address the monitoring requirements of the approved Bacteria TMDLs and other existing and tentative TMDLs in the watershed. This plan also will address other 303(d) impairments that are proposed for inclusion in the CLRP. Monitoring is needed to evaluate progress toward attainment of the TMDLs and restoring the beneficial uses in the receiving waters.

60 A preliminary review of the project area has been completed and potential locations and types of "treatment" BMPs have been assessed for feasibility based on such factors as climate, water volume, soil conditions, physical limitations, and other environmental considerations. Preliminary locations of some of

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	60 cont. the "treatment" BMPs are shown on the Project Features Maps (*Figures 2-2.3, Sheets 1* through *67* of the Final EIR/EIS). As the proposed project proceeds to the design phase, the locations of these "treatment" BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints or hydraulic capacity. In addition, in areas where "treatment" BMPs cannot be incorporated due to the above-noted reasons, vegetation would be maximized and every effort would be made to ensure the successful establishment of project landscaping and erosion control. The project would also consider any future "treatment" BMPs that might be approved by Caltrans from the ongoing research and monitoring program.
	61 As identified in *Section 3.10* of the EIR/EIS, Section 6.0 of the project WQR, and Section III.1.6 of the Technical Memorandum, the "treatment" BMPs referenced in this comment are identified as detention (not retention) basins. While some minor infiltration may occur in detention basins (depending on the facility design and underlying soil and/or geologic conditions), these structures are not intended or designed as infiltration devices, which are identified as a separate category of approved Caltrans "treatment" BMPs (refer to *Table 3.10.12* of the EIR/EIS). Pursuant to applicable requirements under Caltrans Storm Water Standards and related NPDES criteria, the proposed detention basins (and other applicable facilities) would be designed to conform to all related specifications, including an appropriate design storm event. Also as described in *Section 3.10* of the EIR/EIS and Section 6.0 of the project WQR, BMPs that would be employed to address trash and litter control may include efforts such as good housekeeping (e.g., proper trash control and containment), street sweeping and appropriate material storage and recycling (i.e., to reduce potential trash generation). The nature, extent and/or location of these (and other) BMP efforts would be further evaluated during the project design phase. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation (including mass transit and rail options).

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62 cont. The San Diego Regional Quality Control Board's ORDER NO. R9-2007-0001, NPDES NO. CAS0108758, WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF URBAN RUNOFF FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4s) DRAINING THE WATERSHEDS OF THE COUNTY OF SAN DIEGO, THE INCORPORATED CITIES OF SAN DIEGO COUNTY, THE SAN DIEGO UNIFIED PORT DISTRICT, AND THE SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY states that:

> *"Urban runoff needs to be addressed during the three major phases of development (planning, construction, and use) in order to reduce the discharge of pollutants to the MEP and protect receiving waters. Development which is not guided by water quality planning policies and principles can unnecessarily result in increased pollutant load discharges, flow rates, and flow durations which can impact receiving water beneficial uses."*

63 The DEIS/EIR is a vehicle for the public to participate in the planning of the project and choose between alternatives. The DEIS/EIR should demonstrate how each project alternative will achieve requirements of the Municipal Stormwater Permit for the County of San Diego.

Finally, rejecting the 'barrier' alternatives would reduce the need for ~24 feet of cumulative highway width. Over the length of the project, this would represent an enormous decrease in surface area requiring BMPs, and importantly, would make treatment feasible in some situations that would otherwise not be feasible using iterative maximum extent practicable methods.

64 The DEIS/EIR concludes that the no-build alternative would result in no improvement of water quality and that all build alternatives would have a positive impact on water quality. However, there is no supportive information presented to substantiate that conclusion. There is a brief reference made to a retrofit program to install water quality BMPs in the corridor. There is no discussion of the effectiveness of the retrofit program, although a table of current BMPs and their catchment areas is included. Intuitively, it seems unlikely that roughly doubling the impervious surface and adding more vehicle capacity (and pollutants that accompany the added traffic) would result in better water quality. The DEIS/EIR should include a discussion of retrofit opportunities and the status of the current program. The DEIS/EIR should also examine any difference between the suggested water quality improvements that would be expected with each alternative and those that could be expected to be made with individual highway improvement projects that would be implemented under the no-build scenario.

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62 As discussed throughout these responses, a Preferred Alternative was identified for the project following circulation of the Draft EIR/EIS and Supplemental Draft EIR/EIS and receipt of related comments. The Preferred Alternative is a refined version of the 8+4 Buffer alternative, which was the smallest of the build alternatives proposed in the Draft EIR/EIS. Implementation of the Preferred Alternative would minimize the amount of new impervious surface from the project to the greatest practical extent (along with related runoff and pollutants).

Permeable pavement is currently being evaluated by Caltrans for storm water runoff "treatment." Until these studies are completed and proven successful, however, Caltrans cannot recommend the use of permeable pavement within the freeway limits (or other associated sites or facilities). *Section 3.10.4* of the Final EIR/EIS contains an enhanced discussion of hydromodification and includes a statement that any future approved "treatment" BMPs would be evaluated for implementation as part of the proposed project.

Caltrans projects are technically not subject to the referenced Municipal MS4 Permit, but rather are covered under Caltrans NPDES Permit (NPDES No. CAS000003, Order No. 2012-0011-DWQ). The Caltrans permit and related documents (including the Statewide SWMP) describe how Caltrans complies with associated requirements. Please refer to the response to Comment 21 for additional discussion of requirements under the Caltrans NPDES Permit and related project design measures and BMPs. Based on that discussion and the information provided in *Section 3.10* of the EIR/EIS and Section 6.0 of the project WQR, the proposed project would minimize potential impacts to water quality and ensure conformance with applicable regulatory requirements, including NPDES standards and Basin Plan beneficial uses.

An analysis of project hydromodification effects has been added to *Section 3.10* of the Final EIR/EIS.

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	63 For areas within a city's jurisdiction, project design would comply with the Hydromodification Study prepared by the municipal permittees. Please also refer to the responses to Comments 21 and 62. The refined 8+4 Buffer alternative has been identified as the Preferred Alternative for the proposed project.
	64 With respect to the No Build alternative, multiple projects along the I-5 corridor would occur even if the *I-5 NCC Project* were not to be built to address traffic congestion issues at various locations. The No Build alternative assumes implementation of BMPs to address potential pollutants during the construction and operation of those projects. The amount of disturbed soil area during construction of each independent project has not been determined. Some of the proposed projects are in the early planning stages and information is not available at this time. Nevertheless, "treatment" BMPs would only be incorporated within those projects' construction limits. The EIR/EIS notes that while the no build scenario would entail a number of additional projects that would be subject to similar water quality requirements as the proposed project, such water quality measures would not encompass the entire I-5 *NCC Project* corridor. This fact, coupled with the above-noted increase of "treatment" area for existing impervious surfaces under the project, results in the conclusion of "No Improvements" to existing water quality conditions in the corridor itself.

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Geology/Soils

65 Coastal Act Section 30253 states in part:

> *New development shall do all of the following:*
>
> *(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard…*

Coastal Act Section 30253(a) requires that new development be sited and designed to minimize risks to life and property in potential hazard areas. These Coastal Act policy requirements should be identified in the regulatory portion (3.11.1) of this section. It is unclear why paleontology resource regulations are presented in this section.

The Geology Section (3.11) states that the soils within the lagoon systems are likely alluvial or lagoonal in nature and therefore may present weak foundation soils that would prevent the ability to narrow supporting embankments or to install steeper retaining structures that might lessen impacts to adjacent habitat and wetland areas. The discussion fails to investigate the option of stabilizing freeway structures that cross the lagoon systems founded on column or piling systems that would result in both the removal of existing fills placed on top of these unstable foundation soils, while at the same time removing and minimizing impacts to the adjacent wetlands. The environmental document should include an updated discussion that presents and compares structural foundation support options for portions of the proposed project that cross lagoon systems.

Hazardous Waste

66 This section of the DEIR/EIS discusses hazardous waste and materials, including potential lead paint on structures to be demolished. Page 3.18-4 discusses the need to contain debris from the demolition of bridges to ensure it does not fall into rivers and lagoons; however, it does not present any BMPs that would be implemented to ensure that these sensitive resources would be avoided. We are concerned that lead contamination from bridge demolition could result in food chain effects to sensitive wildlife and negatively impact water quality. The environmental document should be updated to provide additional detail on the BMPs that will be used in the vicinity of natural areas to prevent contamination from entering sensitive habitats. These may include the use of shrouds, nets or tarps suspended around working areas and below bridges; the use of barges and booms below bridges; and the use of vacuum or suction shrouds on blast heads to capture grit and old paint. We are also concerned that sediments in the vicinity of the proposed project may be contaminated with hazardous materials that could be disturbed by the proposed bridge work, also leading to impacts on biological productivity and coastal water quality. We recommend that sediment sampling be conducted at proposed bridge locations to determine whether sediments are contaminated; and, if contaminated sediments are present, the environmental document should incorporate BMPs during construction to limit the spread of resuspended sediment. These may include cofferdams, blasting mats, silt curtains, and or turbidity curtains which would contain resuspended sediment onsite until it settles.

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65 The description of Coastal Act Section 30253 has been updated and analyzed in the policy conformance analysis in *Section 3.1* of the Final EIR/EIS, consistent with the Caltrans Annotated Outline. The discussion is located under the heading *Consistency with State, Regional and Local Plans and Programs*, with detail provided in *Table 3.1.1*. The references to paleontology have been deleted.

New investigations were completed relative to bridge design at each of the lagoons in the corridor following circulation of the Draft EIR/EIS in July 2010, with associated modifications to bridge design plans included into the Supplemental Draft EIR/EIS that was circulated in August 2012, and incorporated into this Final EIR/EIS. With regard to the four lagoons where new bridges would be constructed (Agua Hedionda, Batiquitos, San Elijo, and Buena Vista), support columns would be placed into bedrock, below river alluvium and/or fill.

66 The hazardous waste studies described in this comment from *Section 3.13* included soil sampling and testing for suspected contaminants adjacent to the traveled way and at bridge locations within the project limits. Suspected contaminants have been identified, and would be mitigated in accordance with federal, State, and local regulations per the standard specifications. Proper BMPs and storm water mitigation measures also would be applied to minimize sediments from migrating. The related information referenced in this comment from *Section 3.18* identifies impacts to wetlands and other waters from potentially hazardous debris generated during project activities including bridge demolition and construction. The discussion of avoidance, minimization, and/or mitigation measures in *Section 3.17* includes the following requirements:

- Appropriate BMPs would be used to control erosion and sedimentation and to capture debris and contaminants from bridge demolition and construction to prevent their

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66 cont.

deposition in coastal lagoons and waterways. No project-related sediment or debris would be allowed to enter lagoons, creeks, rivers, or other drainages. All debris from the demolition and construction of bridges would be contained so that it does not fall into channels. Appropriate BMPs would be used during construction to limit the spread of resuspended sediment and contain debris; and may include cofferdams, blasting mats, silt curtains, turbidity curtains and/or other barriers. Water within cofferdams would not be returned to the San Luis Rey River or lagoons until it is clear and clean. This may be accomplished through the use of desiltation tanks or other appropriate measures. Collected sediments would be removed from the site and disposed of properly. BMPs (e.g., gravel bags) would be used at the discharge point to avoid erosion.

- All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities would be restricted to designated areas that are a minimum of 100 feet from drainages/lagoons and associated plant communities, to preclude adverse water quality impacts. Fuel cans and fueling of tools would not be allowed inside the drainages.

No project-related sediment or debris would be allowed to enter the creeks, rivers, or lagoons. Specific measures for control of hazardous waste would be derived from the Caltrans Standard Specifications, which provide direction for contractors to implement appropriate BMPs to prevent construction debris, lead paint, and other impacted on-site debris or soils from entering the environment. The items identified in this comment are examples of typical measures that potentially could be used by project contractors during bridge construction or other applicable project activities. Additional description of Caltrans-approved BMPs related to bridge (and other) construction is provided in Section 6.0 of the project WQR (refer to Table 6.6, Construction Site BMPs for Typical Highway Construction Activities) and Section III of the Water Quality Technical Memorandum, with a number of these measures also called out as avoidance, minimization, and/or mitigation measures in *Section 3.10* of the EIR/EIS. Caltrans has also developed a specific BMP fact sheet, NS-15 Structure

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	66 cont. Demolition/Removal Over or Adjacent to Water, to detail issues that arise and provide required measures for contractors to minimize the potential for discharges into a water body. It should also be noted that the 2009 Construction General Permit (CGP) separates projects into Risk Levels 1, 2, or 3. Risk levels are determined during the planning and design phases, and are based on potential erosion and transport to receiving waters. A Risk Level 3 project would require compulsory storm water runoff pH and turbidity monitoring, as well as both pre- and post-construction aquatic biological assessments during specified seasonal windows. For all projects subject to the CGP, applicants are required to develop and implement an effective Storm Water Pollution Prevention Plan (SWPPP). As Los Peñasquitos, San Elijo, and Buena Vista Lagoons are 303(d) listed water bodies for sediment/siltation, the proposed work over these lagoons would most likely be considered Risk Level 3. The proposed work over Agua Hedionda, Batiquitos, and San Dieguito Lagoons would likely be considered Risk Level 2. Specific BMPs to be employed would depend on final project design and phasing, and must be developed in consultation with project construction contractors.

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Air Quality

Coastal Act Section 30253 states in part:

New development shall do all of the following:

(c) Be consistent with the requirements imposed by an air pollution control district or the State Resources Board as to each particular development.

Coastal Act Section 30253 (c) requires that any new development be consistent with requirements imposed by the State Air Resources Board.

67 Figures 3.14.1-6 and Tables 3.14.8-9 illustrate the projected total in Mobile Source Air Toxin (MSAT) emissions estimated for study years 2015 and 2030, compared between the no build, 8+4 and 10+4 proposed alternatives. The MSAT Discussion of Results portion of Section 3.14.3 reviews the results of these comparisons and states, "although the No-Build Alternative is expected to accommodate less traffic as indicated in Tables 3-14.6, its MSAT emissions are expected to be greater than those of other Build Alternatives in both 2015 and 2035." This statement appears to contradict the data presented in the aforementioned figures and tables. The data presented in both graphic and tabular form depicts the No Build Alternative having lower MSAT emissions compared to the build alternatives for all six priority MSATs. This discrepancy should be clarified so that the reviewer can better understand the potential impacts to air quality that may be attributed to the proposed project. The discussion also identifies that all proposed build alternatives are expected to reduce Diesel PM toxin in both 2015 and 2030 from current levels, but fails to acknowledge that the No Build Alternative would result in an even greater reduction of both DPM and MSAT emission levels. The principal reason for these predicted reductions in MSAT emissions is likely more related to planned restrictions on emissions and fuel standards as a part of EPA's national control programs, and not a direct effect of proposed project alternatives. Contrary to the discussion presented in the document, the data would support a conclusion that the No Build Alternative would be the least air polluting alternative even with the expected reductions in congestion anticipated for the build alternatives.

68 The discussion of expected construction impacts does not include any comparison between anticipated construction emissions attributed to the different proposed alternatives. Intuitively, it would seem that alternatives with a greater footprint would require additional construction effort thereby resulting in increased emissions and impacts on air quality. Without additional data to inform this comparison, the reviewer is left with little direction other than to select either the no build alternative or the proposed alternative with the smallest proposed footprint due to the fact that it would avoid and minimize air quality impacts to the greatest extent feasible.

69 The discussion of how predicted impacts to air quality could be mitigated does not include the benefits that mass transit improvements to both the LOSSAN corridor and the BRT system might provide. The linkage to these improvements included as a part of the proposed PWP should be highlighted to better describe efforts to reduce emissions by

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67 Please refer to the Air Quality Study, "Mobile Source Air Toxics (MSAT) Update," May 2013. Consistent with your comment:

> The Build alternatives would result in higher VMT and MSAT emissions when compared to the No Build alternative. However, all Build alternatives would relieve congestion and improve traffic flow, with improvements of approximately 49 percent over base year (2006) conditions.

The discrepancy noted in the Commission's comment has been corrected in the Final EIR/EIS in *Section 3.14*. Please see text and *Tables 3.14.11* and *3.14.12*.

68 As described in this Final EIR/EIS in *Section 3.14*, I-5 construction would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials. Bridge construction modeling assumed a project length of 0.036 mile and an area of 4.3 acres, constructed during a 12-month period. Daily maximum area disturbed was assumed to be 0.9 acre per day, and no soil import or export haul trucks trips would be made. Roadway widening modeling assumed a project length of 1.3 miles and an area of 28 acres, also constructed within a 12-month period. For this scenario, daily maximum area disturbed was assumed to be 4.6 acres per day and 4,000 cubic yards of soil import was

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69 cont. improved mass transit transportation systems that would be an integral component of any final PWP.

Energy

Coastal Act Section 30253 states in part:

> *New development shall do all of the following:*
>
> *(d) Minimize energy consumption and vehicle miles traveled.*

Coastal Act Section 30253 (d) requires that new development minimize energy consumption and vehicle miles travelled (VMT), and should be identified in the regulatory portion (3.16.1) of this section of the environmental document.

70 The discussion of the environmental consequences attributed to energy usage presented in Section 3.16.3 of the environmental document is exceptionally brief and provides no data or other documentation to support the conclusion presented that, "the proposed project would likely cause a no net increase in energy consumption since the energy used during construction and operation would be balanced against energy saved by relieving congestion." There is also no comparison between proposed alternatives to distinguish which design alternatives would have a smaller impact on energy consumption other than a sentence to describe that barrier alternatives may have slightly elevated energy consumption related to increased maintenance activities. Without supporting documentation, the reviewer is unable to differentiate between proposed build alternatives and the no build alternative and cannot make an informed decision as it relates to energy use. Furthermore, the section posits that construction related impacts on energy consumption can be balanced by decreased maintenance responsibilities, but again provides no documentation to support this statement. The role that LOSSAN improvements could play in meeting the project's purpose and need for moving people and goods, and how this relates to the minimization of energy consumption and VMT relative to the I-5 highway alternatives, needs to be included in the DEIS/EIR. In addition, the effect of the project alternatives relative to the functionality, service and predictability of high-occupancy vehicles needs to be discussed in terms of energy consumption and VMT. As noted previously, potential induced demand effects must also be examined relative to the studied alternatives (with a clear explanation of the factors being relied upon for the analysis) and should be discussed in the EIR/EIS's Energy section as well. Without additional information, this section is severely deficient and does not inform any review of the proposed project and alternatives.

Impacts resulting from increased energy use would also result in an increase in GHG emissions. Please refer to our comments in the appropriate section below regarding GHG emissions and associated Climate Change.

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68 cont. assumed per day, resulting in 200 round-trip haul truck trips per day. For the purposes of estimating emissions, construction phasing for both the bridge construction and roadway widening assumed: grading/land clearing within 1.2 months; grading/excavation within 5.4 months; drainage/utilities/sub-grade within 3.6 months; and paving within 1.8 months.

Construction emissions are assessed against the federal general conformity *de minimis* thresholds, which are used to determine conformity of a federal action with existing air quality plans. Based on appropriate maintenance plan standards, as appropriate, the applicable *de minimis* thresholds for volatile organic compounds (VOCs), nitrogen oxides (NO_X), carbon monoxide (CO) and particulate matter (PM) are each 100 tons per year. Based on the above construction criteria for combined bridge and roadway implementation, the estimated tons per year of VOCs, NO_X, CO, PM_{10} and $PM_{2.5}$ would be 2.7, 20.7, 21.9, 7.1, and 2.7 tons, respectively. Each of these is so substantially below the threshold of 100 tons that minor differences between the build alternatives would be negligible for purposes of distinguishing between build alternatives.

69 The project would not result in significant operational impacts to air quality, and as such does not require mitigation. As noted in the comment, the project would support modal choices and is part of an overall regional program to diversify transportation modes, which would further reduce potential air quality impacts to the region. Overall benefits to regional air quality would result from improvements to, and increased use of, a transportation system with increased ridesharing, use of rail, and use of BRT. Also as noted in the comment, the inclusion of I-5 improvements in benefits described in the PWP/TREP has been further clarified in this Final EIR/EIS.

70 Coastal Act Section 30253 has been updated and is discussed in the policy conformance analysis in *Section 3.1* of this Final EIR/EIS.

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	70 cont. The main sources of energy saved and consumed would include vehicle fuels (primarily gasoline and diesel fuels), electricity, and natural gas. Please see response to Comment 21 with respect to Section 30253 of the CCA and Topical Response "Climate Change" for information regarding project-projected reductions in daily carbon dioxide emissions related to vehicle operations. While the specific amounts of energy used and saved could vary slightly among the various build alternatives, as described below, the level of impact and associated requirements to address these potential effects would be the same. During operations, energy would be used by vehicles traveling on I-5 and for long-term maintenance and operation of the facility. In addition to vehicle operation, energy would be required for TSM/TDM measures such as: (1) ramp metering; (2) implementation of ITS strategies such as closed-circuit television (CCTV) cameras, traffic loop monitoring stations (TMS) and transportation management center (TMC) connections; (3) provision of multimodal facilities and services such as bicycle and pedestrian facilities (e.g., dedicated lanes and staging areas) and connectivity potential for BRT service; and (4) implementation of variable congestion pricing. Equipment used to maximize the benefits of this system would include overhead gantries and antennae to read transponders, variable message signs to display fees, loop or laser detectors to measure traffic volume and speed to help determine toll rates, and cameras to view traffic on the facility. These are some of the strategies that would be considered for the *I-5 NCC Project.* Additionally, if advances in technology result in potential new strategies that are applicable to the project, these new strategies would also be considered. When balancing vehicle fuel consumption during construction and operation against fuel consumption saved by reducing congestion and improving other transportation efficiencies, the build alternatives would not result in adverse energy impacts. The reduction in idling times associated with the maintained or improved LOS discussed in *Section 3.16* of this Final EIR/EIS would result in an overall decrease in vehicle fuel consumption that would more than offset the impacts associated with potential additional

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70 cont. trips. Per modeling completed as part of Caltrans' Climate Action Program, implementation of the 10+4 and 8+4 alternatives would be expected to decrease overall energy consumption compared to no build conditions for 2030 (refer to the analysis presented in *Section 4.6* of this Final EIR/EIS). The decreases in energy consumption would be attributed to the lack of congestion, with improved travel times along the I-5 corridor.

In addition, as noted in the Final EIR/EIS discussion on latent demand, an improved I-5 would likely reduce congestion on nearby local roads to a small percentage. The project overall would be beneficial to energy consumption, as vehicles would spend less time idling and use less fuel. Specific to differences between build alternatives, 10+4 scenarios would require incrementally more maintenance commitment (in materials, manpower, and extent) than the 8+4 lane scenarios due to needs for additional pavement maintenance. Alternatively, the 8+4 scenarios would not reduce operational CO emissions to the same extent as the 10+4 scenarios. These variations would be minimal relative to the benefits provided by any of the build alternatives in comparison to no build conditions.

During the construction period, energy would be used for the manufacture of materials required for the construction of I-5 improvements. These short-term, temporary, impacts would be eliminated under the No Build alternative, as grading, new pavement installation, etc. would not be required. All build alternatives would consume similar types of energy during construction, with the type and nature of associated impacts therefore also similar, and only incremental variations among them. Specific to differences between build alternatives, 10+4 scenarios would require incrementally more energy use related to installation of two additional lanes and wider pavement. This would include increases in energy use required to initially break down and create such build materials as concrete, as well as having additional supplies delivered to the project site, and incremental increases in size (or duration) of the work crews associated with installation of the larger project in terms of their travel to and from the work site. Throughout construction, local circulation and travel on any portions of I-5 that have been completed and opened to

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70 cont. vehicles would be maintained; however, temporary detours and reduced numbers of available lanes may be required, resulting in some temporary delays. As a result, idling times could increase for vehicles traveling in the area, which may result in additional gasoline consumption. In addition, construction equipment, delivery trucks, and employee vehicles traveling to the construction site would consume diesel and gasoline fuels.

In summary, operations would consume electricity for lighting, landscape irrigation, and operation of ITS facilities. Electricity and natural gas consumption for I-5 would not be excessive and would be reduced by implementing a series of standards for environmentally sustainable construction, based on incorporation of the avoidance, minimization and mitigation measures listed below, to the maximum practical extent. In addition to minimization and mitigation measures discussed in *Section 3.16.4* of the Draft EIR/EIS, the following measures have been added to this Final EIR/EIS, consistent with other discussions in the document.

- Reuse of soil and vegetation where practicable
- The salvage of material such as roadside sign posts, and sign structures, chain link fence fabric, lighting standards, and/or traffic signal standards and appurtenances
- Incorporate bicycle-friendly intersections at interchange ramps, in coordination with the responsible local jurisdictions
- Incorporate low water use landscaping
- Develop and implement a comprehensive TMP to increase driver awareness, ease congestion, and minimize delay during construction

In comparison, the No Build alternative would contribute to continued traffic congestion and inefficient energy use by vehicles idling along I-5 and on local roadways, since traffic associated with latent demand would not be pulled off local streets and to I-5. These impacts would be expected to increase over time without implementation of the proposed project. These clarifications have been incorporated into this Final EIR/EIS.

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Biology

Coastal Act Section 30230 states:

> *Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Coastal Act Section 30240 states:

> *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
>
> *(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

71 The San Diego Regional Lagoon Overview Phase I Planning Study (received February 2009) was originally tasked to provide an overview of existing and historic lagoon conditions for the six lagoon systems bisected by the proposed project, with a goal of describing opportunities for lagoon enhancement that might be available for the various systems in order to better shape appropriate freeway bridge designs and lagoon mitigation efforts. The Phase I or II Lagoon Study Reports are not cited as technical reports used to develop Section 3.17. Unfortunately, as noted in our comment letter (May 2010), the Phase I Study was deficient in several key aspects and direction was given to address these inadequacies either as a part of the Phase II Study, or through a secondary lagoon overview. Without this review, valuable information needed to guide the development of critical design features and mitigation strategies is lacking. However, if conducted in a comprehensive manner as they were originally intended, these reports would provide valuable guidance in the analysis of existing biological resources within the corridor and should identify areas available for significant environmental enhancements.

Bridges are being altered or replaced at each of the coastal lagoons. This offers the opportunity to release some of the physical constraints to wetland hydrology and to expand wildlife corridors from east to west. The DEIR/EIS indicates that Caltrans is funding a study (Phase II Lagoon Study) to examine lagoon tidal and freshwater hydrology and propose optimizing bridge design for wetland benefits. However, it also refers to "optimized I-5 waterway designs." The DEIR/EIS should clarify the meaning of "waterway." This language might suggest engineering solutions to hydrological constraints. Any solutions should be based on removing existing man-made constraints to natural processes and should not be based on dredged, straightened or hardened channels for water flow.

71 Please refer to response to Comment 03 regarding Phase 1 and 2 studies. The Phase 2 studies provided critical information supporting current design and are cited as supporting technical studies in the EIR/EIS. Wildlife corridor information was part of each lagoon evaluation. Crossings and benches at the bridges would be improved at each of the lagoons except for San Dieguito, where no improvement is required. The design at lagoon crossings has been revised and is responsive to the findings of the cited studies.

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71 cont. It is acknowledged that increasing the length of travel under the freeway will make the existing passages, which already act as constraints to wildlife movement, even less attractive to wildlife as movement corridors. The environmental document describes, "minimal increases to bridge width" to the existing San Dieguito bridge; however, the document previously describes that this bridge would be widened by 80 feet, a dimension that hardly seems minimal. Additionally, the document states that "the incremental change in the width of the bridges of the four build alternatives would have an incremental effect to wildlife using these bridges for crossings," however, the document fails to describe how any widening would impact the functionality of the bridges as wildlife corridors regardless of the increment. An important benefit to removing existing fill along with longer bridge spans, especially if the supporting structures are widely spaced, would be the enhancement this design would provide to wildlife movement corridors and connectivity.

72 Construction impacts are divided into "temporary" and "permanent," where "permanent" identifies those impacts "within the boundary of cut and fill slopes, retaining walls, and/or paved areas." "Temporary" impacts are additional impacts associated with access and staging areas. The discussion should include a more complete discussion of how a temporary impact is defined. If the access or staging results in significant ground or wetland substrate disturbance or the death of vegetation or aquatic organisms, Commission staff will consider those impacts "permanent" for purposes of calculating mitigation needs because such heavily disturbed areas will generally require significant restoration with all the temporal losses and uncertainty of success associated with any restoration. Of course, the restored access or staging area will be included when calculating the area needed to satisfy the mitigation ratio. In order to assess temporary impacts, it is necessary that the actual site-specific impacts are described.

73 The depiction of existing conditions at San Dieguito Lagoon appears to be significantly outdated. The San Dieguito Lagoon Restoration Project is significantly underway including salt marsh revegetation, dredging of new lagoon basins and arterial channels, and the establishment of the Coast to Crest Trail system. Figure 3-17.1d inaccurately describes the existing vegetation communities within the lagoon as primarily disturbed habitat. The statement in Section 3.17 that eelgrass does not currently exist and is unlikely to occur in this lagoon system is contradictory to evidence provided by Commission contract scientists involved with the restoration project that have reported substantial eelgrass recruitment within the lagoon and river channel. The environmental conditions within San Dieguito Lagoon need to be reassessed in order to better describe potential impacts to sensitive habitats located within this lagoon system before an accurate accounting of impacts and necessary mitigation can be presented.

72 Temporary impact areas are those that would be used for accessing construction areas, staging equipment, and/or maneuvering equipment. In the vicinity of deep water lagoons, the temporary impact area could be the area where a barge is anchored while constructing a bridge. In other areas, access roads would be needed for long-term construction access over a period of one to three years. Although the limits of temporary impacts have been identified, the activities in each area cannot be determined at this time. All temporary impact areas would be regraded to pre-development conditions and revegetated with native habitat appropriate to that location. Revegetation of these temporary impact areas would be completed with monitoring similar to an off-site mitigation site. Mitigation for long-term temporary impacts is identified in the REMP.

73 Mapping at San Dieguito Lagoon has been updated. No impacts would occur outside the Caltrans right-of-way in the lagoon restoration area. Eelgrass has been found west of I-5 now that the restoration is in place. As stated in project conservation measures, eelgrass surveys would be completed before, during, and after construction. This would occur at all affected lagoons. Where eelgrass is identified, mitigation would occur in accordance with the PWP/TREP and the ECR.

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Wetlands

Coastal Act Section 30233 states in part:

> *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*
>
> > *… (4) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. …*

Table 3.1.1 of the DEIR/DEIS ("Project Consistency with Local Plans and Policies"), on page 3.1-38, states as follows:

> *"The existing location of I-5 necessitate [sic] the proposed improvements occur in areas containing wetlands. As the proposed public facility improvements appear to be incidental public services, fill of wetlands would be allowed under Section 30233(a)(4)."*

The table does not provide any support, or even explanation, for the conclusion that the proposed improvements "appear to be incidental public services." As that phrase is not defined in the Coastal Act or regulations, the Commission provided guidance on its meaning in the Commission's Statewide Interpretive Guidelines ("Guidelines"), which it adopted almost 30 years ago pursuant to California Public Resources Code ("PRC") section 30620. The Guidelines construe the phrase, and PRC section 30233(a)(4) generally, as allowing the following activities in wetlands:

> *… public service purposes which <u>temporarily</u> impact the resources of the area, which include, but are not limited to, burying cables and pipes, inspection of piers, and maintenance of existing intake and outfall lines (<u>roads do not qualify</u>).* Guidelines at 39 (emphasis added).

74 A footnote following that quotation clarifies that "[w]hen no other alternative exists, and when consistent with the other provisions of this section, limited expansion of roadbeds and bridges necessary to maintain existing traffic capacity may be permitted." However, that exception is expressly limited to expansions that maintain existing capacity. The proposed improvements to I-5 are expressly designed to increase the capacity of the roadway. Therefore, they do not qualify as incidental public services purposes within the meaning of PRC section 30233(a).

The Commission's interpretation of the meaning of PRC section 30233 has also been upheld by the courts. *Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493. The *Bolsa Chica* case both indicated that the Guidelines are entitled to great weight (*id.* at 513) and also independently considered and affirmed the portions of the guidelines quoted above. *Id.* at 513-517. The case involved a situation similar to the instant case in that it involved a roadway expansion, and the case went even further in construing the

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74 References to the proposed project and "incidental public services" have been clarified on *Table 3.1.1* in the discussion of Section 30233.

Please refer to responses to Comments 03 and 04 for discussion of improved bridge options over corridor lagoons and the response to Comment 18 for discussion of a fill removal alternative. Per the Supplemental Draft EIR/EIS, fill will be removed from San Elijo, Batiquitos, and Buena Vista lagoons in association with wider and deeper channels and longer bridges to optimize tidal and fluvial flows. Consistent with this comment, the Preferred Alternative is the alternative with the smallest footprint of the build alternatives.

Wetlands information is provided in the project's Natural Environment Study. As described in Section 3.9 of that document, elements related to one-parameter wetlands under Commission guidelines were based on Commission Administrative Regulations Section 13577(b). The three-parameter wetland delineation reports are included within the Jurisdictional Determination package submitted to the USACE. The USACE has since made a finding of Jurisdictional Determination. A State Jurisdictional Wetland Delineation Report was completed and submitted in

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"incidental public service purpose" exception, saying the exception "cannot be extended by finding that a roadway expansion is permissible when, although it increases the vehicle capacity of a roadway, it is designed to maintain an existing level of traffic service." *Id.* at 517.

Finally, PRC section 30233(c) imposes even more severe restrictions on when certain wetlands may be filled. These water bodies are identified by the Department of Fish and Game, including, but not limited to, the 19 coastal properties identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California. All six of the coastal lagoons bisected by the proposed project activities are included in this list. 30233(c) states that alterations to these wetlands must be "limited to *very minor* incidental public facilities, restorative measures, nature study,".

In several places throughout the DEIR/EIS, impacts to wetlands are described as being minimized to the extent practicable through project design considerations; however, no discussion is presented as to why removal of existing fill that currently inhibits lagoon health and functionality would not be a potential enhancement option afforded by the proposed bridge replacements and reconstruction. Also, as stated previously, assuming that all proposed alternatives meet the stated "Purpose and Need" for the project, it is therefore likely that if a reviewer were to select an alternative other than the No Build alternative, the proposed alternative with the smallest proposed footprint would be the presumptive best option due to the fact that it would avoid and minimize critical environmental impacts to the greatest extent feasible.

74 cont.

There is no description of the methods by which Coastal Commission one-parameter wetlands were delineated. It is simply stated that these wetland boundaries were "primarily" based on habitat type whereas the Army Corps of Engineers three-paramenter wetlands were delineated according to the 1987 manual. The same field methods should be used for both delineations, but the wetland boundaries will generally differ. It is not clear which technical report contains the formal technical wetland delineation. It is not included among the appendices to the Natural Environment Study. The delineation report should be made available and should include photocopies of the wetland data sheets that were completed in the field and maps showing the location of the data points, the wetland boundaries, and the project footprint. In the absence of being able to have reviewed the formal technical wetland delineations, there may still be Coastal Act issues with the wetland determinations that are presented in the draft document.

The CCC wetland acreage should always be equal to or greater than the ACOE wetland acreage; the acreage for Other Waters should be the same for both jurisdictions. As can be seen in the following table, this does not appear to be the case. The apparent discrepancy probably reflects the fact that ACOE jurisdiction extends outside the coastal zone. It should be noted that Federal Consistency jurisdiction may include areas outside the coastal zone where development impacts affect important resources, such as wetlands and waters, inside the coastal zone. Therefore, a CCC delineation should be conducted there, too.

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74 cont. March 2012. State wetland impacts are listed side by side with USACE impacts in *Section 3.18*.

No project bioswales or proposed community enhancements are proposed to be located within wetlands. Potential impacts to wetlands at the Los Peñasquitos trail connection (at top of slope where riprap is located) are now avoided as this enhancement is no longer proposed. Benefits would occur at the Old Sorrento Valley Road Bicycle/Pedestrian Trail Connections from Carmel Valley Road to Carmel Mountain Road. In this area, existing culverts supporting a trail would be removed and a 443-foot-long bridge spanning the drainage would be installed. Fill removal would support wetland habitat establishment. With regard to regional enhancements proposed as part of the NC Bike Trail, some brackish marsh would be impacted due to fill needed to support the bike trail. This would be mitigated for no net loss at the W19 Mitigation Site and through other enhancements identified in the REMP and ECR (Appendix D).

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Category	CCC (Table 3-17.1 or Text pg. 3-17.6)	ACOE (Table 3-18.2)
Permanent Wetland	24.05 ac	15.90 ac
Permanent Other Waters	8.31 ac	12.95 ac
Total Permanent	32.36 ac	28.86 ac
Temporary Wetland	3.37 ac	9.25 ac
Temporary Other Waters	3.64 ac	4.30 ac
Total Temporary	7.01 ac	13.55 ac

74 cont.

There should be additional tables like Table 3-18.1 and 3-18.2 that only present impacts within the coastal zone. Also, the 3-18 set of figures should include the boundaries of the one-parameter CCC wetlands. There seem to be discrepancies between the 3-17 and 3-18 series of figures. For example at Buena Vista Lagoon, areas that are Waters of the US in Figure 3-17.1k are wetlands in Figure 3-18.1g. Likewise, at San Dieguito, areas that are Waters of US in Figure 3-17.1d are wetlands in Figure 3-18.1b (also, the habitats are out of date due to the restoration efforts). It is unclear how these differences in designation are reflected in the acreage figures. To avoid confusion, the same descriptors should be applied in both sets of figures (e.g., either Los Penasquitos Lagoon or Soledad Creek, or appropriately apply both names in both figures). The 3-17.1 figures would be much easier to read if only those habitats that occur on the map segment were included in the key for that page.

The Project Features Map illustrates several instances where development including water treatment devices such as bioswales, and community enhancement features are sited directly upon wetlands. These figures should be readdressed to ensure that review of potential unallowable land uses can be conducted, and any identified unallowable land uses are removed from wetland areas.

Plant and Animal and Threatened Species

75

Impacts to rare plants and their habitat are proposed to be mitigated by salvage and relocation to or seeding in mitigation areas. A better mitigation strategy would be to collect seeds or cuttings well before the anticipated impact, grow them in the greenhouse, and plant them in mitigation areas before the impact occurs. Additionally, the DEIR/EIS does not include any description as to where these salvaged plants or reseeding activities would take place. The document should include this information in order to ensure that mitigation sites are appropriate and suitable to allow for maximum plant success.

In order to reduce invasion by noxious non-native species, cut and fill slopes, areas adjacent to wetlands and drainages, bioswales, and detention basins should be vegetated with only native species. However, it is stated that slopes adjacent to developed urban areas may also be planted with "drought tolerant non-invasive species." This suggests the use of non-native species. Only native species should be used in these restoration efforts. This provides a large palette of species adapted to local climatic conditions.

75 Some of the species to be mitigated do not necessarily do better with growth in a greenhouse. Barrel cactus would not be taken as cuttings and grown in a greenhouse. Del Mar sand aster seed was collected and very successfully seeded at the Racetrack View Mitigation Site. Details for specific species would be coordinated during the permit process. Only native species would be planted, consistent with wetlands, drainages, and adjacent native habitats. Any sensitive plant relocations would be in areas planted only with native species. Native plant species would be used throughout the corridor.

Bats routinely use joint seals and drain holes to access bridge interiors. It is anticipated that the same will be true with replacement bridges.

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76 All bridges should be designed so that they are bat friendly.

To minimize effects on avian species, pile driving will be conducted outside the bird breeding season (February 15 – August 31). Measures to minimize effects on fish will be "negotiated" with the resource agencies. Pile driving that affects waters 1 m deep or deeper should be conducted with real-time monitoring of sound pressure levels (monitoring is not feasible in very shallow water). Steps should be taken to ensure that fish are not subjected to sound pressure levels that exceed 206 dB peak or 187 dB accumulated sound exposure level (SEL) or 183 dB SEL for fish less than 2 grams. This interim "dual criteria" for injury to fish was developed by NOAA and transportation agencies, including Caltrans, for protection of listed species. However, Section 30230 of the Coastal Act requires that uses in the marine environment be carried out in such a manner as to maintain healthy populations of all marine organisms. Therefore, every effort should be made to avoid hydroacoustic impacts to estuarine fishes.

77 No sensitive plant mapping for areas north of Batiquitos Lagoon are included. Section 3.19 leads the reviewer to assume that no sensitive plant resources exist throughout most of the corridor in Carlsbad and Oceanside. If this is in fact the case, text within the document should at least identify this for the reader, or if sensitive plant species are present north of Batiquitos Lagoon, the document should include additional information depicting these resources. Similarly, a map of sensitive wildlife locations for Agua Hedionda lagoon is not included in Section 3.20. The document should address the fact that no sensitive wildlife species are described at this location if that is the case, which seems unlikely given that California gnatcatchers have been reported adjacent to this lagoon system in previous surveys.

78 Section 3.21 identifies the salt works in San Diego Bay as a potential mitigation location for impacts associated with the proposed project. This location is located at a significant distance from the six lagoon systems impacted by the proposed I-5 NCC Project and therefore would not qualify as a suitable mitigation location for impacts attributed to this transportation project.

Cumulative Impacts

79 Section 3.25 presents the potential for cumulative impacts to sensitive resources when the proposed project is considered along with other planned developments within the region. The discussion includes various other Caltrans projects, as well as commercial and residential developments, but neglects to list the numerous proposed improvements to the LOSSAN corridor located within direct proximity to the I-5 corridor. These improvements include double tracking of the railway through most of the region which would also result in the replacement of several ailing bridges that cross the same lagoon systems bisected by the I-5. As we have stated previously, in order to minimize and avoid cumulative impacts to the lagoon systems caused by these existing transportation corridors, it will be necessary to coordinate proposed construction activities to the greatest extent feasible. Additionally, freeway bridge design should be developed assuming that existing bridge constriction points have been reduced and improved through the bridge replacement process in order to determine optimum hydrologic

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76 During in-water bridge construction activities at lagoons, bubble curtains or other methods to minimize acoustical impacts to aquatic species would be implemented. These measures would be developed in conjunction with the resource agencies when the project design and construction methodology is further developed. Caltrans would work with all resource agencies to provide necessary protection to aquatic and avian species during bridge construction.

77 Surveys for sensitive species within the study area were completed for the whole corridor. No sensitive plant species were identified north of Batiquitos Lagoon. There are few plants near I-5 at Agua Hedionda Lagoon and the freshwater marsh species at Buena Vista Lagoon are not sensitive. The upland habitat is mostly landscaped and no sensitive plants occur there. No sensitive wildlife was observed in Agua Hedionda Lagoon. There is no fringing marsh habitat near I-5 and little use occurs by any sensitive species, with the exception of some foraging. There is a narrow strip of coastal sage scrub close to I-5 in Agua Hedionda Lagoon (refer to *Figure 3-17.1j* of the EIR/EIS). Coastal California gnatcatchers, however, may occur on the steep slope over 500 feet east of the freeway.

78 The "salt works site" has been dropped as a mitigation option.

79 The LOSSAN project (entire length) is identified in text as contributing to cumulative impacts in *Section 3.25, Cumulative Impacts*, and also is listed on *Table 3.25.2.* I-5/LOSSAN cumulative impacts were identified for several sensitive biological species and habitats, as well as several water resources and wetlands.

Consistent with this comment and CA SB 468, both rail and highway bridges crossing each lagoon shall be planned and constructed concurrently, unless construction in phases will result in an

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79 cont.

conditions that may be realized by removing historic fill that presently constrains the functionality of the impacted lagoon systems. The proposed PWP should be presented again in this section as a potential linkage to ensure that all proposed transportation improvements to both rail and freeway corridors are considered cumulatively and designed and mitigated appropriately to protect and improve the health of these valuable and unique coastal lagoon systems.

The discussion of cumulative impacts to natural communities in this section identifies that planned restoration projects for San Elijo Lagoon and Buena Vista Lagoon would reduce tidal muting and enhance flows and wetland habitats in these lagoons; however, it fails to identify potential enhancement available for the other four lagoon systems (Los Penasquitos, San Dieguito, Batiquitos and Agua Hedionda) that are also negatively affected by existing and historic fills placed upon these systems during original construction of LOSSAN and I-5 transportation corridors. The Phase I and II Lagoon Studies referred to previously in this comment letter were tasked with investigating these opportunities but at the present time are either incomplete or unfinished. Revised and final versions of these studies could better help to shape proper bridge design to ensure that lagoon health is restored and ongoing impacts are minimized to the greatest extent feasible. Without this updated information, analysis of cumulative impacts and potential areas to reduce and mitigate these impacts through improved project design cannot be completed. This section should be updated when sufficient documentation can be supplied to better direct the review of cumulative impacts to these lagoon systems.

The natural communities discussion describes future improvements to the I-5/SR-78 interchange as a cumulative effect on the surrounding environment. The document states that, "mitigation for the I-5/SR-78 Interchange project would occur in advance of the project with the I-5 NCC Project mitigation." If the desire of Caltrans is to utilize the mitigation and enhancement package developed for the PWP to also include impacts from the I-5/SR-78 interchange, then this interchange project should be integrated into both the PWP and this DEIR/EIS. This would allow for better understanding of the additional impacts associated with the interchange, how they might be avoided/minimized/mitigated, and how these considerations would factor into the overall design of any relatedI-5 widening project.

80

As described previously, the DEIR/EIS and the referenced Draft PWP are incomplete at this point, especially relative to the broader context of providing for the movement of goods and people throughout the I-5, LOSSAN, and PCH corridor. Further, there is insufficient information to determine whether any option, or combination of options, represents the least environmentally damaging alternative for meeting the purpose and need of the project. In addition, the DEIR/EIS does not sufficiently address the proper design of bridges and related structures nor present an adequate resource restoration, enhancement and mitigation package. In order to determine if any proposals are sufficient to mitigate project impacts, and to provide the assurances that these enhancements will be implemented in a timely fashion, the resource restoration, enhancement and mitigation package needs to be more fully developed before any final review of this environmental document can be completed. Negotiations with resource agencies should be pursued to further develop an agreed upon restoration, enhancement

79 cont. environmentally superior alternative to concurrent construction. Bridge design would reflect the results of the lagoon optimization studies (please refer to response to Comment 04).

As noted, the I-5 / SR-78 Interchange Project is one of the separate transportation projects that is covered under the PWP/TREP umbrella document (see Section 4.3, Other Transportation Improvements, of that document). It does not, however, need to be incorporated as a part of the proposed project, within the *I-5 NCC Project* EIR/EIS. The I-5 / SR-78 Interchange Project is a stand-alone project, with independent utility, and receiving separate design effort and environmental clearance.

80 Since this comment was written, the Supplemental Draft EIR/EIS and Final EIR/EIS have been completed, both of which address the bridge designs identified in the lagoon studies, and the refined 8+4 Buffer alternative has been identified as the Preferred Alternative and the smallest, least environmentally damaging alternative. Sufficient information for decision makers is now available. Coordination with resource agencies has occurred frequently and regularly in 2011 through 2013 (see *Chapter 5* of the EIR/EIS) and will continue during permitting processes and construction, as needed. The PWP/TREP is clear regarding projects covered, freeway/transit linkages, public access, and the mitigation and enhancement program. Text regarding the PWP/TREP has been augmented in the Final EIR/EIS.

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80 cont.

and mitigation package that can be integrated into the PWP and adequately described within the DEIR/EIS.

The PWP in its finalized form should provide the necessary linkage between the proposed freeway and mass transit improvements to the LOSSAN rail system, public access improvements and significant lagoon resource restoration and enhancement. The DEIR/EIS should more explicitly define this relationship throughout the document as these linkages, when more clearly and thoroughly presented, could better describe and formalize the system wide benefits that are potentially available through a comprehensive PWP.

CEQA (Levels of Significance)

81

Sections 4.2-5 present the various levels of significance for expected impacts from the proposed project as they pertain to CEQA requirements. As can be inferred from our comments above, Coastal staff disagrees with a number of the determinations presented in these sections.

The CEQA discussion lists that the effects from the proposed project on Air Quality, Energy, Farmland, Floodplains, Hydrology and Water Quality, and Parks and Recreational Facilities would all result in less than significant impacts to the environment. The document either provides insufficient information to arrive at these conclusions, or the information presented is inaccurately described and analyzed to allow for a determination that potential impacts from the proposed project would not be significant. Please reference our comments more specifically described above for each relevant section. As presented, this list provides an inaccurate and misleading summation of expected impacts from the project and does not comply with CEQA requirements that Caltrans identify and mitigate significant effects on the environment from the proposed project.

The biological impacts to the environment are portrayed as less than significant impacts with mitigation and/or minimization. This may be an accurate description of the *potential* to reduce impacts or to sufficiently mitigate any remaining unavoidable impacts from appropriately designed project components. At this time, however, there is inadequate information to determine the least environmentally damaging alternatives and the presented mitigation packages are vague and lack implementation assurances. Furthermore, without the completion of sufficient background lagoon studies, potential design benefits and mitigation opportunities cannot be identified.. Without this additional information, biological impacts would have to be described as significant.. Impacts to wetlands are described as significant but are presented under the heading of less than significant with mitigation. The wetland discussion similarly should also include additional information to illustrate that selected design alternatives are the least environmental damaging and that any proposed mitigation package is detailed enough to ensure offset of anticipated impacts.. Also, as noted previously, the specific technical reports utilized to generate the CCC wetland delineation are not attached to any of the listed technical studies so there may be potential disagreement over the identification of wetland resources in the document. It is likely that any unavoidable impacts to wetlands within the corridor would be considered significant environmental effects.

81 With regard to air quality, energy, farmland, floodplains, hydrology, and water quality, as well as park and recreation facilities, each of your comments have been individually addressed above within this letter. Please refer to responses to Comments 15, 21, 22, and 68 through 71 for air quality; 80 for energy; 21 and 40 for farmlands; 03, 04, 16, 21, and 53 through 66 for floodplains, hydrology, and water quality; and 36 (and many of the lagoon discussions) for information related to park and recreation, respectively. Please also refer to response to Comment 07 of this letter for discussion of identification of CEQA-significant impacts.

Please refer to responses to Comments 73 and 79 with regard to biological resources. As referenced in many of the responses above, substantial additional information regarding biological resource impacts and mitigation has been incorporated into the Final EIR/EIS. With the extensive proposed mitigation package (refer to I-5 portions of the completed REMP and Appendix D of this Final EIR/EIS), the impacts to wetlands would be mitigated below a level of CEQA significance.

The key viewpoints were chosen to be illustrative of the types of visual effects resulting from project implementation. Sufficient views are shown to allow support of a significant and unmitigable impact under CEQA. Please note that no views of coastal lagoons would be blocked (refer to response to Comment 45). Additional representative view simulations have been provided in *Section 3.7* of the Final EIR/EIS and in the PWP. Please refer to response to Comment 46.

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81 cont. The impacts to visual resources are accurately described as unavoidable significant environmental effects, and suggest, as the previous discussion section (3.7.1) implied, that impacts would increase along with the expanded footprint of the proposed build alternatives. The CEQA discussion identifies specific numbers of views that would be affected within each municipality within the proposed project area. This summary is significantly misleading, since it focuses on the 17 selected key view points utilized in the visual assessment. The key views were chosen to represent the visual effects of the project but do not encompass all potential views that may be impacted by the project. For example, views of the lagoon systems crossed by the I-5 are not included in the assessment, nor are views across the freeway from other public viewpoints or access areas. The impacts to visual resources are pervasive throughout the corridor and cannot accurately be calculated by a few selected viewpoints as described in this CEQA summary section.

GHG Emissions

82 The DEIR/EIS presents an inadequate analysis of the proposed project's effects on climate change. The document states that decreased congestion along the corridor will result in improved travel times, reducing GHG emissions in 2030; however, there is insufficient documentation of this assertion. (Moreover, we note that, the project would not be completed by 2030 based on the proposed construction phasing described in Section 2.4.) Instead, the DEIR/EIS should include an analysis of the full GHG emission effects of various alternatives for meeting the region's transportation needs over the project lifetime. A clear discussion of programs that might be instituted in conjunction with various project alternatives that could reduce GHG emissions (including improved BRT services, rideshare/carshare/vanpool programs, education and outreach programs, employer incentive programs, telecommuting encouragement, parking management, etc.) should also be included. This analysis additionally should take into account the considerable contribution of construction emissions, which are not quantified in the DEIR/EIS, corresponding to various build alternatives. All of these GHG analyses should be comparatively presented for evaluation within the DEIR/EIS.

We recommend that revisions to the analysis make use of various resources available, including:

- Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions (February 18, 2010) which can be found at:

http://ceq.hss.doe.gov/nepa/regs/Consideration_of_Effects_of_GHG_Draft_NEPA_Guidance_FINAL_02182010.pdf

- Recent American Association of State Highway and Transportation Officials Standing Committee on the Environment (AASHTO) guidance on calculating construction emissions: Gavilan, F. 2010. Greenhouse Gas Mitigation Measures for Transportation Construction, Maintenance, and Operations.

82 Please see the response to Comment 23. SANDAG's 2050 RTP incorporates the preferred 8+4 Buffer alternative in the revenue constrained scenario, and the RTP EIR provides a regional analysis of GHG emissions. With implementation of SANDAG's Sustainable Communities Strategies, in compliance with CA SB 375, the 2050 RTP would achieve the State-imposed goal to reduce GHG emissions to 1990 levels by 2020. The RTP EIR analysis evaluates the cumulative GHG emissions of the proposed project and other highway system improvements, in combination with other primary infrastructure projects listed in response to Comment 23. Impact projections from the California Assembly Bill 32 scoping plan would meet the goal of achieving 1990 GHG emissions levels by 2020, which supports a conclusion of a less than significant impact for the proposed I-5 project, based on implementation of the Preferred Alternative as described in the Final EIR/EIS (2050 RTP/SCS Findings of Fact). Caltrans has reviewed the cited NEPA Guidance and finds that the project is consistent with the goals of the Guidance. Information addressing climate change and resultant potential for sea level rise was provided in the Supplemental Draft EIR/EIS subsequently incorporated into this Final EIR/EIS.

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– FHWA: Transportation and Climate Change Clearinghouse which contains a number of resources for performing GHG analysis at:

http://climate.dot.gov/methodologies/analysis-resources.html

– EPA Transportation and Climate website page which includes tools, analysis, fact sheets and technical publications to guide measurement of GHG emissions:

http://www.epa.gov/otaq/climate/index.htm

This section declares that Caltrans is an active partner in the effort to implement and achieve GHG reduction targets set forth in AB 32 Global Warming Solutions Act of 2006. Presumably, Caltrans is approaching large infrastructure projects in the state, such as the I-5 widening, with that legislative direction in mind. We note that proposals for meeting transportation needs in North San Diego County also should be considered within the context of SB 375 (Steinberg, Statutes of 2008) which aims to curb GHG emissions through smart growth land use and transportation decisions. The DEIR/DEIS explains that the region has a goal of establishing smart growth centers; however, the discussion within the environmental document is not sufficient for understanding the I-5 project proposal relative to AB 32 and SB 375, particularly with regard to GHG emissions over the long run. (We note that this analysis has a direct link to policies of the Coastal Act that call for minimization of energy consumption and VMT as discussed above.)

In partnership with SANDAG, Caltrans should work to further integrate the region's strategies for meeting SB 32 and 375 into the final DEIR/EIS and interconnected PWP. We would expect these documents to provide clear and detailed linkages between mass transit, pedestrian and bicycle routes and urban centers to create a multi-modal transportation network for the entire region that will curb GHG emissions. While these linkages may be more appropriately presented in the proposed PWP, their relationship to the I-5 as part of this transportation network should be reflected within the environmental document.

Sea Level Rise

83 Section 4.6.6 of the environmental document includes adaptation strategies for the proposed project to deal with future effects of climate change. Considering the proximity of the project to the coast, its elevation, and the number of lagoon crossings that may be affected, the DEIR/EIS should include an analysis of sea level rise and how predicted future sea levels might affect the proposed project's structural integrity, as well as exacerbate potential impacts to the lagoons bisected by the I-5 facility. This review should include analysis of the structural integrity of any proposed structures, and should also look at potential impacts that project design could have on adjacent habitat and wildlife corridor connectivity and wetland functions, including effects on water quality, hydrology and floodplain elevations under future sea level rise conditions.

83 Please see responses to Comments 24, 30, and 48 regarding sea level rise, the estimated 4.5 foot rise by year 2100, and associated potential effects of the current proposed design.

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83 cont.

Using the best available science, it would then be important to analyze the proposed project alternatives considering a range of possible sea level rise amounts and determine at what point significant changes to project stability would result. Many reports, studies and agency policy statements have been prepared to provide guidance on sea level rise. We refer you to the recently released white paper, *Approach to Incorporate Future Sea Level Change into the Encinitas and Solana Beach Shoreline Study and CEQA and NEPA Compliance Efforts* (dated November 19, 2009) as a relevant summation on recently accepted sea level rise estimates being used by the U.S. Army Corps of Engineers. The review for sea level rise should consider a range of future sea level amounts up to at least 1.4 meters by 2100; an evaluation of risks from higher amounts of sea level rise is encouraged given the long life of the proposed project. While 1.4 meters of sea level rise might not occur by 2100, this amount of sea level rise has been accepted as a level that merits examination (see for example, Executive Order S-13-08, State Coastal Conservancy Policy Statement on Climate Change, and the Ocean Protection Council's Draft Resolution for Sea Level Rise). The low and high rates in this analysis should encapsulate the range of potential sea level rise scenarios outlined in the draft OPC Resolution and predicted in the Vermeer and Rahmstorf Report (2010). For predicted impacts to wetland areas and changes to habitat characterizations, it may also be beneficial to identify more specific sea level amounts at precise time intervals.

Summary

In conclusion, Commission staff finds that the draft environmental document for the proposed improvements to the I-5 NCC is fundamentally deficient in a number of significant areas.

- The document fails to include enough supporting documentation to determine that the proposed project incorporates the least damaging alternative feasible.
- Supporting documents including the Phase I and II Lagoon Studies, the PWP and the CSMP are not provided in the discussion to inform linkages to restoration or other mass transit improvements, or are not yet developed enough to provide the support required to inform project design decisions and review. All of this information is imperative for determining the most appropriate alternatives, designs and mitigation/enhancement packages.
- In several areas relating to coastal resources, sufficient information is not presented to compare the proposed build alternatives and to identify which alternative(s) would best avoid and minimize impacts to the greatest extent.
- Common features among build alternatives are presented without any review describing the necessity of the features, nor how/if the features were designed to ensure that impacts are avoided and minimized.

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- Mitigation measures for anticipated impacts are both underdeveloped and inadequate, or in some instances are not included at all.

- The environmental document does not include sufficient analysis or discussion regarding how the proposed project would deal with impacts from future climate change and sea level rise scenarios.

Due to all of the inadequacies described within this comment letter, and in order to have a more complete and informed public review of the proposed project, we request that the document be supplemented with the additional requested information and then recirculated pursuant to CEQA requirements. During the revision process, we encourage Caltrans to engage the resource agencies to ensure that the updated version includes the necessary information and documentation required to support a project of this scope. In addition, with the necessary inclusion of the expanded details and analysis, we would also hope that the identification of a preferred alternative would be made and presented for public comment as is typical of most CEQA documents.

Thank you again for the opportunity to provide review and comment on the proposed project. We appreciate Caltrans commitment and support toward improving coordination between our staffs and we hope you also appreciate the dedication of staff resources and time it has taken to analyze, develop and produce these comments. In this vein, Commission staff acknowledges this is a significant project, both in scope and substance; however, we are concerned that the counsel and direction that has been provided from our offices has not yet been reflected in this document. We remain committed to working collaboratively with Caltrans, SANDAG and North County Transit District to identify improvements for the I-5 NCC transportation system that facilitate the safe and efficient movement of goods and people, creates a viable alternate transit system, and protects and enhances the precious public resources located along this corridor. If you have any questions or require further clarification, please do not hesitate to contact either Sherilyn Sarb or Gabriel Buhr at the above office.

Sincerely,

Gabriel Buhr
Coastal Program Analyst III
San Diego District

Sherilyn Sarb
Deputy Director
San Diego District

Cc (copies sent via email):
Mr. Allan Kosup (Caltrans)
Mr. Arturo Jacobo (Caltrans)
Mr. Bruce April (Caltrans)
Ms. Sherilyn Sarb (CCC)
Ms. Deborah Lee (CCC)
Ms. Tami Grove (CCC)

STATE AGENCIES — COMMENTS | RESPONSES

I-5 Widening DEIR/EIS comments from Coastal
November 22 2010
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Mr. Alex Helperin (CCC)
Mr. Bob Hoffman (NOAA)
Ms. Susan Wynn (USFWS)
Ms. Sally Brown (USFWS)
Mr. Tim Dillingham (CDFG)
Mr. Bruce Posthumus (RWQCB)
Ms. Stephanie Hall (USACE)
Ms. Susan Sturges (EPA)
Ms. Megan Cooper (SCC)

STATE AGENCIES — COMMENTS

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
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SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net

October 18, 2010

Ms. Shay Lynn M. Harrison, Chief
CALIFORNIA DEPARTMENT OF TRANSPORTATION – DISTRICT 11
Environmental Analysis, Branch C
450 Taylor Street, M.S. 242
San Diego, CA 92110

Re: SCH#2001101076; Joint CEQA/NEPA Notice of Completion; draft Environmental Impact Statement/Environmental Impact Report (Draft EIS/EIR) for the **Interstate 5 North Coast Corridor Draft EIR/EIS Project (11-SD-5; PM: 28.4/55.4; E.A: 11000000159);** located in the Coastal Area from San Diego County, California

Dear Ms. Harrison:

The Native American Heritage Commission (NAHC) is the State of California 'trustee agency' pursuant to California Public Resources Code §21070 designated to protect California's Native American Cultural Resources and Burial Grounds. The NAHC also is a 'reviewing agency' for environmental documents prepared under the National Environmental Policy Act (NEPA; 42 U.S.C 4321 *et seq*) and that are subject to the Tribal and interested Native American consultation requirements of the National Historic Preservation Act, as amended (Section 106) (16 U.S.C. 470). The provision of the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001-3013) apply to this project if Native American human remains are inadvertently discovered during 'ground-breaking' activity.

01 The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(f) CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including …objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The NAHC is of the opinion that the federal standards, pursuant to the above-referenced Acts of the U.S. Congress and the President's Council on Environmental Quality (CSQ; 42 U.S.C. 4371 *et seq*) are similar to and in many cases more stringent with regard to the 'significance' of historic, including Native American items, and archaeological features, including those of Native American origin, than are the provisions of the California Environmental Quality Act (CEQA.) of 1970, as

RESPONSES

Responses to Dave Singleton, Program Analyst for the Native American Heritage Commission

01 Thank you for providing information regarding cultural resources, protocol, and procedural practices. Native American consultation conducted for this project included a Sacred Lands File request to your office. Letters were sent and phone calls were made to those individuals that you identified. Native American consultation will continue throughout the development of this project. The required record search was also conducted at the South Coastal Information Center. Additional work associated with potential biological mitigation parcels was completed in 2012 and 2013.

According to the Historic Property Survey Reports (HPSRs) and accompanying documents, 16 archaeological sites (or portions thereof) within the Area of Potential Effect (APE) are considered eligible for the National Register of Historic Places (NRHP) and/or California Register of Historical Resources (CRHR). Based on project refinement and/or commitment to protected project Environmentally Sensitive Areas (ESAs), in accordance with PA Stipulation X.B.1, none of these known sites would be adversely affected.

In addition, three built environment (historic) resources are presumed to be eligible for listing in both the NRHP and CRHR

STATE AGENCIES — COMMENTS

amended. In most cases, federal environmental policy require that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Statement (EIS). An Environmental Assessment, prepared under NEPA, defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ...objects of historic or aesthetic significance." In order for either federal or state 'lead agencies' to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if the project is determined to have an adverse impact on a cultural resources; then, to mitigate that effect of the project. The State of California Native American Heritage Commission does prefer "avoidance, as defined in the California Code of Regulations §15370.

To adequately assess the project-related impacts on historical resources, the Commission recommends the following action: As a result of a Sacred Lands File search by the NAHC **there are known cultural resources in close proximity to the APE**. Therefore, contact with Native American representatives, on the attached list, is very important in order to determine the impact of the proposed plan on Native American sacred sites. A search was conducted for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of he NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibility threatened by proposed project activity.

The NAHC, further, recommends that contact be made to the California Historic Resources Information Center (CHRIS), for possible 'recorded sites' in locations where the development will or might occur. Contact information is at the South Coastal Information Center at San Diego State University (619-594-5682). . The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

01 cont.

RESPONSES

01 cont. are located in the APE: None would be adversely affected by the proposed project.

Two letters were received in response to the Draft EIR/EIS. The Tribal Historic Preservation Officer of the Pala Band of Mission Indians noted that following review, they determined that the project is not within their Traditional Use Area. They recommended use of a Native American monitor during future project activities. Tribal legal counsel for the San Luis Rey Band of Mission Indians wrote to provide input on sites in the area, preferences for actions relative to known sites, and future coordination protocols. Their input is appreciated and that letter is individually responded to within this Final EIR/EIS. Coordination is detailed in *Chapter 5, Comments and Coordination,* with specifics identified on T*able 5.4, NAHC and Native American Consultation and Coordination.*

STATE AGENCIES – COMMENTS | RESPONSES

- The final report, Environmental Impact Statement, if required, prepared under NEPA guidelines, containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center
- The NAHC advises the use of Native American Monitors, also, when professional archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC, FURTHER, requests that contact be made with Native American Contacts on the attached list to get their input on project impacts. In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s) or Native American individuals or elders.
-
- Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2), the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes.
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Again, a culturally affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

01 cont.

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

- The NAHC recommends that the lead agency to work with the Native Americans identified by this Commission if the Environmental Assessment identifies the presence or likely presence of Native American human remains within the APE. The NAHC recommends agreements with Native American Contacts, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

STATE AGENCIES — COMMENTS

RESPONSES

01 cont.

√ Furthermore, we advise that the County Coroner be notified in the event of a discovery of human remains.. California Government Code §27460 requires that any find of human remains, even on federal property and/or on a federal project be reported to the County coroner. While it may not apply on federal land, California law requires all construction to stop (CA Health & Safety Code Section 7050) in the event of a discovery of human remains.

√ The Native American Heritage Commission, furthermore advises Lead agencies to consider avoidance, when significant cultural resources are discovered during the course of project planning and implementation

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

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse

STATE AGENCIES — COMMENTS

RESPONSES

Native American Contacts
San Diego County
October 18, 2010

Barona Group of the Capitan Grande
Edwin Romero, Chairperson
1095 Barona Road Diegueno
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sue@barona-nsn.gov
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619-443-0681

Santa Ysabel Band of Diegueno Indians-Ilpai
Johnny Hernandez, Spokesman
PO Box 130 Diegueno
Santa Ysabel, CA 92070
brandietaylor@yahoo.com
(760) 765-0845
(760) 765-0320 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno/Kumeyaay
Boulevard , CA 91905
gparada@lapostacasino.
(619) 478-2113
619-478-2125

Sycuan Band of the Kumeyaay Nation
Danny Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon , CA 92021
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

Manzanita Band of Kumeyaay Nation
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(619) 766-4957 Fax

Viejas Band of Mission Indians
Bobby L. Barrett, Chairperson
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(619) 445-5337 Fax

San Pasqual Band of Mission Indians
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(760) 749-3200
(760) 749-3876 Fax

Kumeyaay Cultural Historic Committee
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Alpine , CA 92001
(619) 445-0385

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

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed SCH#2004101076; NEPA/CEQA Notice of Completion for draft Environmental Impact Report/draft Environmental Impact Statement (DEIR/DEIS) for the Interstate 5 North Coast Corridor Project; located in the Coastal Area of San Diego County, California.

STATE AGENCIES — COMMENTS

RESPONSES

Native American Contacts
San Diego County
October 18, 2010

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Pauma & Yuima
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P.O. Box 369 Luiseno
Pauma Valley CA 92061
paumareservation@aol.com
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(760) 742-3422 Fax

Jamul Indian Village
Kenneth Meza, Chairperson
P.O. Box 612 Diegueno/Kumeyaay
Jamul , CA 91935
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Rincon Band of Mission Indians
Tiffany Wolf, Cultural & Environmental Department
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Mesa Grande Band of Mission Indians
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(760) 782-9092 Fax

Kumeyaay Cultural Heritage Preservation
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(619) 478-5818 Fax

Pala Band of Mission Indians
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Pala , CA 92059 Cupeno
sgavghen@palatribe.com
(760) 891-3500
(760) 742-1411 Fax

Kwaaymii Laguna Band of Mission Indians
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Pine Valley , CA 91962
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STATE AGENCIES — COMMENTS

RESPONSES

Native American Contacts
San Diego County
October 18, 2010

Inaja Band of Mission Indians
Rebecca Osuna, Spokesperson
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Alpine , CA 91901
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(619) 445-9126 - fax

Kumeyaay Cultural Repatriation Committee
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(619) 443-0681 FAX

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San Luis Rey Band of Mission Indians
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San Pasqual Band of Indians
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(760) 749-3876 Fax

Kupa Cultural Center (Pala Band)
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(760) 742-4543 - FAX

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

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STATE AGENCIES – COMMENTS

©22nd D.A.A

22ND DISTRICT AGRICULTURAL ASSOCIATION
State of California

November 19, 2010

Shay Lynn M. Harrison, Branch Chief
Environmental Planning Branch C
Caltrans District 11 (MS 242)
4050 Taylor Street
San Diego, CA 92110

SUBJECT: Comments on the proposed Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/ Environmental Impact Statement

Dear Shay:

01 The 22nd District Agricultural Association (22nd DAA) appreciates the opportunity to comment on the Draft EIR/EIS for the Interstate 5 North Coast Corridor project. The 22nd DAA owns and operates the Del Mar Fairgrounds, located just west of the proposed project. The Del Mar Fairground are home to the annual San Diego County Fair, live thoroughbred horse racing, Surfside Race Place, the Scream Zone, Holiday of Lights as well as more than 300 additional events throughout the year. As such, proposed improvements to the Caltrans owned interchange at Interstate 5 (I-5) and Via De La Valle have the potential to impact events at the Del Mar Fairgrounds. As such, the 22nd DAA has reviewed the Draft EIR/EIS for the project and submits the following comments on the proposed project as it relates to 22nd DAA operations and traffic control.

The 22nd DAA has maintained a good working relationship with Caltrans staff for both the Fair and live race meet and other large events held at the Fairgrounds. It was therefore disappointing that we were not consulted regarding proposed improvements at the Via De La Valle interchange. As you are aware, traffic levels during the annual Fair and race meet are significantly higher than the rest of the year. As such, a coordinated effort between the 22nd DAA, Caltrans and the County Sheriff Dept. occurs to help ensure the most efficient movement of traffic on and off Interstate 5. It would seem to us that significant annual events such as the Fair and races as well as other, annual, highly attendance events (Good Guys Car Show, Spirit West Coast, etc.) should have been considered in the planning process for the proposed project. Based on our review of the Draft EIR/EIS, we cannot find any indication that the

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RESPONSES

Responses to Dustin Fuller, Senior Environmental Planner, Del Mar Fairgrounds, State of California 22nd District Agricultural Association

01 Thank you for your comments, which are part of the public record. Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process. *Chapter 5, Comments and Coordination*, of the EIR/EIS documents the extensive public outreach conducted for the project, dating back as early as 2001. This public process provided opportunity for the 22nd District Agricultural Association (22nd DAA) to provide input regarding the project. While a number of special events are held at the Fairgrounds that affect daily traffic volumes, transportation planning relies on annual average traffic counts. It would not be practical to expand the freeway to such an extent that congestion during these major events would be avoided. Proposed project improvements would, however, help to somewhat ease congestion during these events and would accommodate and encourage carpooling to the events.

STATE AGENCIES – COMMENTS

Ms. Shay Lynn M. Harrison
November 19, 2010

01 cont. annual Fair, races or other highly attended events were considered in the planning process or included in existing or proposed traffic counts.

Currently, there are two signals within the Caltrans right-of-way that primarily control the flow of traffic off I-5 to Via De La Valle. The on-ramps to I-5 currently have a free right turn from all directions which are not controlled by the existing signals. During the Fair and Races, 22nd DAA traffic control staff take over control of these signals (as well as the signal at Via De La Valle and Jimmy Durante Blvd/Stevens Ave.). 22nd DAA traffic control staff also takes over control of the ramp meter during periods of heavy traffic flows to facilitate movement onto I-5. This allows for the most efficient movement of traffic on to and off of I-5. The existing free right turn movements onto I-5 do not require traffic control measures, unless the on-ramp meter needs to be adjusted to allow for movement of traffic during periods of heavy traffic volume.

02 The proposed project includes a realignment of the existing intersections such that all turn movements onto the I-5 would be controlled by a new, modified signal eliminating the existing free right hand turn movements onto I-5. This proposed alteration to the existing intersection would result in significant traffic impacts during the Fair, race meet and other highly attended events. It appears that no analysis or consideration was given to traffic conditions during these existing annual events. As you are no doubt aware, traffic levels during the Fair and race meet are significantly higher than the rest of the year. Eliminating a free right turn movement onto I-5 from all directions would compound the existing conditions experienced during these annual events. Yet, no mention of these events and their associated traffic conditions are analyzed nor is there any analysis of how the proposed modifications to the signalized intersections would impact traffic conditions during these events. While these events are temporary in nature (four weeks for the fair and seven weeks for the races), the anticipated impacts to traffic should be discussed and appropriate mitigation measures identified.

03 Also excluded from the analysis are the anticipated construction related impacts. How will construction of the proposed improvements at the Via De La Valle on/off ramps impact traffic conditions? How will those impacts be mitigated? Will construction reduce or restrict access to the on/off ramps or otherwise impede traffic flows? It is impossible to gauge what potential impacts from construction may be and how those impacts may be mitigated.

04 The 22nd DAA notes that mapping associated with the project proposes to extend Caltrans right of way (ROW) onto 22nd DAA owned land. As currently proposed, Caltrans' proposed project encroaches on real property owned, operated, and under the jurisdiction of the 22nd DAA. This portion of the 22nd DAA's property is used on a daily basis and includes golf driving range uses, storage, and parking during the fair

Page 2 of 3

RESPONSES

02 The modified signals eliminating existing free right-turn movements onto I-5 are intended to improve pedestrian and bicycle crossings. The importance of moving traffic as efficiently as possible during fair and race events is appreciated. A return to hand-directed traffic at this intersection without the potential conflict presented by signal operation at this current free right could be re-created during these focused events through shielding of the signal so that drivers would rely on their own timing and the DAA traffic control staff directing traffic.

03 Regarding potential construction-related traffic impacts, *Section 3.6.3.1* of the EIR/EIS states that detours would be required for nighttime work, bridge work, and where there are closed ramps and structures. Accordingly, EIR/EIS *Section 3.6.4.1* requires the preparation of a Traffic Management Plan (TMP) to minimize delays during construction. The TMP would include a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please also refer to Topical Response "Construction Traffic."

STATE AGENCIES — COMMENTS

Ms. Shay Lynn M. Harrison
November 19, 2010

04 cont. and races. The 22nd DAA looks forward to working with Caltrans on the appropriate steps necessary for right of way extension and appropriate compensation for the land in question.

Again, the 22nd DAA appreciates the opportunity to provide comments on the Draft EIR/EIS for the proposed project. We look forward to seeing the requested revisions in your Final EIR.

Sincerely yours,

22nd District Agricultural Association

Dustin Fuller,
Sr. Environmental Planner

Cc: Becky Bartling, COO/Deputy General Manager, 22nd DAA

Page 3 of 3

RESPONSES

04 With regard to the acquisition of 22nd DAA property, as illustrated on Final EIR/EIS *Figure 2-2.3, Sheet 20*, I-5 right-of-way would remain at its current extent along most of the subject property under the 8+4 Buffer alternative. A small temporary impact area has been identified north of the tennis courts, and a sliver of additional right-of-way would be required at the easternmost extent of the driving range. These minor acquisitions are not anticipated to affect operations on the property. These small impacted areas have been shown on layout plans in the Draft EIR/EIS. In addition, please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. If this alternative is selected, its implementation would result in smaller impacts to the facility. The preliminary design of the Preferred Alternative indicates that there would be no impacts to the 22nd DAA property (APN 299-030-22-00). Temporary construction easements (TCEs) would be required, however, at properties located immediately adjacent to southbound I-5, such as Sunstone Durante (APN 299-300-02-00 and 299-300-03-00), and State of California Park land (APN 299-042-03-00 and 299-042-04-00). A small (approximately 3,455 square feet) partial property acquisition would be required from the easternmost locations of the noted State Park properties. Further refinement will continue through final project design, and precise numbers and dimensions of property required will not be known until just prior to acquisition of individual properties. Consistent with your comment, if acquisition is required, Caltrans relocation staff will contact you and coordinate closely with you through the process.

STATE AGENCIES — COMMENTS

UNIVERSITY OF CALIFORNIA, SAN DIEGO UCSD

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November 22, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
California Department of Transportation, District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Subject: Interstate 5 North Coast Corridor Project – UC San Diego comments on Draft Environmental Impact Report/ Environmental Impact Statement

Dear Ms. Harrison:

01 Thank you for the opportunity to review and comment on the Draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS) for the Interstate 5 North Coast Corridor Project (I-5 Project). High Occupancy Vehicle (HOV) lanes and Direct Access Ramps (DAR) obviously are key features of the I-5 Project. We concur with and support the goal of promoting strategies to improve the effective and efficient use of freeways, while minimizing impacts to the environment over time. UC San Diego supports the use of a variety of solutions to alleviate traffic and transportation challenges, thus resulting in improved access and circulation to the campus and region.

The campus has a number of comments and questions that will need to be addressed as the I-5 Project moves forward, and those relating to the proposed Voigt Drive DAR and associated site improvements are of highest concern. These concerns have been communicated to Caltrans over the last couple years. Caltrans has acknowledged the need to mitigate the concerns raised and has agreed to work closely with the campus to find solutions.

02 If the Voigt Drive DAR were to be constructed, it would introduce a significant amount of non-campus related traffic onto an already constrained circulation network. Moreover, the current Voigt Bridge is the only connection between East and West Campuses and serves vehicles, bicycles and pedestrians. Therefore, to mitigate the impacts to campus circulation, the I-5/Gilman Bridge should be built by the I-5 Project in advance of the construction of the new Voigt Drive DAR. This would help maintain an appropriate level of pedestrian, vehicular and bicycle circulation that is safely isolated from the increased traffic volume on Voigt Drive.

RESPONSES

Responses to Gary C. Matthews, Vice Chancellor, University of California, San Diego

01 Thank you for your comments, which are part of the public record. Please refer to the responses to your detailed comments below.

02 It will be necessary to keep the traffic flow between East and West campuses uninterrupted. Currently, UCSD and Caltrans are working closely and coordinating monthly meetings to plan and design the I-5 / Gilman Bridge Project, which is anticipated to be constructed prior to the *I-5 NCC Project.*

STATE AGENCIES — COMMENTS

Shay Lynn Harrison
November 19, 2010
Page Two

03 In addition to the I-5 crossing and circulation issues, there are concerns relating to the safety, operations, and access to the Preuss School and Medical Center. The proposed site improvements associated with the Voigt Drive DAR would significantly impact the East Campus. The Voigt Drive widening and lane geometry would further isolate Preuss School and impact school bus access and ability to queue resulting in increased concern for the safety of Middle and High School students. The proposed realignment of Campus Point Drive would both impact a development site identified for a future sports arena as well as compromise emergency access to the Medical Center.

04 Given these concerns, we request Caltrans study an alternative to the currently proposed road configuration. This concept would include a new north-south road that would be located partially on UC San Diego property and Scripps Memorial Hospital land, and would connect Voigt Drive to Genesee Avenue just east of the Scripps campus and west of UC San Diego's 69kv electrical station. This alternative would reduce the traffic volume adjacent to the Preuss School classrooms and recreation field, and avoid the need to realign Campus Point, thus preserving direct access to the Medical Center from Genesee Avenue.

05 Project coordination with UC San Diego is imperative regarding planned utility relocations and shutdowns. Any utility interruptions and lack of vehicular access during the Voigt Bridge replacement will need to be minimized and coordinated. Access to the UC San Diego Medical Center will need to be maintained during construction.

06 The campus is concerned with noise impacts. The recommended sound wall as proposed by the Noise Abatement Decision Report must be included with the Project to properly mitigate sound impacts and not be rejected as a function of cost.

07 As the I-5 Project design advances for those portions associated with campus lands, UC San Diego should be included in the drawing review. To date, the campus has not been engaged in the process to review and provide direction on the proposed site improvements (e.g. road realignments, retaining wall, architectural details, landscape palette, etc). This close work effort will aid in successful resolution of design and implementation. This collaborative process will also ensure that noise and unavoidable impacts to campus resources are appropriately mitigated.

08 Impacts to the UCSD Park Restoration Land located between Gilman Drive and Interstate 5 need to be addressed and mitigated. Mitigation for the loss of the identified Park area will require contribution towards the 1:1 restoration of existing Park lands on campus.

09 UC San Diego, on behalf of The Regents of the University of California, is both a property owner and lead agency which provides the campus autonomy to review and implement projects for the benefit of the University. I will ask departments in Resource Management and Planning to work with Caltrans to integrate the I-5 Project into our campus, both physically and operationally.

RESPONSES

03 The location of the Voigt Drive DAR was specifically chosen to provide direct access to high density medical, university, and business centers near UCSD. This is projected to be a high usage facility with forecast average daily traffic (ADT) of 14,900 vehicles by 2030. Vehicles would enter and exit the High Occupancy Vehicle (HOV)/Managed Lanes from the lane closest to the median. Specific to the medical center, elimination of the oblique approach to Voigt Drive from the center would be expected to improve lines of sight and driver safety, as well as pedestrian and bicyclist safety at the intersection. The advantages of a DAR in this location are anticipated to include:

- Logical termini to HOV/Managed Lanes
- High HOV/Managed Lane target destination east and west of I-5
- Access to hospitals and medical facilities (e.g., UCSD, Scripps)
- Access to the Veterans Administration Hospital
- Access to employment centers east of I-5 (Qualcomm, SAIC, etc.)
- Reduced delay through I-5 / Genesee Avenue Interchange
- Potential for multimodal connectivity
- Connectivity with potential future Mid-Coast Corridor LRT Project
- Support of future Bus Rapid Transit (BRT) along I-5 HOV/ Managed Lanes

Caltrans would work with UCSD to ensure that access to high school and middle school uses associated with UCSD would not be impaired. The queue area shown on *Figure 2-2.3, Sheet 3* of the Final EIR/EIS is expected to be adequate to accommodate a sufficient volume of traffic to allow through traffic to continue to the intersection. Other bus and parent-student drop-off activity could occur within areas off street in the Preuss School parking lot.

STATE AGENCIES — COMMENTS	RESPONSES
	04 As the route suggested is partially under UCSD ownership, Caltrans is coordinating with UCSD to obtaining suggested plans for this location.
	05 Caltrans would coordinate with the respective utility companies regarding planned utility relocations or service interruptions. It is anticipated that the utility providers would coordinate with their customers regarding potential service interruptions (if any). Caltrans strives to not interrupt services. EIR/EIS *Section 3.6* requires the preparation of a Traffic Management Plan (TMP) to minimize delays during construction. The TMP would encompass a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Consistent with your comment, access to the medical center would be maintained during construction. Please also refer to Topical Response "Construction Traffic."
	06 With respect to your concerns about potential noise impacts to the campus, as discussed in EIR/EIS *Section 3.15, Noise*, Soundwall S475 was evaluated in that area. Based on the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol, Soundwall S475 was determined not to be "reasonable" because the estimated construction cost exceeded the "reasonableness allowance" (refer to *Table 3.15.4*). Construction is therefore not recommended. For more information regarding general soundwall evaluation and location analysis in accordance with the Caltrans Traffic Noise Analysis Protocol, please refer to Topical Response "Soundwall Considerations." Also note that the difference in the future noise level with the project, compared to the noise level without the project, at the subject noise receptor (R1.4; refer to *Table 3.15.3*) would be just two decibels. As described in the project's 2007 Noise Study Report, changes of 3 dBA or less generally are not detectable by the average healthy human ear.

STATE AGENCIES — COMMENTS	RESPONSES
	07 If the project is approved and a build alternative chosen, Caltrans will continue to work with UCSD on the specifics of the items identified (refinement of retaining or soundwalls identified in the EIR/EIS, landscaping, etc.). Please note that the Design Guidelines: I-5 NCC Project document comprises part of this Final EIR/EIS (see Appendix L); specifics as to particular locations of improvements outside Caltrans right-of-way would be determined in consultation with the appropriate local jurisdictions, including UCSD.
	08 As described in EIR/EIS Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f) and Proposed *De Minimis* Determinations for the I-5 North Coast Corridor Project, this area is approximately 0.1 mile distant from I-5 and no direct impacts would occur.
	09 If a build alternative is selected for implementation, Caltrans looks forward to working with your staff to implement the project.

STATE AGENCIES — COMMENTS

Shay Lynn Harrison
November 19, 2010
Page Three

10 To summarize, the Voigt Bridge replacement is essential to the campus, as it is the only direct connection between West and East campuses. A future bridge connection at Gilman Drive, over Interstate 5, needs to be included in the scope of the I-5 North Coast Corridor Project for three important reasons: (1) to offset construction related impacts associated with the Voigt Bridge improvements, (2) reduce the impact from increased vehicular trips on Voigt Drive and Campus Point generated by the proposed Voigt Drive DAR, and (3) to provide a safe, direct connection between East and West Campuses that serve the campus community.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Gary C. Matthews
Vice Chancellor

cc: J. Gattas
B. Gregory
B. Hellmann
N. Kossan
M. Phegley
B. Werdick

RESPONSES

10 Please refer to the response to your Comment 02. The I-5 / Gilman Bridge Project will be constructed independently from the *I-5 NCC Project.*

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Appendix H:

Responses to Comments
Volume II of V

Final
Environmental Impact Report/
Environmental Impact Statement

October 2013

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REGIONAL AND LOCAL AGENCIES

REGIONAL AND LOCAL AGENCIES – COMMENTS

LEUCADIA WASTEWATER DISTRICT

LEADERS IN ENVIRONMENTAL PROTECTION

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PAUL J. BUSHEE, GENERAL MANAGER

October 4, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Ref: 11-2644

Subject: Interstate 5 North Coast Corridor Project
Draft Environmental Impact Report / Environmental Impact Statement
Comments from Reviewing Agency

Dear Ms. Harrison:

This letter is sent to provide the Leucadia Wastewater District's (LWD) review comments for the subject project and document.

Leucadia Wastewater District is a public special district responsible for collecting, treating, and disposing of approximately 4 million gallons of wastewater per day. LWD also treats and distributes up to 350 million gallons of recycled water per year. LWD covers a total service area of 16 square miles and provides services to 60,000 residents in the south half of Carlsbad and the north half of Encinitas. LWD is overseen by a public elected 5 member Board of Directors. LWD collects and transports wastewater from its service area to the Encina Water Pollution Control Facility in Carlsbad, CA where it is treated to all mandated public health standards.

LWD has a number of pressure and gravity pipe crossings of I-5 at the La Costa Avenue freeway interchange. Additionally, there are gravity sewers parallel to I-5 in Orpheus Avenue to the west side and in Piraeus Avenue to the east side of I-5 between La Costa Avenue and Leucadia Boulevard. More specifically including, but not limited to, the following LWD pipelines:

01

1. Pipeline L1 – 24-inch ductile iron pipe (DIP) forcemain constructed in 1979, that crosses under I-5 in a 190-feet long steel casing just south of the La Costa Avenue Overpass;
2. Pipeline L2 – 24-inch DIP forcemain that bifurcates into two 14-inch diameter steel forcemains that cross I-5 in the La Costa Overpass constructed in 1996;
3. Pipeline B1 (Failsafe Pipeline) – a 12-inch diameter Asbestos Cement Pipe (ACP) that transitions to 12-inch DIP and is carried through the La Costa Ave Overpass and was constructed in 1973.
4. Sky Loft Gravity Sewer Crossing – 12-inch ACP sewer crosses under I-5 about 900 feet south of the La Costa Avenue Overpass. This gravity sewer flows from Orpheus Avenue easterly for 374 feet to Piraeus Avenue at the intersection with Sky Loft Road.
5. Piraeus Ave Sewer – 7,200 feet of 8-inch to 12-inch diameter gravity sewer flowing north from Leucadia Boulevard to La Costa Avenue in the I-5 frontage of Piraeus Street.

1960 LA COSTA AVENUE, CARLSBAD, CA 92009 · PHONE 760.753.0155 · FAX 760.753.3094 · LWWD.ORG · INFO@LWWD.ORG

RESPONSES

Responses to Paul Bushee, General Manager, Leucadia Wastewater District

01 Thank you for your comments, which are part of the public record. As this comment notes, the EIR/EIS does not include detailed information on utility relocations because related project design elements have not yet been finalized; however, commitments for appropriate utility protection and/or relocation and agency coordination are provided. *Section 3.5.2*, *Environmental Consequences*, of the EIR/EIS notes that all build alternatives would require both above ground and below ground utility relocations in several locations, that existing utilities conflicting with proposed construction activities would require protection or relocation during construction, and that the location of all utilities would be verified prior to subsurface investigation or construction. In addition, all utility relocations would occur in coordination with the respective utility companies. Appendix J, Potential Utility Relocations, identifies Leucadia Wastewater District facilities.

REGIONAL AND LOCAL AGENCIES — COMMENTS

6. Leucadia Scenic Court Sewer – 900 feet of 12-inch sewer flowing southerly from La Costa Avenue within a sewer easement contiguous to the west edge of the southbound on-ramp to I-5 South. The Leucadia Scenic Court Sewer flows southerly to the junction with the west end of the Sky Loft Gravity Sewer Crossing (Pipeline No. 4 above).

Attached please find a graphic depicting the location of these facilities.

All of the above sewer facilities are critical facilities providing continuous service to the customers of LWD. In the EIR/EIS, however, these critical utilities have not been identified in detail. The EIR / EIS does state that some utilities will require protection or relocation and would not create any additional environmental impact. It is also noted that relocation of utilities would be coordinated with the appropriate utility owners. LWD, however, considers the potential interruption in service to be a critical issue and LWD prefers these issues be addressed sooner in the environmental and planning process. LWD suggests the following:

01

A. Caltrans should meet with LWD to review all existing potential sewer and wastewater forcemain conflicts and to discuss likely scope, budget, and schedule impacts to LWD for protection and/or relocation of these facilities.

B. We request that Caltrans make a commitment to maintain LWD sewer service continuously throughout construction of the I-5 North Coast Corridor Project, including the use of temporary and redundant wastewater bypass facilities.

C. Caltrans should confirm the full lateral extent of construction impacts in the Caltrans area and frontage roads, including and between La Costa Avenue and Leucadia Boulevard, so that LWD can begin planning for needed sewer work before, during, and after the Caltrans project.

D. Caltrans should specifically confirm which LWD and other utilities will require relocation and should confirm that all cost of coordination, design, relocation, and inspection of the impacted facilities will be paid for by Caltrans.

02

E. Add Leucadia Wastewater District as one of the named interested parties and provide copies of all pertinent planning documents to LWD for information, review, and comment.

Thank you very much for your consideration of these comments to the I-5 North Coast Corridor Project EIR/EIS. Please contact Mr. Robin Morishita, LWD Capital Improvements Manager, at 760-753-0155 phone and rmorishita@lwwd.org email for future correspondence and communication. You may also include Steve Deering, LWD District Engineer, Dudek, 750 Second Street, Encinitas, CA 92024 at 760-479-4101 phone and sdeering@dudek.com email.

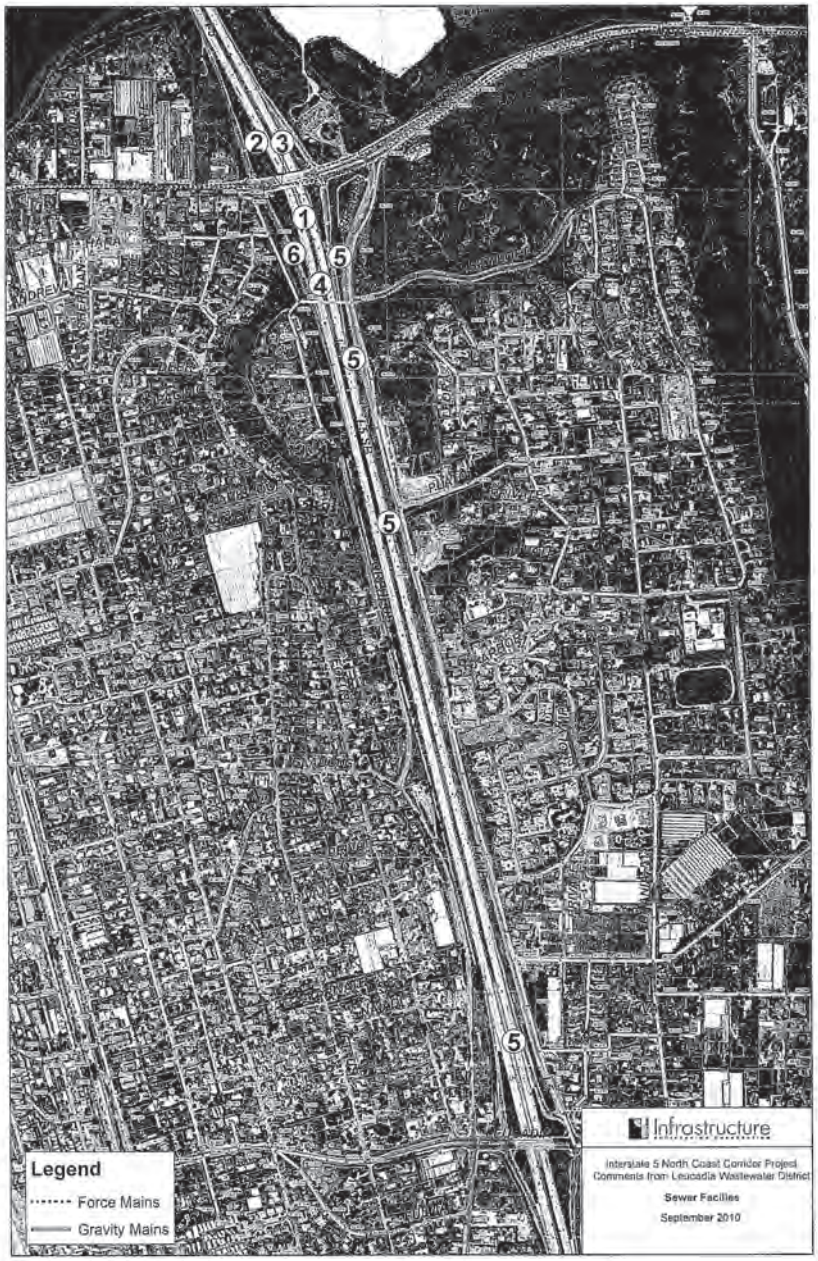
Best regards,

Mr. Paul Bushee
LWD General Manager

Attachment

RESPONSES

02 The Leucadia Wastewater District has been added to the list of interested parties as requested.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	

REGIONAL AND LOCAL AGENCIES — COMMENTS

Matthew O. Tucker
Executive Director/Chief Executive Officer

N C T D

November 18, 2010

Ms. Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation-District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Subject: I-5 North Coast Corridor (NCC) Project Draft Environment Impact Report/ Environmental Impact Statement

Dear Ms. Harrison:

Thank you for providing the opportunity for NCTD to comment on the Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement. Obviously, we believe that our transportation system can be significantly improved by enhancing our public transportation system. We are fortunate that significant capital improvements are underway on our coastal rail corridor that will provide improved travel choices for the region in the future. These capital improvements will improve the capacity and efficiency of the rail corridor and will allow for enhanced rail services in the corridor. As we move forward, it is critical that our local, state, and federal governments address the need for increased transit funding to support these enhanced rail operations that are planned.

01 We have reviewed the I-5 NCC Project environmental document and are concerned about the potential impact of increased travel time and delays on this corridor as it relates to the efficient operations of our public transit system and the environment under the No Build alternative. Many public transit trips begin and/or end via use of an automobile. Given the structure of our road network in northern San Diego County, commuters using public transit also will be negatively impacted if no improvements are made to this important corridor. Accordingly, NCTD supports the use of strategies that will manage automobile demand on this corridor while simultaneously making improvements that support increased transit utilization.

Following are NCTD's comments relative to elements of the I-5 NCC Project that impact our services.

NORTH COUNTY TRANSIT DISTRICT
810 Mission Avenue, Oceanside, CA 92054-2825
760-967-2828

RESPONSES

Responses to Matthew O. Tucker, North County Transit District

01 Thank you for your comments, which are part of the public record. Improvements to I-5 are an important element of multimodal transportation system improvements for the North Coast Corridor.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Ms. Shay Lynn Harrison
November 18, 2010
Page Two

COASTER

02 The San Diego portion of the LOSSAN corridor is moving forward with a robust project development and construction plan that will support improved operations on the corridor. Depending on when I-5 highway construction is initiated, the San Diego portion of the LOSSAN corridor may be able to double passenger carrying capacity, which is the stated goal in the SANDAG 2030 Regional Transportation Plan (RTP). Caltrans should consider coordinating I-5 NCC improvements with the completion of the major LOSSAN double tracking projects to ensure that additional rail capacity is available and that commuters have a viable alternative to automobile usage, especially during construction of the proposed highway improvements.

Given the proximity of the LOSSAN corridor and the COASTER's potential for alleviating congestion on the I-5 corridor, NCTD requests that Caltrans fund increased and enhanced service levels on the COASTER, including weekend service and the implementation of a new rail service operated by NCTD that would improve rail travel between downtown San Diego and north Orange County by providing a one-seat ride.

Managed Lanes

03 NCTD strongly supports the implementation of managed lanes in the I-5 NCC and use of managed lane revenue for transit funding support. Consistent with existing state law, excess revenues (after expenses related to debt service and facility maintenance) should be used to improve public transit services (including construction and operations of capital facilities) that operate within or in close proximity to this multimodal corridor.

Direct Access Ramps (DARs)

04 NCTD supports the concept of providing DARs to the managed lanes facility. DARs support increased safety and improved transit operations by avoiding congestion at interchanges and allowing transit vehicles with convenient access to the managed lanes. However, NCTD believes that further study relative to the planned locations of DARs is required. NCTD recommends that Caltrans reconsider the location of DARs to support commuter access from Interstate 5 to major transit facilities that support regional travel using public transportation. Moreover, Caltrans should consider improvements on local and/or state routes to major transit facilities as part of the core scope of I-5 NCC improvements.

2

RESPONSES

02 Following the circulation of the Draft EIR/EIS, California Senate Bill (CA SB) 468 was approved. This bill requires concurrent completion of rail and highway improvements where crossing lagoons unless phasing would result in an environmentally superior outcome.

The request for Caltrans to provide direct funding is noted, but is not a comment on adequacy of the Draft EIR/EIS. The *I-5 NCC Project* reflects the consensus of transportation agencies in San Diego County regarding the amount of highway improvement necessary through 2050, assuming associated improvement to a series of other transportation modes, including train travel. Additional funding of those improvements is not part of the *I-5 NCC Project*. With regard to Caltrans providing Coaster funding, TransNet funding approved by San Diego region voters, and obtained through half-cent local sales tax, is allocated by SANDAG to highways, transit, and local roadways, in roughly equal thirds.

03 Consistent with your comment, CA SB 468 provides for the establishment of a value pricing High Occupancy Toll (HOT) lane program on I-5 to be administered by SANDAG, from which revenues would be used to offset the costs of the HOT lane program as well as for the improvement of transit services and for High Occupancy Vehicle (HOV) facilities.

04 With regard to the planned locations of direct access ramps (DARs), these locations did undergo further analysis following circulation of the Draft EIR/EIS. As a result of this evaluation, the Cannon Road and Oceanside Boulevard DARs were eliminated from the project. Voigt Drive and Manchester Avenue were reaffirmed as being appropriate locations for DAR facilities to support regional travel using carpooling or public transit (refer to EIR/EIS *Table ES.2*) for details.

REGIONAL AND LOCAL AGENCIES – COMMENTS

Ms. Shay Lynn Harrison
November 18, 2010
Page Three

El Camino Real Bus Rapid Transit

05 Reviewing the map associated with the text, it appears that there is a proposed bus rapid transit (BRT) line running on El Camino Real parallel with the corridor. However, in reviewing the text portion of the presentation, it did not appear that the BRT line was in any of the alternatives, including the No Build alternative. While the current SANDAG 2030 RTP includes this BRT project in the unconstrained funding scenario, the project is not included in the draft Unconstrained Transportation Network for the 2050 RTP currently under development. Therefore, it is recommended that reference to the El Camino Real BRT line be removed.

Thank you again for providing us an opportunity to comment. Feel free to contact me at (760) 967-2867 to discuss our comments and to explore additional opportunities to enhance public transportation in the development of this important project.

Sincerely,

Matthew O. Tucker

cc: NCTD Board of Directors
SANDAG

3

RESPONSES

04 cont. Regarding improvements to other local and/or state routes, improvements to several state routes that access I-5 are being planned. The County's freeway system is highly interrelated, and many of its segments will require improvements in order to meet future transportation demands. It is, however, not practicable to wait until plans are available for the entire system before commencing analysis of any one element. As a result, project limits are determined based on whether they have "independent utility." In this case, the *I-5 NCC Project* as proposed would serve to relieve congestion on the focused freeway segment regardless of whether other improvements are made along I-5. Separate engineering and environmental analysis, therefore, is appropriate for other State highway segments. The improvement of local routes is primarily the responsibility of applicable local planning agencies. Caltrans does, however, assist with some of these projects through its local assistance program.

05 Regarding bus rapid transit (BRT), the Draft EIR/EIS was based on the 2030 Regional Transportation Plan (RTP), which identified BRT service along the southern section of the North Coast Corridor. As noted in your comment, the region changed its BRT strategy in the 2050 RTP to eliminate the El Camino Real service and replace it with reduced-frequency service (15 minute peak-period service only) to Carlsbad (originating from Mid City and Chula Vista). References to planned BRT service have been updated to reflect the 2050 RTP. Although specific BRT facilities would not be constructed as part of this project, future use of the HOV/Managed Lanes by BRT would not be precluded.

REGIONAL AND LOCAL AGENCIES – COMMENTS

San Dieguito River Valley
Regional Open Space Park
14103 Highland Valley Road
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Dick Roberts
Executive Director

November 19, 2010

Shay Lynn M. Harrison
Branch Chief
Environmental Planning Branch C
Caltrans District 11 (MS 242)
4050 Taylor Street
San Diego, CA 92110

Subject: Comments on Interstate 5 North Coast Corridor Draft EIR/EIS

01 The San Dieguito River Park Joint Powers Authority (JPA) Board considered the Draft EIR/S for the I-5 North Coast Corridor at their meetings of September 17 and November 19, 2010. Interstate 5 travels across the newly restored San Dieguito Lagoon and through the western portion of the San Dieguito River Park, a 55-mile long regional river valley open space corridor. It bisects the San Dieguito Lagoon as it does through the other San Diego County coastal lagoons, representing a major impediment to east/west tidal flow and connectivity.

The JPA, with representation from each land use jurisdiction within the San Dieguito River Park's focused planning area, is empowered to plan and maintain the San Dieguito River Park. The adopted San Dieguito River Park objectives include not only the preservation of open space, but to preserve the natural character, visual quality and sensitive resources of the open space corridor, including protection of water resources, and creation of recreational opportunities throughout the Park (*San Dieguito River Park Concept Plan*, 1994). The San Dieguito Lagoon represents the western gateway to the San Dieguito River Park. While the JPA recognizes the importance of I-5 as a coastal transportation route and the need to keep goods and services flowing efficiently, we also place great value in the role our coastal lagoons play in the region. We support a fair balance between these two vital resources. The project to widen I-5 through this area must not occur at the expense of the San Dieguito River Park and the associated coastal lagoon.

02 The JPA's comments specific to the Draft EIR/S are substantial and warrant a recirculation of the DEIR/S with our questions and comments addressed:

1. The Draft EIR/S does not adequately address the need for the project as required by NEPA, in particular the need relative to or in combination with the proposed LOSSAN rail corridor. In Section 1.3 (Need for the Project), a statement is made "even with the proposed improvements (to the rail corridor), capacity would not be sufficient to address anticipated travel demand along the I-5 corridor in 2030", yet no further explanation or analysis is provided to justify why widening of the I-5 to 14 lanes is needed if public transit along the LOSSAN corridor is expanded (ie, double tracking). Caltrans' NEPA guidance regulations require explanation of and justification for the purpose and need of a project in an EIS. The Draft EIR/S should

RESPONSES

Responses to Richard Earnest, JPA Board Chair, San Dieguito River Park Joint Powers Authority Board of Directors

01 Thank you for your comments, which are part of the public record.

02 Please refer to Topical Response "Multimodal System" with regard to implementing a multimodal approach to congestion reduction, as well as Topical Response "Corridor Alternatives" with regard to other functional alternatives reviewed during the past 20 years. The *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Consistent with regional transportation plans, modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many

REGIONAL AND LOCAL AGENCIES — COMMENTS

Comments on Interstate 5 North Coast Corridor
Page 2

02 cont. provide a quantified comparison of vehicular and rail trips within the I-5 corridor and how implementation of both the I-5 widening project and double tracking affects those trips. In addition, Table 1.3-11 states that the LOSSAN double tracking (to expand public transit) is a "vision" yet it is included in SANDAG's 2030 RTP. It is not clear in the Draft EIR/S that expanding public transit would still require a need for the project to the extent proposed. Without this knowledge, it cannot be determined if impacts to the San Dieguito Lagoon wetlands and Park are justified or if other less impactive alternatives are feasible.

03 2. How does the project fit with the I-5 NCC Corridor System Management Plan (CSMP) with respect to a multi-modal approach to the corridor? Again, the Draft EIR/S does not adequately convey how the different modes of transit work together to meet demand and how public transit would reduce vehicular travel. If Caltrans continues to widen freeways to improve level of service and decrease vehicular travel times then there is no incentive for the public to use public transit. Impacts associated with widening the freeway are numerous and significant and are not adequately justified.

04 3. Main arterials adjacent to I-5 within the Del Mar/San Diego region, such as Via de la Valle and El Camino Real, are also proposed to be widened. Widening the adjacent roadways will also have significant effects on the San Dieguito River Valley. It is unclear in the Draft EIR/S how the I-5 project may affect vehicular flow and level of service on the area roadways. The Draft EIR/S must adequately address the cumulative impacts of all proposed vehicular roadway/freeway widening in this sensitive coastal area.

05 4. The EIR/S does not adequately describe the amount of additional freeway right-of-way (R/W) needed for the widening. Figure 10 (page A-25) shows new R/W over the Coast to Crest Trail (east side of freeway), but states that the project would not "interfere with existing trails or planned trails" (page 3.1-44) and "would not result in permanent impacts to any of the trails…" (page A-28). There appears to be a direct conflict in the analysis, which shows new R/W proposed right over the existing Coast to Crest Trail yet a statement that no impacts would occur to the trail. Page 3.1-25 refers to "minor acquisitions" in the San Dieguito River Park but provides no detail on what is proposed within the new R/W. What are the "minor acquisitions" proposed in the San Dieguito River Park?

06 5. We disagree with the unsubstantiated blanket statement on page A-28 that the project "would not affect the visual quality of the SDRP because they would simply extend the Caltrans' right-of-way boundary outward slightly and ultimately result in a view of the area adjacent to I-5 very similar to the existing condition." Figures 2-2.10 and 2-2.11 show an expansion of 48-60 feet into the park and directly over the Coast to Crest Trail. The DEIR/S must provide specifics, as required by CEQA Section 15126.2, to substantiate the conclusion of no impact.

07 6. The first paragraph on page A-29 addressing the Coast to Crest Trail completely dismisses any impacts to the trail and San Dieguito River Park as *de minimis*. We strongly disagree with that assessment, which is based on vague unsubstantiated statements that appear to ignore the addition of 120 feet of freeway lanes, tall retaining walls, higher traffic volumes, increased shadowing in the river channel from a wider

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02 cont. of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. This document does not need to quantify rail versus vehicular trips within the corridor because reviews of types of improvements needed were completed as part of regional planning. The current EIR/EIS is a project-specific CEQA and NEPA document, as are the individual environmental documents addressing the specific Los Angeles-San Diego-San Luis Obispo (LOSSAN) double-tracking projects simultaneously being pursued by the San Diego Association of Governments (SANDAG).

Furthermore, it should be noted that the No Build alternative analyzed in the EIR/EIS includes double-tracking of the LOSSAN rail facility (refer to EIR/EIS *Section 2.2.4, No Build Alternative*). As described in EIR/EIS *Section 1.3.2, Traffic Demand*, the I-5 Corridor is projected to experience substantial congestion in 2030, even with the LOSSAN improvements.

03 Corridor System Management Plans (CSMPs) are "living" documents that are updated based on new information and roadway performance monitoring. The Interstate 5 San Diego North Coast CSMP includes a range of strategies for addressing congestion, performance measures or criteria for identifying when action is needed, and a system for prioritizing which strategies would be most effective.

This resulted in a solution that includes double-tracking the rail corridor and adding High Occupancy Vehicle (HOV)/Managed Lanes on I-5, as well as improving regional arterials, bicycle and pedestrian routes and services for bus, rail, vanpools, and carpools. The *I-5 NCC Project* would, therefore, be consistent with the CSMP. Information augmenting the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function at peak efficiency.

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	04 The Freeway Interchange Operations Report (Traffic Technical Report No. 6) analyzed 51 ramp intersections and 25 arterial intersections within close proximity to the *I-5 NCC Project.* The I-5 cumulative analysis addresses issues that would be adversely affected by the project and does not discuss impacts that would not result in part from the project. The focus of the cumulative analysis is on impacts to visual resources and aesthetics, natural communities, wetlands, and other waters of the U.S. and State. The EIR/EIS concluded that the project's contribution to cumulative visual impacts would not be fully mitigated and an adverse cumulative visual impact would occur. The project's contribution to cumulative impacts with respect to natural communities and wetlands and other waters are considered to be mitigated by the various habitat protection, restoration, and preservation measures described in *Section 3.17* of the Final EIR/EIS. Other projects in the region with the potential for adverse effects to biological resources, including those within the San Dieguito River Park, would also be required to provide similar mitigation pursuant to the Multiple Species Conservation Program, Section 404 of the Clean Water Act, State and federal endangered species acts, and local requirements for resource preservation.
	05 With regard to the Coast to Crest Trail, as described in Section 3.2 of Final EIR/EIS Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f) and *Section 3.1.3* of the Final EIR/EIS, the portion of the trail that would pass underneath I-5 is on a revocable easement within the Caltrans right-of-way, and would be subject to temporary closures during construction activities. No permanent impact to the trail would occur. The goal is to maintain connectivity of the trail between the east and west sides of the freeway during construction, either via detour or by having the existing trail open. A retaining wall to support the trail may be constructed if a build alternative other than the Preferred Alternative is selected.
	06 Impacts on views of and from the freeway are evaluated in EIR/EIS *Section 3.7*, *Visual/Aesthetics*. San Dieguito Valley is highlighted as an existing visual resource on *Figures 3-7.10* and *3-7.11*. San Dieguito River Park in particular also is addressed in Appendix A, which concludes that the build alternatives would not affect the

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06 cont. dominant scenic elements of this park resource (river, marsh areas, and open scenic views) compared to the existing freeway. Additional simulations supporting this are provided in this Final EIR/EIS. *Figure 3-7.82* depicts the slightly more open view from I-5 with a different crash barrier, and *Figure 3-7.84* depicts the bridge with the I-5 North Coast Bike Trail from the San Dieguito Trail.

The open and undeveloped views experienced by San Dieguito River Park (SDRP) users facing away from I-5 would continue. Under the refined 8+4 Buffer (Preferred Alternative), the only change relative to bridge support views would be related to a short retaining wall placed on the east side of I-5, south of the San Dieguito River, in order to protect a wetland area located at the base of the I-5 slope. Given the magnitude of the existing I-5 crossing over San Dieguito Lagoon—a large-scale feature bisecting the park—the visual change related to such modifications as earthen berms and a relatively short (a maximum of six feet high) retaining wall at the northeastern extent of the bridge is assessed as less than substantial. It is identified as a change but does not introduce a visual element that did not exist before.

07 *Section 3.1.3* of the EIR/EIS provides a summary of detailed analysis regarding park and recreational facilities contained in EIR/EIS Appendix A. A portion of the Coast to Crest Trail traverses underneath the existing bridge crossing of the San Dieguito River. This portion of the trail is on an easement and is therefore not subject to Section 4(f) at this specific location. Discussion of this portion of the Coast to Crest Trail has been added to the Final EIR/EIS in *Section 3.1.3*.

Although impacts were categorized as *de minimis* in the Draft EIR/EIS, following the circulation of the Draft EIR/EIS and receipt of comments, the Preferred Alternative was further refined so that there would not be permanent and adverse impacts to the recreational elements of the SDRP; project elements would provide a connection between the Coast to Crest Trail and the I-5 NC Bike Trail, and any build alternative except the Preferred Alternative would implement a retaining wall to support the trail.

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07 cont. bridge, loss of habitat, and new R/W over the Coast to Crest Trail. Incremental additions to the freeway width and vehicular use over the past twenty years has contributed substantially to adverse effects on the River Valley from the freeway, which would be made worse by the proposed project. These impacts must be addressed in greater detail and mitigated by the project.

08 7. The buffer design would reduce the footprint needed for the expansion through the sensitive coastal areas by 26 feet. Minimizing the project footprint should be one of the project objectives.

09 8. The project description is not clear on what exactly is proposed northbound at Via de la Valle. The configuration for the Via de la Valle northbound section appears to be a 12+4 configuration (not 8+4 or 10+4 as described in the DEIR) since the auxiliary lane apparently would remain. The DEIR/S does not accurately describe the project details. Please clarify what is proposed for the existing auxiliary lane northbound at Via de la Valle, which adds another lane to the existing 5 lanes northbound.

10 9. The text in the 2nd paragraph on page A-27 that discusses the existing trails within the lagoon area should be updated. For example, the Coast to Crest Trail lagoon segment is not proposed, but is now complete from Horsepark to Jimmy Durante and includes a freeway undercrossing. Inaccurate information misleads the decision makers and does not allow for an accurate assessment of impacts.

11 10. The last sentence of this same paragraph conflicts with the statement on Figure 10 "not subject to 4(f) (private)" shown for the area that contains the existing recreational trail and on land that is clearly part of the San Dieguito River Park. Clearly, public open space and recreational trails are subject to 4(f) analysis. In addition, the aerial background

12 should be updated to show the current condition of newly created wetlands in order to accurately analyze impacts to the wetlands. Inaccurate information misleads the decision makers and does not allow for an accurate assessment of impacts.

13 11. The Coast to Crest Trail lagoon segment is not clearly described or shown accurately in the Draft EIR/S. Figure 9 describes it as "proposed hiking trail". The trail already exists and is not a "hiking trail" but a regional public multi-use trail (pedestrians, bicycles, and horses) and the western extent of the CTC Trail.

14 12. During the widening of I-15 Managed Lanes in the Lake Hodges area the Coast to Crest Trail undercrossing was impacted by the lengthy freeway widening construction period and was not rebuilt in a satisfactory condition. Litter and drainage impacts occurred throughout the multi-year construction period and adequate notice was not provided to JPA staff and trail users during periods of trail closures. Trail facilities such as bollards, fences, benches, and signs were also damaged or removed by Caltrans' contractors and, in some cases, were not repaired or replaced. Better communication and coordination with JPA staff must occur during project implementation. Please add the JPA to the agencies with which Caltrans will be coordinating and clearly describe in detail what communication and coordination you plan to undertake with the JPA.

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07 cont. The issues of access, noise, visual resources, vegetation, and wildlife, were all specifically considered for adverse impact. As noted in the summary of effects, the SDRP is being developed as a regional open space greenway and park system by preserving and restoring land that would be integrated by a corridor of walking, equestrian, and bicycle trails that would extend from the Pacific Ocean to Volcan Mountain. Implementation of a build alternative would not permanently affect any of the existing trails within the SDRP. As noted in the response to your Comment 05, the portion of the Coast to Crest Trail crossing under I-5, within Caltrans right-of-way, would be subject to temporary closures during construction activities. No permanent "use of" (impact to) the trail would occur.

08 Design refinement has continued since the circulation of the Draft EIR/EIS to continue to minimize environmental impacts. As noted in response to Comment 07 of this letter, based upon continued environmental review, as well as comments by resource agencies and the public, the Preferred Alternative would not permanently and adversely impact any part of the SDRP.

09 The existing auxiliary lane at Via de la Valle would be retained. As described in EIR/EIS *Section 2.1, Project Description*, the names of the project build alternatives refer to the number of main (general purpose) and HOV/Managed Lanes that would occur under each alternative. Final EIR/EIS *Section 2.2.2, Common Design Features of the Build Alternatives*, explains that each alternative also would include auxiliary lanes at various locations. The EIR/EIS need not provide a detailed description of existing features that are proposed to be retained. Auxiliary lanes and main lanes have different purposes; retention of the existing auxiliary lane would not add another lane to the existing five lanes.

10 The Draft EIR/EIS contained the available information at the time the document was prepared and included an analysis of the planned trail in this location. The Final EIR/EIS has been updated.

11 With respect to ownership within the mapped boundary of the San Dieguito River Park, the San Dieguito River Park Concept Plan preface states, "Mere inclusion in the Focused Planning Area does not indicate that private property is part of the Park and does

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15 13. Aerial backgrounds used for base maps are outdated and do not show the dramatic changes in the lagoon area from the restoration/creation of over 150 acres of wetlands, a new tidal basin just west of I-5, new tidal wetlands on both sides of freeway, and the new Coast to Crest Trail lagoon segment. Views of this area from the freeway and surrounding area have been greatly enhanced and the coastal wetland and upland habitat has been expanded and greatly improved. Inaccurate information misleads the decision makers and does not allow for an accurate assessment of impacts.

16 14. Of great concern to the JPA is the lack of community enhancements proposed for this portion of the North Coast Corridor that includes the western gateway to the regional 55-mile long San Dieguito River Park. The I-5 corridor provides vehicular access and public views to the park but at the same time represents the major urban intrusion into the valley as it does for the other coastal lagoons in San Diego County. Proposed I-5 widening will negatively impact this area by greatly expanding the freeway expanse through the lagoon and park by as much as 146 feet (Figure 2-2.10). Several opportunities for community enhancements were documented in Caltrans' Community Enhancement Plan (Jan 2008) including an extended trail along San Dieguito Drive and a nature center east of I-5 visible from the freeway, but are not proposed as part of the I-5 NCC project. A lack of public parking also exists in this area to provide adequate public access to recreational facilities that were recently expanded. In addition, the Coast to Crest Trail is incomplete west of Jimmy Durante. The JPA has obtained over $7.1 million in grants and donations to acquire open space and build public park facilities in this area (in addition to SCE's $86M wetlands mitigation project) that could be further expanded and enhanced. The I-5 NCC does not contribute to any enhancements in the San Dieguito River Park area, a substantial deficiency in the project.

17 15. The JPA opposes traditional sound walls along the I-5 lagoon corridor because they would block scenic views to the lagoon, valley floor, and ocean beyond. Coastal estuarine views define the character of the coastal drive through north San Diego County. These views would be destroyed by sound walls that also would form a tunnel along the freeway. We agree with the impact assessment in the Draft EIR/S of sound wall 573 described on page 3.15-9 and oppose any traditional noise barriers (e.g., S603).

18 16. Because of the negative visual impact that sound walls would create through the lagoon area, the Draft EIR/S should address other design solutions to attenuate freeway noise along the Coast to Crest Trail as feasible mitigation measures required by CEQA/NEPA. Since tire/road noise accounts for 75-90% of overall roadway noise (*I-5 NCC Traffic Noise Basics*), then alternative freeway surface materials that reduce vehicular wheel sound should be examined as a mitigation measure. Also since wind is an important meteorological factor that effects noise levels and off shore wind is prevalent adjacent to I-5 in the San Dieguito River Valley, shorter noise walls that may reduce noise at sensitive receptors below the freeway elevation could also be examined as a mitigation measure (the trail is located at least fifteen feet below the freeway elevation). The DEIR/S should address other design solutions to attenuate freeway noise.

19 17. The information in the Draft EIR/S about retaining walls proposed for both sides of the freeway is inadequate to accurately determine impacts to habitat and scenic views. The

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11 cont. not in any way affect the private property rights of the owner." It is understood that property owned by Southern California Edison is currently in the process of being transferred to the JPA and is included in the 4(f) analysis. As a result, it would fall under Section 4(f) protection. Please refer to *Section 3.1.3* regarding lack of a use, however, of this Section 4(f) property.

12 Although an older aerial was used as a background photograph, the restoration area at San Dieguito Lagoon would not be impacted by the project. The habitat mapping has been updated in the Supplemental Draft and Final versions of the EIR/EIS and all impacts have been updated since the Draft EIR/EIS for the changes within the build alternative footprints. The impacts were not based on aerial photography, but rather were based on field surveys and mapping, which have also been updated to reflect current conditions within the study area.

13 Please refer to the response to your Comment 10 with regard to the referenced trail segment.

14 The information regarding events and activities that occurred during improvements to I-15 is appreciated. The JPA will be notified of the initiation of construction activity in the lagoon, and Caltrans will coordinate with the JPA regarding issues they would like to see addressed. If the Preferred Alternative is approved, specific elements would be incorporated into the project design and construction phases to ensure appropriate opportunities for contacts and coordination with the JPA, as discussed in the meeting with staff on March 28, 2013, and subsequent coordination thereafter.

15 Please refer to the response to your Comment 12 with regard to the relevance of the aerial photograph background to the analysis contained in the EIR/EIS.

16 Specifically with regard to community enhancements, the Final EIR/EIS addresses a bicycle and pedestrian enhanced trail and bridge on the west side of I-5 as elements of the I-5 NC

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16 cont. Bike Trail in the vicinity of the San Dieguito Lagoon. Additional proposed enhancements to the San Dieguito River Planning Area were clarified in *Section 3.1.3.2, Compensatory Mitigation*, in the Supplemental Draft EIR/EIS circulated in August 2012, and now incorporated into *Section 3.17* of this Final EIR/EIS. A feasibility study was prepared for the establishment of coastal wetlands at the W19 plot in the San Dieguito River Planning Area (refer to *Figures 3-17.3a* and *3-17.4a* in the Final EIR/EIS). Hydrodynamic and fluvial modeling was completed on several options that would establish at least 50 acres of coastal wetlands and up to 14 acres of brackish marsh, and it was determined that these wetland improvements would not adversely impact the SONGS mitigation project (a large San Dieguito Lagoon restoration project) or result in substantial changes to downstream sediment transport. The minimum 50 acres of established coastal wetland would be used at a 1:1 ratio for no net loss of wetlands for the *I-5 NCC Project*, as well as the LOSSAN double-tracking project. The newly established brackish marsh would likely be used to mitigate for impacts associated with local street and road projects, including the City of San Diego's new El Camino Real Bridge.

17 Impacts to the view from the I-5 corridor towards the coastline, lagoons, and river valleys would be minimized where practicable as a matter of project design. Consistent with your preference, no soundwalls would cross San Dieguito Lagoon.

Also consistent with your Comment, Soundwall S573 is not recommended for construction. As described in EIR/EIS *Section 3.15, Noise,* Option 1 of Soundwall S603 was originally recommended in the Draft EIR/EIS. Specifically, the EIR/EIS notes in *Section 3.15* that Soundwall S603 Option 1, as proposed in the Draft EIR/EIS, would provide a "reasonable and feasible" reduction in highway traffic noise for 14 single-family and 20 multi-family residences, as well as two schools (St. Leo's Head Start Preschool and Santa Fe Christian School) (refer to *Tables 3.15.13 and 3.15.4*). This soundwall, however, would have the potential to block scenic coastal views protected under the Coastal Act for freeway motorists. For that reason, and based on general comments received on loss of potential ocean views during public review of the Draft EIR/EIS and Supplemental Draft EIR/EIS,

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19 cont. EIR/S should describe exposed height, design, length, and proposed landscaping, etc. for these walls. Native landscaped buffers should be incorporated into any wall design within the San Dieguito River Valley specifically adjacent to the existing preserved open space.

20 18. Recent landscaping done by Caltrans has included planting acres of ice plant along widened freeway corridors. Some varieties of ice plant, as well as other invasive non-native species, spread to adjacent native habitat causing significant impacts to native plants and the wildlife that depend on them and, therefore, should be strictly forbidden within the I-5 NCC. All landscaping within and adjacent to wetlands and adjacent uplands should be required to be native species.

21 19. The information in the Draft EIR/S about widening San Dieguito Bridge over the river lacks the specificity needed to accurately determine impacts to habitat, hydrology, tidal flushing, and to the existing trail undercrossing. We are opposed to adding any new piers in the already impacted river. Page 3.9-5 under San Dieguito River states that the bridge would be widened by 39 feet on each side. How is this widening to be accomplished without impacting the existing trail, habitat, or drainage channels?

22 20. Widening the San Dieguito River bridge without lengthening its span would cause unmitigated impacts because the only connection between the west and east sides of the coastal estuary/river being under the freeway would be further constrained. As stated on page 3.17-5 of the Draft EIR/S, the freeway represents a barrier to east/west wildlife movement across the lagoon. An opportunity exists to provide habitat connection between the west and east sides, but instead the project proposal is to further constrain the only link by widening the concrete bridge. The conclusions reached in the Draft EIR/S about wildlife movement are unsubstantiated calling the trail under the freeway a wildlife trail. The concrete trail under the San Dieguito River bridge does not function as a wildlife corridor. No connecting habitat exists on the north side of the bridge and the south side is also constrained with little habitat connectivity. Widening the bridge without providing a better wildlife corridor connection will further constrain wildlife movement in this corridor and is not mitigated by the project.

23 21. How are the two existing drainage channels paralleling I-5 impacted by the project? Coast to Crest Trail bridges exist over both drainages that drain into the river. The Draft EIR/S does not describe these or identify impacts.

24 22. Why doesn't the EIR/S address a potential DAR to the Fairgrounds? The Draft EIR/S (page 1-9) states "A DAR at Via de la Valle may be analyzed in conjunction with the anticipated traffic impacts from the Del Mar Fairgrounds project." This statement is outdated since the Fairgrounds Master Plan Draft EIR circulated at the end of 2009 did not include a DAR. Not providing this information is potentially piecemealing the project.

25 23. The biological analysis must be updated to reflect the current condition of the lagoon since SCE created 150 acres of new tidal wetlands including a new tidal basin on the west side of the freeway and several acres of new marsh habitat on both sides of the freeway. The restoration has substantially increased the number and species of fish and birds at the

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17 cont. as well as coordination with the California Coastal Commission (CCC), it is now recommended to create a gap in Soundwall S603 (Option 1). This would divide the soundwall into two portions (S603A and S603B) and would retain the potential for a coastal view in this area. The gap would start at Station 601+00 and would end at Station 605+00 (see Final EIR/EIS *Figures 2-2.3, Sheets 22* and *23*). Soundwall S603A would provide a feasible reduction in highway traffic noise for 12 multi-family residences and 1 single-family residence. Soundwall S603B would provide a feasible reduction in highway traffic noise for four multi-family residences, as well as Santa Fe Christian School, which counts for seven frequent human-use areas. Therefore, Soundwalls S603A and S603B are recommended (*Figures 2-2.3, Sheet 21*). Additional discussion of the potential visual effects of Soundwall S603 is provided in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS (refer to Key View 4 in *Figures 3-7.47* and *3-7.48*). Please also refer to Topical Response "Visual/Community Effects" for more information regarding visual effects of the proposed project.

18 As described in the response to your Comment 17, view impacts to the lagoon corridor would be avoided or minimized as a matter of project design. Regarding the use of alternative roadway surfaces such as "rubberized asphalt" for noise reduction, the Federal Highway Administration (FHWA) does not acknowledge the use of such surfaces as a means to minimize noise. The surfacing increases maintenance cost, which is a factor being considered in applicability. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures. As a result, the use of alternative surfacing is not proposed for I-5. Soundwalls must block "line of sight" between the noise source and the listener in order to block noise. The Traffic Noise Model used for the project noise analysis factors in the height of the noise source and the surrounding topography. The final height of noise walls will be determined based on final project design.

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	19 With regard to retaining walls, a retaining wall six feet (or shorter) in height and approximately 675 feet long would be placed on the east side of I-5 south of the San Dieguito River, specifically to avoid encroachment into a wetland at the base of the I-5 slope. Please refer to the response to your Comment 06 regarding effects to views from the San Dieguito River Park. While specifics of each retaining wall have not been identified at this preliminary stage of the design process, *Section 3.7, Visual/Aesthetics,* of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, as depicted in *Section 3-7.4,* this may include such efforts as the use of landscaping; planting buffers and pockets; as well as architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would provide visual relief and reduce the apparent scale of the retaining wall.
	20 Landscaping adjacent to native wetland and upland habitats would be comprised of native species. Excluding existing areas of oleander median planting, all project landscaping is now planned to consist of local native species. Please also refer to EIR/EIS *Section 3.22, Invasive Species*.
	21 As noted in the response to your Comment 12, focused studies have been completed since circulation of the Draft EIR/EIS in 2010. The Supplemental Draft EIR/EIS circulated in August 2012 addressed the specific issues of habitat impacts and hydrology in the vicinity of the lagoons and those findings have been incorporated into this Final EIR/EIS. Please refer to the response to your Comment 12 with regard to the extent of habitat impacts that would occur. The proposed I-5 bridge widening would not constrict the SONGS mitigation improved tidal action as the existing long bridge span was modeled for the restoration, and widening the structure would not change its effect on tidal flow. Please refer to the response to your Comment 05 with regard to the existing trail undercrossing. The widened portion of the bridge would be placed on columns rather than bent walls.
	22 Potential impacts to biological resources at the six coastal lagoons and/or associated waterways within the I-5 corridor, including San Dieguito Lagoon, are evaluated under the *Biological Environment*

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22 cont. heading of the EIR/EIS. Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Based on the focused studies completed for the Supplemental Draft EIR/EIS and incorporated into the Final EIR/EIS, the existing lengths of the I-5 bridge crossings at Los Peñasquitos, San Dieguito, and Agua Hedionda lagoons were determined to be appropriate, while crossings at San Elijo, Batiquitos, and Buena Vista lagoons are proposed to be lengthened. With regard to wildlife movement, the large area south of the channel that is under the existing bridge has over 400 feet available for wildlife movement, although the existing bridge is supported by bent walls that can produce a "tunnel effect" between bents. Caltrans is reviewing the possibility of cutting holes into the bent walls to allow light to pass through, thereby creating a more open feel. The placement of the new portions of the bridge on columns would improve the visual openness of the area beneath the additional bridge structure.

23 The drainage channels that parallel I-5 are mapped on EIR/EIS *Figure 3-18.1c* as containing wetlands. Anticipated impacts to these drainages, which are subject to refinement during the detailed project design and permitting process, are described in EIR/EIS *Section 3.18, Wetlands and Other Waters*.

24 A DAR from I-5 to the Fairgrounds is not proposed as part of the project. As presented in *Section 2.2*, *Alternatives*, DARs proposed in the Draft EIR/EIS were located at Voigt Drive, Manchester Avenue, Cannon Road, and Oceanside Boulevard; the Cannon Road and Oceanside Boulevard DARs were removed from the proposed project following public review. Proposed changes at I-5 and Via de la Valle are compiled in Final EIR/EIS *Table 2.2.2*. With regard to potential piecemealing, the *I-5 NCC Project* would serve to relieve congestion regardless of whether other improvements are made in the future along I-5, and has independent utility with or without a future DAR at Via de la Valle. Separate environmental analysis for a DAR at Via de la Valle would be required if such improvements are proposed in the future.

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25 cont. lagoon as well as the quality of habitat. The biological surveys were conducted prior to the restoration (lagoon technical study is dated June 2006, which is during construction of the restoration project) and do not reflect the existing condition. In fact, if the surveys were conducted during lagoon restoration construction then the results may be even

26 further underestimated. Indirect impacts to species are of particular concern from increases in noise (temporary during construction and permanent after project completion), urban intrusion, particulate matter, edge effects, litter, and visual. Inaccurate information misleads the decision makers and does not allow for an accurate assessment of impacts.

27 24. The floodplain and hydrologic analyses are based on conditions that existed prior to the San Dieguito Lagoon restoration and must be updated to accurately assess the impacts of the project since areas were dredged and new wetlands created.

28 The JPA appreciates the opportunity to comment on the Draft EIR/S. Pursuant to CCR 15088.5, we strongly recommend that Caltrans recirculate the DEIR/S prior to its certification as it is presently inadequate in its evaluation of significant effects and mitigation regarding the San Dieguito River Park. The JPA would be pleased to work with Caltrans to identify design solutions to mitigate some of the impacts to the Park. Please keep us informed as the environmental process continues and feel free to contact our Environmental Planner, Shawna Anderson at shawna@sdrp.org if you have any questions about our comments.

Sincerely,

JPA BOARD OF DIRECTORS

Richard Earnest, Del Mar City Council
JPA Board Chair

RESPONSES

25 Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared and/or completed regarding the biology and hydrology of the lagoons and potential project impacts, as well as additional analysis on potential project water quality effects. The Supplemental Draft EIR/EIS circulated in 2012 addressed SCE restoration of the lagoon and consistency with it. The San Dieguito Lagoon impacts and mitigation package were part of the detailed review and coordination with the resource agencies that continued following public review and will continue through project permitting if a build alternative is approved. Please see *Chapter 5, Comments and Coordination,* of this Final EIR/EIS for a listing of meetings and topics, including those specifically addressing San Dieguito Lagoon. Please also refer to the response to your Comments 12, 21, and 22 with regard to potential impacts to the lagoon and its associated biological resources. The presence and extent of biological resources may change over time, including potential further changes from the current existing conditions to conditions at the time that project construction would occur. *Sections 3.17* through *3.21* of the EIR/EIS include several measures to appropriately address these potential changes, including requirements to conduct pre-construction surveys for sensitive species and eelgrass prior to construction, completing pile driving near lagoons outside of the bird breeding season, maintaining a channel large enough for fish movement throughout construction, utilizing methods to minimize acoustical impacts to aquatic species, and conducting biological monitoring of the compensatory mitigation parcels.

26 Potential indirect impacts to sensitive species are of concern. Such impacts were addressed in detail in Draft EIR/EIS *Section 3.21, Threatened and Endangered Species*, and this discussion has been augmented in the Supplemental Draft EIR/EIS and in *Sections 3.17, 3.18, and 3.21* of the Final EIR/EIS to reflect the additional information developed about each lagoon subsequent to public review. The refined impact assessment confirms and refines the analysis presented in the draft documents. Measures

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	26 cont. proposed to avoid or minimize the identified potential indirect effects also have been refined based on input from the applicable regulatory agencies. Refer to the response to your Comment 25 for additional information regarding this consultation process.
	27 As described in *Sections 3.9 and 3.17* of this Final EIR/EIS, additional focused hydraulic studies were conducted as part of the Phase 2 lagoon studies, incorporating the SONGS restoration project and a restoration project at location W19. The results of these studies have been incorporated into this Final EIR/EIS as appropriate and do not affect the conclusions of the environmental analysis.
	28 The Draft EIR/EIS has not been determined to require recirculation. As indicated in the responses above, accurate information relative to the SDRP was available in the Draft EIR/EIS. Caltrans circulated a Supplemental Draft EIR/EIS in August 2012, which provided newly available information on potential effects to lagoons as well as clarification of issues related to latent traffic demand, sea level rise, water quality, and the common design features and community enhancements proposed by the project. Applicable information contained in that document has been incorporated into this Final EIR/EIS. These documents combine to satisfy the requirements of CEQA and NEPA.

REGIONAL AND LOCAL AGENCIES – COMMENTS

SAN ELIJO JOINT POWERS AUTHORITY

BOARD OF DIRECTORS
Teresa Barth
Thomas M. Campbell
Maggie Houlihan
David W. Roberts

ADMINISTRATION
Michael T. Thornton
General Manager

November 19, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
California Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

SUBJECT: Draft EIR/EIS Comments on North Coast Interstate 5 Corridor

Dear Ms. Harrison:

01 Attached please find comments to the subject EIR/EIS report based on a review by the San Elijo Joint Powers Authority. If you have any questions or require additional information, please contact me at (760) 753-6203 ext. 70.

Very truly yours,
SAN ELIJO JOINT POWERS AUTHORITY

Michael T. Thornton, P.E.
General Manager

Attachment

cc: File w/Attachment

2695 Manchester Avenue • P.O. Box 1077 • Cardiff by the Sea • CA 92007-7077 • (760) 753-6203 • (760) 753-5935 FAX

RESPONSES

Responses to General Manager, San Elijo Joint Powers Authority

01 Thank you for your comments, which are noted and are part of the public record.

REGIONAL AND LOCAL AGENCIES – COMMENTS

I-5 North Coast Corridor Draft EIR/EIS Comments Matrix
Page 1
November 19, 2010

	Item #	Section/Page	Caltrans Statement	San Elijo Joint Powers Authority Comment
		SUMMARY/S-1		
	1	Avoidance, minimization, and/or mitigation measures/S-8	Relocation of utilities would be coordinated with the appropriate utility owners.	San Elijo Joint Powers Authority owns and operates sewer and recycled water facilities within the project area that may be affected by the project. SEJPA was not listed in the Utility Relocations section of the project description and should be considered in this report.
02		CHAPTER 2 – PROJECT ALTERNATIVES/2-1		
	2	Utility Relocations/2-5	Does not mention SEJPA facilities	San Elijo Joint Powers Authority owns and operates sewer and recycled water facilities within the project area that may be affected by the project. SEJPA was not listed in the Utility Relocations section of the project description and should be considered in this report.
03	3	Drainage/2-5	Drainage facilities need to be constructed	Caltrans drainage from the freeway north of Manchester Avenue is routed into a regional drainage channel that crosses the SEJPA property west of the freeway. The affect of the freeway widening should be considered regarding the capacity of the channel and any increases in stormwater sediment or nutrient loading to the regional storm channel and receiving water body (San Elijo Lagoon).
	4	Streetscape Enhancements on Ida Avenue/2-8	Efficient irrigation to sustain proposed planting	Recycled water is available in this area and should be used for any irrigation systems.
04	5	Trailhead at Solana Hills Drive/2-8	Street trees and landscaping	Recycled water is available in this area and should be used for any irrigation systems.
	6	Manchester Avenue Pedestrian Bridge and Trail/2-8	Revegetation of disturbed areas	Recycled water is available in this area and should be used for any irrigation systems.
	7	Manchester Avenue Pedestrian Bridge and Trail/2-8	Grading on east side of freeway, south of open water	The SEJPA owns recycled water lines in this area that may be impacted by the construction. Access to the pipelines will be required for operation and maintenance activities.
05	8	Manchester Avenue Pedestrian Bridge and Trail/2-8	Grading on east side of freeway, south of open water	The City of Solana Beach owns sewer lines in this area including a siphon station vault that may be impacted by the construction. SEJPA operates these facilities and will need access for operation and maintenance activities.
	9	Manchester Avenue Pedestrian Bridge and	Grading on east side of freeway, north of Manchester	The City of Encinitas owns sewer lines in this area including a lift station that may be impacted by the construction. SEJPA operates

RESPONSES

02 The San Elijo Joint Powers Authority (SEJPA) was inadvertently omitted as a utility provider in the Draft EIR/EIS, and has been identified in this Final EIR/EIS. As noted in EIR/EIS *Section 3.5.2*, all build alternatives would require both above ground and below ground utility relocations in several locations, existing utilities conflicting with proposed construction activities would require protection or relocation during construction, and the location of all utilities would be verified prior to subsurface investigation or construction. All utility relocations would occur in coordination with the respective utility companies.

03 Proposed facilities in the vicinity of San Elijo Lagoon include bioswales along the edge of the project's grading footprint and detention basins between the I-5 / Manchester Avenue Interchange ramps. EIR/EIS *Section 3.10*, *Water Quality and Storm Water Runoff*, includes an assessment of potential impacts related to erosion and related effects to receiving waters, including San Elijo Lagoon. This section also describes avoidance, minimization, and mitigation measures to address identified impacts, including erosion and sediment transport. The project would be designed with standard engineering practices and best management practices to facilitate drainage, control erosion and runoff, and protect sensitive areas. Specifically, erosion and sediment control measures approved by Caltrans as part of its approved Storm Water Management Plan (SWMP), which was developed pursuant to associated regulatory requirements, would be implemented as part of the proposed project. Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The detailed design of drainage facilities would occur following selection of a build alternative, if the project is approved. This would include evaluation of the capacity of the referenced

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	03 cont. drainage channel and enhancement of the channel or detention of flows to the channel, if necessary, to accommodate project flows pursuant to Caltrans and Federal Highway Administration (FHWA) requirements. No adverse effects to SEJPA property are anticipated.
	04 It is expected that the project would use recycled water where this water source is available and practicable.
	05 Caltrans is aware that service providers require access to their utilities for service, maintenance, and emergency repair. Caltrans will work to ensure that necessary access can be obtained within the construction schedule, and to ensure that the project does not restrict long-term access.

REGIONAL AND LOCAL AGENCIES – COMMENTS

I-5 North Coast Corridor Draft EIR/EIS Comments Matrix
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November 19, 2010

	Item #	Section/Page	Caltrans Statement	San Elijo Joint Powers Authority Comment
05 cont.		Trail/2-8		these facilities and will need access for operation and maintenance activities.
06	10	Villa Cardiff Drive Improvements/2-8	Enhanced Landscaping	Recycled water is available in this area and should be used for any irrigation systems. Recycled water mains should be installed in McKinnon Bridge to connect existing recycled water areas on each side of the freeway to improve service pressure and volume to enhanced landscaping areas.
	11	Hall Property Park Trail Connecting to Santa Fe Drive/2-9	Install pedestrian trail	Recycled water is available in this area and should be used for any irrigation systems. The proposed trail is shown on top of an existing recycled water main. Design of this trail should allow access to the recycled water main for operation and maintenance.
	12	Trail Connecting Santa Fe Drive to Requeza Street/2-9	Enhanced planting	Recycled water is available in this area and should be used for any irrigation systems.
	13	Trail Connecting Requeza Street to Encinitas Blvd/2-9	Enhanced planting	Recycled water is available in this area and should be used for any irrigation systems.
	14	Union Street Pedestrian Overpass and Trail Connection/2-9	Enhanced landscaping to be implemented	Recycled water is available in this area and should be used for any irrigation systems. Plans should tie in landscaping for Cottonwood Creek Park to existing recycled water system.
		CHAPTER 3 – AFFECTED ENVIRONMENT, ENVIRONMENTAL CONSEQUENCES, AND AVOIDANCE, MINIMIZATION AND/OR MITIGATION MEASURES/3.1-1		
07	15	Affected Environment – Utilities/3.5-1	No mention of SEJPA as a utility provider in the area of the project	San Elijo Joint Powers Authority owns and operates sewer and recycled water facilities within the project area that may be affected by the project. SEJPA was not listed in the Utility Relocations section of the project description and should be considered in this report.
08	16	Environmental Consequences – Utilities/3.5-1	Nor would the proposed project affect any wastewater treatment facilities...	The SEJPA was not mentioned in this document or considered. The treatment facility is west of I-5 and north of Manchester Ave adjacent to the freeway so it may be impacted by the project. The stormwater

RESPONSES

06 Please refer to the response to your Comment 04 with regard to use of recycled water.

07 Please refer to the response to your Comment 02 with regard to potential utility relocations.

08 Regarding mention of the SEJPA and potential impacts to SEJPA facilities, please refer to the response to Comment 02. Regarding impacts to the bioswale, please refer to the response to Comment 03. Regarding the vista point, the existing rest stop and overlook would be modified by the proposed project and shifted further south (away from the SEJPA's treatment facility) and the modified rest stop would no longer look directly over the treatment facility. This is anticipated to represent an improvement over the existing condition, and to reduce any perceived security risk associated with proximity to this facility.

REGIONAL AND LOCAL AGENCIES — COMMENTS

I-5 North Coast Corridor Draft EIR/EIS Comments Matrix
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	Item #	Section/Page	Caltrans Statement	San Elijo Joint Powers Authority Comment
08 cont.				bioswale on Coral View Drive drains onto SEJPA property and may impact operation of the facility. The "Enhanced Vista Point" overlooks the treatment facility and could pose a security threat to the facility.
09	17	Environmental Consequences – Utilities/3.5-1	None of the proposed project alternatives would require a need for new or permanent supplies of water	The project alternatives should use recycled water provided by SEJPA from Via de la Valle to La Costa Avenue for all irrigation requirements.
10	18	Environmental Consequences – Utilities/3.5-1	Temporary utility relocations may be required at various locations along the corridor	SEJPA is not mentioned in the document so the impact on the SEJPA has not been considered. This project amy require substantial relocation and upgrades to the recycled water facilities.
11	19	Impacts to Viewers on the Freeway/3.7-35	Roadside areas for landscaping would be severely reduced...	SEJPA provides recycled water for existing irrigation along the freeway from Via de la Valle to La Costa Avenue. A reduction in landscaping areas may negatively impact the SEJPA.
12	20	Environmental Consequences/3.11-3	Surface Water - Many of the existing drainage structures would require rerouting...	The Cardiff Regional Storm Channel located on the west side of the SEJPA property would be impacted by this project and has not been considered. A project considering treatment of urban runoff from the Cardiff Channel would be impacted by this project. The affect of the freeway widening should be considered regarding the capacity of the channel and any increases in stormwater sediment or nutrient loading to the regional storm channel and receiving water body (San Elijo Lagoon).

RESPONSES

09 Please refer to the response to your Comment 04 with regard to use of recycled water.

10 Please refer to the response to your Comment 02 with regard to mention of SEJPA and potential utility relocations.

11 With regard to the use of recycled water for landscape irrigation, while the area of landscaping in this location would be reduced, it is a small overall reduction in the context of the total areas subject to service by the SEJPA. As a result, any decrease in recycled water use within the I-5 right-of-way is anticipated to be minimal and may be partially offset by any new landscaped areas to be served by recycled water from SEJPA.

12 Please refer to the response to your Comment 03 with regard to storm water drainage.

REGIONAL AND LOCAL AGENCIES – COMMENTS

Santa Fe Irrigation District

November 19, 2010

Caltrans
4050 Taylor Street
MS-242 San Diego, CA 92110

Attention: Ms. Shay Lynn Harrison

Subject: Santa Fe Irrigation District Comments on the Draft EIR/EIS for the I-5 North Coast Corridor Project

Dear Ms. Harrison,

The Santa Fe Irrigation District (SFID) appreciates the opportunity to comment on the Environmental Impact Report for the Interstate 5 North Coast Corridor HOV/Managed Lanes Project (I-5 Project). The following summarizes three critical issues that the proposed construction must consider. During design of the proposed I-5 Project, Caltrans will need to coordinate closely with SFID, and others identified below, to make certain that each of these issues is appropriately addressed.

- **Provisions for SFID Potable Water Pipeline Crossings**

01 SFID has multiple critical potable water pipelines crossing the I-5 in the Solana Beach area. One of our critical potable water crossings was impacted during the relatively recent construction of Caltrans' Revised Lomas Santa Fe Undercrossing Project in Solana Beach. Due to the impacts of that construction project, SFID's existing 18-inch potable water line crossing just south of the Lomas Santa Fe Undercrossing had to be taken out of service and capped. It was clearly determined that this pipeline was in place prior to the original construction of I-5, and Caltrans was responsible for the relocation of this pipeline. Since limited Caltrans funds were available at that time, SFID was willing to delay the relocation until construction of the proposed I-5 widening project. The attached February 26, 2008 letter from Caltrans confirms this understanding. As stated in the attached letter, a functional replacement of the 18-inch water line crossing the I-5 at Post Mile 36.69 will be provided during the I-5 widening project anticipated for construction in approximately 2018. ***Therefore, the proposed I-5 Project must plan for and include the cost for replacement of the 18-inch potable water crossing that was eliminated as part of the earlier related project, and that SFID be contacted during the design process to ensure that the appropriate crossing location is established.***

In addition, SFID has an existing operational pipeline crossing located approximately 2,500 feet north of the Lomas Santa Fe undercrossing that will be impacted by the proposed I-5 Project. This pipeline was also established prior to the original construction of I-5 and Caltrans will be responsible for relocation of the pipeline. It is anticipated that relocation will be the only option since it appears that the widening of I-5 in the vicinity of the pipeline will require earthwork modifications that increase the depth of cover over the existing crossing to an unacceptable depth. ***Therefore, the proposed I-5 Project must plan for and include the cost for replacement of an existing operational SFID potable water line crossing located approximately 2,500 feet north the Lomas Santa Fe undercrossing.***

Santa Fe Irrigation District ~ PO Box 409 ~ 5920 Linea del Cielo ~ Rancho Santa Fe, CA 92067-0409
Phone 858.756.2424 Fax 858.756.0450
www.sfidwater.org

RESPONSES

Responses to William G. Hunter, Engineering Manager, Santa Fe Irrigation District

01 Thank you for your comments, which are noted and are part of the public record. *Section 3.5.2* of the EIR/EIS notes that all build alternatives would require both above ground and below ground utility relocations in several locations, that existing utilities conflicting with proposed construction activities would require protection or relocation during construction, and that the location of all utilities would be verified prior to subsurface investigation or construction. All utility relocations would occur in coordination with the respective utility companies. Coordination with Santa Fe Irrigation District would occur during the detailed project design phase in accordance with the EIR/EIS as well as previous agreements with the District.

REGIONAL AND LOCAL AGENCIES — COMMENTS

01 cont.

Also note that SFID has additional active potable water lines crossing I-5 within Lomas Santa Fe Drive, and one additional active potable water line crossing I-5 just south of Lomas Santa Fe Drive in the vicinity of Genevieve Street in Solana Beach. The San Elijo Joint Powers Authority (SEJPA) has an existing pipeline crossing I-5 within Lomas Santa Fe Drive. A significant amount of improvements to I-5 in this area have already been conducted. ***If the proposed I-5 project includes any additional work in the area of Lomas Santa Fe Drive, or in the vicinity of Genevieve Street, the project must plan for and include the cost of protection and/or replacement of the existing potable and recycled water pipelines in this area.***

02

- **Utilization of Recycled Water**

SFID currently serves recycled water to portions of the I-5 Project within the area of Solana Beach from a point just north of the Via de la Valle to a point just north of Lomas Santa Fe. ***Any future improvements to the I-5 located within the SFID service area will require recycled water to be used for proposed landscape irrigation. In addition to on-site improvements required to accommodate recycled water, the proposed I-5 Project would be required to make any improvements to the public recycled water distribution system necessary to accommodate the required I-5 Project recycled water demands.***

03

- **Impacts to Recycled Water Transmission Pipelines Crossing I-5**

SFID is a wholesale purchaser of recycled water from the San Elijo Joint Powers Authority (SEJPA) for retail sale to SFID's customers within SFID's service area. The mail recycled water transmission pipeline from the SEJPA crosses the I-5 in the vicinity of Manchester. The proposed I-5 project includes significant improvements in the area of Manchester. ***Therefore, the proposed I-5 Project must consider impacts to the existing recycled water pipelines crossing I-5 and coordinate closely with SEJPA and other affected agencies in order to mitigate any impacts to the existing recycled water pipeline crossings.***

In addition, the San Dieguito Water District (SDWD) has an existing 30-inch pipeline crossing I-5 in the vicinity of Manchester. In various planning documents, this pipeline has been identified for potential use as a future recycled water transmission main. ***Therefore, the proposed I-5 Project must consider impacts the existing 30-inch SDWD pipeline crossing I-5 and coordinate closely with SDWD and other affected agencies in order to mitigate any impacts to the existing 30-inch SDWD pipeline.***

If you have any questions, or require any additional information, please do not hesitate to call me at (858) 414-9120.

Very truly yours,

William G. Hunter
Engineering Manager

Cc: Michael J. Bardin, SFID General Manager
Michael Thornton, SEJPA General Manager
Victor Graves, Assistant General Manager SDWD

Santa Fe Irrigation District ~ PO Box 409 ~ 5920 Linea del Cielo ~ Rancho Santa Fe, CA 92067-0409
Phone 858.756.2424 Fax 858.756.0450
www.sfidwater.org

RESPONSES

02 Caltrans expects to continue to use recycled water if available and practicable, in consultation with SFID. Lines that must be replaced will entail coordination with various utilities as appropriate. Please refer to the response to your Comment 01 regarding potential utility relocations.

03 Please refer to the response to your Comment 01 regarding potential utility relocations.

REGIONAL AND LOCAL AGENCIES — COMMENTS

ITEM NO. 12

STAFF REPORT

CITY OF OCEANSIDE

DATE: November 10, 2010

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **CALTRANS INTERSTATE 5 NORTH COAST CORRIDOR PROJECT REVIEW AND COMMENTS**

SYNOPSIS

Staff recommends that the City Council forward all comments for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 5 North Coast Corridor Project to Caltrans.

BACKGROUND

In June of 2010, the California Department of Transportation (Caltrans) released the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 5 North Coast Corridor Project. Caltrans proposes to construct four managed lanes with either a buffer or a barrier along the 3.3 mile segment of Interstate 5 within the City of Oceanside.

01 On August 18, 2010, the City Council directed staff to enter into a cost-sharing agreement with the City of Solana Beach to use their consultants in order to initiate a third party review of the Caltrans EIR/EIS. There were five consultants selected to complete the third party review. The following is a list of the selected consultant team:

Company	Name	Type of Review
Austin-Foust Assoc.	Joe Foust	Traffic/Transportation
Summit Environmental	Leslea Meyerhoff	Environmental
Brian F. Smith & Assoc.	Ryan Taylor	Noise
Mestre Greve Assoc.	Fred Greve	Air Quality
Ogawa Engineering	Mikhail Ogawa	Hydrology

02 On September 22, 2010, the City Council approved a budget appropriation in the amount of $80,000 from the unassigned Major Thoroughfare Fund balance for the third party review.

RESPONSES

Responses to Peter K. Fagen, on behalf of the Oceanside Unified School District

01 Thank you for your comments regarding concerns at Oceanside High School (OHS) related to potential project-related property acquisition, access, safety, noise, traffic, aesthetics, and hazardous materials impacts. Comments related to potential property and operational impacts are addressed here, with responses to your other comments provided individually below based on issue-specific concerns identified in your comment letter.

No right-of-way easement or acquisition is proposed or anticipated at OHS from construction and operation of the proposed I-5 improvements. The school is approximately 0.3 mile distant from I-5.

With respect to access and safety concerns, a community enhancement project is proposed to enhance pedestrian facilities along Mission Avenue in the vicinity of the OHS campus. Specifically, wider and more direct pedestrian sidewalk amenities would be provided to allow for an enhanced connection and to reduce the immediate concerns facing students and staff. Pedestrian crossing signals and landscaping would be installed. The southbound freeway on-ramp alignment at Mission Avenue would be modified to eliminate the conflict between students crossing the ramps and vehicles accelerating toward the freeway. The new ramp alignment

REGIONAL AND LOCAL AGENCIES – COMMENTS | RESPONSES

01 cont. would meet Mission Avenue on the north side only, rather than connecting on both the north and south sides as in the current configuration.

This synergy project would also include construction of the following:

- Replacement of the existing Mission Avenue overcrossing with a wider overcrossing to accommodate 15.5-foot-wide sidewalks on the south side of the Mission Avenue
- Trees in planters located on the south side of the overcrossing
- Realignment of the on- and off-ramps to provide for signalized pedestrian crossings
- Pedestrian lighting on the south side of Mission Avenue
- Enhanced plantings

Students and staff would use the south side of the new Mission Avenue overcrossing, and Caltrans will coordinate with OHS and City of Oceanside staff to develop detailed design for the proposed modifications to the high school entrance. An existing freeway maintenance agreement between the City of Oceanside and Caltrans would also be revised or amended to allow the City to maintain the new overcrossing.

Additional information regarding this community enhancement project can be found in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*. In addition, further discussion of these potential improvements can be found in the I-5 North Coast Community Enhancement Plan, at the following website (refer to Pages 67, 76 and 77; Pages 71, 80, and 81 of the pdf file): http://www.dot.ca.gov/dist11/env_docs/i-5ncc/ts/tscomm08.pdf.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Shay Lynn Harrison
November 19, 2010
Page 2

the No Build Alternative, would involve an addition of traffic lanes to the Freeway, including the portion that runs adjacent to Oceanside High School. The District is concerned that the following potentially significant impacts are not adequately addressed in the DEIR:

1) Noise

The DEIR makes the finding that noise impacts from the Project are "less than significant with mitigation." (DEIR CEQA Environmental Checklist – Appendix G.) The DEIR proposes to mitigate the noise impacts from the Project by installing soundwalls, ensuring that all construction equipment have recommended noise abatement measures and turning off idling equipment. (DEIR pp. 3.15-50 and 3.15-57.) However, the abatement measures do not adequately address the particular noise impacts to Oceanside High School since it is located unusually close to the Freeway. The FEIR must address the fact that classes and other school activities will be taking place at the exact times construction of the Project and use of the Freeway will occur. Thus, excessive outside noise caused by the Project will impact the high school more than other commercial or residential activities occurring near the Freeway. Keeping noise impacts to a level of insignificance both during construction and after completion of the Project is critical for the District to be able to maintain a successful learning environment for its students.

02 cont.

For this reason, to ensure that effective mitigation measures are used to reduce noise impacts related to the construction portion of the Project, including grading activity, the District respectfully asks that the following language be included as part of the mitigation measures in the FEIR to minimize potentially significant noise impacts from construction of the Project:

> "If the proposed mitigation measures do not reduce noise impacts to a level of insignificance, FHA and Caltrans shall develop new and appropriate measures in conjunction with the Oceanside Unified School District to effectively mitigate construction noise at any affected schools within the District, particularly Oceanside High School. Reasonable procedures shall be adopted to allow the District to notify the appropriate parties when such additional measures are warranted."

03

The District is also concerned that the DEIR inadequately evaluates the significant noise impacts that will be created by the Project once completed. As noted above, Oceanside High School is located on Mission Avenue, directly next to the Freeway. With the expansion of the Freeway under all the build alternatives presented in the DEIR, new traffic lanes will be located even closer to the Oceanside High School and such additional traffic lanes will undoubtedly create significant noise impacts to Oceanside High School. The California Environmental Quality Act ("CEQA") checklist contained in Appendix G of the DEIR states that all noise impacts will be "less than significant with mitigation." The major mitigation measure that appears to be

RESPONSES

02 Regarding potential project-related noise generation, Caltrans shares your concerns, and an extensive evaluation of potential project-related noise effects and related avoidance, minimization, and mitigation measures is provided in EIR/EIS *Section 3.15, Noise*. As described, construction-related noise would be intermittent and would vary in intensity. Specifically, the degree of construction noise may vary for different areas of the project site, as well as for individual construction activities. The following measures also would be implemented to minimize the effects of construction activity noise:

- Ensure that all equipment items have manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. All construction equipment would be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices.
- Turn off idling equipment.
- Implement a construction noise-monitoring program to limit impacts.
- Plan noisier operations during times least sensitive to receptors.
- Keep noise levels relatively uniform and minimize impulsive noises.
- Plan rests between construction activities so that noisy activities are followed by more quiet activities.

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

02 cont.

- Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. Provide frequent activity updates of all construction activities.

Application of these attenuation measures would reduce the construction noise at the sensitive noise receptors, although a temporary increase in noise would occur. Caltrans would also ensure that continuous communication regarding project construction occurs between the Caltrans Resident Engineer (RE), the Oceanside Unified School District, and OHS staff.

For operational noise concerns, a soundwall (S863) is identified in EIR/EIS *Section 3.15* along the northeast perimeter of the OHS campus, on the south side of Mission Avenue and the west side of I-5, north of Brooks Street; the structure was studied and considered for inclusion in the project. As discussed in *Section 3.15*, based on Federal Highway Administration (FHWA) and Caltrans guidelines, this soundwall would provide a "feasible" reduction in highway traffic noise for six single-family residences represented by noise receptors R20.8 and R20.10, five multi-family residences represented by receptors R20.11, and the OHS athletic fields represented by receptors R20.5 through R20.7 (refer to EIR/EIS *Table 3.15.41*). Receptor R20.7 (tennis courts) is predicted to be "severely impacted" under both the No Build and Build alternative scenarios, with noise levels at or above 75 decibels (dBA). Soundwall S863 would be partially founded on a retaining wall and would replace a portion of an existing eight-foot-high soundwall that would be demolished to accommodate the proposed improvements. Soundwall S863 was determined not to be "reasonable" under FHWA and Caltrans criteria as the estimated construction cost would exceed the identified "reasonable" cost allowance (refer to *Table 3.15.42*). Construction of S863, nonetheless, would be recommended, however, to provide feasible abatement for Oceanside High School athletic fields.

REGIONAL AND LOCAL AGENCIES – COMMENTS

Shay Lynn Harrison
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Page 3

proposed in the DEIR is the use of soundwalls along the Project. Although such mitigation may indeed reduce noise impacts to a level of insignificance, the District is concerned about the inconsistencies that exist within the DEIR concerning where and whether such soundwalls will indeed be a part of the Project. Due to the significant noise impacts that will result from the Project, it is critical that soundwalls be installed between the Freeway and Oceanside High School to reduce noise impacts to the high school to a level of insignificance.

Such concerns about inconsistencies in the DEIR are based on the fact that in the Project depictions contained on pages 2-64 and 2-65 of the DEIR, there do not appear to be any soundwalls that are proposed along the Freeway adjacent to Oceanside High School. Moreover, on page 3.15-50 of the DEIR, it states that:

> "Soundwall S863," which would "provide a feasible reduction in highway traffic noise for…the Oceanside High School athletic fields…would not be reasonable to construct due to estimated construction costs exceeding the reasonable allowance."

Based on the depictions and language from the DEIR, as noted above, the District respectfully calls into question whether the proposed mitigation measures related to noise impacts to schools within the District, particularly Oceanside High School, will actually minimize the potentially significant noise impacts resulting from the Project. The District requests clarification on this issue and respectfully asks that the following language be inserted into the FEIR to reduce the potentially significant noise impacts of the Project:

03 cont.

> "If the proposed mitigation measures do not reduce noise impacts from the Project to a level of insignificance, FHA and Caltrans shall develop new and appropriate measures in conjunction with the Oceanside Unified School District to effectively mitigate Project noise at any affected schools within the District, particularly Oceanside High School. Reasonable procedures shall be adopted to allow the District to notify the appropriate parties when such additional measures are warranted."

Not only is ensuring all potential noise impacts from the Project imperative to making sure the District is able to maintain an effective and successful learning environment for its students, but reducing all potential noise impacts to a level of insignificance is also necessary to ensure the Project does not conflict with the Oceanside General Plan, which seeks to "improve the quality of Oceanside's environment by minimizing the negative effects of excessive noise levels" as noted on page 3.1-36 of the DEIR.

In addition to proposing the addition of the mitigation measures above, the District also requests a meeting with FHA and Caltrans to discuss strategies for effectively reducing all potentially

RESPONSES

03 With respect to concerns on Soundwall S863, please refer to the response to Comment 02 above. Based on the information provided in that response, Caltrans finds that the described measures would appropriately address project-related noise effects. Additionally, the requested meeting between the District, Caltrans, and FHWA to discuss noise-control strategies or other concerns for the proposed project can be arranged. You will be contacted during the community outreach discussed in response to Comment 02, above.

REGIONAL AND LOCAL AGENCIES — COMMENTS

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03 cont. significant noise impacts from the Project to a level of insignificance, both during and post-construction.

2) Traffic Patterns and Pedestrian Routes

The DEIR makes the finding that impacts to transportation and traffic are either "less than significant" or will produce no impacts at all. (DEIR CEQA Environmental Checklist – Appendix G.) The District respectfully disagrees with this finding since the DEIR fails to consider the direct significant impacts of the Project upon both traffic and pedestrian routes to schools within the District, particularly Oceanside High School.

Specifically, the DEIR provides that the Mission Avenue Interchange will be reconfigured and the Mission Avenue overpass will be enhanced with expanded pedestrian access, street lights, street trees and benches. (DEIR pp. 3.7-34 and 3.4-5.) The Mission Avenue Interchange and overpass constitute a major access artery for students and parents to Oceanside High School and other schools within the District. The District understands that such reconfiguration and enhancement will prove beneficial to the community once completed; however, the District is concerned that the DEIR does not sufficiently address the potentially significant impacts to traffic patterns and pedestrian access during the construction phase of the Project and does not provide appropriate mitigation measures.

04 In order to successfully mitigate impacts from the Project to traffic patters and pedestrian routes, the District respectfully asks that Caltrans provide crossing guards and flag persons, as needed, during construction related activities that affect pedestrian and vehicular access on the Mission Avenue Interchange and overpass. Additionally, the District requests that Caltrans notify the District prior to commencing any construction activity on the Project within five (5) miles of the Mission Avenue Interchange and overpass in sufficient time for the District to reschedule its bus routes and take other actions to protect the safety of its students.

Moreover, the District is concerned that the DEIR does not adequately address the potential impacts to pedestrian and bicycle passageways, which may significantly affect the safe ingress and egress of District students to and from other District schools. For this reason, the District respectfully requests a meeting with FHA and Caltrans to address the protection of student passageways, including all overpasses, that will be impacted by the Project, particularly Oceanside Boulevard, Bush Street and Mission Avenue. Once again, not only is such a discussion important for reducing any potentially significant impacts to the safety of District students, but it is also necessary to ensure the "safe and efficient movement of people and goods through the City of Oceanside with minimal disruption to the environment" in accordance with the Oceanside General Plan. (DEIR p. 3.1-36.)

RESPONSES

04 Regarding potential traffic and access concerns during project construction, EIR/EIS *Section 3.6, Traffic and Transportation/ Pedestrian and Bicycle Facilities*, evaluates potential project-related traffic impacts, including effects to existing vehicular and pedestrian traffic patterns and access. Based on this analysis, Stage Construction, Traffic Handling, and Detour Plans would be developed during the Plans, Specifications and Estimate (PS&E) phase of the project. These plans would include pedestrian and bicycle components and also would entail further coordination with OHS on related issues. In addition, a Traffic Management Plan (TMP) would be developed during the PS&E phase to address associated construction-related issues. Specifically, the TMP would be intended to inform the public of upcoming detours and construction schedules, as well as to minimize construction-related traffic delays, closures, and other issues. Please refer to Topical Response "Construction Traffic."

Signs would be used as appropriate to provide notices of bike and pedestrian facility closures, detours, and other pertinent information. More detail regarding the TMP can be found in EIR/EIS *Section 3.6.4* and Topical Response "Construction Traffic."

Caltrans will work closely with the Oceanside Unified School District and OHS to minimize potential impacts to traffic and pedestrian access during the construction phase of the project. The described measures are considered to adequately and appropriately address construction-related traffic and access effects, ensure public safety, and provide conformance with the Oceanside General Plan. Your comments and suggestions regarding the provision of crossing guards and/or flaggers and pre-construction notification will be considered during the ongoing

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	04 cont. project design process. Additionally, the requested meeting between the District, Caltrans, and FHWA to discuss traffic control and access strategies or other concerns for the proposed project can be arranged. You will be contacted during the community outreach discussed in response to Comment 02, above.

REGIONAL AND LOCAL AGENCIES — COMMENTS

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05 3) Air Quality

The construction activities related to the Project will require mitigation measures related to air quality as referenced in the DEIR. (DEIR pp. 3.4-6 and 3.14-11.) Although the DEIR does provide for certain mitigation measures related to impacts to air quality, such as locating construction equipment and truck staging as far away as feasible from schools and restricting the idling of construction vehicles within the vicinity of schools, the District is concerned that the proposed mitigation measures do not address the dust that will undoubtedly result from the construction of the Project. Such dust and additional particles released into the air as a result of construction activities within the vicinity of District schools, particularly Oceanside High School, will potentially cause significant impacts to air quality. This is especially true when sporting events and other activities take place at the athletic facilities of Oceanside High School. Due to these facts, the District requests that the following language be inserted into the FEIR to reduce potential significant impacts to air quality at District schools:

> "During the construction of the Project, reasonable efforts shall be made to limit construction along the portion of the Interstate 5 Freeway, that is located along the Oceanside High School, to times when school is not in session and when no school related activities are taking place on the Oceanside High School's athletic fields."

Additionally, the District asks that air impacts be monitored and quantified on a regular basis during construction of the Project, especially those areas of the Project located near District schools, to ensure all potential air pollution impacts are reduced to a level of insignificance and to ensure the health and safety of District students.

06 4) Visual / Aesthetics

The DEIR states there will be potentially significant impacts related to aesthetics. (DEIR CEQA Environmental Checklist – Appendix G.)

The District has invested a significant amount of public money in a new football stadium and will be constructing a performing arts facility / amphitheatre at Oceanside High School. The home side of the seating area for the new football stadium faces the Freeway. The District is concerned that the current mitigation measures do not address this fact. Thus, the District requests additional mitigation measures be included in the FEIR to ensure any potentially significant aesthetic impacts to people seated in the new football stadium, who have a direct view of the Project, both during and post-construction, are reduced to a level of insignificance. Such mitigation measures should include making sure that any proposed vegetation or designs of walls, as part of the Project, are aesthetically agreeable with the sightlines of people seated in the stands of the new football stadium.

RESPONSES

05 A number of measures are identified in EIR/EIS *Section 3.14, Air Quality*, to control construction-related dust and PM generation. Specifically, these include conformance with Caltrans' Standard Specifications, which also require conformance with San Diego Air Pollution Control District (SDAPCD) regulations. Both sources require that specific measures be implemented to reduce fugitive dust emissions during construction. In addition to the requirements to appropriately locate construction operations and equipment, and to restrict idling time for construction equipment outlined in this comment, the noted Caltrans Specifications include requirements for contractors to comply with applicable air pollution control rules, regulations, ordinances, and statutes through efforts such as application of water and/or dust palliatives. Please also refer to Topical Response "Air Pollutants" for additional general information on air quality concerns, including dust and PM controls.

06 Regarding your concerns related to potential visual or aesthetic effects to viewers from the OHS football stadium and the potential use of landscaping and/or wall design to address this issue, *Section 3.7, Visual/Aesthetics*, of the EIR/EIS identifies a number of measures related to potential visual impacts. Specifically, these may include efforts such as the corridor-wide replacement and/or installation of landscaping enhancements to provide visual screening and blending; use of retaining walls in applicable locations to reduce grading requirements; incorporation of landscaped earthen berms as noise abatement facilities where possible, either in lieu of or in combination with structural walls; use of articulated or textural facades on retaining walls and soundwalls to provide contrast and avoid a monolithic appearance; use of transparent materials in soundwall design where appropriate to retain desirable views; and incorporation of terraced designs for applicable walls

REGIONAL AND LOCAL AGENCIES — COMMENTS	RESPONSES
	06 cont. to accommodate associated landscape screening (refer to Final EIR/EIS *Figures 3-7.113* through *3-7.119* and *3-7.122*). Although specific landscape design plans have not yet been prepared, such plans would be developed as the ongoing project design process proceeds and would reflect input from sources including Caltrans design standards and public comments. Please also refer to Topical Response "Visual/Community Effects" for more information on potential visual concerns and related landscaping and wall design elements.

REGIONAL AND LOCAL AGENCIES — COMMENTS

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07

5) Hazardous Materials

The DEIR provides that hazardous waste in the form of petroleum hydrocarbons may be encountered during construction of the Project. (DEIR p. 3.13-2.) Three areas specifically identified with a "Medium" possibility of finding hazardous materials are Brooks Street, Mission Avenue and Oceanside Boulevard. (DEIR Table 3.13-1.) In accordance with its duty to ensure a safe and healthy learning environment for its students, the District is concerned that current mitigation measures do not adequately address the potential significant health impacts from hazardous materials that may be discovered during construction of the Project, especially taking into account the proximity of Oceanside High School to the Project. Accordingly, the District requests that the following language be added to the proposed mitigation measures related to hazardous materials:

> "In the event any hazardous materials are located within the vicinity of any District school, including but not limited to the Oceanside High School, Caltrans and FHA shall immediately notify the District and provide an explanation of the remediation measures to address the discovery of any hazardous materials during the construction of the Project."

Thank you for the opportunity to review and comment on the DEIR. The District appreciates your careful consideration of this letter and looks forward to your responses to the District's concerns and evaluation of the District's comments in the FEIR. If you have any questions or comments concerning this letter, please contact Luis Ibarra, Associate Superintendent of Business Services for the District, at 760-966-4000.

Sincerely,

FAGEN FRIEDMAN & FULFROST, LLP

Peter K. Fagen

PKF:GR

cc: Luis Ibarra, Oceanside Unified School District

00261.00128/235703.1

RESPONSES

07 The Final EIR/EIS has been revised to include the measure proposed in this comment in *Section 3.4*, which addresses community coordination. EIR/EIS *Section 3.6* requires the preparation of a Traffic Management Plan (TMP) to minimize delays during construction. The TMP would encompass a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please also refer to Topical Response "Construction Traffic."

REGIONAL AND LOCAL AGENCIES – COMMENTS

solana beach school district

BOARD OF EDUCATION
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SUPERINTENDENT
Leslie Fausset

November 19, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, California 92110

Dear Ms. Harrison:

On behalf of the Board of Education of the Solana Beach School District, this letter is written in opposition to the proposed I-5 expansion project. We are greatly concerned about the negative impact of this substantive project.

01 The Solana Beach School District includes the City of Solana Beach, Fairbanks Ranch, portions of Rancho Santa Fe, portions of Carmel Valley, and portions of the new community of Pacific Highlands Ranch. In the City of Solana Beach we have a community split by the I-5 freeway. All Solana Beach City students attend two schools. Our K-3 school is west of the I-5 and our 4-6 school is east of I-5. With the most recent expansion and development of the freeway onramp upgrade we have increased supervision to ensure student safety coming to and from school. We cannot imagine the magnitude of the safety issue with the possible expansion of six additional lanes.

02 Further, the potential for increased pollution has many of our parents concerned and alarmed. At our parents' request, we work hard to communicate the importance of not leaving your engines idling when you are dropping off and picking up children. The long-term negative impacts and effects of frequent exposure to engine fumes and pollution are not fully known but research is documenting serious long-term health consequences for this exposure.

03 We are hopeful that other transportation alternatives can be fully explored before committing to a project of this magnitude. Thank you for your consideration.

Sincerely,

Leslie Fausset

Leslie Fausset
Superintendent

309 North Rios Avenue, Solana Beach, California 92075-1298 • Phone (858) 794-7100 • Fax (858) 794-7105

RESPONSES

Responses to Leslie Fausset, Superintendent, on behalf of the Board of Education of the Solana Beach School District

01 Thank you for your comments regarding school access and safety. The well-being of the students and the traveling public is paramount to Caltrans. Every effort has been made to design this project to the highest design standards as much as practicable. Construction of the I-5 High Occupancy Vehicle (HOV)/Lomas Santa Fe Interchange Improvements Project is complete. Caltrans held numerous meetings with the Solana Beach School District (District) and the City of Solana Beach to improve the original design features along Lomas Santa Fe Drive within project limits, and revised the pavement delineation and provided additional signing along Lomas Santa Fe Drive to ensure a consistent school route for the students within both the City and Caltrans rights-of-way.

Please note that the I-5 / Lomas Santa Fe Interchange was constructed to its ultimate condition in the vicinity of Lomas Santa Fe Drive during this prior construction. The bridge deck was constructed to its ultimate width. No major modifications would be made to Lomas Santa Fe Drive under the proposed project. Lomas Santa Fe Drive would, in essence, remain in its current condition.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	01 cont. Please also note that any concerns you may have regarding the construction period would be addressed in Stage Construction, Traffic Handling, and Detour Plans developed during the Plans, Specifications and Estimate (PS&E) phase of the project. These plans would include pedestrian and bicycle components and also would entail further coordination with applicable entities on related access and safety issues, including the District. In addition, a Traffic Management Plan (TMP) would be developed during the PS&E phase to address associated construction-related transportation issues, including safety and access. Specifically, the TMP would be intended to inform the public of upcoming detours and construction schedules, as well as to minimize construction-related traffic delays, closures, and other issues. Caltrans will work closely with the District to minimize potential impacts to traffic and pedestrian access during the construction and operational phases of the project. Please also refer to Topical Response "Construction Traffic."
	02 It is true that the highest emissions of carbon dioxide from motorized traffic occurs at stop-and-go speeds (0-25 miles per hour) and especially during idling. For this reason, a restriction on idling is one of the elements incorporated into *Section 3.14.4* of the EIR/EIS. This restriction would be incorporated into the contract of the construction contractor. With regard to longer-term potential air quality and related health effects, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. Given the nature of the project, which is designed to maintain or reduce travel time through reduction in congestion along the I-5 corridor, it is anticipated that health effects associated with traffic congestion would be improved over existing conditions. The mobile source air toxics (MSAT) analysis conducted for the proposed alternatives indicated that there would be an approximately 49 percent decrease in 2030 MSAT emissions over base year conditions (2006). Individual differences in MSAT emissions among the No Build alternative and the Build alternatives are provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12*, for future years 2015 and 2030. Please also refer to Topical Response “Air Pollutants” for additional discussion of air quality and anticipated project effects.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	03 EIR/EIS *Chapter 2, Project Alternatives*, includes descriptions of the alternatives carried forward for full evaluation within this EIR/EIS, as well as several additional alternative scenarios that were considered but rejected for various reasons. Refer to *Section 2.6.1, Rejected Build Alternatives,* for additional information. For potential alternatives involving other transportation modes, which were considered during earlier phases of project planning, please note that the project is only one element of a multi-agency, multimodal improvement effort for North County Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement for the overall system to work at peak efficiency; improvements to many of these facilities are also currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please also refer to Topical Response "Corridor Alternatives" for additional information regarding other transportation modes (e.g., monorail, ferry) considered during evaluation of North Coast Corridor transportation needs, as well as Topical Response "Rail Preference" for information on ongoing rail upgrades that are being separately prepared for the corridor.

REGIONAL AND LOCAL AGENCIES – COMMENTS

Unified Port of San Diego

3165 Pacific Highway, San Diego, CA 92101
P.O. Box 120488, San Diego, CA 92112-0488
619.686.6200 www.portofsandiego.org

November 22, 2010

Shay Lynn Harrison
Environmental Division
CA Department of Transportation, District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Re: Interstate 5 North Coast Corridor Improvement Project Environmental Impact Report/Statement

Dear Ms. Harrison:

01 Thank you for the opportunity to review this Environmental Impact Report/Statement (EIR/EIS). We note that no part of this project directly affects the San Diego Unified Port District's property since the improvements are entirely located in North San Diego County. We have no specific comments regarding either the EIR/EIS's analysis or on any of the project alternatives discussed in the document.

The District is, however, very interested in public infrastructure improvements that facilitate the movement of goods shipped to and from the District's maritime facilities. Overall, the District's maritime business generates about $600 million annually in economic impact to the San Diego region. About 5,000 jobs are rooted in the region's maritime industry, and the average salary and benefits are about $60,000 a year. Therefore, we support efforts by CalTrans to improve freight movement infrastructure throughout the San Diego Region.

Please call me at (619) 686-6468 or e-mail me at jhelmer@portofsandiego.org should you have any questions regarding this letter.

Sincerely,

John W. Helmer
Director, Land Use Planning

San Diego Unified Port District

RESPONSES

Responses to John W. Helmer, Director of Land Use Planning at the Unified Port of San Diego

01 Thank you for your comments in support of the proposed project. Your comments are part of the public record.

REGIONAL AND LOCAL AGENCIES – COMMENTS

CARMEL VALLEY COMMUNITY PLANNING BOARD
Attn: Allen Kashani, CVCPB Secretary
6025 Edgewood Bend Court
San Diego, CA 92130
858-794-2571 / Fax: 858-794-2599

October 28, 2010

Shay Lynn M. Harrison, Chief Environmental Analyst, Planning Branch C
California Department of Transportation, District 11, MS242
4050 Taylor Street
San Diego, CA 92110

Subject **I-5 NORTH COAST CORRIDOR PROJECT DRAFT EIR/EIS**
(I-5 Improvements: 27-Mile Widening from La Jolla Village Dr. to Harbor Blvd. in Oceanside)

Dear Shay:

01 The Carmel Valley Community Planning Board represents the residents, retailers, and workers directly east of I-5 from south of Carmel Mountain Rd. to the community limits to the north abutting the San Dieguito River Valley. The board also is the acting planning board designated by the City of San Diego Planning Commission and City Council to make recommendations to those bodies on land use issues in the North City Future Urbanizing Area Subarea II in the absence of residences, businesses, and commercial/office uses in that area and in lieu of a voter-approved subarea plan.

Overview

02 In its almost exclusive focus on the personal automobile, the "I-5 North Coast Corridor Project" DEIR/DEIS is in conflict with all relevant transportation policies and land use plans in the region. While other policies and plans call for balanced, multi-modal transportation corridors, this plan can only suggest that the completed project might eventually lead to a mass transit system. While there are many models for an efficient, multi-modal transit system, CalTrans chooses to not embrace them. Thus, the DEIR/DEIS remains relatively free of real analysis of what a massive investment in transit might accomplish, and the impacts of transit solutions are depicted as minimal.

03 When reading the DEIR/DEIS, one should consider the value of the corridor, in its impact on tourism, and its effect on the health and well being of the local population. It appears that the project would relegate the term "Coastal Corridor" to the history books, leaving only a concrete canyon that could just as well be in the middle of Los Angeles as in coastal San Diego.

04 Each of the "Build Alternatives" would significantly change the character of the I-5 coastal corridor throughout its 27-mile length; yet, the DEIR/DEIS fails to assess the project's impacts on communities. The urbanizing impacts of the massive additions of lanes, walls, ramps, and bridges on these communities should be addressed, from the point of view of the resident living on the edge of an enormous sea of asphalt, and from the psychological impact on visitors arriving in these communities through gaps in the concrete edifice of the sound walls.

05 Even with this multi-billion addition to our community, studies show that the project is doomed to failure. Given the considerable research into similar projects showing that the benefits of expanded freeway capacity themselves generate more traffic, it seems clear that this would be money badly spent.

RESPONSES

Responses to Frisco White; Chair, Carmel Valley Community Planning Board

01 Thank you for your comments, which are part of the public record.

02 The *I-5 NCC Project* does not solely focus on the automobile. Community enhancement features included in the project are described in EIR/EIS *Section 2.3*, *I-5 North Coast Regional and Community Enhancement Projects*, and include bicycle and pedestrian trail connections, new trails, park and ride facilities, streetscape improvements, and other opportunities that would be constructed simultaneously with the *I-5 NCC Project*. Furthermore, the *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways), are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	02 cont. environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to Topical Response "Corridor Alternatives" for additional information regarding the extensive planning and alternative evaluation process that led up to the current proposed improvements, as well as Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.
	03 This comment regarding the value of the I-5 corridor is noted. It should be noted that in many instances, project walls would be located only on one side of I-5. In addition, walls are linear facilities, with views shifting as the viewer moves along or adjacent to the freeway corridor. Views following potential project implementation would continue to be mixed, with some open and some blocked, which is similar to existing conditions; the latter condition would be addressed to the extent practicable through implementation of project measures to address associated potential visual concerns. Views toward the coastal resources along I-5 would be largely maintained. This is shown in a number of additional simulations provided in this Final EIR/EIS in *Section 3.7.3* under the heading *Other Representative Views*. Please see *Figures 3-7.75* through *3-7.96*, and *3-7.108* through *3.7.110* for depictions of I-5 relative to coastal features. The improved accessibility to the coast due to improved traffic flow, proposed project enhancements to the community including pedestrian and bicycle facilities, and provision of HOV/Managed Lanes, would be expected to benefit tourism and the health and well being of the local population. Please refer to Topical Response "Visual/Community Effects" for additional information regarding the character of the corridor.
	04 The impacts of the project on community character are evaluated in EIR/EIS *Section 3.4.1, Community Character and Cohesion*. The urbanization of views due to the retaining walls and other structures is analyzed in EIR/EIS *Section 3.7, Visual/Aesthetics*.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	04 cont. Although the visual effect related to project implementation along I-5 is identified as "high," this visual effect would primarily be experienced by users of the highway. As a linear facility, visual impacts would diminish in severity as the viewer moves off the freeway and into the surrounding environment with competing visual elements.
	05 The studies referred to in this comment are unclear. With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases as part of a multimodal system. The potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic.

REGIONAL AND LOCAL AGENCIES — COMMENTS

05 cont. CalTrans needs to include references to these studies and defend why they should be ignored out-of-hand.

06 Given the impacts to the coastal environment, to visual and aesthetic values, to communities, to noise and air qualities, and given the questionable success of reducing congestion with alternatives such those proposed, CalTrans and other transportation planners should begin anew with fresh ideas and/or new planners and engineers that would not totally and negatively transform the coastal corridor. CalTrans must re-think its role in shaping solutions to transportation problems, moving away from the automobile-centric answers and towards more creative and modern solutions.

Our comments on the I-5 proposal are in two parts:

A. SUMMARY OF CONCERNS WITH THE ACCURACY AND FINDINGS OF THE DEIR/DEIS AND WITH "THE I-5 NORTH COAST CORRIDOR PROJECT" (THE PROJECT") IMPACTS

B. DETAILS OF CONCERNS AND TEXT REFERENCES

A. SUMMARY OF CONCERNS WITH THE ACCURACY AND FINDINGS OF THE DEIR/DEIS AND WITH "THE PROJECT" IMPACTS

07 **I. The four "build alternatives" reflect no comprehensive regional transportation solutions to traffic congestion because they perpetuate automobile use and relegate mass transit to some vague future:**

- They ignore innovative transportation solutions being sought and accomplished in major cities and regions elsewhere;
- They are inconsistent with the "Mobility Element" of the San Diego General Plan (2008) in which the overall "Purpose" is "To improve mobility through development of a balanced, multi-modal transportation network…that gets us where we want to go and minimizes environmental and neighborhood impacts." (ME-3);
- They are inconsistent with the Carmel Valley Community Plan whose overall "Planning Principle" is that future communities (such as then "North City West") "should carefully consider locations that can most readily accommodate and support realistic future alternative modes of transit other than the automobile."
- They are inconsistent with SANDAG's current "Regional Transportation Plan (RTP) and "North Coast Transportation Study" which holds that because of the high increase in the I-5 corridor (a regional concern) and "Given the constraints on I-5, the coastal rail and parallel arterials, (all of the transportation agencies) concurred that a corridor-level study was needed to address the long-range needs of this multi-modal transportation corridor (emphasis added.) [Chapter 1, pp. 1-9]

08 **II. Each build alternative would change the character of the coastal region and communities by virtue of high retaining walls, noise abatement walls and, as the DEIR/DEIS points out, the widened freeway would be experienced as double the current size. The DEIR/DEIS accurately states that this project would change the corridor from a suburban to an urban setting. There are significant and unmitigable environmental consequences, which are judged inconsequential in the document.**

- The most significant and unmitigable "Environmental Consequence" of all four "Project" build alternatives would result in highly adverse changes to the existing visual and aesthetic environment along the project corridor.
- "The natural character of the I-5 corridor would become noticeably more urban, and scenic resources now available to the traveling public would become less visible." (S.5, p. S-3) Mitigation for this impact is not possible, only future roadway design ideas, such as bridge abutments, are offered as tools to minimize impacts.

RESPONSES

06 Please refer to the response to your Comment 02.

07 Regarding transportation solutions, please refer to the response to your Comment 02.

Regarding consistency with the City of San Diego General Plan, EIR/EIS *Section 3.1.2*, *Consistency with State, Regional, and Local Plans and Programs*, concluded that the proposed project would be generally consistent with the City of San Diego General Plan because the project involves the expansion of an existing transportation corridor, would not result in any substantial land use changes within the project corridor, and would minimize effects to adjacent existing land uses. The Mobility Element of the San Diego General Plan explicitly outlines an increase in capacity and a reduction in congestion along the freeway system as a primary goal. The project is only one element, but an important element, of the multimodal transportation network planned for the region.

Project consistency with local plans and policies is evaluated in EIR/EIS *Table 3.1.1*. The project was found to be consistent with the policies of the Park, Recreation, and Open Space Element and Transportation Element of the Carmel Valley Community Plan. In the evaluation of the Carmel Valley Community Plan in *Table 3.1.1*, for example, the EIR/EIS concluded that the proposed project would not adversely affect potential to provide a transportation network that is integrated, complementary, and compatible with other Citywide and regional goals. The land use

REGIONAL AND LOCAL AGENCIES – COMMENTS | RESPONSES

07 cont. pattern contained in the Sustainable Communities Strategy (SCS), which is the companion document to the Regional Transportation Plan (RTP), plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns can, however, take extended time to implement. As a result, despite planned regional densification, the RTP identifies the need for improvements along the I-5 corridor. These improvements would allow the time necessary for the region to work toward complex solutions, such as smart growth.

The proposed project is included in the San Diego Association of Government's (SANDAG's) 2012 Regional Transportation Improvement Program (RTIP), as amended, and SANDAG's 2050 Regional Transportation Plan (RTP). The SANDAG revenue-constrained projects lists include the proposed project. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. From the I-5 / I-805 merge north to Vandegrift Boulevard, the proposed facility is shown with existing general purpose freeway lanes, which range in number from 8 to 14, depending on segment, as well as the 4 HOV/Managed Lanes proposed by the Preferred Alternative. The Preferred Alternative is consistent with the 2050 RTP, as well as generally consistent with the project description in the 2030 RTP and 2010 RTIP. The proposed improvements would support future regional planning related to rapid transit and are consistent with currently planned rail improvements.

08 Impacts on views of and from the freeway are evaluated in EIR/EIS *Section 3.7*, *Visual/Aesthetics*. EIR/EIS *Section 3.7.4, Avoidance, Minimization, and/or Mitigation Measures,* explains that because the project has not yet been subject to detailed design, precise specific visual mitigation measures cannot be proposed at this time. The EIR/EIS also states that alternative mitigation measures may be necessary in each viewshed as project designs are developed and mitigation design guidelines are applied, that the overall visual impact of each mitigated build alternative would

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08 cont.

- The entire "Project" is presented as the only way to manage congestion in the region even though the character of each community in the corridor will be strongly urbanized and each community will become isolated by large barriers.

09

III. "The Project" could likely return the corridor to failed levels of service (LOS) from 5-10 years after completion.

- Each build alternative is seen to achieve "The Project" purpose and need: to "Improve travel times in the corridor" and "Provide a facility that is compatible with future bus rapid transit and other modal options;"
- The Torrey Pines Community Planning Group has uncovered numerous source studies, which contradict the philosophy that building more roadways solves congestion. In fact, some studies indicate that as "'road capacity increases, the number of peak-period trips also increase until congestion again limits further traffic growth.'"

10

IV. Given the impacts to the coastal environment, to visual and aesthetic values, to communities, to noise and air qualities, and given the questionable success of reducing congestion with these alternatives, Caltrans and other transportation planners should begin anew with alternatives which would not totally alter the coastal corridor.

B. DETAILS OF CONCERNS AND TEXT REFERENCES

11

I. The Four "Build Alternatives Reflect No Comprehensive Regional Transportation Solutions To Traffic Congestion Because They Perpetuate Automobile Dependence and Use and They Relegate Mass Transit To Some Vague Future. They require from $3.3 to $4.3 million and no source of future funding for a mass transit system is identified. They are inconsistent with major local and state land use policies.

(1) They ignore innovative transportation solutions being sought in major cities and regions elsewhere:

"The Project" alternatives described are: (1)"'10+4 with barrier' (a total of ten main lanes with four HOV/managed lanes contained in the median with barrier)"; (2) "'10+4 with buffer' (a total of ten main lanes with four HOV/managed lanes contained in the median with a painted stripe separation in lieu of a barrier)" (3) "'8+4 with a buffer' (a total of eight main lanes with four HOV/managed lanes contained in the median with a painted stripe separation)"; (4) '8+4 with barrier' (a total of eight main lanes with four HOV/managed lanes contained in the median with barrier in lieu of painted stripe buffer)" and (5) "the 'No Build' alternative." (p. 2-1)

"The Project" is to more than double the I-5 footprint for 27 miles to provide more room for cars. Vague references are made to future mass transit using the additional lanes but this project is solely for trucks, private busses, and cars. The project "Purpose and Need" are "To Improve travel times in the corridor" and to "Provide a facility that is compatible with future bus rapid transit and other modal options." (S-2)

Further, absent is documentation on funding for future North County Transit District or Metropolitan Transportation Systems mass transit components. Will the TransNet tax funds be available when billions of that essential funding source are allocated to this "Project?"

All previous studies leading up to "The Project" (included in this term are the five alternatives), including "input from…the NEPA/404 MOU integration process, and public scoping information", resulted in "The Project" overall goal:

"…to provide the full range of transportation modal alternatives that are cost-effective, promote and provide incentives for ridesharing and alternative modes, accommodate regional and interregional freight movements, minimize environmental and community impacts." (2.1)

RESPONSES

08 cont. remain high under the National Environmental Policy Act (NEPA), and that visual/aesthetics impacts would remain significant under the California Environmental Quality Act (CEQA) after mitigation identified in *Chapter 3.* Please refer to Topical Response "Visual/ Community Effects" for additional information regarding visual effects of the project.

With regard to isolation of communities—connectivity between the communities abutting the freeway has been substantially reduced by the existing freeway. As described in EIR/EIS *Section 3.4.1.3*, the proposed project would include community enhancement features in four general locations in the City of San Diego. In addition to the reconfigured interchanges, overpasses, and underpasses (all of which would be constructed with pedestrian and bicycle facilities), the community enhancement features in four general locations, if implemented, would increase connectivity between neighborhoods east and west of I-5 and provide residents with the ability to reach community facilities with greater ease. As a result, impacts to community cohesion in San Diego from the proposed project are likely to be positive.

09 EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities,* evaluates existing and future traffic conditions with and without the project alternatives. Final EIR/EIS *Tables 3.6.6 and 3.6.7* present projected levels of service (LOS) for these scenarios for I-5 freeway segments. It is true that LOS does not improve for every segment due to the magnitude of increased traffic in 2030 and limited widening of some alternatives; however, the factors of total delay, congested hours, and travel time compiled in Final EIR/EIS *Table 3.6.3* is projected to improve over no build conditions for all build alternatives. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to the response to your Comment 05.

Furthermore, the *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor

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	09 cont. through 2050 to allow the region to work toward complex solutions that take extended time to implement. Please also refer to the response to your Comment 02 with regard to planned multimodal improvements.
	10 The EIR/EIS objectively evaluates a reasonable range of alternatives to the overall project, as required by CEQA and NEPA. The process of identifying the build alternatives is addressed in detail in EIR/EIS *Section 1.4*, *History and Background*. Please refer to the response to your Comment 02.
	11 Please refer to the response to your Comment 02 with regard to the project's role in multimodal improvements being planned for the North Coast Corridor.

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12 "Transportation System Management (TSM)" and "Multi-Modal and "Transportation Demand Management (TDM Alternatives"] include strategies to maximize efficiency of the existing I-5 (ride-sharing; replacing stop signs with traffic signals at intersections to improve peak hour flow; "integrating multiple forms of transportation modes, such as pedestrian, bicycle, automobile, rail, and transit"; "promoting mass transit…" (2-12)

These techniques, however, "could not satisfy the purpose and need of the project", so, the freeway widening build alternatives were chosen.

The DEIR/DEIS is flawed in not explaining why these multi-modal and TDM alternatives were not included since the overall "Project" goal was to improve traffic congestion by 2030 using multi-modal transportation. We are provided no data of how much more efficient I-5 would be by incorporating mass transit now on even portions of I-5.

13 A major flaw in logic in the environmental document's rationale for widening I-5 to reduce congestion is the assumption (a correct one) that this widening will make it more enjoyable to drive one's car in this corridor. Since a major goal of "The Project", of SANDAG's Regional Transportation Plan (a priority of which is a multi-modal system that is fast, reliable, and pleasurable to use), and numerous transportation plans both local and State is to motivate people to get out of their cars and use some level of mass transit how does an (we think temporary) improvement in LOS motivate people to opt for mass transit?

14 The DEIR/DEIS concludes that "The Project" is consistent with "State, Regional and Local Plans and Programs." This is not accurate in many instances, but, in this discussion it is important to note SANDAG's "2030 RTP" and "2030 Regional Growth Forecast Update's" emphasis on what San Diegans have long lamented: "The (forecast) is not a prescription for the future. It simply portrays the likely outcome if we continue operating under our current plans and policies."

15 To pursue I-5 widening of this extreme based on the regional growth forecast is the pattern Caltrans has followed for years. This approach led the 2030 RTP to say explicitly what San Diegans have long lamented: "…we can't build our way out of traffic congestion." The DEIR/DEIS ignores this cogent statement and the 2030 RTP conclusion that:

> "…traffic congestion in San Diego will worsen over time unless we take actions to directly address travel demand and have options to get people out of their single occupant vehicles, especially during peak travel periods." (emphasis added)

16 Further, the studies researched by the Torrey Pines Community Planning Board and conveyed to CalTrans question the effectiveness of freeway expansion such as "The Project."

That board's October 7, 2010 draft comments on the DEIR/DEIS explain these studies' assertions that expanding freeways does not ease congestion, that, in their conclusions, " 'if 'road capacity increases, the number of peak-period trips also increases until congestion again limits further traffic growth'" (from June 4, 2010 report by Todd Litman of the Victoria Transport Policy Institute.)

This additional travel is called '"generated traffic and consists of diverted traffic (trips shifted in time, route and destination), and 'induced vehicle' travel (shifts from other modes, longer trips and new vehicle trips.)'" Like the "'law of demand'", as the price of goods decreases, the consumption of those goods increases.

17 **DEIR/DEIS Summary, p. S-5 which evaluates "The Project" on consistency with relevant land use policies. The DEIR/DEIS concludes with few minor exceptions that all "Build Alternatives" are either consistent with or that they pose no impacts to these policy documents, in all CEQA and NEPA categories:**

> (2) Each "Build Alternative" is inconsistent with the "Mobility Element of the San Diego General Plan (2008).

RESPONSES

12 TSM and TDM features are discussed in EIR/EIS *Section 2.2.3*, *Transportation System Management (TSM), Multimodal and Transportation Demand Management (TDM) Alternatives*, which notes that many of these measurers are elements of the project, while others are beyond Caltrans' jurisdiction (e.g., employers' setting of work schedules). Although these measures alone could not satisfy the purpose and need of the project, TSM and TDM measures have been incorporated into the build alternatives for this project. Project elements designed to reduce VMT include community enhancements such as bike, pedestrian, and park and ride facilities; providing a competitive option to single-occupant vehicles through the express lane system; and using fee revenue generated through congestion pricing to support transit within the corridor. In addition, the *I-5 NCC Project* includes a number of operational and TSM improvements such as ramp meters, vehicle detection, and changeable message signs that are designed to maximize the efficiency of the existing system and to provide improved traveler information. Even with the incorporation of these measures, however, the 8+4 Buffer alternative was the smallest alternative that would achieve traffic flow objectives based on SANDAG traffic modeling; therefore, use of TSM and TDM methods under the purview of Caltrans alone would not achieve the project objectives. Similarly, note that improvements to the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor were included in the No Build alternative, which would result in substantially greater traffic congestion than with I-5 improvements. In addition, the project is proposed to be flexible. The provision of HOV/Managed Lanes in association with the project does not preclude long-term future replacement with alternate transportation modes. Please also refer to the response to your Comment 02 with regard to incorporation of mass transit.

13 The role of Caltrans is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies; it would not be appropriate for levels of service on interstate freeways to drop to unacceptable levels in order to encourage use of other modes of transportation. The project does, however, include other elements that would encourage people to use alternatives other than the single-occupant vehicle. The proposed HOV/Managed Lanes

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	13 cont. are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Improvements to bicycle, pedestrian, and park and ride facilities also would encourage people to employ those alternate transportation modes. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously with other regional efforts to address transportation demand, including changes in land use patterns and improvement of public transportation alternatives. Please also refer to the response to your Comments 02 and 09.
	14 The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. While the Regional Growth Forecast Update does not represent a prescription for the future, the SCS and RTP represent the results of comprehensive regional planning efforts to address forecast growth. Please also refer to the response to your Comment 07 regarding consistency with these plans.
	15 Please refer to the response to your Comment 12 with regard to measures to minimize single-occupant vehicle use.
	16 Please refer to the response to your Comment 05 regarding the project's accommodation of anticipated traffic, including latent demand.
	17 Please refer to the responses to your Comments 02 and 07.

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CalTrans states that they will continue to coordinate with the City of San Diego, among other agencies, to assure compliance with land use and mobility plans. The only issue cited that could be an inconsistency with San Diego is a "Freeway agreement for Voight Dr. concerning a "Direct Access Ramp", this subject "pending." (S-7)

There is no discussion of conflicts with the basic principle of the Progress Guide and General Plan ("General Plan") overall "Mobility Element" which reads as follows:

> "(the overall) "Purpose" is "To improve mobility through development of a balanced, multi-modal transportation network…that gets us where we want to go and minimizes environmental and neighborhood impacts." (ME-3)

This overarching policy, approved after many years of stakeholder and elected official and City staff research, affirmed that not only was a true multi-modal system do-able but also that the City and state transportation agencies must discontinue the repetitious and failed approach that more highway miles for cars simply perpetuated the failed system of our existing freeways. Carmel Valley residents participated actively in this research through appointment to "The City of Villages" process.

Instead of the past automobile-oriented approach, these research teams concluded that, instead, all future transportation projects should be based on the policies that, for one example, lead to the goal that "transit…more efficiently link highly frequented destinations, while still preserving auto mobility." (DEIR/DEIS Chapter 3, section 3.1.12)

17 cont.

(3) They conflict with key SANDAG Transportation Planning Principles and Adopted "2030 Regional Transportation Plan (RTP).

After "The City of Villages" formula for transportation planning was adopted into the "General Plan", City and SANDAG planners coined the term "Transit First" to emphasize that the region can no longer improve traffic congestion by paving more roads. The City's major goal is to plan for and build "an attractive and convenient transit system that is the first choice of travel for many of the trips made in the City (not just downtown)" and "increased transit ridership." (ME-16) This can only be achieved by collaboration within the region with other transportation agencies, such as SANDAG and CalTrans. To that end, SANDAG adopted as a part of the "2030 Regional Transportation Plan" (RTP) the "Regional Transit Vision":

> "(this) calls for development of a fast, flexible, reliable, and convenient transit system that connects the region's major employment and activity centers with a rich network of transit services, and improves the quality of the travel experience for transit patrons…In addition to the existing and planned light and commuter rail networks the vision incorporates the use of Bus Rapid Transit (BRT) vehicles…(which) have the look and feel of rail vehicles." (ME-16)

The key to success of this "fast, flexible, reliable, and convenient" system is "the successful implementation of capital, operational, and station area improvements" which would "result in a transit system that is so attractive and convenient that transit will be the first choice of travel for many of the trips made in the region (emphasis added) [ME-16]

4) They are inconsistent with the Carmel Valley Community Plan Overall Planning Principle that future communities (such as then "North City West) "should carefully consider locations that can most readily accommodate and support realistic future alternative modes of transit other than the automobile."

18

Under "PLANNING PRINCIPLES...Transportation Principles, the transportation system should also be used as a tool for shaping the…environment. This can be accomplished by integrating the major system into the natural land forms and by complementing open space systems." (Planning Principles-7)

The four build alternatives would push I-5 farther into the natural open space corridor at Carmel Valley's northern reaches, and, as discussed later under "II They each would change the character of the coastal region and communities…", they would enclose the uplands and wetlands of the San Dieguito River and

RESPONSES

18 EIR/EIS *Section 3.1.2, Consistency with State, Regional, and Local Plans and Programs*, notes that Caltrans is not a land use planning agency and has no authority to implement local land use goals; it is Caltrans' responsibility to plan, design, and maintain the State highway system, and set the standards for facility development within the corridor. Please also refer to the response to your Comment 07.

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of Carmel Valley Open Space. This situation is at direct odds of the community plan guiding principle to not have roads erode the "natural land forms." The "Circulation Element" objective, like those of all other elements, emphasizes that the element must "promote preservation of the natural environment." (p. 101)

The community plan "Commercial Element" major objective is to create a "balanced transportation network within the community which would link to the regional transportation network which would require a "transit station site."
Although this site was depicted, the transit station has never been built due to poor City transportation planning. However, the goal here underscores the community plan's vision of an integrated regional multi-modal mass transit system.

The community plan's "Circulation/Transportation Element" is blunt regarding the region's poor performance in transportation planning, even in 1975:

> "San Diego has excelled in the field of transportation planning for personal vehicles. Although it is acknowledged that the automobile will plan an important part in providing transportation needs for (Carmel Valley), the major emphasis of the circulation element is to provide an alternative mode of transportation in order to implement a balanced circulation system." (p. 99)

18 cont.

A circulation system built around the automobile "cannot meet the total transportation needs of (Carmel Valley) since it cannot efficiently serve a significant segment of the population, including the elderly, the young, the poor, or those who choose not to drive…" (p. 99)

Today, the community planning board is beseeched by elderly residents for help with transportation even within the community. These seniors have no resource for mass transit outside the community. Many are forced to leave their homes and live in senior care facilities for no other reason than the transit vans offered.

A failure of the DEIR/DEIS is that it selects passages from land use plans, which only advance the build alternatives. For example, the Carmel Valley Community Plan "Circulation Element" is quoted only from the single principle to develop a "balanced community", achieving social parity by providing equal mobility and access for all residents and from other key principles involving improved bicycle and pedestrian facilities, promotion of carpooling, etc. are seen to be compatible with the plan, and "The proposed project…is compatible with and complements Bus Rapid Transit Service." (3.1-23)

Again, as mentioned above, this project does little to nothing to provide Bus Rapid Transit Service except to lay more asphalt, which, some day, could be converted to BRT service.

The document is silent on the key principles and the community plan warning that:

> "…the consequences of building more circulation systems for the auto":
> are not unfamiliar. Automotive congestion soon reduces, rather than increases, the desired mobility and causes air and noise pollution; <u>business and government must make large investments in circulation and parking facilities…</u>" (emphasis added)

19

Today, 35 years later, this "large investment" by business and government to design and build a comprehensive, mixed modal regional circulation system with efficient and comfortable modes of travel has not happened and this "Project" reverts to transportation planning that was considered obsolete even by 1975.

Finally, the community plan "Public Transportation System" was envisioned to be a "Regional Express and Sub-regional system…proposed to operate on freeways and/or major streets." At least two lanes for "exclusive transit use" should be reserved at first by buses "but could be converted for use by fixed guideway systems as the need arises." Even in 1975 the "trolleys on wheels" on their own lanes were anticipated, such vehicles that are described in the "General Plan" as one of the most efficient ways to reduce roadway congestion. This "Project" ignores these innovations.

RESPONSES

19 The proposed project includes elements supportive of bus rapid transit (BRT), including HOV/Managed Lanes, which would give bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods, thus encouraging bus usage. Although the proposed project is intended to be compatible with any mass transit options being considered by SANDAG and the North County Transit District (NCTD), Caltrans is only responsible for the highway improvements associated with the multimodal improvement effort for the North Coast Corridor. SANDAG revised the timing of BRT in the North Coast Corridor following the publication of the Draft EIR/EIS (see the Final 2050 RTP of October 2011). At this time, the number of buses running North County routes in this area do not support construction of lanes restricted solely to buses. Lanes accommodating buses as needed, as well as carpools and paying single-occupant vehicles would provide the greatest transit support and move the greatest

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Given these principles and their clear message that transportation planning both within Carmel Valley and in the regional transportation system surrounding it, the following DEIR/DEIS comments are supportable:

20 "(regarding) the **Carmel Valley Community Plan**...The proposed project is located near Neighborhoods 2 and 3 (and neither of these precise plans…contains policies relevant to the proposed project." (3.1-20)

An ancillary issue for Carmel Valley concerns the specific project of a "Pedestrian Bridge" spanning I-5 from Lozana Road (actually the parking lot of Del Mar Hills Elementary School) in the Torrey Pines community to Lower Ridge Rd. in Carmel Valley. (pp. 2-36) This bridge would "provide the opportunity for a dramatic gateway marking the northern entry to San Diego."

It also is seen as an "enhancement" for the Torrey Pines and Carmel Valley communities as it would "allow a safe route to school for students living on opposite sides of the freeway" and it would connect the two communities as if they are now isolated from each other. The students are in two different school district, therefore the bridge would be of no benefit for travelling to school. The DEIR/DEIS ascertains that the communities surrounding Del Mar Heights Road would benefit from this bridge as if this "community enhancement" would make the I-5 widening pill go down more easily. This is not the case: there is no "benefit" because these communities do not rely on I-5 in order to access each other.

While three of the "community enhancement" projects proposed will increase trail access and provide a connection from the CVREP trail to the beach along Sorrento Valley Road, the fourth "enhancement"---a multi-million dollar bridge to nowhere---sounds like a foolish boondoggle not needed by the community.

The DEIR/DEIS does not depict the rationale for this bridge; rather, CalTrans technical studies, not included in the DEIR/DEIS, are the source for the bridge. In January 2008 one such study listed it as "Project #3: Pedestrian Overpass Connection North of Del Mar Heights Road." The bridge would "improve the visual linkage between the communities…" and would be an improvement to the "existing conditions at Del Mar Heights Road" (which) are congested and unpleasant."

21

The Carmel Valley Community Planning Board vaguely recalls mention of this "amenity" possibly in 2008 but it has never voted on it and if any, only sketchy details were part of the presentation. Were it to vote on it today, the board would be very concerned about the San Diego Police Department's safety consultant who, in an August 9, 2010 letter to the Torrey Pines Community Planning Board chair, Dennis Ridz, warned about the overall safety of such a bridge:

"Pedestrian bridges and their approaches are potential entrapment spots. A person on the bridge has nowhere to run if threatened by another person(s) or its approaches. And a person on the bridge cannot be seen or heard by anyone else if threatened…freeway noise level will block out anyone calling or whistling for help."

Ways to improve the safety of a pedestrian bridge are suggested but none are possible in this location where a narrow path in Carmel Valley is the only place people crossing the bridge can be seen. Further, the SDPD advises, fencing should be used to limit the bridge to daytime use. Emergency calls from cell phones might not be heard "over the freeway noise."

Thus, the DEIR/DEIS has completely failed to evaluate the safety aspects of this proposed bridge and the final document must justify this bridge, given the valid and frightening concerns of law enforcement.

22 **II. Each build alternative would each change the character of the coastal region and communities by requiring high retaining walls, noise abatement walls and, as the DEIR/DEIS points out, the widened freeway would be experienced as double the current size. The DEIR/DEIS accurately states that this project would change the corridor from a suburban to an urban setting. There are significant and unmitigable environmental consequences, which are judged inconsequential in the document.**

RESPONSES

19 cont. number of people at this time. Although specific BRT facilities would not be constructed as part of this project, future use of the HOV/Managed Lanes by BRT would not be precluded. Please also refer to the response to your Comment 02 regarding mass transit.

20 This comment regarding Neighborhoods 2 and 3 is noted.

21 The trail and pedestrian overcrossing just north of the I-5 / Del Mar Heights Road interchange was proposed as a community enhancement project to connect adjacent neighborhoods currently divided by the freeway. The bridge is proposed to include pedestrian lighting and safety fencing. Following circulation of the Draft EIR/EIS and receipt of comments, the connection to/from the neighborhood to the west was refined so the overcrossing now connects with the north-south I-5 North Coast Bike Trail.

The overcrossing received appropriate review. The Trails Manager for the City of San Diego was involved in review, and the overcrossing was one of the specific projects discussed at the February 14, 2005 Carmel Valley Community Meeting and February 21, 2006 Torrey Hills Community Meeting. At both of these meetings, the ultimate discussion conclusion appeared to be support for the overpass due to the improved safety of this proposed east-west route over use of Del Mar Heights Road. Responses at the Torrey Pines Community Planning Group on March 9, 2006, and at the Community Meeting held April 19, 2006 were mixed. The overcrossing is expected to provide a safer route over I-5 than is provided by Del Mar Heights Road. Final decisions regarding community enhancements will be made during ongoing discussions with the City of San Diego.

22 Changes to the character of the communities crossed by the project are evaluated in EIR/EIS *Section 3.4.1*, *Community Character and Cohesion*. EIR/EIS *Section 3.1.2*, *Consistency with State, Regional, and Local Plans and Programs,* evaluates consistency with the San Diego General Plan and individual community plans within the project area. EIR/EIS *Section 3.7*, *Visual/Aesthetics*, and the Visual Impact Assessment provide documentation of the visual impacts of the project. These issues are separately defined

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22 cont.

(1) The DEIR/DEIS accurately summarizes the changes "The Project" would bring to the I-5 coastal corridor: It would change from a suburban, low intensity corridor to an urban one (Table S-1). This finding also points to the internal inconsistency of this document. Table S-1 summarizes major potential impacts by alternative, concluding that the build alternatives would only result in "Minor inconsistencies with city and community plans" while also stating that the "visual character of the corridor would become substantially more urban." (emphasis added) and that "Visual quality would be lowered substantially" while the floodplain also would suffer "minor encroachment."

As the photos and photo simulations on pages 3.7-4, 3.7-5,3.7-18 and 3.7-19 graphically inform, the vastly-increased amount of asphalt, retaining walls and losses of open views of the coastal area cannot be considered "minor inconsistencies" with State, Federal, Regional, City, and community plans in this area. The final EIR/EIS should be more forthcoming about this major change in character to the coastal corridor.

23

This project would change the sloping, vegetated coastal hills to sterile, vertical walls traversing the entire corridor.

(2) The DEIR/DEIS accurately portrays the aesthetic and visual values of the existing coastal corridor, especially in the Carmel Valley, Del Mar Heights, Del Torrey Pines area, and the western San Dieguito River Valley, but then it minimizes the impacts on this resource, concluding, for example, that "Implementation would result in minor acquisitions of land and open water (of the San Dieguito River Park)…However, those acquisitions would not affect the function of the park." (3.1-25.)

This argument ignores the science of upland/wetland habitats. Most environmental researchers have learned that even small encroachments into already encroached-upon habitats can alter the ecosystem. Economies of scale are put into play: there has to be sufficient amount of specific habitat communities in order for the interaction and interdependence essential to species' survival to occur. The DEIR/DEIS accurately cites the California Coastal Act Section 30233, which discusses "Limited Allowance for Wetland Fill." This fill can happen "only when there is no feasible less environmentally damaging alternative." The DEIR/DEIS has not met this condition. The only build alternatives considered to reduce congestion are those, which widen the freeway to the large extent, forcing fill in the wetlands.

24

The DEIR/DEIS argument that "the visual character of the park would be unchanged" and that "The additional lanes…(of) the I-5 NCC project would not substantially alter views" is not supported by the descriptions in the document of the retaining walls and widened roadway and bridge across the river valley and the San Dieguito Lagoon. (3.1-33) Instead of the softly shaped vegetated slopes, vertical masonry cliffs would be the predominant feature of this landscape.

The DEIR/DEIS argues similarly for all sections along the coastal corridor near Carmel Valley, saying, essentially, 'yes, "The Project" would completely change the open character of the area but this impact would not affect the function of the resource.' And all land use plans and policies, which argue fiercely for preservation and enhancement of the coastal resources, are seen to be met by "The Project."

"San Diego is the largest City adjacent to ("The Project")"…the portion of the City…that may be affected by the proposed project includes the area east of Del Mar…" (3.1.2 and p. 3.1-20)

Further, this part of the coastal corridor is described in deservedly positive terms. While I-5 now links "two of the largest metropolitan regions in the country":

"…the character of the corridor has managed to survive. Expansive views of river valleys, coastal lagoons, beaches and other natural scenic resources offer a freeway driving experience like no other in southern California. Development densities near these natural features have remained low for the most part, and large groupings of mature trees are the primary visual element…

RESPONSES

22 cont. and discussed in conformance with the guidance in the Caltrans Standard Environmental Reference (SER). The project has been proposed as an expansion of an existing freeway within an established corridor in order to minimize changes to character and inconsistencies with local plans and policies. The visual analysis concluded, however, that the overall visual impact of each mitigated build alternative would remain high. This conclusion under NEPA is also reflected in EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects*, which notes that visual/aesthetics impacts would remain significant under CEQA after mitigation identified in *Chapter 3.*

23 As discussed in the response to your Comment 03, the proposed walls would not be continuous on both sides of the corridor. EIR/EIS *Section 3.1.2*, *Consistency with State, Regional, and Local Plans and Programs,* evaluates consistency with the San Diego General Plan and individual community plans within the project area. *Table 3.1.1* states that all four build alternatives are potentially inconsistent with the Torrey Pines Community Plan Resource Management and Open Space Element due to encroachments that could result in the loss of open space and vacant land adjacent to the existing I-5 right-of-way. The EIR/EIS notes that the Plan inconsistency would be mitigated through proposed project biological mitigation. Please note that impacts specific to biological function are separately addressed in EIR/EIS *Sections 3.17, Natural Communities*; *3.18, Wetlands and Other Waters*; *3.19, Plant Species*; *3.20, Animal Species*; *3.21, Threatened and Endangered Species*; and *3.22, Invasive Species*. The mitigation and enhancement features (the I-5 portion of the project Resource Enhancement and Mitigation Program, or REMP) address North Coast Corridor biological impacts and comprises a substantial part of the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP). The PWP also addresses impacts and proposed mitigation for the *I-5 NCC Project*, the LOSSAN projects, and local agency projects listed in that document. This program was developed in coordination with the resource agencies. Information presented in EIR/EIS *Section 3.17.3.3, Compensatory Mitigation,* details REMP information as it focuses on the *I-5 NCC Project*. Please also refer to the response to your Comment 02 with regard to alternatives.

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24 Impacts on views of and from the freeway are evaluated in EIR/EIS *Section 3.7*, *Visual/Aesthetics*. San Dieguito Valley is highlighted as an existing visual resource on *Figures 3-7.10* and *3-7.11*. San Dieguito River Park in particular also is addressed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f), which concludes that the build alternatives would not affect the dominant scenic elements of the 4(f) resource, which are the river, marsh areas, and vast open scenic views compared to the impacts of the existing I-5 freeway.

Impacts to the existing setting vary over the length of the project. For instance, the retaining walls and soundwalls proposed along the most densely developed portions of the corridor would result in significant and unmitigable visual impacts. This is stated in *Sections 3.7* and *3.25* of the EIR/EIS, as well as *Chapter 4.* The EIR/EIS provides measures for visual impact avoidance, minimization, and mitigation but states they are not sufficient to completely mitigate visual impacts. To an extent, the level of these impacts is associated not only with intermittent view effects, but also to their continued nature along this north-south travel way.

Specific to lagoons, however, project visual effects would not be as great. No soundwalls cross the lagoons, and the open undeveloped vistas to the east and west of I-5 would be unchanged. From I-5, views would be largely unchanged; currently drivers and passengers in the freeway eastern (northbound) or western (southbound) lanes have the most unobstructed and widest view of the lagoon area, and this condition would continue. Please refer to Final EIR/EIS *Figure 3-7.81* in comparison with *Figure 3-7.82*. For users of San Dieguito Park, the open and undeveloped views experienced by viewers facing away from I-5 would continue. The only changes relative to bridge support views would be related to a short retaining wall placed on the east side of I-5 south of the San Dieguito River in order to protect a wetland area located at the base of the I-5 slope, and a short retaining wall to reduce impacts north of the river by the trail west of I-5. Given the magnitude of the I-5 crossing over San Dieguito Lagoon—a clearly industrial and large-scale feature bisecting the park—the amount of visual change related to modifications from bermed soil to a short retaining wall at the northeastern extent of the bridge is

REGIONAL AND LOCAL AGENCIES – COMMENTS

24 cont.

Large structures normally found on urban freeways such as retaining walls and noise walls are, in a large part, absent from much of the corridor…natural landscape features remain in the forefront, opening scenic views from the road and screening views of the freeway from adjacent communities…

The I-5 corridor leads the traveler through a sequence of outdoor spaces that alternates between coast valleys and their corresponding uplands…" (p. 3.7-1)

25

This accurate portrayal serves to emphasize how "The Project" conflicts with the stated purpose of "The Project", to "improve travel times" as well as to "Protect and enhance the human and natural environment along the I-5 corridor." (emphasis added) [S.2) It also conflicts with CalTrans and Federal Highway Administration (FHWA) environmental policies summarized in the DEIR/DEIS (1-11). These policies

"recognize the need to protect and enhance the equality of life in accordance with the environmental, economic, and social goals of the State. Both agencies are mindful of the sensitivity of the coastal resources and the ongoing lagoon restoration efforts…"

However, "Both agencies would seek to not impede these efforts and would identify opportunities to minimize potential impacts to the maximum extend practicable."

The coastal corridor including Carmel Valley and the San Dieguito River Valley and Lagoon undergoing the massive Southern California Edison mitigation restoration is one of the State's last remaining wetlands, 92% of the former wetlands having been destroyed by development and pollution. The DEIR/DEIS statement that CalTrans would "seek not to impede these efforts" and the fact that doubling I-5, taking land from the wetlands, and building imposing retaining walls offers little comfort to our communities and river park supporters. The DEIR/DEIS fails to meet CEQA and NEPA requirements that all information about a proposal must be made available to the public. The vague allusion to "identify(ing) opportunities to minimize potential impacts" is unacceptable.

26

Key view #2---I-5 at Del Mar Heights Road (p. 3.7-18) is a clear example of "before" and "after" of this project, a photo simulation of the experience of driving north on I-5 at Del Mar Heights Road, and a similar experience is shown for travelers approaching the river valley north of Del Mar Heights Rd. The wholesale change from soft, vegetated slopes running continuously on both west and east of I-5 to vertical block walls would "produce a marked increase in the small-scale suburban character of the community. They would produce a marked increase in visual contrast between the freeway and its surroundings. **The change to visual character would be high.**" (emphasis added)

27

In this reference as with many in the DEIR/DEIS it is as if one author of the DEIR/DEIS has analyzed the potential impacts of "The Project" (as in the case above) and another author was tasked with determining if the impacts were significant. The first author is the one with credibility and consistency. The second one is whitewashing "The Project."

28

(3) Evaluation of the noise impacts to Carmel Valley is inaccurate and misleading. While only a small part of Carmel Valley is impacted by freeway noise, that noise can be pervasive in these areas and might be impossible to mitigate. The issue in Neighborhood 3, adjacent to I-5 and north of Del Mar Heights Road, is that the neighborhood slopes down to the south to meet the freeway, which slopes down to the north. This leads to two issues:

a. Most of the neighborhood is above the freeway, making it impossible to block the noise with traditional sound walls. Sound walls are designed to reduce noise impacts to areas at the same level or below the noisy environment. Since the homes here look down at the noisy freeway, the sound walls cannot block the rising noise unless they were constructed exceptionally high, or covering the freeway itself, making the freeway section a tunnel.

RESPONSES

24 cont. assessed as less than substantial. Comparison of existing with future corridors from a viewpoint east of I-5 toward the highway is provided in *Figures 3-7.83* and *3-7.84*.

Also as noted in your comment, the Section 4(f) evaluation for the project did find that there would not be impacts to park function. All build alternatives have been modified to avoid permanent adverse impacts to the park.

25 While Caltrans and the Federal Highway Administration (FHWA) seek to avoid and minimize impacts to the natural environment to the maximum extent practicable, total avoidance is not always possible when improving an existing highway facility. Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared and/or completed regarding the biology and hydrology of the lagoons and potential project impacts. These studies additionally support the findings in the Draft EIR/EIS. They have also resulted in refinement of proposed project design, applicable to any of the build alternatives. This new information was detailed in a Supplemental Draft EIR/EIS, circulated for public review in August 2012, and has now been incorporated into applicable sections of this Final EIR/EIS (Please refer to Topical Response "Project Changes").

The San Onofre Nuclear Generating Station (SONGS) restoration project was modeled and planned to accommodate the existing I-5 bridge span and channel dimensions. The *I-5 NCC Project* proposes to maintain the existing auxiliary lanes across the lagoon and widen the existing San Dieguito Lagoon bridge. A short retaining wall would be placed on the east side of I-5 south of the San Dieguito River to avoid encroachment into a wetland at the base of the I-5 slope. Where it would cross the lagoon, the bike and pedestrian trail would be suspended from the existing I-5 bridge. The proposed I-5 bridge widening would not constrict the SONGS-improved tidal prism because the existing long bridge span was modeled for the restoration, and widening the structure would not change its effect on tidal flow. As a result, proposed I-5 improvements would not adversely affect implementation and success of the ongoing SONGS restoration project. Please also

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b. Much of the noise that enters the neighborhood does so from the Del Mar Heights Road interchange where the freeway is higher and the neighborhood lower. In this case, the community almost acts as a bowl or horn, gathering the sound from the interchange and distributing it to the north and east, through the populous neighborhood. At times the freeway noise in the interior of the neighborhood (for instance, on the north side of Solana Highlands Elementary School and Park) can be louder than in the back yards of some houses directly along the freeway!

Given the geography, noise impacts on Carmel Valley Neighborhood 3 could be substantial and will be unmitigable. This seems to be the determination of the sound engineer who repeatedly states in the "Noise Study Report" that, "It is not feasible to abate highway traffic noise for Receptor "n" due to…" The limited number of days and times (apparently a single day and over a 20-minute period) and the out-of-date traffic information (2004) greatly reduce the usefulness of the noise measurements.

28 cont.

The sound study executive summary says:

"The difference between the predicted No-Build and Build traffic noise levels would be three decibels or less for the vast majority of noise sensitive receptors, with one receptor being exposed to noise level increases as high as 12 db…In other words, sound energy must be doubled to produce a 3-db increase…"

So, the sound energy will double (on average) the entire length of the project.

Three decibels is not necessarily a small volume change, for instance, reading the scale in the Noise Study Report, it appears that 3-5db might be the difference between a "quiet suburban nighttime " and a "quiet urban nighttime." While the human ear can barely perceive a 3 db change, but readily hear a 5 db change, the difference between a suburban and an urban nighttime would be apparent to all. The final EIR/EIS should provide some real-world examples of 3 db sound differences and should explain why double the sound energy coming from the freeway widening should not worry this community.

29

(4) The study of impacts of roadway "improvements" on community character is required by CEQA. Therefore, the DEIR/DEIS states, "…it is appropriate to consider changes to community character and cohesion in assessing the significance of the project's effects." The document attempts to address this issue but does not succeed because it minimizes the changes it admits would occur.

30

For example, it concludes that the stable, established community of Carmel Valley, with a "high proportion of owner-occupied homes" and a propensity of "long-standing residents" would experience "a change from suburban to urban" in visual and aesthetic values, but that the build alternatives "would not result in any substantial land use impacts…" Conversely, the text and photo simulations (3.7-18 and others in Chapter 3) clearly portray the change in community character due to the retaining walls, noise walls, and a freeway widened to 14-16 lanes:

"Change to Visual Quality/Character

The proposed walls would decrease the intactness and unity of the viewshed from moderate to low levels. Views of the preserved upper slopes and adjacent community would be obscured because the tops of the near-vertical retaining walls would block the line of sight for many freeway viewers. Vividness would also be reduced as the attention of the viewer is directed more toward foreground views of the widened freeway. Large forms would be built in both the horizontal and vertical planes and would be incompatible with the small-scale suburban character of the community…The change to visual character would be high." (emphasis added) [p.3.7-18]

The Build alternatives would result in a certain amount of visual blight to property owners along the edge of the northern and western bluffs of Neighborhood 3. This includes the 80 or so properties starting at the Del Mar Heights Road interchange, northward to the around "Overlook Park" (designated community

I-5 NORTH COAST CORRIDOR PROJECT DRAFT EIR/EIS Page 10 of 13

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25 cont. refer to the response to your Comment 23 with regard to planned biological mitigation, as well as to Topical Response "Lagoon Effects" for additional information regarding anticipated impacts and planned mitigation.

26 While the statement that change to visual character would be high is correctly quoted, it should be noted that the EIR/EIS does not state that the project would produce an increase in the small-scale suburban character of the community. Rather, page 3.7-18 of the Draft EIR/EIS stated: "Large forms would be built in both the horizontal and vertical planes and would be incompatible with the small-scale suburban character of the community. They would produce a marked increase in visual contrast between the freeway and its surroundings." This has been carried over into this Final EIR/EIS.

27 The perception of inconsistency in determining significance may arise from the different way that impacts are evaluated under NEPA versus CEQA. EIR/EIS *Section 4.1, Determining Significance under CEQA*, notes that under NEPA, once a decision is made regarding the need for an EIS, it is the magnitude of the impact that is evaluated and no judgment of individual significance is deemed important for the text. Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation,* in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*. Thus, *Section 3.7* states that the overall visual impact of each mitigated build alternative would remain high, while EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects*, notes that visual/aesthetics impacts would remain significant after the mitigation identified in *Chapter 3*.

28 As explained in EIR/EIS *Section 3.15*, *Noise*, in accordance with the Caltrans Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects, August 2006, a noise

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28 cont. impact occurs when the future noise level with the project results in a substantial increase in noise level (defined as a 12-decible [dBA] or more increase) or when the future noise level with the project approaches or exceeds the Noise Abatement Criteria (NAC), which have been established for various types of land uses. For example, the acceptable sound level, or NAC, for residences, motels, hotels, schools, churches, libraries, and hospitals is 67 dBA, as shown in EIR/EIS *Table 3.15.1*. EIR/EIS *Section 3.15.4* summarizes the existing and future predicted noise levels for the no build and build conditions, soundwall analyses, estimated costs, and preliminary abatement decisions for each freeway segment in the project area.

Future traffic noise levels with the project are predicted to be between approximately zero and one dBA higher compared to future no build noise levels for residences between Carmel Valley and Del Mar Heights roads (Segment 4); and between zero to two dBA higher between Del Mar Heights Road and Via de la Valle (Segment 5). In Segment 4, noise levels at all but 3 of the 25 noise receptors modeled already are at or exceed the NAC, and in Segment 5, all but 12 of the 29 noise receptors modeled already are at or exceed the NAC. Noise levels are predicted to increase in the future with the project such that for all noise receptors modeled in Segment 4 and all but four noise receptors modeled in Segment 5 the NAC would be approached or exceeded, and abatement is considered. It should be noted that in the no build condition noise levels would also increase such that the NAC would be approached or exceeded at all but two and six noise receptors modeled in Segment 4 and Segment 5, respectively.

As indicated on *Table 3.15.11*, the noise levels recorded along Lower Ridge Road, Windbreak Road, and Lady Hill Road generally were lower than levels identified in the NAC for consideration of noise attenuation (at or approaching 67 dBA). Consistent with the comment, there are 25 noise receptors for which higher levels of noise were identified, and for which abatement was considered. Also, as noted on page 3.15-10 of the Draft EIR/EIS, noise receptors R5.17 to R5.20 are currently shielded by an existing soundwall. Soundwalls S568 and S569 were found to be “feasible” with regard to engineering considerations, but were not found to be “reasonable” with regard to cost. As shown on

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	28 cont. *Table 3.15.11*, the increase in decibels between no build and build conditions would not exceed two dBA for any of the streets cited above fronting the northbound I-5 lanes. Also consistent with your comment, it is widely accepted that changes of three dBA or less generally are not detectable by the average healthy human ear; three dBA is a greater change than is projected to occur at these locations. Noise dissipates by three dBA with each doubling of distance, and this dissipation is further increased by the presence of intervening structures. As a result, it is anticipated that noise changes at homes more distant from the freeway than the first row of houses analyzed would experience an even smaller level of change. With regard to noise measurements, please note that the amount of time a measurement is taken does not affect the projection of future noise. Existing noise measurements are taken to calibrate the model, ensuring that the model accurately reflects existing conditions and therefore can accurately project future conditions. Please also refer to Topical Response "Soundwall Considerations" for additional information regarding anticipated noise impacts and potential mitigation measures.
	29 EIR/EIS *Section 3.4.1*, *Community Character and Cohesion,* addresses impacts that would occur from issues such as the destruction or disruption of human-made resources, community cohesion and the availability of public facilities and services. *Section 3.4.1* concluded that the project changes to the I-5 corridor are not expected to have an adverse effect on community character because the changes would occur within a developed urban area, would not adversely affect uses within recreational facilities, and would enhance access within the community. This conclusion addresses both NEPA and CEQA analyses relative to the corridor overall. One area, where 47 units of a multi-family structure in Carlsbad would require relocation, was identified as resulting in adverse effects on the affected property. This was identified as a significant impact under CEQA. The analysis provided appropriately weighs, and does not minimize, anticipated impacts to community character.

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30 cont. open space) continuing to the northeast of the park; and numerous properties along El Camino Real (outside of Neighborhood 3.) In addition, the view from the park itself, a major amenity of Carmel Valley which neighbors fought hard to secure) will be reduced by this project, not to mention the increased freeway noise at this location.)

31 While the noise impact within the San Dieguito River Park might be minimal, the visual impact could be significant. The "Environmental Consequences (3.1.1.1) paragraph for the park claims that the "visual character of the park would be unchanged" as the park is already bisected by the freeway, adding that only 1.14 acre of land would be "used" by "The Project." Given the potential to add two lanes on each side of the freeway over the one-mile stretch through the river park (about 6 acres), the proposal must include steep retaining walls to minimize the intrusion into the river park. The report should better detail how 6 acres of freeway lanes will be fit into 1.14 acres of land, and if the solution involves retaining walls, how these tall concrete walls will leave the visual character of the park unchanged. The declaration in section 3.1.3.4 that "The proposed project would not result in any adverse impacts, since the function of the recreational facilities remain" must assume a very narrow definition of the phrase "adverse impacts", given the potential size of the walls or slopes along the freeway.

III. "The Project could likely return the corridor to failed levels of service (LOS) from 5-10 years after completion.

32 As noted in section I of this comment letter, the Torrey Pines Community Planning Board uncovered considerable research on source studies, which are located on www.vtpi.org/gentraf.pdf. The studies cited all show that increased freeway capacity soon is reduced to its pre-improvement conditions because of "generated traffic" and "induced travel", phenomena known to many professional planners.

As the onset of freeway improvements congestion is alleviated and this reduces the cost and time of being on the freeway so a "latent travel demand" occurs. In other words, the expanded freeway itself generates traffic, so that in a short number of years (5-10 most transportation scholars say), the same roadway has attracted more drivers and those previously using other modes of transportation or who, previously, did not drive at peak hours.

Researcher, "Cervero", focused on California traffic patterns and "estimated that about '80% of additional roadway capacity is filled with additional peak-period travel, about half of which (39%) can be considered the direct result of the added capacity.'" Hansen, in 1995 concluded his research saying, "'it appears that adding road capacity does little to decrease congestion because of the substantial induced traffic.'"

Finally, Noland and Mohammed A. Quddus published in 2006 that "'increases in road space or traffic signal control systems that smooth traffic flow tend to induce additional vehicle traffic which quickly **diminish any initial emission reduction benefits.'"**

We agree with the TPCPB that until such studies which question the efficacy of depending upon auto-oriented improvements, especially of this large a scale, are thoroughly reviewed and compared to the CalTrans proposal, there are serious omissions and errors in the DEIR/DEIS. The opportunity to create a mixed auto and mass transit system in this corridor will only occur if the transportation agencies employ only the most innovative and sensible congestion management techniques.

IV. Given the impacts to the coastal environment, to visual and aesthetic values, to communities, to noise and air qualities and given the questionable success of reducing congestion with these alternatives, Caltrans and other transportation planners should begin anew with alternatives which would not totally alter the coastal corridor.

33 Such alternatives should:

1) Incorporate the multi-modal principles of SANDAG, the City of San Diego, and numerous community plans by investing in a regional-serving and efficient mass transit system as part of this "Project" not in some future time;

RESPONSES

30 The commenter incorrectly quotes the EIR/EIS. The text does not state that the character of Carmel Valley would experience "a change from suburban to urban." This phrase is used relative to the character of two segments of the *freeway corridor* in Carlsbad and Oceanside. The analysis for the Del Mar Heights Landscape Unit states that the proposed changes would produce a marked increase in visual contrast between the freeway and its surroundings; this contrast would result from the continued small-scale suburban character of the community. In other words, the community is expected to continue to have a small-scale character, while the freeway would become larger and have a more urbanized character, thus increasing the contrast between the two. Please refer to the response to your Comment 22 with regard to the distinction between visual and land use impacts. EIR/EIS *Section 3.7, Visual/Aesthetics,* concludes that visual impacts of the project at various locations along the I-5 corridor would be high and adverse under NEPA and significant and unmitigable under CEQA. Please refer to the response to your Comment 24 regarding visual impacts to San Dieguito River Park, which includes Overlook Park (refer to EIR/EIS Appendix A, Figure 2). Noise impacts to the San Dieguito River Park are summarized in Section 3.2 of the Final EIR/EIS Appendix A. As described, noise in this area would be expected to increase by approximately two to three dBA, which is not generally perceptible to the human ear. Please also refer to the response to your Comment 28 with regard to noise impact analysis.

31 Please refer to the response to your Comment 24 with regard to visual impacts to the San Dieguito River Park. EIR/EIS *Section 3.1.3, Park and Recreational Facilities*, concluded that access to the park would not be impeded, the proposed project would not interfere with existing or planned trails, and the visual character of the park would be largely unchanged. *Figures 2-2.3, Sheets 16* through *20* in the Final EIR/EIS illustrate proposed right-of-way compared to the existing one in the vicinity of the San Dieguito River Park, showing that most of the widening would occur within existing Caltrans right-of-way. Please note that written concurrence has been obtained from the Park manager regarding the nature of project impacts (see Final EIR/EIS *Chapter 5, Comments and Coordination*).

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2) Include all-transit or multi-modal proposals and analyze them on the same scale as the all passenger car alternatives presented. For instance, if we're going to consider a $4 billion proposal to make more lanes for cars then we should also consider one or more $4 billion transit-based proposals. For example, CalTrans should develop an alternative of two bus-only lanes in the center median, where the lanes had private on- and off ramps from the interchanges.

Some, not 8 or 10, additional lanes dedicated to mass transit could be included. Caltrans should analyze how much of this multi-modal system could be realized if the $3.3 to $4.3 billion cost of these build alternatives were spent on mass transit. Caltrans also should thoroughly compare the congestion management capability of this alternative to the four build alternatives. 33 cont.

3) Reduce the width and number of lanes from the 14-lane build options herein;

4) Provide local, community-serving and frequent public conveyances that would connect homes, businesses, commercial/office use; and recreation/entertainment with these core communities. One such community-serving system could circumnavigate Carmel Valley, Torrey Pines (Del Mar Heights), Del Mar, Solana Beach, Via de la Valle to El Camino Real southbound, to Carmel Valley again. Small busses or vans would offer residents and workers efficient and car-less trips to restaurants, the beach, shopping, libraries, etc.

CONCLUSION

34 The "Build Alternatives" each would change the character of the I-5 coastal corridor throughout its 27-mile length. The DEIR/DEIS fails to assess its impacts. "The I-5 North Coast Corridor Project" focuses on the automobile while suggesting that this project will lead to a mass transit system, thus it is in conflict with all relevant transportation policies and land use plans in the region.

Given obvious attempts to minimize impacts, CalTrans further hurts communities by failing to make this project a true multi-modal one. There are many models for an efficient multi-modal system but CalTrans does not embrace them. Thus, the impacts of this proposal are depicted as minimal.

CalTrans must re-think its role in shaping the environment and must understand that we can't keep whittling away at our natural resources.

Thank you for your serious consideration of these concerns, echoed by many communities in the I-5 coastal corridor.

Sincerely,
Carmel Valley Community Planning Board

Frisco White, AIA, Chair

RESPONSES

32 Please refer to the response to your Comment 05 regarding the project's accommodation of anticipated traffic, including latent demand.

33 Please refer to the response to your Comment 02 with regard to the project's role in multimodal improvements being planned for the North Coast Corridor. As described in the response to your Comment 07, the Preferred Alternative would consist of construction of four HOV/Managed Lanes.

34 Please refer to the response to your Comment 02 with regard to the project's role in multimodal improvements being planned for the North Coast Corridor. The EIR/EIS presents an accurate assessment of the impacts of the build alternatives. *Section 4.4, Unavoidable Significant Environmental Effects*, for example, states that community cohesion impacts (for the 10+4 Barrier alternative) and visual/aesthetics impacts would remain significant after mitigation.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Torrey Pines Community Planning Board

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From: Dennis E. Ridz, Chair
Torrey Pines Community Planning Board
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To: Shay Lynn M. Harrison, Chief Environmental Analysis, Planning Branch C
California Department of Transportation, District 11, MS 242
4050 Taylor Street
San Diego, CA 92110
Via email: I-5_NCC_EIR_EIS@dot.ca.gov

Date: November 18, 2010

Re: Draft EIR for the Interstate 5 North Coast Corridor Project

01 The Torrey Pines Community Planning Board (TPCPB) is taking this opportunity to respond to the California Department of Transportation – District 11 (Caltrans) Draft Environmental Impact Report (DEIR) for the Interstate-5 North Coast Corridor Project issued July 2, 2010. Pursuant to California Environmental Quality Act (CEQA) guidelines and as a Responsible Agency, we believe it is our obligation to provide feedback, observations, and critical analysis to the Caltrans – District 11. Our feedback will identify Omissions in the DEIR, Inadequacies in the submission, as well as Errors and Alternatives not considered. The TPCPB reserves the right to amend, under separate cover, this document as new details and research become available up until the end of the comment period ending November 22, 2010 or as part of the administrative record after public comment is closed.

On January 10, 1995 the Council of the City of San Diego adopted the Torrey Pines Community Plan and the certified Environmental Impact Report No. 92-0126. On February 8, 1996, the California Coastal Commission certified the Torrey Pines Community Plan Update and on April 16, 1996, the Council of San Diego accepted and adopted the California Coastal Commission's modifications to the Torrey Pines Community Plan.

The Executive Summary of the Torrey Pines Community Plan (TPCP) states that "the vision of this community plan is to provide the highest possible quality of life for residents and businesses while preserving the community's unique natural environment." Furthermore, the Planning Area is a community "rich in environmentally sensitive resources." The community contains large areas of Torrey Pine trees, lagoons, wetlands, and canyons, which in turn provide habitat for several species of unique wildlife.

RESPONSES

Responses to Dennis E. Ridz, Chair, Torrey Pines Community Planning Board

01 Thank you for your comments, which are part of the public record. Please refer to the responses to your detailed comments, below.

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The TPCPB, as a duly elected agency, is responsible to both its current residents and future generations. Based upon the guiding principles of the Community Plan, the TPCPB are stewards for the land, air, and water and unique flora and fauna that live within and surround our community. What negatively impacts surrounding environments has a ripple effect on our fragile ecological systems.

The proposed I-5 North Coast Corridor Project provides one No Build alternative and four build alternatives along a 27-miles section of I-5, beginning at La Jolla Village Drive in San Diego and ending at Harbor Boulevard in the City of Oceanside at post mile 28.4/55.4. The 10+4 with Barrier Alternative is estimated to cost $4.3 billion while the least costly, Build Alternative, 8+4 with Buffer, is estimated to cost $3.3 billion.

The so-called No Build Alternative actually includes a number of construction projects including, interchange/operations/adjacent projects that would move forward under separate environmental documents. The I-5/SR-56 Interchange Improvements include the alternative, dubbed the "70 foot Flyover", adjacent to Pointe Del Mar and Portofino Circle. This project has been the subject of numerous Caltrans and Torrey Pines Community meetings and included a 3-d animation of the entire project including the 40 feet high retaining wall.

01 cont.

The $90 million restoration of the San Dieguito Lagoon and River Valley provides a prime example of what can be done to rejuvenate damaged estuaries. Unfortunately, Caltrans is planning to widen the highway bridge some 39 additional feet, over the San Dieguito River on both sides, thereby, increasing noise, air, water and light pollution. The proposed project would result in significant unavoidable **adverse impacts**: to traffic, air quality, noise and greenhouse gases along the entire 27 miles.

The Torrey Pines Community Planning Board (TPCPB) comments will mainly focus on the proposed construction alternatives within its jurisdiction or community planning area. The relevant boundaries are the northerly San Diego City limits (Via De La Valle), Interstate 5, and the Sorrento Valley Industrial Park, the Pacific Ocean and the city of Del Mar. Sensitive environmental settings include the watersheds associated with the Los Penasquito Creeks and the San Dieguito River and lagoons. Other protected environments within our boundaries include the Torrey Pines State Reserve and Extension and Crest Canyon.

REGIONAL AND LOCAL AGENCIES – COMMENTS | RESPONSES

Thanking you in advance for your careful consideration and review of the TPCPB's specific comments. We look forward to your detailed responses to our comments, which are as follows:

01 cont.

Outline of Comments

I. General Considerations and Comments
   A. Torrey Pines Community Plan and its relationship to the Caltrans I-5 DEIR
      1. Transportation Element
      2. Visual Element
      3. Mass Transit Element
   B. The City of San Diego General Plan –Mobility Element
   C. SANDAG 2030 Regional Transportation Plan (RTP)
   D. Omissions and Errors in Caltrans DEIR
      1. Generated Traffic and Induced Travel
      2. I-5/SR-56 Direct Connector Project
      3. Impacts to Property values and Tax Revenues
      4. Biased Data Analysis and Presentation
      5. Parking Strategies effect on Transit Usage
      6. Alternatives not Considered
      7. Impacts to Arterial Streets within the Torrey Pines Community
      8. Corridor of the Future –California Interstate 5 –Modal Characteristics 2010-2040

II Comments on sections of the Caltrans DEIR
   A. Specific Projects
      1. Del Mar Hills School – I-5 Pedestrian Bridge
      2. Noise and Sound Walls Overview
         a. Del Mar Hills School – Sound walls for Play ground and Athletic Fields
         b. Non-Residential Cost Considerations
      3. View issues
         a. Existing Scenic Resources Protection
         b. Analysis of Key Views
         c. Viewer Exposure - Tourism
         d. Key View #2 and "Tunnel Effect"

   B. Cumulative Environmental Impacts
      1. Environmental Justice
      2. Climate Change legislation SB375 & AB 32 Compliance
      3. Atherosclerosis (hardening of arteries) and traffic pollution
      4. Asthma linkage to Freeway Pollution (ultrafine particles)
      5. Human Impact Assessment (HIA)

III Conclusion

REGIONAL AND LOCAL AGENCIES – COMMENTS

I. General Consideration and Comments

A. Torrey Pines Community Plan (TPCP) and its relationship to the Caltrans I-5 DEIR

The Torrey Pines Community Planning Board asserts that the DEIR **is in error** as it has inaccurately and improperly assessed how this project affects the Torrey Pines Community. In particular, Caltrans has inadequately documented the many ways in which this project is in direct conflict with the TPCP as detailed in the following sections.

1. Torrey Pines Community Plan – Transportation Element

02 Page 43 of the TPCP, states that Torrey Pines Community faces the challenge of planning and developing a transportation system that **emphasizes mass transit**, without disrupting the community's unique environment and the lifestyle of its residents. On page 45 under Goals, item 2. "Ensure that transportation improvements do not negatively impact the numerous open space systems located throughout the Torrey Pines Community." Item 7, on page 46, is the key to this discussion -"Provide a transportation system that **encourages the use of mass transit**, **rather than building and/or widening roads and freeways."** On page 11, under Issues, is the following " The **need to reduce auto trips** and improve air quality regionally through the implementation of transportation demand management strategies, transit oriented developments and other measures." (Highlighted to place emphasis on critical issues.) What mass transit alternatives have been considered that support the Torrey Pines Community Plan and reduce freeway auto trips in our community?

03 The Caltrans DEIR, in Chapter 3, comments on page 3.1-29 on the TPCP as to the plan, Project Considerations and Project Consistency. Under the Transportation element –Project Considerations, it is stated that "The proposed project would result in the loss of open space and vacant land adjacent to the existing I-5 right-of-way." Regarding Item 7, (mass transit), Caltrans states that "the project would improve would maintain or improve travel times and levels of service in the corridor."

04 The Torrey Pines Community Planning Board asserts that the Caltrans DEIR **is in error** and has misinterpreted or ignores the intent of the TPCP Transportation Vision. The proposed Build Alternatives are not consistent with the goals of the TPCP. The DEIR project causes further encroachment on residential neighborhoods and amenities including the Del Mar Hills Elementary School. This encroachment will raise noise levels along the project corridor and reduce air quality as a result of increased particulate matter and other by-products of automobile pollutants**.**

2. Torrey Pines Community Plan – Visual Element

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05 On page 58, the TPCP speaks to the issue of **Visual impacts** that include permanent landform change as a result of new cut slopes, fill slopes, bridge structures, traffic movement, and retaining walls. Under Residential Element on page 66, a stated Policy #4, is "Residential neighborhood's should be preserved and protected from encroachment by adjacent uses and the construction of public roads and utilities." How does this I-5 NCC project protect the residential Torrey Pines' neighborhoods?

06 This DEIR is particular lacking in its handling of Visual Impacts. Under Specific Proposals on page 31 of the TPCP, Item 4 clearly states that development adjacent to the lagoon should be designed to reduce visual

RESPONSES

02 One of the identified project objectives is to protect and/or enhance the human and natural environment along the I-5 corridor. EIR/EIS *Section 2.1, Project Description* notes that the proposed action and the design alternatives were developed by a multidisciplinary team to achieve the project purpose and need while avoiding or minimizing environmental impacts, and that this included the goal to provide the full range of transportation modal alternatives that are cost-effective, promote and provide incentives for ridesharing and alternative modes, accommodate regional and interregional freight movements, and minimize environmental and community impacts. Efforts to avoid and minimize environmental impacts during this process included locating proposed facilities within the existing right-of-way and avoiding encroachment into open space to the maximum extent practicable while obtaining the project goals and objectives. In addition, while *Section 2.1* concludes that transportation system management (TSM) and transportation demand management (TDM) strategies alone would not satisfy the purpose and need of the project, TSM/TDM measures have been incorporated into the build alternatives.

With respect to air quality concerns, the EIR/EIS notes in *Section 3.14, Air Quality*, that because the project is designed to reduce traffic congestion along the I-5 corridor, the build alternatives would conform with applicable regulatory standards. Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	02 cont. ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes. Please also refer to Topical Response "Corridor Alternatives" with regard to transportation alternatives that have been previously evaluated for the North Coast Corridor.
	03 These are accurate citations from *Table 3.1.1*. Regarding the loss of open space, the table also states that the encroachments would be small and would not affect the overall biological value of these areas. Regarding travel time improvements, the table also states that the proposed project includes other modal improvements, such as improved bicycle and pedestrian facilities, promotes carpooling, and is compatible with and complements Bus Rapid Transit service.
	04 *Table 3.1.1* concludes that all four alternatives are potentially inconsistent with the goals of the Resource Management and Open Space Element of the Torrey Pines Community Plan (TPCP). The Plan inconsistency would be mitigated through proposed project biological mitigation. *Table 3.1.1* concludes the project would be consistent with the Transportation Element by improving travel times and providing other modal improvements. Land use conversion issues have been minimized by widening along the existing freeway corridor. Although individual parcels may be needed for project right-of way, the encroachments do not represent land use plan inconsistencies. Del Mar Heights Elementary School is discussed in EIR/EIS Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f). In Section 3.2 of the appendix, it is noted that there would be no use of the school by the proposed project, noise levels would remain consistent with existing conditions, and vegetation, wildlife, air quality, and water quality would remain similar to existing conditions.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	04 cont. Impacts from noise are evaluated in *Section 3.15*, *Noise*; and impacts from dust and emissions are discussed in *Section 3.14, Air Quality*. Regarding increased noise levels, future traffic noise levels with the project are predicted to range from zero to three decibels (dBA) higher than future no-build noise levels for most residences adjacent to the I-5 freeway. Changes of three dBA or less generally are not detectable by the average healthy human ear. Although soundwalls are proposed for abatement at various locations, the incremental increases in noise levels do not represent land use plan inconsistencies. Regarding air quality impacts, as described in EIR/EIS *Section 3.14*, the proposed project's improvement of traffic operations by smoothing traffic flow would contribute to lower particulate matter emissions within the San Diego Air Basin when compared to no build conditions. Please refer to Topical Response "Air Pollutants" for additional information with regard to this and other potential air quality impacts.
	05 As described in EIR/EIS *Section 3.1.2.3*, *Avoidance, Minimization, and/or Mitigation Measures,* efforts to avoid and/or minimize potential impacts to land use have included designing all four alternatives to follow the existing I-5 alignment wherever possible and going through several design iterations in cooperative discussions with the adjacent/adjoining cities. As disclosed in EIR/EIS *Section 3.4.2, Relocations and Real Property Acquisition*, no relocation impacts are anticipated within the City of San Diego. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative is addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative would result in the least impacts to existing residences.

REGIONAL AND LOCAL AGENCIES — COMMENTS

06 cont. impacts and that development should be low profile and screened from view by landscape buffers. Under VISUAL RESOURCES on page 118 of the TPCP, the overview states " the State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance." The proposed project would result in permanent loss of 1.2 acres within the San Dieguito River Park (DEIR page 3.1-29) and the bridge over the river would be enlarged by 39 feet on both sides.

07 On DEIR page 3.7-35 –Impacts to Viewers on the Freeway, even Caltrans accepts that views from the freeway would be diminished in quantity and quality by the introduction of walls and visual access to the ocean views would be obstructed. Under the heading, Expansive Paving with Large Walls and Structures, Caltrans states that each build alternative would increase pavement **appearing to double the width** of the existing freeway. This would be done for the most part within the existing right-of-way envelope, proportionally displacing landscaped roadside areas and adding **large retaining walls.** It is not clear what private property outside this envelope would be taken within Torrey Pines. Caltrans implies that private land adjacent to Portofino Circle and Casa Del Mar Apartments- Ruette le Parc could be taken for sound walls or the widening of Del Mar Heights road. The TPCPB asserts that the Caltrans plan's are **in error.** How does Caltrans justify that the creation of 33 to 40 foot high retaining walls, which are not low profile and that, **adds enormous bulk and scale** within a natural public view shed, supports the Torrey Pines Community Plan? Changing land mass forms from sloping tree lined and vegetated hillsides too massive retaining walls creates a "tunnel effect". Would this I-5 NCC project not forever alter the unique visual qualities of the Torrey Pines region? If not, why not?

3. Torrey Pines Community Plan – Mass Transit Element

08 The TPCP is very clear in its goal of supporting Mass Transit whether it is light rail systems, commuter rail or local bus service. The I-5 NCC Project supports the creation of more regular lanes coupled with HOV and Value Pricing for Managed Lanes. Value Pricing is another option under Managed lanes that allows single occupant vehicles (SOV) to pay to use the Managed Lanes. The long-term plans are to convert all HOV lanes into Managed lanes.

Would Caltrans agree that allowing single occupant vehicles to use Managed Lanes is counter productive to the much supported concept of car pooling? This issue will be discussed further under Environmental Justice. No supporting material is provided in the DEIR on how the bus transit concept will be funded for North County Transit District (NCTD) or Metropolitan Transportation Systems (MTS).

09 The Los Angeles-San Diego (LOSSAN) rail corridor is mentioned on Page: S-16 but no details are provided as to how this double-tracking project would be funded. How would SANDAG fund this double-tracking and possible tunnel under I-5 when billions are being taken out of the Trans net gas tax fund to support the I-5 NCC expansion? How does the State of California plan to provide its portion of funding this project? The I-5 NCC DEIR fails to adequately inform the public of how this LOSSAN rail project in conjunction with adding more highway lanes would improve regional mobility. Why is there no quantified comparison of rail trips and vehicular travel? In Section 1.3, Need for the Project, Caltrans states that " even with the proposed improvements to the rail corridor, capacity would not be sufficient to address anticipated travel demand along the I-5 corridor in 2030". Why is there no data related to the reduction of diesel truck hauling that would be replaced with Freight movement along the LOSSAN? The TPCPB asserts that the I-5 NCC project which purports to provide a better service level, decrease congestion, and reduce travel time, is in fact a **disincentive to the public to use a multi-modal transit system.**

Caltrans I-5 NCC DEIR 5 November 18, 2010

RESPONSES

06 *Table 3.1.1* in the Draft EIR/EIS indicated that the proposed project would result in permanent loss of less than 1.2 acres within the San Dieguito River Park (SDRP), and identified this issue as a potential inconsistency with the Resource Management and Open Space Element of the TPCP. Since circulation of the Draft EIR/EIS, all alternatives have been refined to avoid adversely permanently impacting land within the SDRP, except for providing a connection to and from the I-5 North Coast Bike Trail and a retaining wall under any build alternative except the Preferred Alternative (the retaining wall would support the Coast to Crest Trail). None of the alternatives would impact the recreational nature of the park, and the trail connection would support recreational activity. No park land would be acquired as part of the proposed project, consistent with the California Public Park Preservation Act of 1971 (PRC Section 5400 et seq). With regard to Section 4(f), Caltrans received an email on May 22, 2013 (*Figure 5-5.1*) noting that the SDRP administrator (the JPA) concurs that the "impact" associated with connecting the trails would be beneficial in nature and is therefore exempt from Section 4(f) per 23 CFR 744.13(g).

Impacts on views of and from the freeway are evaluated in EIR/EIS *Section 3.7*, *Visual/Aesthetics*. San Dieguito Valley is highlighted as an existing visual resource on *Figures 3-7.10* and *3-7.11*. San Dieguito River Park in particular also is addressed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f), which concludes that the build alternatives would not affect the dominant scenic elements of the 4(f) resource, which are the river, marsh areas, and vast open scenic views compared to the impacts of the existing I-5 freeway. Please refer to Final EIR/EIS *Figures 3-7.81* through *3-7.84*. No soundwalls are proposed in this segment of the corridor, as noise modeling indicates that the increases that would occur across the entire open lagoon area would typically range between 2 to 3 dBA.

07 EIR/EIS *Section 3.7.4*, *Avoidance, Minimization, and/or Mitigation Measures* notes that since the project has not yet been designed, precise specific visual mitigation measures cannot be proposed at this time. The EIR/EIS also states that alternative mitigation measures may be necessary in each viewshed as project designs

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

07 cont. are developed and mitigation design guidelines are applied, that the overall visual impact of each mitigated build alternative would remain high under NEPA, and that visual/aesthetics impacts would remain significant under CEQA after mitigation identified in *Chapter 3*. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project. Also, please refer to the discussion of the Preferred Alternative, the refined 8+4 Buffer alternative, in *Section 3.7.4*. The bulk and scale of the project have been minimized to the maximum extent practicable with this alternative. In addition, refer to the Design Guidelines: I-5 NCC Project (EIR/EIS Appendix L) that have been developed for the project to further minimize the visual impacts of the project on the surrounding community.

08 EIR/EIS *Section 3.4.3*, *Environmental Justice,* includes discussion of Value Pricing. This section notes that use of the managed lanes is given highest priority to transit and other High Occupancy Vehicles ([HOVs] vanpools and carpools) so as to promote more person movement in fewer vehicles, but there would be available capacity for all potential users, at least during the early years of operation. EIR/EIS *Section 1.3.5, Managed Lanes,* also discusses the concept of providing the incentive of a quicker and more reliable ride for carpool users and bus riders through HOV/Managed Lanes, while also allowing Single Occupancy Vehicles (SOV) to pay to use the lanes when extra capacity exists. Please refer to Topical Responses "Multimodal System," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

REGIONAL AND LOCAL AGENCIES – COMMENTS

09 cont. It is the intention of the TPCPB to further expand comments and critical analysis within Part II, Specific Projects and where possible provide antidotal evidence to refute assertions made by Caltrans within this DEIR.

B. **The City of San Diego General Plan –Mobility Element**

The City of San Diego General Plan, March 2008, is another key official citywide document that relates directly to the I-5 NCC DEIR. Under section B. Transit First, starting on page ME-16, the city states that "a primary strategy of the General Plan is to reduce dependence on the automobile in order to achieve multiple and inter-related goals including: increasing mobility, preserving and enhancing neighborhood character, improving air quality, reducing storm water runoff, reducing paved surfaces, and fostering compact development and a more walkable city. Expanding transit services is an essential component of this strategy." Furthermore, the Regional Transit Vision (RTV), adopted as a part of the 2030 Regional Transportation Plan (RTP), calls for development of a fast, flexible, reliable and convenient transit system.

The TPCPB asserts that the I-5 NCC DEIR is in error as it has inaccurately and inadequately assessed the degree to which this project fails to support the San Diego General Plan and actually detracts from accomplishing the Plan's stated goals. To more fully assess the compatibility of this project with the City of San Diego General Plan, Caltrans and the DEIR needs to answer the following questions:

10
- Why does this project seek to encourage automobile travel by providing more General Purpose lanes?
- Why does this project include various configurations of Managed Lanes, which allow for single-Occupancy vehicles and therefore do not reduce the dependence on the automobile?
- How will the creation of massive retaining walls within Torrey Pines enhance or preserve neighborhood characters and what steps are planned to mitigate the destruction of scenic views in the Torrey Pines Community?
- As sound walls are not considered "feasible" by Caltrans, what are the anticipated effects on quality of life for the residents of the Torrey Pines Community?
- How does this project reduce **paved surfaces**?
- How does this project improve **air quality**?
- How does this project foster compact development or support the City of Villages strategy?
- Why has Caltrans designed this project to encourage regional sprawl and long commute distances by single occupant vehicles?

The DEIR is in error in claming that this project supports Mass Transit. How can this project support mass transit if the San Diego –LOSSAN Rail Corridor improvements remain unfunded and if this project reduces available funds for such a project? Where are the MTS bus service plans that document the intent to provide services along this corridor in response to this project? What agreements are in place with MTS regarding mass transit services along this planned corridor as a result of this project?

C. **SANDAG 2030 Regional Transportation Plan (RTP)**

11 The TPCPB contends that this project is in conflict with the goals and philosophy of the 2030 RTP and that the DEIR misrepresents the degree to which this project supports regional transportation goals of the SANDAG Communities. **The supporting statistical data and quotes are taken from the Executive Summary RTP, the complete RTP, the new Growth Forecast Update issued in August of 2008, and**

RESPONSES

09 EIR/EIS *Section 1.3.7*, *Other I-5 Projects*, summarizes key points regarding the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor project. The LOSSAN project is included in the list of projects that would move forward independently from the *I-5 NCC Project* and be analyzed within separate environmental documents. The discussion in *Section 1.3.7* notes that *I-5 NCC Project* does not preclude alternatives for various operational improvement projects that are included in the Regional Transportation Plan (RTP). The *I-5 NCC Project* has independent utility because it does not require the LOSSAN project to be implemented nor is the *I-5 NCC Project* required because of the LOSSAN project. Whether or not the LOSSAN project moves forward, the *I-5 NCC Project* can proceed, and therefore, data regarding funding, features, impacts, or benefits of the LOSSAN project do not need to be included in the EIR/EIS for the *I-5 NCC Project.*

10 Consistency with local plans was evaluated in EIR/EIS *Section 3.1.2*, *Consistency with State, Regional, and Local Plans and Programs,* including *Table 3.1.1*. The Mobility Element of the San Diego General Plan explicitly outlines an increase in capacity and a reduction in congestion along the freeway system as a primary goal. The proposed project is included in the San Diego Association of Government's (SANDAG's) 2012 Regional Transportation Improvement Program (RTIP), as amended, and SANDAG's 2050 RTP. The design concept and scope of the proposed project is also generally consistent with the project description in the 2030 RTP and 2010 RTIP.

EIR/EIS *Section 1.4*, *History and Background*, discusses how the scope of the four proposed build alternatives evolved. Please also refer to Topical Response "Corridor Alternatives" for additional information about the 20-year history of the alternatives development process. As noted in response to your Comment 05, the Preferred Alternative would not include any general purpose lanes.

EIR/EIS *Section 1.3.5*, *Managed Lanes,* discusses the concept of HOV and SOV lanes. Please also refer to response to Comment 08 with regard to the intent of these lanes.

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	10 cont. EIR/EIS *Section 3.7*, *Visual/Aesthetics* discusses visual impacts, particularly the potential impact of soundwalls and retaining walls on particular views. Please also refer to the response to your Comment 07. EIR/EIS *Section 3.15*, *Noise*, analyzes noise impacts along the 27-mile corridor, and presents details about where abatement measures are considered and initial conclusions regarding which soundwalls would be "reasonable and feasible." This analysis resulted in identification of a number of soundwalls as "reasonable" and "feasible." As discussed in *Section 3.15,* although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Note that changes of three dBA or less generally are not detectable by the average healthy human ear. As a result, adverse impacts on the quality of life in the community are not anticipated as a result of noise increases, even where soundwalls would not be constructed. Please also refer to Topical Response "Soundwall Considerations" for additional details about the evaluation of "reasonable and feasible" factors for soundwall construction. EIR/EIS *Section 3.10*, *Water Quality and Storm Water Runoff*, presents a comparison of existing and proposed pavement areas between the build alternatives in *Table 3.10.8*. Because the project involves freeway widening, it does not reduce paved surfaces. EIR/EIS *Section 3.14*, *Air Quality,* discusses air quality impacts. EIR/EIS *Section 3.14.3* concludes that the proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower PM emissions as compared to the No Build alternative. The results of the quantitative carbon monoxide (CO) hot spot analysis also show that the proposed project would not adversely impact local air quality. Please also refer to Topical Response "Air Pollutants" for additional information regarding air quality impacts and benefits. The build alternatives are confined to the existing I-5 corridor in order to minimize land use issues. In that respect, the project supports strategies to limit land area devoted to transportation facilities. Caltrans is not a land use planning agency, however,

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	10 cont. and has no authority to implement local land use goals, such as the City of Villages strategy of the City of San Diego. The project was not designed to encourage regional sprawl and long commute distances by single occupant vehicles. The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by the local and regional planning agencies. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity due to other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of the surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. Please also refer to Topical Response "Projected Growth" for additional information regarding anticipated regional growth. Please refer to the responses to your Comments 08 and 09 regarding mass transit options. 11 The *I-5 NCC Project* is consistent with the direction of the 2030 RTP to create options for people to get out of single occupant vehicles. EIR/EIS *Section 1.4, History and Background,* discusses the evolution of the project alternatives, which led to the proposed build alternatives providing four HOV/Managed Lanes, two in each direction, and (under the 10+4 alternatives) adding one general-purpose lane in each direction. The *I-5 NCC Project* includes the Manchester DAR, which is part of the long-range improvement concept for this portion of I-5 in the 2003 RTP, known as MOBILITY 2030, which was specified in order to support the future regional Bus Rapid Transit (BRT) service on I-5 to El Camino Real. The provision of HOV/Managed Lanes in association with the project does not preclude long-term future replacement with alternate transportation modes. In addition, the EIR/EIS includes evaluation of multiple local community-serving enhancement features that improve multimodal connections, such as bicycle and pedestrian trail connections, new trails, park and ride facilities, streetscape improvements, and other opportunities.

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11 cont. **MOBILITY 2030.** The I-5 NCC DEIR ignores the SANDAG 2030 RTP which states that **"we can't build our way out of traffic congestion." Furthermore, "traffic congestion in San Diego will worsen over time unless we take actions to directly address travel demand and have options to get people out of their single occupant vehicles, especially during peak travel periods."**

The **Pillars** supporting the 2030 RTP and Mobility 2030 Plan states "during the next 30 years, we can expect more than a million new neighbors. We will create half million more jobs and need to build 340,000 new homes." These are the statistical pillars that support the findings of the 2030 RTP. It is critical to examine how this growth will be supported.

Philosophy espoused by the Mobility 2030 plan

- Provide options to get people out of their single occupant vehicles, currently 80% drive alone.
- *The Most Bang for the Buck* –make the regional transportation network the **highest priority** for regional transportation **funding.**
- *Think before You Build* –evaluate all reasonable non-capital transportation improvement strategies **before pursuing major expansion to roadways**.
- *Smart Growth Carrots* –use regional transportation funding as an incentive for smarter land use.

12 The Pillars are no longer supported by the facts or philosophy behind the 2030 RPT. The more up to date 2050 RTP is much more in keeping with the 'sea change' in the everyday lives of residents in the San Diego region. This radical, fundamental transformation has evoked a profound change in our life style, economics, mode of transportation and where we choose to live. The TPCPB asserts that the I-5 NCC DEIR is based upon faulty traffic estimates due to a dramatic change in regional housing needs as outlined in the 2050 Regional Growth Forecast

Projected Housing Needs as detailed in the 2050 Regional Growth Forecast, as outlined in SB 375, requires that the Sustainable Communities Strategy (SCS) identify areas sufficient to house projected population growth within the region, and sufficient to house an eight-year projection of the regional housing need for the region as determined through the Regional Housing Needs Assessment (RHNA) process for the 2013-2020 housing cycle.

SANDAG's October 19, 2010 Agenda for the Regional Planning Stakeholders Working Group has a through discussion of this topic on page 69 under Meeting Projected Housing Needs. The San Diego region has shown a significant increase in residential capacity since the preparation of the 2030 Forecast used in the 2030 RTP. "While the 2030 Forecast had an unmet need of nearly 100,000 homes to 2030 (which was addressed by **assuming significant interregional commuting into the region** from Riverside and Imperial Counties and Baja California, Mexico), the 2050 Forecast provides sufficient capacity to accommodate more than the estimated 388,000 housing units needed to house projected population growth, and result in **only minimal interregional commuting." "** The 2050 Forecast shows that 80 percent of the 388,000 new homes projected to be built will be attached housing –with planned capacity of about 213,000 units at 30 dwelling units per acre and about 70,000 units at 20-29 unites per acre."
With **only minimal interregional commuting**, why has Caltrans not taken these new projections into consideration?

RESPONSES

11 cont. Please also note that on October 28, 2011, the 2050 RTP was adopted as the current regional transportation planning document. The SANDAG revenue-constrained projects lists include the proposed project. From the I-5 / I-805 merge north to Vandegrift Boulevard, the proposed facility is shown with existing general purpose freeway lanes, which range in number from 8 to 14, depending on the segment, as well as the four HOV/Managed Lanes proposed by the Preferred Alternative. The Preferred Alternative is consistent with the 2050 RTP. The proposed improvements would support future regional planning related to rapid transit and are consistent with currently planned rail improvements. Although specific BRT facilities would not be constructed as part of this project, future use of the HOV/Managed Lanes by BRT would not be precluded.

12 Please refer to Topical Response "Projected Growth" for information about traffic projections and current growth patterns. As noted in the response to your Comment 11, the Preferred Alternative is consistent with the transportation improvements specifically identified in the RTP.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
13 How has Caltrans determined the regional transportation impact of increased housing density and the need for more mass transit opportunities versus freeway expansion?	13 Please refer to Topical Response "Multimodal System" for a discussion of how the project and related planning fit within the regional transit system and RTP.
14 . The TPCPB asserts that Caltrans has failed to follow the guiding philosophy of the Mobility 2030 Plan especially the "**Think before You Build"** and "**The Most Bang for the Buck".** The following is a series of questions that need to be thoroughly explored and answered by the I-5 NCC DEIR. The TPCPB considers this a necessary and critical step in determining that all alternatives have been scrutinized. Although the DEIR is directly related to the widening of I-5, there should be a focus on the policy objectives established in the 2030 Mobility plan. It's worth repeating that a key Mobility policy objective is to "Minimize drive alone travel". ➢ **In what ways does this project align with the policy objectives of the SANDAG 2030 Mobility Plan?**	14 Please refer to the response to your Comment 11.
15 ➢ **What will be the financial impacts of this project on real estate values, salability, and livability in the Torrey Pines Community and others within the corridor?**	15 Please refer to Topical Response "Property Valuation" for a discussion of financial impacts of highway-widening projects such as the *I-5 NCC Project* on real estate values and salability. In summary, substantial adverse impacts to property values are not anticipated from project implementation. For impacts on issues such as community cohesion, visual quality, noise and air quality, which affect livability, please refer to the appropriate sections in the EIR/EIS.
16 ➢ **For each alternative, how will noise be attenuated both during the proposed construction and final phase?**	16 Noise at the construction sites would be intermittent and would vary in intensity. Specifically, the degree of construction noise may vary for different areas of the project site, as well as for individual construction activities. The following measures would be implemented to minimize the effects of construction activity noise: • Ensure that all equipment items have manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. All construction equipment would be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices. • Turn off idling equipment. • Implement a construction noise-monitoring program to limit impacts.
17 ➢ **What is Caltrans understanding of the expression "**the Most Bang for the Buck" scenario?	
18 ➢ **Why has the use of** moveable traffic lane **dividers, like those used on nearby I-15, not been included as an alternative to widening I-5?**	
19 ➢ **The EIR process should not be considered complete until all** new **relevant data and trends has been analyzed with special emphasis placed on** viability of the 2030 MOBILITY plan.	
20 ➢ Has SANDAG's commissioned report, Parsons Brinckerhoff for the 2050 Regional Transportation Plan entitled "Lessons Learned from Peer Regions" been reviewed, studied and applied to the proposed plans? ➢ To what extent have the recommendations of this above report been considered in the DEIR? ➢ In this above report, the Overarching Themes relates to reducing Parking requirements in transit-supportive communities. The Brinckerhoff report on page 28 **states** that "Abundant and inexpensive parking have proven to be key deterrents to transit use." How **d**oes the prospect of future urban development with stricter and more limited parking impact the need for more general-purpose lanes or managed lanes?	
21 D. **Omissions and Errors in I-5 NCC DEIR** **1. Generated Traffic and Induced Travel** Why has DEIR omitted any source studies that counter the notion that building more highway capacity reduced congestion? The Torrey Pines Community Planning Board easily found scientific research that address this issue. For example, a June 4, 2010 report by Todd Litman of the Victoria Transport Policy Institute named Generate Traffic and Induced Travel –Implication for Transport Planning. All References and Information Resources can be found at www.vtpi.org/gentraf.pdf	

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16 cont.

- Plan noisier operations during times least sensitive to receptors.
- Keep noise levels relatively uniform and minimize impulsive noises.
- Plan rests between construction activities so that noisy activities are followed by more quiet activities.
- Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. Provide frequent activity updates of all construction activities.

With respect to operational noise, and as outlined in EIR/EIS *Section 3.15,* the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners. Please refer to Topical Response "Soundwall Considerations" for discussion regarding general soundwall evaluation and location analysis in accordance with the Caltrans Traffic Noise Analysis Protocol (Protocol).

17 The *I-5 NCC Project* has been developed with an emphasis on fiscal responsibility for the use of public funds. As described in EIR/EIS *Section 2.1, Project Description*, the project alternatives were assessed for ability to meet the objectives of the purpose and need established for the project, with consideration to avoid and minimize impacts on the environment, local streets, and communities adjacent to the project, while adhering to Caltrans design and safety standards. The Preferred Alternative is considered to represent the best balance between I-5 improvement and minimization of environmental impact.

18 As mentioned in *Chapter 2, Project Alternatives*, of the Draft EIR/EIS (pages 2-15, 2-17 and 2-18), three build alternatives, including the movable barrier concept, were considered but rejected due to their inability to provide adequate highway capacity to meet the year 2030 travel demands within the project limits. Furthermore, these alternatives do not provide consistency with the RTP and have potential community and environmental impacts.

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	19 The EIR/EIS incorporates relevant data and trends, including applicable elements of the MOBILITY 2030 RTP, and the 2050 RTP adopted by the SANDAG on October 28, 2011.
	20 The report cited in this comment was not prepared to support the EIR/EIS, so is not included as a reference. The availability of local parking is not anticipated to affect the basic design or any environmental analysis of the I-5 regional facility as presented in the EIR/EIS.

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21 cont.

In the Abstract section of this report, it is made crystal clear that if " road capacity increases, the number of peak-period trips also increases until congestion again limits further traffic growth." The additional travel is called "generated traffic and consists of diverted traffic (trips shifted in time, route and destination), and induced vehicle travel (shifts from other modes, longer trips and new vehicle trips). Research indicates that generated traffic often fill a significant portion of capacity added to congested urban roads.

On page 2 of the Introduction, it states that "generated traffic reflects the economic "law of demand," which states that consumption of a good increases as its price declines. Roadway improvements that alleviate congestion reduce the generalized cost of driving (i.e., the price), which encourages more vehicle use. Put another way, most urban roads have *latent travel demand*, additional peak-period vehicle trips that will occur if congestion is relieved." The short-run benefit to drivers is a reduction in driving cost per mile. "Over the long-term induced travel represents an outward shift in the demand curve as transport systems and land use patterns become more automobile dependent, so people must drive more to maintain a given level of accessibility to goods, services and activities (Douglas Lee 1999)."

On page 4, Defining Generated Traffic, the statement that "Project planners are primarily concerned with traffic generated *on the expanded road segment*, since this affects the project's congestion reduction benefits. Others may be concerned with changes in *total vehicle travel* (induced travel) which affects overall benefits and costs. Over the long term an increasing portion is induced travel. Adding roadway capacity can reduce the network's overall efficiency, a phenomena called *Braess's Paradox* (Youn, Jeong and Gastner 2008). Highway capacity expansion can induce additional vehicle travel on adjacent roads (Hansen, et al. 1993) by stimulating more dispersed, automobile-dependent development." Would not the long-term impacts include increase automobile dependency which can led to degraded walking and cycling conditions, reduced public transit service quality and reduced respect for alternative modes of transport be the final unwanted outcome(s) of this I-5 NCC project?

Under the heading Measuring Generated Traffic, starting on page 6, are various studies that have examined the amount of traffic generated by specific projects. Cervero (2003a & b) used data on freeway capacity expansion, traffic volumes and geographic factors in California. He estimated that about "80% of additional roadway capacity is filled with additional peak-period travel, about half of which (39%) can be considered the direct result of the added capacity. Robert Noland (2001) found that 50% of the increased roadway capacity is filled with added travel within about 5 years and that 80% of the increased roadway capacity will be filled eventually. The medium-term elasticity of highway traffic with respect to California highway capacity showed that 60-90% of increased road capacity is filled with new traffic within five years (Hansen and Huang 1997). The research concludes, "it appears that adding road capacity does little to decrease congestion because of the substantial induced traffic" Hansen 1995). Table 2 Portion of New Capacity Absorbed by Induced Traffic, shows that Long-term (3+years) capacity is absorbed from an average of 60% to 90% over this time-span. What is even more troubling is the finds of Noland and Mohammed A. Quddus (2006) that ' increases in road space or traffic signal control systems that smooth traffic flow tend to induce additional vehicle traffic which quickly **diminish any initial emission reduction benefits."** Does not this I-5 NCC Project actually increase automobile and truck traffic and harmful emission in the long run? If not, then why does the DEIR not provide data to prove otherwise?

22

Under **Land Use Impacts**, "highway improvements tend to encourage lower-density, automobile-oriented development at the urban fringe, while transit improvements tend to encourage higher-density, multi-modal, urban redevelopment."

Under **Counter Arguments**, starting on Page 22, Roy Kienitz, executive director of the Surface Transportation Policy Project stated that "Widening roads to ease congestion is like trying to *cure obesity by loosening your belt."* Highway expansion advocates ignore or severely understate generated traffic and induced travel impacts. Advocates claim that roadway 'capacity expansion reduces fuel consumption, pollution emissions and accidents, because they measure impacts per vehicle-miles and ignore increased vehicle miles. As a result they significantly

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21 With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2035 and beyond as part of a multimodal system and is not anticipated to result in a substantial number of additional trips. The use of HOV/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic (referred to as induced or latent demand, as discussed in this comment and the studies it references) has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic, including latent demand.

22 Regarding freeway congestion, please note that *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2050 to allow the region to work toward complex solutions that take an extended period of time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. The proposed use of HOV/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. It is true that the proposed project would not eliminate congestion. However, the project would result in less congestion than would occur under the No Build alternative.

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22 cont.

exaggerate roadway expansion benefits and understate total costs." Some highway advocates 'suggest there are equity reasons to subsidize roadway capacity expansion, to allow lower-income households access to more desirable locations, but most benefits are captured by middle- and upper income households (Deakin, et al. 1996).

Under **Alternative Transport Improvement Strategies,** page 24, **a** "**No Build**" option may become more attractive since peak-period traffic volumes will simply level off without additional capacity. "This can explain why urban commute travel times are virtually unchanged despite increases in traffic congestion, and why urban regions that have made major investments in highway capacity expansion have not experienced significant reductions in traffic congestion (STPP 1998).

The Generated Traffic study ends by asking, "Would you rather spend a lot of money to increased road capacity to achieve moderate and temporary congestion reduction and bear higher future costs from increased motor vehicle traffic, or implement other type of transportation improvements? The preference for road building might disappear." Caltrans is asking people Do you think traffic congestion is a serious problem? And then saying the I-5 NCC solves congestion problems by expanding the roadway.

23

Under CEQA Guidelines 15151, a "good faith effort at full disclosure" must be made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Caltran has failed to exercise "careful judgement" based on available "scientific and factual data" as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

24

The TPCPB asserts that Caltrans has failed to provide this 'good faith effort' and has ignored a vast body of evidence that supports the superiority of the "No Build" alternative as compared to any of the other I-5 NCC Alternatives.

25

The TPCPB considers the DEIR to be in error and to have a major omission in its failure to factor in the concept of generated traffic into the project analysis. In addition to addressing this major omission, the TPCPB seek a response to each of the following questions:
Why has the well-established concept of generated traffic and induced travel been ignored?
How would consideration of these concepts alter the claimed benefits of this project?
What would be the additional carbon load and GHG emissions resulting from generated traffic and induced travel?
What would be the additional fuel consumption resulting from the generated traffic and inducted travel?

26

2. I-5/SR-56 Connector Project

In Chapter 3 of the I-5 NCC, on page 3.25-4 /Table 3.25-1: Cumulative Projects, the I-5/SR-56 Direct Connectors are listed as Caltrans Project 11. Why was Project 11 not included under S.8 Other Projects and Considerations on page S-16? The Torrey Pines Community Planning Board has two seats on the Caltrans I-5/SR-56 subcommittee and has been involved for several years as active participants. Even under the I-5/SR-56 "No Build" Alternative, it states that the project includes the completion of the I-5 NCC project. If the I-5 NCC project is not built the I-5/SR-56 project would not move forward. Caltrans has failed to apply the Code of Federal Regulations (CFR) – Title 40: Protection of Environment, Chapter V, Part 1502.4 (a)- Federal actions requiring the preparation of environmental impact statements, correctly. Part 1502.4 (a) states "Agencies shall make sure the proposal which is the subject of an environmental impact statement is property defined. Agencies shall use the criteria for scope (1508.25) to determine which proposal(s) shall be the subject of a particular statement. Proposals or parts of proposals which are **related to each other closely enough to be, in effect, a single course of action** shall be evaluated in a single

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22 cont. For example, as outlined in Draft EIR/EIS *Table 3.6.2* (now Final EIR/EIS *Table 3.6.3*), total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to the response to your Comment 21 with regard to potential for induced travel.

23 The EIR/EIS objectively evaluates a reasonable range of alternatives to the overall project, as required by the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA). The No Build alternative and four potential build alternatives are analyzed in an equal level of detail throughout the document. The process of identifying the build alternatives is addressed in detail in EIR/EIS *Section 1.4*, *History and Background*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor.

24 As noted in the response to your Comment 23, the No Build alternative is analyzed in detail in the EIR/EIS; it has not been rejected. The analysis in the EIR/EIS demonstrates that the No Build alternative is not superior to the build alternatives in terms of satisfying the purpose and need of the project, although it would avoid a number of impacts, as fully disclosed in the EIR/EIS. Regarding reduction of congestion in particular, please refer to the response to your Comment 22. In addition, the previously described Preferred Alternative would provide a more efficient transportation system, improved travel times, and greater mobility relative to the No Build alternative. Specifically, the Preferred Alternative would improve mobility for autos, trucks, bicycles, pedestrians, and LOSSAN and/or transit users. Selection of the No Build alternative or one of the identified build alternatives will be made by the decision makers following distribution of this Final EIR/EIS.

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impact statement." Part 1502.4 (b), states that "agencies shall prepare statements on broad actions so that they are relevant to policy and timed to coincide with meaningful points in agency planning and **decisionmaking**." Part 1502.4 (2) states that "generally, including actions which have relevant similarities, such as common timing, **impacts, alternatives, methods of implementation**, media, or subject matter." How does this I-5 NCC project comply with 40 CFR 1502.4, when the I-5/SR-56 Direct Connectors, Project 11 is not included?

26 cont. The TPCPB asserts that Caltrans has failed to properly include the I-5/SR-56 Direct Connectors, Project 11, as an integral component of the I-5 NCC DEIR as outlined in 40 CFR 1502.4. Caltrans needs to provide the I-5/SR-56 Direct Connectors documents that clearly shows that the original funding for this project was at a much higher level (approximately $300 million). The revised project has been substantially reduced to around ($110 million) as costs for this project has been absorbed into the I-5 NCC project.

How is the failure to include full consideration of the I-5/SR-56 Connector project in the DEIR not considered to be a **significant omission**?

3. Impacts to Property Values and Tax Revenue

27 In the Community Impact Assessment technical Study for I-5 NCC, Caltrans states that " there would be no residential or business displacements within San Diego that would directly affect property values." How is this not a patently false assertion? Residents along this project corridor are already contemplating negative property value impacts as a result of the mere consideration of this project.

28 Residential properties immediately adjacent to I-5, in addition to those properties that would experience a partial loss of land to the proposed alternatives, will likely experience direct negative effects to property values as a result of I-5 NCC expansion. Residential areas that would become closer to I-5 and the proposed retaining walls and sound walls, especially if these walls are built on easements donated by property owners, could experience a decrease in property values." Caltrans then makes a disingenuous statement that " **it may be possible that the proximity to I-5 and installation of sound walls would improve property values**, creating an environment with reduced traffic-related noise and a relative separation from the freeway. " Caltrans claims that " when viewing the proposed project along the entire I-5 NCC and the improvement to the region as a whole, property values will likely improve." Where is the realistic data to support this dubious contention?

29 The TPCPB asserts that Caltrans is **in error** in stating that proposed sound walls would improve property values. Of the 15 sound walls proposed in Torrey Pines, 13 will **not be built** as the construction related cost(s) exceeds the calculation for Allowance. The other two sound walls S543 and S567, would only be built if the owner gives up property for an easement and access for maintenance. How can Caltrans claim property values would improve due to decreased noise when there will be only 13% of the walls will be built? How does Caltrans justify calling these impacts of being closer to I-5, increased Noise, and pollution as indirect effects on property values? The TPCPB requests that a study be commissioned to ascertain, what the estimated short and long-term impact to property values would be within San Diego and the entire I-5 NCC. This study should include all properties within 1,000-feet of the I-5-NCC project. How is the absence of such analysis not considered to be a significant omission?

30 Caltrans states under Impacts to Tax Revenue, 3.2.1.5, that "impacts associated with the removal of residential and business property by ROW takes can result in losses to property and sales tax revenue for the local jurisdictions. This loss in tax revenue is usually minimal, however, with many homeowners relocating within the municipality and continuing to pay taxes after resettling." "No properties within San Diego would be removed and thus no adverse tax revenue impacts." The TPCPB asserts that Caltrans is in error and has not taken into consideration the impact of property value reduction's owing to the I-5 NCC project's closeness to large tracts of high value residential homes bordering I-5. Why should Caltrans not provide a study that addresses this future loss of property value and the estimate percentage loss of residential value? Why should this study not correlate this percentage to a dollar figure in lost property taxes within the City of San Diego? Why has Caltrans failed to provide the research that

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25 Regarding generated and induced traffic, please refer to the response to your Comment 21. The analysis of project impacts and benefits reflects the approximately four percent increase in VMT anticipated to occur as a result of latent demand. Regarding GHG emissions, quantitative data from the project air quality and GHG analyses are presented in EIR/EIS *Section 3.14, Air Quality*, and *Chapter 4, California Environmental Quality Act Evaluation*, respectively. These data show that future air quality and GHG emissions are improved under the Preferred Alternative, as compared to the No Build alternative, with the Preferred Alternative also providing a more efficient transportation system and greater mobility than the No Build alternative. Specifically, the analysis for GHG emissions (expressed as CO_2 emissions) is provided in EIR/EIS *Section 4.6, Climate Change*. The project's quantitative GHG analyses show that when compared to the No Build alternative, the Preferred Alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 340 tons per day, while the 10+4 alternatives are estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 350 tons per day. GHG emissions associated with congested travel on local streets would diminish if vehicles used a more free-flowing I-5 facility. Please refer to Topical Response "Climate Change" for additional information regarding GHG emissions. With regard to fuel consumption, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out of direction travel.

26 A completely revised *Executive Summary* that supersedes previous *Section S.8*, *Other Projects and Considerations,* is included in the Final EIR/EIS. The I-5 / SR-56 project has not been omitted from the EIR/EIS for the *I-5 NCC Project.* As a Caltrans project in the same corridor as the *I-5 NCC Project*, the I-5 / SR-56 project is included as a cumulative project in Final EIR/EIS *Table 3.25.2*. The I-5 / SR-56 project is also included in the list of projects in EIR/EIS *Section 1.3.7*, *Other I-5 Projects*. This discussion notes that *I-5 NCC Project* does not preclude alternatives for various operational improvement projects that are included in the RTP. The *I-5 NCC Project* has independent utility because it does not require the I-5 / SR-56 project to be implemented, nor is the *I-5 NCC Project* required because of the I-5 / SR-56 project. Whether or not the I-5 / SR-56 project moves forward, the *I-5 NCC Project*

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26 cont. can proceed, and therefore the two projects are not related to each other so closely that they are in effect a single course of action; and it is not an omission to treat the I-5 / SR-56 project separately from the *I-5 NCC Project*. The Draft EIR/EIS for the I-5 / SR-56 project was released in May 2012.

27 EIR/EIS *Section 3.4.1, Community Character and Cohesion*, concludes from the overlay of the widest project footprint on project area mapping that even the implementation of the 10+4 Barrier alternative in San Diego would not result in any full parcel acquisitions within the City. As no residential or business displacements would occur, such displacements would not directly affect property values. Immediately following the quoted statement regarding property value impacts from displacements, the Community Impact Assessment goes on to address potential indirect effects to property values.

28 The referenced statement is intended to say that where there currently is no barrier between an existing property and I-5, installation of a barrier in the form of a soundwall, even if the I-5 right-of-way is somewhat larger, could improve the value of that specific property.

With regard to overall improvement in value, Caltrans must rely on historic trends in the area. The proximity to coastal areas, enhanced transportation options provided by the *I-5 NCC Project* (both vehicular and non-motorized), as well as other enhancements described in the EIR/EIS (including soundwalls where none exist, park upgrades, etc.) overall, would support improved property values over a condition where gridlock increases, area residents spend increased time on the road, and amenities are not provided.

29 It is true that, following the procedures outlined in Title 23, Part 772, of the Code of Federal Regulations (CFR) (*Procedures for Abatement of Highway Traffic Noise and Construction Noise*), the soundwalls mentioned in this letter were determined not to be “reasonable” because the estimated construction costs would

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29 cont. exceed the "reasonable" cost allowance. As noted in *Section 3.15* of this Final EIR/EIS, however:

Segment 4

- Soundwall S543 would not be "reasonable" due to the estimated construction cost exceeding the "reasonable" cost allowance (*Table 3.15.10*). Cost of acquisition for right-of-way is assumed to be $94,010 for this wall, and when added to the construction cost, it exceeds the "reasonable" allowance. If the estimated construction cost could not be reduced to less than or equal to the "reasonable" allowance, construction of S543 would not be recommended (*Table 3.15.10*).

- It is noted and preliminarily recommended that interior abatement be provided to noise receptor R4.11 (13131 Portofino Drive) and the existing wall be left in place as this noise receptor would be "severely impacted" (vicinity of Soundwall S551).

- It is noted and recommended that interior abatement be provided to noise receptor R4.23 (Casa Del Mar Apartments – Ruette Le Parc) because this noise receptor would be "severely impacted" (vicinity of soundwall S557).

Segment 5

- Soundwall S567 would not be "reasonable" due to the estimated construction cost exceeding the "reasonable" cost allowance (*Table 3.15.12*). Cost of acquisition for right-of-way is assumed to be $96,670 for this wall, and when added to the construction cost, it exceeds the "reasonable" allowance. If the estimated construction cost could not be reduced to less than or equal to the "reasonable" allowance, construction of S567 would not be recommended (*Table 3.15.12*).

Please refer to Topical Response "Soundwall Considerations" for additional details about the evaluation of "feasibility and reasonableness" for soundwall construction. Please also refer to Topical Response "Property Valuation" for additional information

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29 cont. about the positive and adverse effects of highway-widening projects on adjacent residential and business properties.

Direct and indirect impacts of a project are equally important in an environmental analysis, and both have been analyzed adequately in the EIR/EIS. Direct effects are defined in 40 CFR 1508.8(a) as being caused by the action and occurring at the same time and place. Indirect effects are defined in 40 CFR 1508.8(b) as being caused by the action and are later in time or farther removed in distance, such as effects on air and water.

Regarding studies within a radius of 1000 feet, the study area boundary for each environmental issue addressed in the EIR/EIS was selected based on the area relevant to establishing existing conditions and an acceptable evaluation of the extent of impacts. As defined in EIR/EIS *Section 3.1.1, Existing and Future Land Use*, for example, the portion of the City of San Diego that may be affected by the project is described as including the area east of Del Mar at the northern city limit and south approximately to La Jolla. The area of Existing Land Use in San Diego and Del Mar is illustrated in *Figure 3-1.2.* The Community Impact Assessment (CIA) defines the study area for its technical analysis as a footprint resulting from a combination of numerous community plans, contiguous census tracts, and communities that are at least partially within the 0.5-mile buffer of the project and may be potentially affected by the proposed project, community features, and school districts. Definition of a study area based on an arbitrary distance is not consistent with the guidance in the Caltrans SER.

30 The issue of potential changes to property values is addressed in the CIA. Based on project footprint maps, the CIA concludes that no properties within the City of San Diego would be removed as a result of the proposed project, no residences or businesses would require relocation within San Diego, and there would be no loss of property and sales tax revenue. The CIA also explains that a number of factors drive property values in the San Diego region, such as proximity to coastal areas, school districts, accessibility to public facilities and amenities, neighborhood affiliation, lifestyle, etc., and this complex set of factors may overwhelm any project-related

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30 cont. supports their statement that most people relocate within the same jurisdiction? And if they do where do the taxpayers they dislocate move? Or is Caltrans suggesting bigger freeways lead to new development and regional sprawl?

4. Biased Data Analysis and Presentation

31 The I-5 NCC DEIR contains many examples of bias and fails to present a balanced and rigorous assessment of potential impacts of this project as required explicitly by the National Environmental Policy Act (NEPA) and CEQA. The DEIR is unacceptable in its entirety and various technical studies supporting the DEIR have used flawed biased methodologies that greatly underestimate the likely impacts of this project.

32 For brevity, a few examples of bias and error are described here and only represent a small fraction of the misleading and incorrect statements that are not supported by facts or study. On Page S-8, Caltrans claims that reconfiguration would " improve and facilitate connectivity between communities east and west of I-5 in locations that have been previously bisected by the freeway." Exactly what does Caltrans define connectivity to mean? What tangible evidence is provided to the reader? What studies have been provided to support this claim? What community input, in the Torrey Pines and Carmel Valley area, is available to support that connectivity is in fact an issue?

33 In Section 1.3.1, Caltrans states "there have been minimal improvements to the existing interstate facility since the original construction." How is this statement not self-serving and factually false? Caltrans has just finished adding car-pool lanes in several sections of the I-5 NCC project. What does Caltrans call the I-5/805 merge? Why has Caltrans excluded millions of dollars of improvements from this discussion? The TPCPB requests a complete accounting of all capital costs associated with the I-5 NCC. Why has Caltrans failed to include detail statements and conclusions from the Final Environmental Impact Statement – I-5 Widening and Interchange Improvements in San Diego that clearly refutes the assumption that only minimal improvements have been performed to date?

34 The National Environmental Policy Act (NEPA), under Title 40 Sec. 1502.14, is very clear on what actions must be taken when preparing a DEIR. "This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and the public. In this section agencies shall:
(a) Rigorously explore and **objectively evaluate** all reasonable alternatives, and for alternatives, which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.
(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.
(c) Include **reasonable alternatives not within the jurisdiction** of the lead agency.
(d) Include the alternative of no action.
(e) **Identify the agency's preferred alternative or alternatives**, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.
(f) Include appropriate mitigation measures not already included in the proposed action or alternatives." The I-5 NCC DEIR has largely avoided addressing these mandatory items under NEPA.
What are Caltrans' answers to the above items a-f?

35 In addition, the Council for Environmental Quality highlights the "40 most asked questions." about NEPA including the following questions and answers.

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30 cont. incremental change. The CIA concludes that impacts to property values associated with the proposed alternatives are not known at this time.

31 The EIR/EIS has been prepared in accordance with Caltrans and Federal Highway Administration (FHWA) standards and protocols for environmental documentation. The level of detail in the description, graphics, and specific technical analysis is sufficient to adequately evaluate the project components in the 27-mile corridor. Methodologies applied in the EIR/EIS and supporting technical studies are not biased or flawed.

32 The referenced statement in the Draft EIR/EIS *Summary* is related to reconfiguration of existing interchanges, overcrossings and undercrossings along the project corridor proposed as part of the project to improve pedestrian and bicycle facilities, provide linkages, and allow for improvements to public transit. The project features would serve to improve and facilitate connectivity between communities east and west of I-5 in locations that have been previously bisected by the freeway. "Connectivity" in this sense means that pedestrians and bicyclists would be better able to access various locations where the freeway has been a barrier. Community input into the process of identifying desirable enhancement features and the *I-5 NCC Project* overall is summarized in EIR/EIS *Chapter 5*, *Comments and Coordination*.

33 The referenced statement is made in EIR/EIS *Section 1.3.2*, *Traffic Demand*, and was intended to convey the general lack of major improvements in the I-5 corridor regionally. Specific modifications in the project corridor are discussed in EIR/EIS *Section 2.1*, *Project Description*, which notes that most of I-5 within the project area was originally built in the mid-1960s to the early 1970s as an eight-lane mixed-use freeway, and that local freeway-to-freeway interchanges within the project area exist at I-5 / I-805, I-5 / SR-56, I-5 / SR-78, and I-5 / SR-76. Recent major improvements mentioned in the project description include widening at the I-5/I-805 merge area, adding HOV lanes between Genesee and Via de la Valle, and reconfiguring the I-5/ Lomas Santa Fe Drive Interchange and extending the existing HOV/Managed Lanes north to the Manchester Avenue

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33 cont. overcrossing and San Elijo River Bridge. These improvements are part of the existing conditions for the *I-5 NCC Project* and have not been excluded from project planning. Updated estimated costs for the build alternatives are provided in *Section 2.1*. Refined costs cannot be estimated until after an alternative is selected, if the project is approved.

34 The NEPA items listed in this comment have been addressed in the EIR/EIS, as specifically discussed below.

a) The EIR/EIS evaluates four build alternatives and the No Build alternative in appropriately organized sections throughout the document. EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, discusses the reasons for other alternatives having been eliminated.

b) All four build alternatives and the No Build alternative are discussed at an equal level of detail throughout the EIR/EIS. Where a particular environmental issue is appropriately evaluated in terms of a single alternative, the rationale is explained. Comparative merits of the alternatives studied at an equal level of detail are provided in tables in the technical issue sections.

c) The four build alternatives addressed at an equal level of detail in the EIR/EIS are a result of more than 20 years of planning and project development summarized in EIR/EIS *Section 1.4*, *History and Background*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor.

d) The No Build alternative, which is the "alternative of no action," is discussed in each technical issue in the EIR/EIS.

e) The cited regulation requires disclosure of a Preferred Alternative in the draft EIS "if one or more exists." Identification of a Preferred Alternative in a draft document is not required because a full exploration of all four build

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	34 cont. alternatives was desired, including comments from the public, before decision makers consider project approval and selection of an alternative for final design. Please refer to the response to your Comment 05. f) Measures proposed to accomplish avoidance, minimization, and/or mitigation are discussed for each environmental issue in *Chapter 3* of the EIR/EIS. 35 Please refer to the response to your Comment 34e. Additional details about the Preferred Alternative and community enhancement projects that have been refined based on public comment and coordination between Caltrans and various affected municipalities, were included in the Supplemental EIR/EIS circulated for public review in August 2012, and have been incorporated into this Final EIR/EIS as appropriate. The No Build alternative and each of the build alternatives are objectively analyzed in the EIR/EIS.

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35 cont. Q."4c. Who recommends or determines the "**preferred alternative**?"
"A. The lead agency's official with line responsibility for preparing the EIS and assuring its adequacy is responsible for identifying the agency's preferred alternative(s). The NEPA regulations do not dictate which official in an agency shall be responsible for preparation of EISs, but agencies can identify this official in their implementing procedures, pursuant to Section 1507.3.
Even though the agency's preferred alternative is identified by the EIS preparer in the EIS, the statement **must be objectively prepared and not slanted to support the choice of the agency's preferred alternative over the other reasonable and feasible alternatives.**"

36 The DEIR recognizes that environmentally the I-5 NCC project "will have " potential significant environmental impacts to: wetlands and other waters of the U.S., threatened and endangered species and their critical habitats, sensitive plants and animals, and **visual/aesthetics**". The DEIR does a poor job in identifying potential impacts from Noise, GHG, the taking of property by eminent domain and community cohesion. Why does the DEIR fail to fully explore other alternatives, such as LOSSAN rail option, in any meaningful way?

37 The TPCPB asserts that Caltrans has not provided the public with a clear understanding of which Alternative is Preferred and has dismissed other non-highway solutions by failing to provide adequate supporting details. The DEIR, as presented, fails to follow the edicts of NEPA and CEQA in either form or intent and should be withdrawn.

38 **5. Parking Strategies effect on Transit Usage**
The I-5 NCC DEIR omits any serious consideration of the impact that Parking Strategies have on Transit Usage. SANDAG has done considerable research on parking restrictions/policies as an inducement to increase transit usage and transit mode share. Why has Caltrans failed to include information from SANDAG's 2010 *Parking Policies for Smart Growth?* How is it not first reasonable to work in collaboration with affected communities through out San Diego County, and develop guidelines for parking availability and pricing for various jurisdictions before presenting the I-5 NCC project? How would it not make more sense to first initiate regional educational programs regarding the effects of free parking on congestion and mode choice?

39 Smart Growth studies and experience across the country and including SANDAG's 2010 *Trip Generation for Smart Growth* study, have concluded that smart growth development leads to a "reduction in vehicle trip generation and a higher transit, pedestrian and bicycle mode share." Why does this I-5 NCC project fail to support the SANDAG Smart Growth policies?

40 Caltrans has excluded any mention of "form-based building codes" which SANDAG supports. SANDAG was established a regional policy basis for adoption of local form-based codes through its Smart Growth Design Guidelines including Multimodal Street –" describing how to create streets that balance the needs of all modes of transportation." Why has Caltrans failed to review this policy?

41 6. **Alternatives not Considered**

The Melbourne Australia CityLink is an outstanding example of how **imaginative design** can tackle a problem (sound mitigation) and produce a practical and attractive solution. Its main structural element is a pair of sweeping, curved and tapered C-shaped elements that are 140 feet wide and soar to 26 feet above the middle and is 985 feet long. It is done in a galvanized steel finish. Why has Caltrans chosen standard acoustic walls that are unsightly and do not effectively attenuate proposed freeway noise? Why wasn't a similar sound tube considered for the I-5 NCC portion running through Torrey Pines?

42 Why has Caltrans failed to consider the alternative of **cars-only parkways** that were developed around New York, Connecticut and the Washington DC area. Such parkways can be built with narrower lanes and

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36 The EIR/EIS adequately addresses impacts that may result from the full spectrum of environmental issues, including biological resources, visual/aesthetics, noise, GHG, right-of-way acquisition, and community cohesion. The *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to the response to your Comment 02 for additional information regarding the role of Caltrans in planning for multimodal improvements.

37 Please refer to the responses to your Comments 34e with regard to identification of a Preferred Alternative and 02 with regard to alternative forms of transportation improvements.

38 The focus of the EIR/EIS is on the I-5 freeway. Parking at park and ride facilities within the freeway right-of-way is free in order to encourage carpooling, thus reducing the number of vehicles on the road. No parking is allowed elsewhere on the interstate freeway system, except in emergency situations or where drivers must pull over for law enforcement. Caltrans has no authority or jurisdiction over parking fees at other locations, and it is not within its purview to develop educational programs regarding parking policies. The cited report was not prepared to support the EIR/EIS, so is not included as a reference. Please refer to the response to your Comment 20.

39 It is true that the land use pattern contained in the Sustainable Communities Strategy (SCS), which is the companion document to the RTP, plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2035 and beyond as part of a multimodal system. These improvements would allow the time necessary for the region to work toward complex solutions, such as smart

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lower overhead clearance at underpasses. All car roads can be designed with more forgiving standards for sight distances, curvature, grades, and ramp design. The weight mismatch between tractor-trailers and a car makes many collisions fatal to car occupants. Why has Caltrans failed to consider **truckways** that would separate cars from trucks and allow for Longer Combination Vehicles that can haul up to 50 % more payload? Many more **Innovative Roadway Design** features can be reviewed in Peter Samuel's report called Reason Foundation - Innovative Roadway Design –Making Highways More Likable. This paper states that " many of our highways have **gotten too big**, not because anyone wanted them to be that way, but because widening existing highways was the **simplest thing to do**." "Highways needn't get ever wider." 42 cont.

The TPCPB asserts that the I-5 NCC project has failed to consider innovative design alternatives and has not met the standards set forth under CEQA. Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40). Why was Caltrans failed to consider innovaitve design alternatives? 43

7. **Impacts to Arterial Streets within the Torrey Pines Community**

How is it not reasonable to conclude that the I-5 NCC Project will force additional traffic to the major and minor arterial streets in the Torrey Pines Community? Won't this happen at two different phases of the project?: 44

1. During construction, I-5 users will opt for surface streets that would allow them to avoid traffic and avoid unsafe travel conditions.
2. Upon completion of the project, the increased volume of I-5 travelers will introduce more traffic to the arterial streets.

Isn't the increased arterial traffic in the Torrey Pines area, strictly a result of the I-5 NCC Project? It is not contributed to by the population of Torrey Pines or the City of Del Mar. The populations of Torrey Pines and Del Mar will not substantially increase in the future. These communities are mature in the sense that there is very little developable land remaining. Our communities will not be contributing to the increased traffic conditions; but we will be living with the results of being forced to deal with more traffic on our arterial streets.

It is stated in section S.4 on page S-3 of the I-5 NCC DEIR that "Project documentation, therefore, has been prepared in compliance with both CEQA and NEPA." But the DEIR omits any consideration for the indirect impacts of arterial traffic for the following reasons: 45

1. The DEIR does not study or present any facts associated with this "foreseeable impact" caused by additional traffic and associated with the dated infrastructure of the Torrey Pines neighborhood.
2. The DEIR does not present or analyze any alternative or mitigation measures to help the community understand the indirect traffic impacts of the Project.

Since Caltrans must comply with CEQA guidelines, as stated above, the following sections of the CEQA guidelines must be addressed: 46

- Under CEQA 15064, "An indirect physical change is to be considered only if that change is a reasonably **foreseeable impact** which may be caused by the project."
- Under CEQA Guidelines 15151, a "good faith effort at full disclosure" must be made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with

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39 cont. growth. Please also refer to the response to your Comment 11 regarding consistency of the proposed project with the RTP.

40 Form-based building codes would be local building codes, which are not applicable to freeway projects. Interstate freeways are not appropriate for modes of transportation, such as bicycles and pedestrians, which are addressed through multimodal street policies. The potential community enhancements that are evaluated as part of the project, however, include bicycle trails and improvements to local streets that would support multimodal function.

41 The selection of soundwall design is based on Caltrans-approved criteria such as durability, costs that are determined to be "reasonable," and low maintenance requirements. Any design that deviates from the approved Caltrans criteria would require individual agency review and approval prior to implementation. With that said, however, the EIR/EIS identifies a number of sound barrier design options to both provide effective sound attenuation and address associated potential aesthetic concerns (refer to Final EIR/EIS *Figures 3-7.58*, *3-7.113* through *3-7.119*, and *3-7.122*).

42 The project alternatives studied are consistent with SANDAG planning guidelines and the current RTP; the standards set forth in the Highway Design Manual and applicable American Association of State Highway and Transportation Officials (AASHTO) guidelines have been followed in their development. As the State's transportation department, Caltrans endeavors to increase mobility across California by providing transportation infrastructure across many modes of transportation. I-5 is a link in the national Strategic Highway Network, and is an important conduit for trucks traveling from Mexico to Los Angeles and points north. As such, conversion of I-5 to a cars-only parkway would not effectively serve the transportation needs of the corridor. Additionally, given that truck traffic comprises approximately five to seven percent (average six percent) of I-5 traffic in the existing condition, which is projected to continue in the future, the potential environmental and community impacts of constructing a separate truckway would be expected to outweigh the potential benefits to traffic flow on I-5.

43 Please refer to the response to your Comments 34a, 34c, 41, and 42.

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	44 Some I-5 users may potentially opt to use surface streets during construction of the proposed *I-5 NCC Project* improvements. The project Traffic Management Plan (TMP), as outlined in *Section 3.6.4.1*, *Traffic and Transportation*, would include a Public Awareness Program to distribute information such as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please also refer to Topical Response "Construction Traffic." With regard to operational impacts, as described in *Section 3.6, Roadway Segment Analysis*, of project Draft Technical Report No. 6, Freeway Interchanges Operations Report (incorporated by reference to the Draft EIR/EIS), there are roadway segments within the Torrey Pines Community that would operate *under* capacity in any of the future scenarios (build and No Build alternatives). These segments include Carmel Mountain Road from Sorrento Valley Road to I-5, Carmel Valley Road from North Coast Highway to I-5, and the segment of Via de la Valle from Camino del Mar to Jimmy Durante Boulevard. The segment of Del Mar Heights Road from North Coast Highway to I-5 would operate *over* capacity in either the build or No Build alternative scenarios. The segment of Sorrento Valley Boulevard from Sorrento Valley Road to I-805 already operates *over* capacity and would continue to do so under either the build or No Build alternatives.
	45 Please refer to the response to your Comment 44. Section 3.6 of the referenced Draft Technical Report No. 6 presents the results of the roadway segment analysis conducted for the adjacent local arterial system along the I-5 North Coast Corridor, including local arterials and intersections within the Torrey Pines Community. The project proposes improvements to ramp intersections such as I-5 southbound ramps at Via de la Valle, and I-5 southbound ramps at Del Mar Heights Road. The project would widen the Via de la Valle and Del Mar Heights Road north- and southbound on-ramps, thereby increasing ramp storage capacity and preventing or minimizing traffic backups onto local roadways. Furthermore, widening of Via de la Valle within the interchange limits is being proposed as part of the project.

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46 cont. information which enables them to make a decision which intelligently takes account of environmental consequences." Caltrans has failed to exercise "careful judgement" based on available "scientific and factual data" as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

Why are the above guidelines not being addressed in this DEIR?

47 The Torrey Pines Community needs to understand how our major arterial streets will be impacted. Also, we need to understand how Caltrans alternative plans will mitigate these harmful traffic impacts. The following questions need to be answered:

- How has Caltrans budgeted dollars outside of the I-5 NCC project to improve traffic for our arterial streets?
- How does Caltrans plan to aid in the implementation of a mass transit project(s) to ease traffic on our arterial streets?
- How does Caltrans plan for the expansion of current Park and Ride systems along the I-5 corridor that will lessen traffic impacts on Del Mar Heights Road, Carmel Valley Road, and Via de La Valle Road?
- Has Caltrans discussed the traffic impacts within the Torrey Pines Community with the City of San Diego and Councilmember Lightner? If so what were the results?

8. **Corridor of the Future** – California Interstate 5 – Modal Characteristics 2010-2040

48 The I-5 NCC DEIR notes on page 1-11, that on September 10, 2007, the U.S. Department of Transportation announced six interstate routes to be part of a development plan to help reduce congestion. This federal initiative was entitled Corridor of the Future. The modal concept included "**building truck-only lanes** and **bypasses**." On page 106 (112/154) of the U.S. Department of Transportation study under Freight Growth, the Freight Analysis Framework (FAF) identifies projected freight volumes and flow to the year 2020. This FAF is a tool used to "assist in matching infrastructure supply to demand and for assessing operational strategies." "In 1998 over 1.1 billion tons of freight was moved to, from and within California by truck freight, more that 81 percent of all freight by mode type. The FAF projects that by 2020 highways will carry 83 percent of all freight and 73 percent of the total statewide value."

49 Why has Caltrans failed to support this Federally funded I-5 initiative, which supports **building truck-only lanes and bypasses**?

50 What traffic congestion relief studies related to 'weaving' and truck traffic has Caltrans commissioned and reviewed?

51 Why has the I-5 NCC DEIR failed to provide a "**building truck-only lanes and bypasses" alternative?**

52 The TPCPB asserts that Caltrans has failed its legal duty to even consider Federal alternatives that support the California Interstate 5 Corridor of the Future. Caltrans has failed to exercise "careful judgement" based on available "scientific and factual data" as required by CEQA Guideline 15064(b).

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46 Please refer to the responses to your Comments 23 and 31.

47 Please refer to responses to your Comments 44 and 45, as well as the following information:

The provision of funding for local arterial streets is beyond the scope of the *I-5 NCC Project*, with proposed improvements (and funding) limited to freeway and interchange areas only.

SANDAG has the responsibility for regional transit services, with the recently adopted 2050 RTP identifying future transit corridors and services throughout the region. Figure 1.1 from the 2050 RTP shows the proposed transit networks for the San Diego region. Per the 2050 Revenue Constrained Plan, SANDAG has identified rapid bus route 473 to serve the area between Oceanside and University Towne Center (UTC), including coastal communities and Carmel Valley. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

The project includes enhancements of park and ride facilities along the I-5 corridor including the site at Carmel Valley Road (southwest of the I-5 / Carmel Valley Road Interchange). Long-term plans include expansion of this park and ride facility as shown on Page 9 of the I-5 North Coast Community Enhancement Plan, dated January 2008. The I-5 North Coast Community Enhancement Plan is incorporated by reference into the Draft EIR/EIS, and can be found at the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSComm08.pdf.

Mr. Arturo Jacobo, *I-5 NCC Project* Manager, met with Councilmember Sherri Lightner on October 17, 2011. Mr. Jacobo gave Councilmember Lightner a brief overview of the project, and Councilmember Lightner requested to be kept informed about the project.

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	48 The percentage of truck traffic is not expected to change dramatically by year 2030 (the ratio of trucks to other vehicles would remain at five to seven percent). This percentage of truck traffic would not change the number of lanes required for the freeway and does not support the provision of exclusive truck facilities. It should also be noted that trucks tend to operate during off-peak hours to avoid peak hour traffic congestion. SANDAG has requested and received funding from Caltrans under the Competitive Planning Grant to study the viability of using managed lanes (two lanes in each direction) for freight movement during off-peak hours. Potential changes to Sections 21654 and 22406 of the California Vehicle Code would be required to allow trucks in the HOV/Managed Lanes.
	49 Please refer to the responses to your Comments 42 and 48.
	50 Chapter 7, Interchange to Interchange Weaving Analysis, of the I-5 North Coast Freeway Operations Report (incorporated by reference into the Draft EIR/EIS), documents the interchange-to-interchange weaving analysis conducted for existing conditions and the proposed alternatives in both northbound and southbound directions along the I-5 corridor. The analysis includes a section devoted to bypass weaving, which discusses the possible inclusion or exclusion of the non-existing I-5 / SR-56 connectors (west-to-north and south-to-east traffic movements). The I-5 North Coast Freeway Operations Report can be found at the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf.
	51 Please refer to the responses to your Comments 42 and 48.
	52 Please refer to the response to your Comments 23 and 34c.

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II. **Comments on sections within the I-5NCC DEIR and Technical sub-reports**

A. Specific Projects within Torrey Pines

1. **Pedestrian Bridge Crossing at the Del Mar Hills Elementary School**

On Page 2-36 of the I-5NCC, is a photo depiction of a Proposed Trail & Pedestrian Overcrossing. On Page 2-8 of the DEIR is the text related to the Pedestrian Overpass. Caltrans states that this overpass would "allow a safe route to school for students living on opposite sides of the freeway." the Westside of I-5 to Lower Ridge Road Furthermore, "it would provide the opportunity for a dramatic gateway marking the northern entry to San Diego."

In order to clarify the issue of why this project was included in the I-5NCC, we had to search for the Technical Studies related to this Overpass. These Technical Studies were not originally provided to the public. After several requests Caltrans supplied, paper copies of 28 technical Studies, amounting to 11,551 pages, which were never produced for inclusion with the DEIR paper copy provided to Carmel Valley and Del Mar libraries.

Also, after searching other Technical Studies, it became apparent that the **Notebook** was **not included** as part of the DEIR. Caltrans was notified of this deficiency and on August 6, 2010 an email link was provided to this Notebook. It is worth noting that this missing material was provided some 35 days after the DEIR release date of July 2, 2010.

53 The Technical Study, entitled" Community Enhancement Plan January 2008", under Project #3: Pedestrian Overpass Connection North of Del Mar Heights Road, contains descriptive text and the rational for this bridge project. On Page 17 of 98, stated that this project would "allow an improved route to the school for students living on opposite sides of the freeway." "The bridge would incorporate aesthetic enhancements to improve the visual linkage between the communities, and provide the opportunity for a dramatic gateway marking the northern entry to San Diego." On page 18 of 98, the technical report notes that "the existing pedestrian conditions at Del Mar Heights Road are congested and unpleasant." The overpass would connect to Lozana Road on the western side of I-5 just south of the existing Del Mar Hills Elementary School. The final sentence of this rationale for the Project #3 states "see the I-5 North Coast Community Enhancement Plan Project Notebook."

Early on in this process of determining the rationale for this Overpass, the TPCBP contacted the Del Mar Union School District and the Northwestern Division of the San Diego Police Department. Both organizations were asked what they thought of the Pedestrian Overpass. The Del Mar Union School Board and the Police Department had no knowledge of this project and Caltrans had never contacted either group to solicit comments regarding the Overpass' appropriateness next to the Del Mar Hills School or safety concerns. Both organizations attended the July 22, 2010, TPCPB meeting with the school board member promising to get the school superintendent involved and made us aware that the children on the east side of I-5 attend Solana Beach School System not the DMUSD. Captain Rosario turned this issue over to their safety consultant, Mr. Parker, to research. The TPCPB provided access to all the Caltrans website materials that we had access to as of this meeting.

Mr. Parker issued a report on August 9, 2010,to the TPCPB Chair. The police consultant expressed concerns that this pedestrian bridge provided criminals with an additional path in and out of the connected neighborhoods. The possible effects of this to the residents and the personal safety risks to the public needed to be weighed against the benefits to them in determining whether the bridge should be built. Furthermore, the nighttime curfew would prohibit the use of the overpass at night. This might require the installation of gates that would be locked at night. The DEIR states that the

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53 The history of communication regarding the proposed pedestrian bridge crossing at the Del Mar Hills Elementary School is now part of the public record. The public review period for the EIR/EIS was extended to November 2010 to allow for sufficient time to review various materials that were not provided at the beginning of the review period.

The trail and pedestrian overcrossing just north of the I-5 / Del Mar Heights Road interchange was proposed as a community enhancement project to connect adjacent neighborhoods currently divided by the freeway. The bridge is proposed to include pedestrian lighting and safety fencing. Following circulation of the Draft EIR/EIS and receipt of comments, the connection to/from the neighborhood to the west was refined so the overcrossing now connects with the north-south I-5 North Coast Bike Trail. During an October 23, 2012 meeting with Caltrans, school administration staff stated their support for this pedestrian bridge.

Regarding alternative solutions for the on- and off-ramps, the project proposes modifications to the I-5 / Del Mar Heights Road Interchange to improve pedestrian mobility along the bridge. Specifically, these modifications include realigning the west- to southbound loop on-ramp to make it perpendicular to Del Mar Heights Road. Similarly, the east- to southbound on-ramp would be realigned to be more perpendicular to Del Mar Heights Road, thereby improving pedestrian and bicycle crossing capabilities.

Regarding coordination, Caltrans staff have and will coordinate with appropriate agencies. Please see *Chapter 5, Comments and Coordination*. This will continue as the project unfolds if it is approved.

Caltrans assessed the interchange and overcrossing and coordinated with the City and community. The bridge is the best option based on the needs of all parties concerned. Specific to noise on the bridge, this is an area of transitory use and does not constitute an area of "frequent human use" that would benefit from reduced noise levels.

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Overpass would be located south of the Del Mar Hills School. In fact the only way to access this proposed Overpass is through the school's parking lot. Mr. Parker stated that the bridge should be located where their approaches are clearly visible to people in the area. The proposed location of the Overpass does not meet this criterion.

The Project Notebook indicated on page 47 of 253, that Project #3 received a negative community score from the TPCPB at a meeting held March 9, 2006 at a Del Mar Elementary School. One of the recorded comments from that meeting was "what did the other neighborhood think (Carmel Valley)?" Why is the Notebook silent on that question? Another question from the group was what did this project cost. The construction cost on page 47 was $5,000,000.00. The TPCBP is not aware of any follow-up communications from Caltrans after that meeting in 2006.

53 cont.

In the summary section of the DEIR, under S.6 Coordination with the Public on page S-4, it is stated that "early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process." The Torrey Pines Community Planning Board asserts that Caltrans has failed to follow its own primary goal of keeping the public informed and has failed to accurately research or portray information accurately. Under CEQA Guideline 15151, a "good faith effort at full disclosure" must be made. "An DEIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Caltrans has failed to exercise "careful judgement" based on available "factual data" as required by CEQA Guideline 15064(b).

Please explain how Caltrans DEIR has not failed to comply with the CEQA guidelines and it own guiding policy of fostering community involvement for the following reasons?:

- Why was Information (NOTEBOOK) excluded from the DEIR that prevented the decision-makers from making an intelligent decision?
- Why was data presented, as Factual, which in effect was erroneous, such as the need to connect to different school districts and the critical fact that the TPCPB had rejected the Pedestrian Bridge project?
- Why was Misleading data provided regarding the proposed location of Project #3 next to the Del Mar Hills School?
- Why has Caltrans failed to adhere to its Community Public Coordination policy by not contacting the Del Mar Union School District or the San Diego Police Department? It is unclear if either the Bella Del Mar Apartment on the West Side of I-5 or the East Bluff Condos on the East Side of I-5 were every informed of this proposed project adjacent to their homes even back in 2006.
- Why has Caltrans failed to provide an Alternative solution to the problems with crossing the Del Mar Heights Bridge, such as upgrading the pedestrian crossings with traffic lights or a walkway over the on and off ramps?
- How has Caltrans considered the noise level on the bridge across 14 traffic lanes with tall retaining walls on each side reflecting the sound up to the bridge?

Caltrans should revise the DEIR and re-issue this document with **sufficient information to allow meaningful evaluation and analysis** by the public, which is a requirement under CEQA.

54

2. Noise Study and Sound Wall Overview

To understand the Caltrans decision-making process regarding all eighty-four sound barriers, you need to consider the evaluation process portrayed in the Noise Abatement Decision Report (NADR). This

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54 These statements summarize the process applied by Caltrans for conducting noise analysis and abatement evaluation.

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54 cont.

report is part of the I-5 NCC Technical Studies under the heading Noise Abatement Data Report Vol. 1 October 2007. On page 4 (10 of 166), the report states that "for many land uses that surround the interstate, noise levels are already at or above the Noise Abatement Criteria (NAC). Most of the noise comes from the traffic on the freeway rather than from background or local traffic noise." Bear in mind that this 2007 report uses noise data obtained in 2004 that is prior to the addition of lanes between Del Mar Heights Road and Carmel Valley Road. On page 5, Feasibility Criteria, "the feasibility of a noise abatement measure is defined as an engineering consideration." A minimum 5 dBA noise reduction must be achieved for the proposed abatement measure to be considered feasible.

The determination of reasonableness of noise abatement is considered more **subjective** than the feasibility criterion. The I-5 NCC DEIR provides a preliminary reasonableness decision based on factors and a reasonable dollar value is allowed per benefited residence. These factors are listed as abatement cost, absolute noise levels, noise level changes, noise abatement benefits, date of development along the highway and life cycle of abatement measures. "If the abatement can be constructed for a reasonable cost allowance, the preliminary reasonableness decision will be to provide abatement."

55

On page 3.15-7, of the I-5 NCC, Segment 4 – Carmel Valley Road to Del Mar Heights Road indicates four (4) sound walls were considered and in Segment 5 – Del Mar Heights Road to Via de la Valle Undercrossing shows eight (8) sound wall locations. All twelve (12) sound walls were deemed **Not Reasonable.** Even though the sound walls would benefit the Del Mar Hills School and local residential units, the construction costs are considered too high versus the reasonable allowance. On page S-5, Table S-1 states that noise impacts are reported to be "Not Substantial with abatement." In Section 4.3.2, Page 4-1, the conclusion that "implementation of proposed noise abatement would reduce noise impacts to less than significant" is a complete misrepresentation of the supporting details of the I-5 NCC Technical Studies. In the vast majority of cases sound walls are judged to be **economically infeasible**. How is the **Noise impact not retained** and why is this not considered, by Federal Guideline Standards, to be **harmful and significant**?

How has Caltrans justified this stance of claiming noise abatement and then not providing a common sense approach to mitigating the harmful impacts?

How is Caltrans using "common sense and good judgement" in putting cost considerations before children's and adult's health?

56

There are major concerns regarding the validity of the Noise Study used to support the I-5 NCC DEIR. Sound measurements for this study were conducted in 2004 but not released until April, 2007. The Caltrans website on Noise and Vibration Studies states that "implementation of Traffic Noise Model (TNM2.5) – The Federal Highway Administration (FHWA) published a Notice of Proposed Rulemaking on August 20, 2004 to change the national traffic noise model required for use on Federal Aid projects to TNM. In an agreement reached with FHWA, Caltrans has agreed to require all new project noise studies, beginning after January 15, 2005, to use TNM version 2.5 or later acoustic modeling of traffic noise. The exception to this requirement is for a reevaluation noise study of a project that was originally modeled using Sound 32 or Sound 2000."

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55 Please refer to the response to your Comment 29 regarding soundwall analysis, including soundwalls considered in the referenced area. For identification of CEQA-significant noise impacts, please refer to *Chapter 4, California Environmental Quality Act Evaluation*, *Section 4.3.4*, including *Table 4.1*. The CEQA noise analysis is different from, but related to, the NEPA 23 CFR 772 analysis discussed in *Chapter 3*, which is centered on noise abatement criteria. The project includes soundwalls for a number of noise receptors (see *Section 3.15*) that are not required under a CEQA analysis. As shown in *Tables 3.15.9* and *3.15.11*, four receptors in Segments 4 and 5 would experience an increase of five dBA, to absolute noise levels ranging between 67 dBA and 70 dBA. One receptor would experience an increase of six dBA, to an absolute noise level of 68 dBA. Fifty-one of the 54 receptors (94 percent) in these segments would experience an increase of four or fewer dBA, which is not expected to be readily perceptible to the human ear. Key considerations when determining a significant traffic noise impact under CEQA include whether there is an increase between existing and projected noise levels, the uniqueness of the setting, the sensitive nature of the noise receptors, the magnitude of the noise increase, the number of noise receptors affected, and the absolute noise level. Taking all of these considerations into account, no significant project level noise impacts would occur for the portion of the corridor within Segments 4 and 5, and contribution to the cumulative condition would be less than considerable (see *Section 3.25.2*,

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56 cont. Caltrans failed to release the 2004 study on a timely basis, more than two years after report completion. Why were outdated modeling and measurement protocols used in the DEIR? The TPCPB contends that this noise study used outdated noise modeling methodology and that in light of the long interval between the collection of data and issuance of the report, Caltrans had more than sufficient opportunity and reason to analyze the sound data using new FHWA guidance. Significant roadway projects have been completed along the I-5 NCC corridor after the 2004 study which means that the new Federal TNM2.5 should have been used. Furthermore, Sound2000, is a one-dimensional sound model that does not take into consideration the proposed changes to the profile of cut sections of the I-5 NCC project. The modeling has assumed that the project does not change the road profile. How does Caltrans reconcile this assumption with the fact that the alternatives being considered all replacing the sloping soft vegetated slopes with vertical hardscape features including 40 foot retaining walls and double the road surface? In what ways would these changes in road profile not be considered significant?

The TPCPB considers the DEIR to be in error in the application of the Sound2000 noise model as the modeling contains significant assumptions that are not true, and uses an outdated methodology.

57 2.a. **Del Mar Hills School** – Sound walls for Play ground and Athletic Fields
The I-5 NCC Noise Study Report April 2007, provides the supporting details, methods and procedures use to evaluate Noise conditions at the Del Mar Hill Elementary School, located at 14085 Mango Drive, Del Mar (San Diego). In Section 5.0 , Study Method and Procedures, Caltrans states that " all measurement sites were selected so that there would be no unusual noises from sources such as dogs, pool pumps, or children that could affect the measured levels."

On page 26 of this technical study, Table 6-4 – Classroom Noise Measurement indicates that site ST5.3A (Del Mar Hills School) showed Exterior Measurement of 57.1 dBA and Interior sound level of 55.0 dBA. A footnote states that " the actual building attenuation at Site 5.3A could not be determined due to a noisy central HVAC system, and an **average of ST6.5A and ST17.1A building attenuation was utilized instead. "** Site ST6.5A is the Santa Fe Montessori School in Solana Beach while site ST17.1A is the Saint Patrick's School in Carlsbad. The TPCPB asserts that Caltrans was **in error** using noise conditions from other school locations taken on a different day (9/22/04 versus 9/23/04) and time(s). Why did Caltrans fail to retake noise measurement at the Del Mar Hills School? As Caltrans failed to follow its own procedures and that of the FHWA, Table 6-4 should be redone for all 5 schools in the sample. Furthermore, testing should have been done for all 40-school locations deemed as Sensitive Receptor. Why was such a small sample chosen?

58 The most telling failure of this Noise Study occurs on page 12 under the caption 6.0 Existing Noise Environment – Model Calibration. Caltrans states that "since there will only be lane additions to the I-5 project **without any major changes to the profile of the existing alignment**, it is appropriate to calibrate the traffic noise computer model using the measured field data." Caltrans has proposed a 40 foot high retaining wall starting at Del Mar Heights Road going North on both side of the I-5 NCC project. How is Caltrans Noise Study adequate in forecasting the future noise generated by this 40 foot wall and removal of a of sloping soft vegetated slopes directly across the I-5 from the Del Mar Hills School? Why was sound reflected from the vertical walls on the opposite side of the road ignored? The TPCPB asserts that Caltrans was failed to provide the community with accurate noise data and

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55 cont. *Affected Environment*). Based on the described considerations, the project-related noise analysis is consistent with all associated FHWA and Caltrans requirements. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

The purpose of the EIR/EIS is to disclose environmental impacts associated with the proposed project. The Lead Agency must balance the environmental impacts, engineering feasibility, and economic constraints during consideration of whether to approve the project.

56 Future noise modeling for the *I-5 NCC Project* utilized the Caltrans highway noise prediction computer model, SOUND2000, Version 3.3. SOUND2000 is based on the highway traffic noise prediction method specified in FHWA-RD-77-108, and was the FHWA-required methodology at the time the analysis was prepared. It takes time to prepare and review studies, and the amount of time that has passed has not resulted in a change to modeling results as they are not based on existing conditions. Because final design has not been completed, re-running the noise model to identify subtle noise contour changes that might result through use of TNM modeling would not be helpful. Please also note that use of the TNM model could also trigger use of the 2006 Caltrans Protocol, which specifies its use. Because this Protocol also has modified levels for the "reasonable" and "feasible" analyses (please see Topical Response "Soundwall Considerations" for explanation), modeling under the new Protocol could potentially result in the elimination of soundwalls determined to be "feasible" or required for "severely impacted" noise receptors under SOUND2000. Based on community coordination and comments received during the public circulation of the Draft EIR/EIS, Caltrans has made a decision to retain the more conservative modeling and subsequent assessment that the modeling would result in the greater number of soundwalls being installed if the project is approved). Changes to topography would not change relative elevations between I-5 and receptors. Please also see the response to your Comment 58.

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57 Noise measurements were taken at sensitive locations within the project limits to establish the baseline conditions, calibrate the future traffic noise model, determine the interior noise levels in classrooms, and determine the drop-off rate from the front to backyard at certain residences.

The average building attenuation was used for Del Mar Hills Elementary because it was virtually the same noise reduction that would be used in absence of field measurements per FHWA. That is, the FHWA building noise reduction factor for a light frame building and ordinary sash (closed) windows is 20 dBA.

The noise measurement at Del Mar Hills School was not performed again because, as stated on page 25 of the Noise Study Report (NSR); "according to the teacher and school staff, the classrooms are climate controlled throughout the year." Therefore, the "noisy HVAC system" would be running every day and a measurement could not be conducted without the HVAC system on.
Conducting noise measurements at all schools again would not yield better results, and therefore is considered unnecessary.

The noise measurements were only conducted at the five noted schools because the purpose of these measurements was to capture a sample of school building attenuations. By taking the described sample, the FHWA-suggested building attenuation in situations where there are HVAC systems and the windows can remain closed was confirmed.

The purpose of model calibration is to verify that the noise model includes all the natural and man-made features necessary for the model to work properly under existing conditions. In other words, the purpose is to ensure that the model produces real-world results for existing conditions. Once this has been satisfied, it is assumed that the noise model will act properly with the addition of lanes and/or retaining walls. Specifically, the noise model was not calibrated for future conditions.

Future no build and build alternative traffic noise levels were modeled using the Level of Service (LOS) C traffic volumes to

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58 cont. studies. The TPCPB requests that the Noise Study be redone and analyzed by current standards. If Caltrans refuses to provide this new data, why? And how under what Federal Highway Administration guidelines is this erroneous data acceptable?

2.b. Non-Residential Cost Consideration – Del Mar Hills School

59 Reasonableness allowances may be calculated for exterior non-residential land uses as indicated in the Caltrans Traffic Noise Analysis Protocol of August 2006. Frontage units measurements were provided for Soundwall S563 (Del Mar Hills Playground) and Soundwall S565 (Del Mar Hills Athletic Field). On page 15 of the 2006 Protocol, it is stated that "this approach is intended to provide non-residential land uses with the same degree of abatement consideration that is provided for residential uses". These playground and athletic fields are considered Activity Category B on page C-7 of the Protocol. On page 52 of the I-5 NCC Noise Study Report, under Soundwall S565, it states that "this soundwall would not provide abatement to any classroom." Why has Caltrans ignored the fact that the San Diego Boys and Girls Club has a facility at the end of the athletic field? Is this not considered a classroom type environment?

60 The TPCPB would like to emphasis that the Del Mar Hills School has over 400 students and 30- 40 staff and teachers. The playfields are in constant use for sporting events almost year round. Also the San Diego Boys and Girls Club uses the Del Mar Hills playfields. As part of the Reasonableness Criteria, item h. Views/opinion of impacted residents and item i. Public and local agencies input, are to be considered as part of the **subjective** criterion. "This determination requires **common sense** and **good judgement** in arriving at a decision to construct noise abatement measures." Would Caltrans agree with the TPCPB that cost should not be a major factor when all the facts surrounding the Del Mar Hills School and San Diego Boys and Girls Club are considered? If not please state the specific reasons and criteria used to reject the Noise Barriers S563 and S565?

61 In the Preliminary Noise Abatement Decision Report (NADR), on page 6, under the heading Construction Costs, it states that the Caltrans 2005 Contract Cost Data (CCD) book is published annually by Caltrans Division of Engineering Services – Office Engineer. Furthermore, the Noise Study Report dated April 2007 by Parsons was prepared for this I-5 NCC project. Why has Caltrans used outdated materials to prepare the Noise Barrier Reasonableness Cost Allowance versus Estimated Costs? If current Contract Cost Data were used, what would be the total cost impact on the I-5 NCC project? Why has Caltrans failed to provide the Noise Barrier Estimated Total Cost details?

3. View Issues

a. Existing Scenic Resources Protection

62 On page 63, of the I-5 Visual Impact Assessment – Existing Scenic Resources, Caltrans clearly states " the I-5 corridor within the project areas is part of the California Scenic Highway System and is eligible for designation as an Official Scenic Highway. If a highway is listed as eligible for official designation, care must be taken to **preserve** it eligible status". According to the Caltrans Standard Environmental Reference, "all highway projects must be reviewed for scenic resources." Caltrans has identified the following as Scenic Resources: The Pacific Ocean, Coastal Wetlands, Torrey Pines State Reserve, Coastal Bluffs, Agricultural Land, Encinitas and Leucadia Hillside Neighborhoods, Del Mar Racetrack and Fairgrounds, and Encina Power Station. On page 78, Caltrans states that "the project area is within the California Coastal Zone, is part of the California Scenic Highway System, and has been **designated by Encinitas and Carlsbad as a scenic corridor**." The City of

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57 cont. obtain the worst-case noise scenario, and the measured noise levels in 2004 do not affect the future modeled noise level.

It is understood that if pertinent parameters change substantially during the final project design, the preliminary noise abatement and/or mitigation design may be changed or eliminated from the final project design. A decision on noise abatement and/or mitigation will be made upon completion of the project design.

58 Noise travels based on a line-of-sight. As the elevation difference between the freeway and the noise receptors would not change, and modifications to the intervening topography would not result in changes to the line-of-sight, the modeling is appropriate for projection of future conditions. Due to the extensive distance that would be present between parallel retaining walls on I-5, reflection effects would be minimal. Per the FHWA Highway Noise Barrier Handbook, a width-to-height ratio between 10:1 to 20:1 would have a maximum barrier insertion loss of zero to three dBA, a range for which the Handbook concludes "at most, degradation is barely perceptible; therefore, no action required in most instances." Please also refer to the response to your Comment 56 with regard to current standards.

59 Athletic fields are Category B land uses, the same category as residential land uses. Accordingly, the same base allowance, adjustments, and modifications explained for residential land uses are used in determining the "reasonableness" allowance for athletic fields, except that the number of 100-foot frontage units is used instead of the number of residential units. A frontage unit is the length of the subject land use frontage along the highway divided by 100 feet. The frontage length is not necessarily the entire frontage length of the parcel under consideration, but rather the length along the highway where there is frequent human use that would benefit from a reduced noise level. Frontage units are rounded up to the next whole unit. This approach is intended to provide non-residential land uses with the same degree of abatement consideration that is provided for residential uses.

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60 The San Diego Boys and Girls Club (14125 Mango Drive, Del Mar, CA 92014) appears to share the adjacent athletic field with Del Mar Hills Academy. The "classrooms" of the San Diego Boys and Girls Club are completely shielded by the elementary school building; therefore, noise at this location was not analyzed.

As indicated in this comment, the "reasonableness" criterion requires consideration of the views and opinions of impacted residents, as well as public and local agency input, as part of the subjective criterion if the wall is recommended. While these views and opinions and input were considered, Soundwalls S563 and S565 were determined not to be "reasonable" to construct based on cost. Below are more details on cost "reasonableness" calculations and evaluations for soundwalls.

Noise study and preliminary noise abatement decisions are based on Title 23, Code of Federal Regulations, Part 772 of the FHWA standards, and the Caltrans Protocol. Under these regulations, noise-abatement measures must be considered when future predicted noise levels of the project "approach or exceed" the Noise Abatement Criteria (NAC), or when the predicted noise levels with the project substantially exceed existing noise levels. A level within one-decibel (1 dBA) L_{EQ} (h) of the NAC is considered "approaching," and a 12-decible (12 dBA) increase is considered "substantial." Primary considerations are given to outdoor areas of frequent human use. 23 CFR Section 772 requires that noise-abatement measures that are "reasonable" and "feasible," and are likely to be incorporated into the project, be identified before adoption of the final environmental document. The Protocol establishes a process for assessing the "reasonableness" and "feasibility" of noise abatement. Prior to publication of the draft environmental document, a preliminary noise-abatement decision is made. The preliminary noise-abatement decision is based on the "feasibility" of evaluated abatement and the preliminary "reasonableness" determination. Noise abatement is considered to be acoustically "feasible" if it provides a noise reduction of at least five dBA at receivers subject to noise impacts. Other non-acoustical factors relating to geometric standards (e.g., sight distances), safety, maintenance, and security can also affect "feasibility." The preliminary "reasonableness" determination is made by calculating

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60 cont. an allowance that is considered to be a "reasonable" amount of money per benefited residence to spend on abatement. This "reasonableness" allowance is then compared to the engineering cost estimate of the abatement. If the engineering cost estimate is equal to or less than the allowance, the preliminary determination is that the abatement is "reasonable." If the cost estimate is greater than the allowance, the preliminary determination is that abatement is not "reasonable." The Noise Abatement Decision Report (NADR) presents the preliminary noise-abatement decision based on acoustical and non-acoustical "feasibility" factors, as well as the relationship between noise-abatement allowances and the engineering cost estimate as identified in the draft environmental document. The final overall "reasonableness" decision will take this information into account, along with other "reasonableness" factors identified during the environmental review process. Specifically, these factors may include: impacts of abatement construction; public and local agency input; life cycle of abatement measures; views and opinions of impacted residents; and social, economic, environmental, legal, and technological factors.

61 Cost considerations in the "reasonableness" determination of noise abatement for exterior residential areas begin with a 2006 base allowance per benefited resident of $32,000. The 2006 base allowance is derived from the published Caltrans annual 2005 Construction Price Index (CPI) of 268.3. Accordingly, $32,000 was used as the base allowance for the *I-5 NCC project*.

It should be noted that the CPI was 268.3 in 2006, while for 2007 the CPI was 261.1. As a result, the change in CPI is calculated as follows:

100 x ((261.1/268.3)-1) = a 2.68 percent decrease for 2007.

Using this equation, the CPI was calculated as follows for years 2007 through 2010:

Updated for 2007 = $32,000
Updated for 2008 = $31,000
Updated for 2009 = $27,000
Updated for 2010 = $27,000

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Encinitas General Plan has designated I-5 at the San Elijo lagoon as a scenic corridor. It has also identified the entire I-5 corridor within the city limits as a Scenic View Corridor. The City of Carlsbad was taken this same approach. The City of Del Mar General Plan speaks directly to the issue of keeping the "quality of sea-side communities like Del Mar are appreciated by people of all California and even of nearby states."

62 cont. In 1972, Proposition 20 –"Save Our Coast" was passed by California voters. This proposition created the California Coastal Commission, and in 1976, the Legislature adopted the California Coastal Zone. On page 76, Caltrans quotes Chapter 3, Article 6, Section 30251 of the Coastal Act as follows: "The scenic and visual qualities of coastal areas shall be considered and **protected as a resource of public importance**. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas." How does the I-5 NCC Project comply with the California Coastal Act?

63 The Federal Highway Administration (FHWA) Technical Advisory –2130.03 provides guidelines for preparing environmental documents, including sections on visual impacts. " When there is a potential for visual impacts, the environmental document should identify the impacts to the existing visual element(s), the relationship of the impacts to potential viewers of and from the project, as well as measures to avoid, minimize, or reduce the adverse impacts. The **potential for impact can be recognized intuitively**." The FHWA's manual, Visual Impact Assessment for Highway Projects provides guidance for assessing visual impacts and refers to landscape units as "outdoor rooms". Existing visual conditions and potential impacts should be described in terms of the visual character and quality of each Landscape Unit. Visual character is comprised of four pattern elements (form, line, color, and texture) and four pattern characteristics (dominance, scale, diversity, and continuity). Visual quality is evaluated on three attributes: Vividness, Intactness and Unity. **Vividness**, the memorability of the visual impression received from the contrasting landscape elements as they combine to form a striking and distinctive visual pattern. **Intactness,** the integrity of visual order in the natural and man-built landscape, and the extent to which the landscape is free from visual encroachment. **Unity,** the degree to which the visual resources of the landscape join together to form a coherent, harmonious, visual pattern. Unity refers to the compositional harmony or the inter-compatibility between landscape elements.

64 Under Key View #4 – I-5 at Ida Avenue on page 3.7-20 of the DEIR, Caltrans states that the proposed noise wall would block existing scenic views of the ocean and racetrack. "This would contrast severely with existing visual character and likely would be perceived as adverse" by the100, 000 or more viewers that pass by this vista on a daily basis. Based upon FHWA policy, how does Caltrans plan to avoid, minimize of reduce the visual impact that is rated as "high' at Key View #4 ?

65 The DEIR reports that the I-5 NCC project would significantly reduce scenic views along the ocean and coastal areas and yet does not provide the public view protection as describe in Coastal Commission policy under Section 30251. Why has Caltrans not referred to the standards of other governing bodies? Why did Caltrans fail to provide full and adequate data about the visual impacts of this project as required by the FHWA and CEQA? Why has Caltrans failed to intuitively recognize that there is **no amount of mitigation** that can replace the loss of a Pacific Ocean view?

66 The TPCPB contends that failure to fully recognize the extent of the impact to scenic views and the failure to identify compensatory mitigative measures is a major finding of this document and represents projected environmental and community impacts for all build alternatives that needs to be appropriately weighed against the no-build option. The DEIR contains no objective consideration and weighing of the impacts of this project; it appears to have been prepared with a presumption of acceptance and in doing so has failed to meet the requirements of NEPA and CEQA to provide an objective analysis of the relative benefits and impact of this project. How is this not considered to be a fundamental omission of the DEIR?

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62 EIR/EIS *Section 3.1.2*, *Consistency with State, Regional, and Local Plans and Programs*, includes evaluation of consistency with various policies of the California Coastal Act. The project would be consistent with some sections of the Coastal Act and inconsistent with others, as compiled in *Table 3.1.1*. The EIR/EIS notes that in coordination with the California Coastal Commission staff, SANDAG and Caltrans have prepared the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) to recommend measures to achieve consistency with the California Coastal Act, and related plans and programs. The PWP/TREP would provide an implementation mechanism to address improvements throughout the corridor as a system that would avoid or offset impacts while focusing on protecting, enhancing, and maintaining coastal resource values, as well as maximizing public access to coastal resources and recreational facilities.

63 The FHWA visual impact assessment methodology summarized in this comment is the methodology followed in EIR/EIS *Section 3.7*, *Visual/Aesthetics*, and the Visual Impact Assessment which was prepared to support the EIR/EIS.

64 Measures for reducing visual impacts are discussed in EIR/EIS *Section 3.7.4*. At Key View #4, the Draft EIR/EIS noted that the noise wall would have blocked existing scenic views of the ocean and racetrack, confining views to the freeway foreground and mid-ground. In this Final EIR/EIS, the Ida Avenue soundwall has been redesigned to incorporate a gap, so that the coastal view would be retained.

65 EIR/EIS *Section 3.7* and the Visual Impact Assessment provide full and adequate documentation of the visual impacts of the project. The conclusion that the overall visual impact of each mitigated build alternative would remain high is the documented recognition that there is no amount of mitigation that can fully address the amount of additional built elements being incorporated into existing freeway views. This conclusion under NEPA is also reflected in EIR/EIS *Section 4.4*, *Unavoidable Significant Environmental Effects*, which notes that visual/aesthetics impacts would remain significant under CEQA after mitigation identified in *Chapter 3.* Please note that the loss of the Ida Avenue ocean view shown

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	65 cont. on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.111* of this Final EIR/EIS). Please also refer to Final EIR/EIS *Figures 3-7.75* through *3-7.96* and *3-7.105* through *3-7.108* for various coastal views contrasting existing conditions with future conditions.
	66 The EIR/EIS fully recognizes the extent of impacts to scenic views in *Section 3.7*, which includes numerous photographs of existing resources and the 17 key view visual simulations (provided in the Draft EIR/EIS as well as the 18 new simulations provided under the heading *Additional Representative Views*). The EIR/EIS provides measures for visual impact avoidance, minimization, and mitigation but states they are not sufficient to completely mitigate visual impacts. High adverse visual impacts under NEPA that are also significant and unmitigable under CEQA will be some of the important issues considered by decision makers as they weigh build versus the No Build alternative and whether to approve the project.

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3.b. **Analysis of Key Views**
On page 84 of the I-5 Visual Impact Assessment, Caltrans states that "because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project." " Specific mitigation requirements will be determined during the design phase according to the implementation procedures contained in the visual mitigation section of this assessment." Does this mean that the project is first approved and then the public gets to see the finished product without any community input? Other questions on the analysis of key views include the following:

What were the other key views that Caltrans considered doing simulations of?

Why are there no key views of San Dieguito River Valley (west and east of I-5), the Los Penesquitos River Valley or the Torrey Pines Reserve and Annex? How are these not important key views to the primary viewer group in San Diego?

What impact will the project have on these key views?

Does consideration of key views rather than representative views greatly increase the measurable impact of this project on views?

Why are there no **3-D simulations** of the total project similar to the simulations produced by Caltrans for the I-5/SR-56 Connector project?

Caltrans states that the San Dieguito Valley is an area with high visual quality. Why then is there no comments related to vividness, intactness, and unity for this protected vista?

Why are there no visuals of the project impact between Carmel Valley Road and Del Mar Heights Road?

On Page 93 of the Visual Impact Assessment, Caltrans shows a graph of Visual Quality. Where are the exact calculations that generate the Average Change over % change?

On page 72 it states that " there are approximately 250,000 freeway travelers per day on this portion of I-5". Why then on page 94 under Viewer Exposure does the chart show 100,000 per day?

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3.c **Viewer Exposure – Tourism**
In the technical study, Visual Impact Assessment on page 72, the I-5 NCC talks about "Freeway Travelers". "The I-5 north coast corridor links two of the nation's largest metropolitan regions and is a primary transportation gateway to San Diego from the north. As San Diego's "front door", it forms the first impression of the region's scenic character for millions of tourists each year. Changes to the visual environment of the corridor may be **controversial due to the economic importance of tourism to the San Diego region**." Tourist traveling to and from San Diego on the I-5 would likely have a high awareness of the visual environment. "Studies have shown that visitors' perception of a metropolitan region are formed to a great extent by the views they observe from the road." What are the name(s) of these studies? What additional information is provided concerning viewer concerns with loss of scenic views? How has Caltrans made predictions of the total economic impact to the San Diego region related to lost tourism?

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67 The EIR/EIS explains that because the project's final design has not been prepared, precise specific visual mitigation measures cannot be proposed at this time. Caltrans has committed to analyzing the visual effects of specific project features, synthesizing applicable mitigation measures from the EIR/EIS and the Design Guidelines: I-5 NCC Project (Appendix L), applying those requirements to actual design features in specific locations, and submitting proposals to the project design team during project design and construction, after project approval and selection of an alternative. Please also refer to Topical Response "Visual/Community Effects" for additional information about visual effects and mitigation measures. Responses to questions about the analysis of key views are specifically discussed below.

All of the key views analyzed in the Visual Impact Assessment technical study were provided in *Section 3.7* of the EIR/EIS. The key view visual simulations cited in response to Comment 66 are sufficient to address visual impacts in the project corridor.

San Dieguito Valley is highlighted as an existing visual resource on *Figures 3-7.10* and *3-7.11*. As noted in the response to your Comment 06, San Dieguito River Park in particular also is addressed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f), which concludes that the build alternatives would not affect the dominant scenic elements of the 4(f) resource, which are the river, marsh areas, and vast open scenic views compared to the impacts of the existing I-5 freeway. New simulations of the I-5 crossing are provided in Final EIR/EIS *Figures 3-7.51* through *3-7.84*. Los Peñasquitos Canyon Preserve and Torrey Pines State Reserve are also discussed in Appendix A. Scenic views from the trails in Los Peñasquitos would not be substantially impaired, as the canyon topography obscures most views of I-5. Views from the Torrey Pines State Reserve toward the proposed project would not be affected because the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would not substantially alter existing views.

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	67 cont. As noted above and documented in Appendix A, the project is not expected to have substantial impacts under NEPA or significant impacts under CEQA on the referenced key views. Analysis of key views is the standard methodology applied and is consistent with FHWA visual impact assessment methodology. Key views are considered representative of places that would most clearly display the visual effects of the project and represent the primary viewer groups potentially affected by the project, as explained in the Visual Impact Assessment. Identification and simulation of key views provides for an objective way to analyze level of project-related change. With regard to operations simulation, the I-5 / SR-56 project was a good candidate for a three-dimensional model as it enabled the public to better understand some of the operational and design complexities of the project. Overall, the design and operations of the *I-5 NCC Project* are considered to be adequately depicted via the description, maps, and simulations provided in the EIR/EIS and technical studies. As a result, 3-D simulations were not considered warranted or cost effective for this 27-mile corridor project. The key view visual simulations in the *I-5 NCC Project EIR/EIS* are considered sufficient to address visual impacts in the project corridor. The San Dieguito Valley has been fully evaluated, as noted above. Key View #2 in *Section 3.7*, *Visual / Aesthetics*, illustrates the visual impact at Del Mar Heights Road. The change to visual quality would be moderate, change to visual character would be high, viewer response would be moderately high, and the overall visual impact would be moderately high due to the retaining walls proposed on either side of the widened freeway. The nature of project-related changes due to retaining walls is additionally depicted on Final EIR/EIS *Figure 3-7.98*. The graph of Key View analysis-visual quality assigns a value of 25 percent to each bar of change. For the analysis of Key View #2 on page 93 of the Visual Impact Assessment technical report, Unity changes 50 percent (2 bars times 25), Intactness changes

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	67 cont. 50 percent (2 bars times 25), and Vividness changes 25 percent (1 bar times 25). The resulting total of 125 is divided by 3 for the average percent change of 42 percent. The average change in each of the Visual Quality factors is derived from the numbers in the boxes: Unity is 2, Intactness is 2, and Vividness is 1. The average of these three numbers is 5 divided by 3, or 1.6. Please refer to pages 79 through 81 in the Visual Impact Assessment for a detailed discussion of the methodology. The number of viewers column shows 100,000 per day at the top for all the Viewer Response charts, not just the chart on page 94. This is the value at or above which Viewer Exposure would be ranked a 5. The value at the bottom of that column is 20+ per day, which is the value at or below which Viewer Exposure would be ranked a 1.
	68 The referenced statements are part of a general discussion of viewer exposure. Because the studies mentioned are not used in the technical analysis, they do not need to be provided. The impacts to viewers on the freeway are accounted for in the analysis of the viewer response at each key view (refer to *Section 3.7* of the Final EIR/EIS). Predictions of economic impact from lost tourism due to changing views on the freeway are not included in the EIR/EIS because such analysis would be speculative. It could also be argued that improved accessibility to coastal areas based on improved traffic flow, availability of HOV/ Managed Lanes, and the proposed enhancements to community bicycle and pedestrian facilities, as well as the other multimodal transportation improvements occurring along the corridor, would have a beneficial effect on tourism and the economy.

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3.d. **Key View # 2 and "Tunnel Effect"**

69 Key View #2, refers to the Del Mar Heights Landscape unit in San Diego, northbound I-5 between Del Mar Heights road and Via de la Valle interchanges, looking north. Currently," the overall visual character is suburban due to the low density of the development and mature community landscaping". Distant views of the San Dieguito Valley are located to the north. The proposed project would create a pair of large retaining walls some 3,600 feet in length with the majority of height being 30-35 feet in both directions. How does this not degrade the scenic view(s)?

70 The proposed walls would decrease the intactness and unity of the viewshed from moderate to low levels. Vividness would be reduced as the attention of the viewer is directed more toward foreground views of the widened freeway. " In this key view location, the freeway surface would **increase to almost twice its existing width**." Caltrans states that " the large-scale **monolithic built forms** in both the horizontal and vertical planes **would be incompatible** with the small-scale suburban character of the community. The change to visual character would be high." " Viewer sensitivity to changes in the visual environment in the Torrey Pines and Del Mar communities would be high. It is likely that **changes would be considered adve**rse."

71 On page 165 of the Visual Impact Assessment, Caltrans summarizes the visual effects of the project on the natural character of the I-5 corridor as follows: noticeably more urban, one ocean view would be permanently lost, mitigation measures would not help. "The loss of open views that provide variety, interest, and orientation would change the visual character of I-5." " Each build alternative would approximately **double the width** of the existing freeway and **require ten football fields of new paving per mile**." In some cases, large walls would be in close proximity to residents, "affecting light access, air circulation, microclimate and creating an **uncomfortable feeling of enclosure**."

72 The TPCPB asserts that this wholesale destruction of the Scenic View Corridor by building **monolithic** retaining walls accompanied by sound walls and the **doubling of the freeway width** are **unacceptable** to the citizens of Torrey Pines. Has Caltrans surveyed the citizens of Torrey Pines to gather more community input? Why is Key View #2 only two-dimensional? Why is there no discussion of landform changes south of Del Mar Heights Road? What would be the freeway's scale and scope if the LOSSAN double tracking project commenced prior to the I-5 NCC project?

73 Under the Deputy Directive number DD-31, "Caltrans is to examine and implement **innovative and alternative** methods and the **latest technology in planning** and designing transportation facilities, to **avoid**, minimize or mitigate visual impacts of transportation projects to scenic corridors, particularly facilities with the highest potential for scenic view obstruction or degradation." Has Caltrans violated their own directive? What innovative approaches and designs where used to protect this scenic corridor? How does the I-5 NCC project avoid obstruction and degradation of ' Landscape units' whether listed as Key View or views that should have been addressed within the project?

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69 The overall visual impact is concluded to be moderately high, largely because the retaining walls would result in a degradation of the scenic views. For moderately high impacts, the Visual Impact Assessment notes that extraordinary mitigation practices may be required, and landscape improvements required will generally take longer than five years to mitigate.

70 This comment is an accurate summary of the analysis of Key View #2.

71 This comment is an accurate summary of the text on pages 165 and 166 of the Visual Impact Assessment.

72 The public outreach associated with the project is summarized in EIR/EIS *Chapter 5*, *Comments and Coordination*. As noted above in the response to your Comment 67, 3-D simulations were not considered warranted or cost effective for this 27-mile corridor project, and the key view visual simulations in the *I-5 NCC Project* EIR/EIS are considered sufficient to address visual impacts in the project corridor, even though every view along the corridor is not analyzed in detail. The scale and scope of the project takes the LOSSAN project into account and assumes this project would occur with or without the *I-5 NCC Project*, as discussed in EIR/EIS *Section 2.2.4, No Build Alternative*. Please also refer to the response to your comment 09.

73 Please refer to the response to your Comment 67.

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B. **Cumulative Environmental Impacts**

1. Environmental Justice

74 In Chapter 3, section 3.4.3 Environmental Justice, Caltrans states that "all considerations under Title VI of the Civil Rights Act of 1964 have been included in this project." Then why does the largest financial impact fall on minority and low- income renters and homeowner directly adjacent to the I-5 NCC project at the seeming benefit of middle to higher income wage earners? The concept of Value Pricing, where excess capacity in the managed lanes would be sold to Single Occupancy Vehicles (SOV), appears to create an inequitable situation that allows higher income wage earners to benefit unfairly by being able to continue to drive alone while lower wage earners are forced to sit in congested traffic lanes. Since the I-5 NCC project is funded with TransNet taxes, Federal Stimulus funds and future State Bonds, why should not there be a fuller analysis of this perceived inequity under Title VI?

75 In order to understand the issue of Environmental Justice, we have reviewed key issues raised by another California agency, Sacramento Area Council of Governments (SACOG). In their Metropolitan Transportation Plan 2035, Chapter 9 Equity and Choice, SACOG talks about the broader interpretation of equity and choice as follows:

- "The division of funding between transit and roads becomes an equity issue as well, because drivers paying gasoline taxes expect road improvements, **while the most effective investment for the system may be in transit**."
- "Investment in regional-scale facilities cannot be divided piecemeal, but must be concentrated onto large projects of system-wide importance, regardless of location. The benefits accrue to all who travel; the **impacts, however, fall mainly upon those who live close alongside these facilities.** "

76 Another important issue is reflected in the Metropolitan Transportation Commission's study of November 2009, entitled Bay Area Housing and Transpiration Affordability: A Closer Look. San Diego is included in the staticial analysis on page 8 under Average Annual Housing + Transportation Costs and Average Housing + Transportation Affordability (Cost as % of Area Median Income). "For low-income households earning less than $35,000 per year, the combined cost of housing and transportation places the vast majority of Bay Area municipalities beyond the reach (only 94,000 of the region's housing units (less than 4 percent of the regions' total) are located in neighborhoods affordable to low-income households." Has Caltrans, as part of the I-5 NCC DEIR, performed a similar study? If so what were the results and if not studied why? The I-5 NCC does verify on page 3.4-14, that the vast majority of homes directly impacted are adjacent to the proposed project. The Torrey Pines Community Planning Board asserts that the San Diego region cannot afford to loss any more low-income housing units.

2. Senate Bill 375 Implementation

77 SANDAG is developing it's 2050 RTP subject to provisions of Senate Bill 375 (SB 375). The Sustainable Communities Strategy (SCS) is a new element of the RPT required by SB 375. SCS will demonstrate how development patterns and the transportation network, policies, and programs can work together to achieve the greenhouse gas (GHG) emission targets for cars and light truck that will be established by the California Air Resources Board (CARB). SANDAG is recognized as the regions Metropolitan Planning Organization (MPO).

Caltrans I-5 NCC DEIR 24 November 18, 2010

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74 Specific encroachments required through right-of-way expansion along the corridor that may affect isolated low-income or minority populations were identified in EIR/EIS *Section 3.4.3.3*, *Environmental Consequences*. The displacement of a 47-unit apartment complex in Carlsbad associated with 10+4 Barrier alternative in an area with greater proportions of minorities and individuals living in poverty is concluded to be a disproportionate impact. The 8+4 Barrier alternative is concluded to impact 10 units of the 47-unit apartment complex in Barrio Carlsbad identified as a low-income and minority population. The 10+4 Buffer and 8+4 Buffer build alternatives would avoid impacts to this complex. The Preferred Alternative is a refined 8+4 Buffer alternative. It would avoid impacts to this complex and would reduce the number of residential units impacted from approximately 112, with the 10+4 Barrier alternative, down to approximately 20 (see Final EIR/EIS *Section 3.4*, *Table 3.4.4b*). Please also refer to the response to your Comment 05.

The issue of environmental justice and value pricing was discussed in EIR/EIS *Section 3.4.3.3*, under the heading *Value Pricing*. The conclusion was that the proposed HOV/Managed Lanes with the inclusion of the values pricing program would not cause disproportionately high and adverse effects on any minority or low-income populations as discussed in Executive Order 12898 regarding environmental justice. In addition, the travel time resulting from the build alternatives would be beneficial to users of both managed and general-purpose lanes.

75 This comment regarding investments in regional-scale facilities for transportation improvements is noted. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

76 The Community Impact Assessment conducted to support the EIR/EIS is considered an adequate study of community demographics, housing, and all other issues required to be addressed in such a technical study by the SER. The comment that the San Diego

REGIONAL AND LOCAL AGENCIES – COMMENTS

77 cont.

The California Air Resources Board (ARB) created a Regional Technical Advisory Committee (RTAC) to work with information, data, and analysis provided by the MPO's. The ARB released a report on August 9, 2010 that moves forward with SB 375 goals. The ARB released staff recommendation that will likely lead to goals for regions around the state to reduce their per capital emissions of gases believed to contribute to global warming. SANDAG's proposed Targets for 2020 is 7% and for 2035 is 13%. The targets for SB 375 include more support for transit, denser development, and toll roads. Future growth is focused in the urban core and existing suburban centers and a higher proportion of the development is served by transit.

78

Caltrans does not address the issues and goals established by SB 375, ARB or SANDAG but only refers to AB 32 Compliance in section 4.6.5 in the I-5 NCC DEIR. The TPCPB asserts had the I-5 NCC DEIR is lacking in scope and has not provided sufficient details under CEQA Guidelines 15151. A "good faith effort at full disclosure" has not been made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences". The TPCPB requests that at a minimum Caltrans answer the following questions:

- How does the I-5 NCC project support and contribute to achieving SANDAG's proposed Targets for 2020 and 2035?
- What are the variances in pollution levels for each Alternative?
- Which of the Alternatives is the Preferred Alternative? and why has Caltrans failed to choose one alternative over another?
- Is not transit a better way to support SB 375's goals?

Caltrans should consider revising its DEIR and re-issue this document. The Caltrans has not provided **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA.

79

3. **Atherosclerosis** (hardening of arteries) **and traffic pollution**

A recent research article entitled, Ambient Air Pollution and the Progression of Atherosclerosis in Adults, was quoted by Margot Roosevelt of the Los Angeles Times on February 14, 2010. The article in the LA. Times is entitled, Study finds traffic pollution can speed hardening of arteries –*People living within 328 feet of a LA. Freeways were found to have twice the average progression of atherosclerosis –thickening of artery walls that can lead to heart disease and stroke.*

This paper is the first to link automobile and truck exhaust to the progression of atherosclerosis in humans. Measurements were taken every six months for three years at homes within 100 meters (328 feet) of the Los Angeles freeways. The researchers from the University of Southern California, University of California at Berkeley, research centers in Switzerland and Spain, found that artery wall thickness in study participants accelerated annually by 5.5 micrometers, more than twice the average progression.

According to co-author Howard Hodis, director of the Atherosclerosis Research unit at USC's Keck School of Medicine, the finding show that "environmental factors may play a larger role in the risk for cardiovascular disease than previously suspected." This study shows that air pollution contributes to the early formation of heart disease, which is connected to nearly half the deaths in Western societies.

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76 cont. region cannot afford to lose any more low-income housing units is noted. Please refer to the response to your Comment 74.

77 The comments regarding Sustainable Communities Strategy are noted.

78 The *I-5 NCC Project* is part of a balanced, multimodal regional transportation network. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project and related planning fit within the regional transit system and 2050 RTP.

Regarding how the project would support goals to reduce GHG, as stated in EIR/EIS *Section 4.6*, *Climate Change*, Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing GHG emission reduction and climate change. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels, and approximately 40 percent of all human-made GHG emissions are from transportation (see Climate Action Program at Caltrans [December 2006]), Caltrans has created and is implementing the Climate Action Program. This document can be found at: http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf The 2050 RTP includes the 8+4 scenario along with other multimodal solutions, and forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill (CA AB) 32 and California Senate Bill (CA SB) 375. Please refer to Topical Response "Climate Change" for additional information regarding anticipated reductions in GHG emissions that would result from project implementation.

The variances in pollution levels for each alternative are discussed in EIR/EIS *Section 3.14*, *Air Quality*. Please refer to Topical Response "Air Pollutants" for additional information regarding variations in emission levels.

Regarding a Preferred Alternative, please refer to the response to your Comment 34e.

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The TPCPB asserts that the I-5 NCC DEIR does not address this correlation between highway air pollution and the progression of atherosclerosis. Has Caltrans considered this major health threat to residential neighborhoods and school children along the proposed highway expansion? What did the Caltrans studies show? If no studies where performed, why not? Caltrans should consider revising its DEIR and re-issue this document to include **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA. If not, please state how this document fulfills the requirements of **sufficient information?**

79 cont.

4. **Asthma linkage to Freeway Pollution** (ultrafine particles)
A July 5, 2010 article (UPI), states that "brief exposure to ultrafine pollution particles near a Los Angeles freeway can boost the allergic inflammation that makes asthma worse." Dr. Andre Nel, of the David Geffen School of Medicine at the University of California, Los Angeles said "ultrafine particles are primarily from vehicular emissions and are found in highest concentration along freeways." This study was published in the American Journal of Physiology – Lung Cellular and Molecular Physiology. This study showed that "ultrafine pollution particles may play an important role in triggering additional pathways of inflammation that heighten the disease" (asthma).

Environmental health researchers from University of Southern California and the California Air Resources Board have found during hours before sunrise, freeway air pollution extends as far as 1.5 miles from the freeway. This June 10, 2009 article by Sarah Anderson, entitled Air pollution from freeway extends further than previously thought, highlights a joint research study along Interstate 10 in Santa Monica. "This distance is 10 times greater than previously measured" and "has significant exposure implications".

Caltrans on page 3.14-3, states that "some locations are considered more sensitive to adverse effects from air pollution than others." "These locations are commonly term **sensitive receptors** and they include hospitals, schools, day care centers, nursing homes, and parks/playgrounds. " Sensitive receptors in proximity to localized CO sources, toxic air contaminants or odors are of particular concern." Table 3.14.4: Sensitive Receptors, indicates 32 schools and 40 Preschools within the envelope of the I-5 NCC project. It is not clear if the distance calculation is before or after the implementation of the project and how that distance may vary based upon the four Build Alternatives. The Santa Fe Montessori School in Solana Beach is the nearest to the I-5 at 352 feet and the Del Mar Hills Elementary is listed as 431 feet from I-5. The Del Mar Hills playground and play fields are next to the Caltrans sound wall and may be even closer than the list measurement.

The TPCPB asserts that the I-5 NCC DEIR has not adequately researched or considered the long-term impact to school children's health regarding asthma and ultrafine freeway air pollution. What are the health implications of expanding, to the fullest extent, the I-5 Caltrans Right of Way (ROW) next to schools, preschool and school playgrounds and play fields? Medical and scientific research clearly indicates a causal relationship between freeway air pollution and childhood diseases such as asthma. Does Caltrans agree with these medical and scientific findings? If not Why? Is Caltrans willing to establish a baseline medical study of the school area population listed under the Sensitive Receptors locations? Is Caltrans willing is establish a baseline medical study that would provide a long-range

RESPONSES

78 cont. The project is only one element of multimodal improvements planned for the North Coast Corridor, all of which are anticipated to be needed for the system to operate at peak efficiency. As described above, the improvements would be consistent with the goals of CA SB 375.

79 Air pollutant emissions would be lower with the proposed project than under existing conditions. Please refer to Topical Response "Air Pollutants" for discussion regarding health effects of air pollutants on sensitive air quality receptors near freeways.

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health tracking measurement to indicate the current health levels of children within the Sensitive Receptors areas? If not why?

5. **Human Impact Assessment** (HIA)/ **I-710 Expansion**

Interstate 710 is a major transportation artery linking the Ports of Long Beach and Los Angeles to Southern California and San Diego County. The proposed I-710 expansion would run through 15 cities and unincorporated areas of Los Angeles County. This I-710 Caltrans project is very similar to the I-5 NCC projects as it is in close proximity to schools, day care centers, hospitals and residential neighborhoods. Health concerns about the additional impacts of this proposed project were raised with Caltrans and other decision-making agencies. As a direct result of these community concerns, LA Metro, Gateway Cities Council, ICF International, Arellano Associates, Human Impact Partners and Western Solution has agreed that a Human Impact Assessment and a Air Quality Action Plan (AQAP) should be provided for the I-710 project and the 15 Gateway Cities. LA Metro and their contractor, ICF International will conduct this HIA and AQAP. The LA Country Department of Public Health has become a Cooperating Agency in this EIR process.

79 cont.

On July 13, 2010,the San Diego County Board of Supervisors released a Health Strategy Agenda for Building Better Health. Under the heading "Pursuing Policy Changes for a Healthy Environment, Section 2 –Call for Active Communities, item 2.4 Explore integrating **health impact assessments**, where feasible for land use and transportation decision making in order to facilitate active communities." Grant money is available through the Center for Disease Control for some type of study.

The TPCPB believes that the Human Impact Assessment and Air Quality Action Plan approach(s) is justified due to the similar proximity of schools, day care centers, and large tracks of housing adjacent to the I-5 NCC project. The scientific establishment of numerous health and wellness bench markers will establish a baseline health index for the communities bordering the proposed I-5 NCC project. This HIA and AQAP will help answer one of the key scientific and health issues, which is, What is the current state of health along the I-5 NCC? Plus, what are the projected health risks associated with this I-5 NCC project? Based on these studies and taking into consideration other medical research, how would the proposed project further impact children and residents living along this freeway?

Caltrans should wait for the results from these joint research studies along the I-710 freeway and incorporate the HIA and AQAP findings into the I-5 NCC DEIR process. Furthermore, Caltrans should support both the County of San Diego and the City of San Diego's Health Department efforts to provide similar HIA and AQAP studies for the I-5 NCC project. Why would Caltrans not support such Public Health efforts? Cost concerns are not a justifiable reason to exclude this HIA or AQAP request. The possible long-term damage to children's' health will cost society much more in the future.

REGIONAL AND LOCAL AGENCIES – COMMENTS

III. CONCLUSION

The Torrey Pines Community Planning Board requests that Caltrans respond to the comments contained in this document as required by CEQA. At this point-in-time, the Torrey Pines Commuity Planning Board cannot support any of the four (4) Build Alternatives as proposed by Caltrans in the I-5 NCC DEIR. The TPCPB **has voted to only support the 'No Build' option**. It is our belief that for the City of San Diego to remain a world class city, we all need to learn that it takes more than cars to effectively take advantage of what the city offers its residents throughout our metropolitan region and county. San Diego will not remain world class if Caltrans and SANDAG fails to provide preferiental funding for mass transit over supporting roadway projects that support single ridership.

Other unmitigated environmetal issues and deficiencies have been raised by the San Dieguito Joint Powers Authority, and the TPCPB concurs and supports these comments. The TPCPB is aware that additional comment documents are being submitted by other local agencies, including the Cities of Del Mar, Solana Beach, and San Diego.

80 Under CEQA Guidelines 15151, a "good faith effort at full disclosure" must be made. "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." Caltrans has failed to exercise "careful judgement" based on available "scientific and factual data" as required by CEQA Guideline 15064(b). Furthermore, Caltrans has a legal duty to consider alternatives and is not conditioned upon project opponents demonstrating that other feasible alternatives exist (Practice Under CEQA 15.40).

The TPCPB is optimistic that even a cursory review by Caltrans of the countless concerns raised by the TPCPB and other regional agencies will prompt a halt to this DEIR. Caltrans should consider revising its DEIR and re-issue this document. Caltrans has not provided **sufficient information to allow meaningful evaluation and analysis** by the public which is a requirement under CEQA.

Thank you for your consideration of these comments and concerns.

Best regards,

Dennis E. Ridz, Chair TPCPB

A special thanks to Co-authors and Editors
Co-authors Michael Foster, Bob Shopes, and Michael Yanicelli
Editors Patti Ashton, Roy Davis and Bob Lewis

RESPONSES

80 Caltrans has provided detailed responses to the comments contained in this letter. The preference of the Torrey Pines Community Planning Board for the No Build alternative is now part of the public record. Furthermore, please refer to the response to your Comments 23, 34a, 34b, and 34c.

CITY OF
CARLSBAD
Office of the City Manager

www.carlsbadca.gov

September 8, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Draft EIR/EIS for the I-5 North Coast Corridor Project (SCH #2004101076) and Preliminary Draft Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP)

Dear Ms. Harrison:

01 The City of Carlsbad respectfully requests a 90-day extension of the public comment period for the Draft EIR/EIS, currently scheduled to close on October 7, 2010. Considering the project's complexities and voluminous amount of related information to review, an extension is appropriate. With the extension, comments should be due on or about January 6, 2011.

The National Environmental Policy Act, in 40 C.F.R. 15.06.10 (c) and (d), permits lead agencies to extend public comment periods on draft environmental impact statements. In practice, a lead agency under the California Environmental Quality Act also will extend the comment period on draft environmental documents if a reasonable request is made.

In addition, Caltrans has also asked Carlsbad to comment on the preliminary draft of the PWP/TREP by October 7. This document has been produced in conjunction with the Draft EIR/EIS. A 90-day extension is also appropriate and requested to submit comments on the preliminary PWP/TREP. The city will also have the ability to comment on this document when it is formally circulated for public comment at a later date.

Please respond in writing to this request and confirm the revised comment deadline for both the Draft EIR/EIS and preliminary PWP/TREP. If you have any questions, you may contact contact Scott Donnell, Senior Planner, at (760) 602-4618 or scott.donnell@carlsbadca.gov.

Sincerely,

LISA HILDABRAND
City Manager

C: Gary Barberio, Community & Economic Development Director

City Hall
1200 Carlsbad Village Drive, Carlsbad, CA 92008-1949 T 760-434-2821 F 760-720-9461

Response to Lisa Hildabrand, City Manager of Carlsbad

01 Caltrans agreed to extend the public review period for the Draft EIR/EIS for an additional 45 days from October 7, 2010 to November 22, 2010. The San Diego Association of Governments (SANDAG) circulated a Pre-Administrative copy of the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) document in 2010 to get public input. There was no extension of the public review for the PWP/TREP, as it is a technical report/permitting vehicle designed to meet associated requirements of the California Coastal Act, and to address Federal Consistency.

REGIONAL AND LOCAL AGENCIES – COMMENTS

CITY OF CARLSBAD
Planning Division

www.carlsbadca.gov

November 22, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
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San Diego, CA 92110

RE: CITY OF CARLSBAD COMMENTS ON INTERSTATE 5 NORTH COAST CORRIDOR PROJECT DRAFT EIR/EIS (SCH #2004101076)

Dear Ms. Harrison:

001 Thank you for the opportunity to review the above draft environmental document and for the extension of the document's comment deadline. The City of Carlsbad appreciates as well Caltrans' efforts to inform the public about the I-5 widening proposal; this includes the hearing and presentations your agency has held and made in Carlsbad over the past several months.

The city also acknowledges the benefits this project would or potentially could provide. These benefits include enhancing the flow of goods and services, providing a safer driving experience through modern infrastructure, constructing trails and other community benefits, and improving the environment through better water use and storm water control.

However, our review of the environmental document has determined it does not comply with the California Environmental Quality Act (CEQA) and lacks the information and analysis needed to adequately disclose the project's features and impacts and enable the city and the public to provide meaningful input. Based on these shortcomings and the sheer scope of this project, the city recommends the Draft EIR/EIS be thoroughly revised and recirculated for public comment.

Our comments on the document and its technical studies follow. The comments result from extensive review by several city departments.

Overall:

002 1. The Draft EIR/EIS fails to disclose project features and impacts. It does not comply with Public Resources Code Section 21061, which in part states the purpose of an environmental impact report "...is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment;" (emphasis added). Examples why the draft document fails adequately inform include:

   a. The Project Features Map, Figures 2-2.14a to 2-2.14ao, containing the primary graphics used to illustrate the widening project and its features, does not identify clearly or at all many modifications proposed to streets adjacent to the freeway. Nor

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RESPONSES

Responses to Don Neu, City Planner, City of Carlsbad Planning Division

001 Thank you for your comments, which are part of the public record. Your characterization of potential project benefits is correct. Your specific comments are individually addressed below. They will be included when the project is considered for approval or denial by decision makers.

002 The EIR/EIS fully discloses project features and impacts. Public Resources Code Section 21061 allows that information generally available to the public need not be repeated in its entirety in the environmental document. Therefore, having the I-5 Project Report available on the project website for those reviewers wishing to see specific details in the plans is adequate. The referenced Project Features Map graphics provide clear and detailed information regarding proposed project facilities, including modifications to and/or along local surface streets such as traffic signals, ramp widenings, overcrossings, soundwalls and retaining walls. These facilities are also clearly described in applicable portions of

REGIONAL AND LOCAL AGENCIES – COMMENTS

CITY OF CARLSBAD COMMENTS ON INTERSTATE 5 NORTH COAST CORRIDOR PROJECT DRAFT EIR/EIS/EIS
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002 cont. are these features discussed in the text. Instead, one must examine very closely and magnify plans available only on the project website ("I-5 Project Report Exhibit A") to learn of these modifications. Additionally, how these proposed changes would impact the environment, including public services such as transit, utilities, and emergency vehicle access, is not discussed anywhere.

003 b. The small scale of the Project Features Map makes it difficult to discern information. This forces the reader to refer to the supporting technical studies, if the reader knows these documents exist.

004 c. The Traffic Tech Report No. 7 on pages 7 and 12 recommends mitigating Cannon Road DAR traffic impacts by in part widening a portion of Cannon Road from four to six lanes. These traffic impacts, recommended mitigation, and the impacts of the mitigation itself are not discussed anywhere in the Draft EIR/EIS.

005 d. Section 3.4 (Community Impacts) identifies a number of Carlsbad homes and business that would be displaced by the different alternatives. No information is provided the location of the homes and businesses

006 e. Section 3.7 (Visual/Aesthetics) describes the need for miles of sound walls on both sides of I-5 from south to north Carlsbad. Only four visual simulations, all in north Carlsbad, are provided. All four project alternatives would also remove existing vegetation that screens the existing Encina Power Station from freeway users and properties to the east; notably, there is no discussion of this significant impact.

007 f. No analysis of nighttime construction noise is provided. Further, the Draft EIR/EIS contains no meaningful analysis of traffic impacts during construction.

008 g. The traffic model data used to evaluate freeway operations were based on year 2030 forecast volumes. Actual conditions in year 2030 are likely to be worse than documented in this Draft EIR/EIS since the project will still be under construction. As the analysis year is inconsistent with the project opening (2050) year, the analysis of freeway operations is flawed and should be re-evaluated with data prepared for the 2050 RTP or based on improvements proposed to be complete in 2030.

009 2. The Draft EIR/EIS fails to identify mitigation for project impacts and improperly defers them to a future date. CEQA Guidelines Section 15126.4 (a) (1) states "an EIR shall describe feasible measures which could minimize significant adverse impacts..." Section 16126.4 (a) (10 (A) requires the EIR to "...identify mitigation measures for each significant environmental effect identified in the EIR." Finally, Section 15126.4 (a) (1) (B) says the "formulation of mitigation measures should not be deferred until some future date." Supporting examples of the city's concern include:

010 a. The Draft EIR/EIS Section 3.15 (Noise) identifies several residential noise receptors (e.g., R13.14, 14.6) that would be impacted by project noise exceeding City of Carlsbad standards and approaching or exceeding federal Noise Abatement Criteria. No mitigation measures are proposed.

011 b. In Section 3.7 (Visual/Aesthetics) the Draft EIR/EIS admits the project would result in high visual impacts to Carlsbad (see discussion on Key View #14 – I-5 at Carlsbad Village Drive). Section 4.4, Unavoidable Significant Effects, indicates, impacts to "...four existing views in Carlsbad..." are consider significant. However, Summary

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002 cont. *Chapter 2, Project Alternatives*, including *Sections 2.2.2, Common Design Features of the Build Alternatives*, and *2.3, I-5 North Coast Regional and Community Enhancement Projects*.

In particular, EIR/EIS *Section 2.3* notes that enhancement projects tend to be trails, bikeway improvements, park and ride enhancements, streetscape enhancements, etc. Details regarding proposed community and regional enhancements continue to be developed as Caltrans coordinates with local jurisdictions in response to comments received on the Draft EIR/EIS and during development of maintenance agreements for the proposed enhancements. Refinements to community enhancement projects and other project changes were evaluated in the Supplemental Draft EIR/EIS, which was circulated for public review and comment in August 2012. Information from the Draft EIR/EIS has been incorporated into this Final EIR/EIS, as appropriate.

No adverse impacts to transit are anticipated to result from the project. Light rail does not currently exist within the North Coast Corridor, heavy rail is not located within the I-5 right-of-way, and future bus rapid transit would be supported by project elements such as direct access ramps (DARs) and HOV/Managed Lanes, which would provide more time-certain travel options. Contrary to the City's statement, *Section 3.5, Utilities and Emergency Services*, addresses those issues.

003 It is acceptable under both CEQA and NEPA for an environmental document to reference supporting technical studies. NEPA instructs agencies to incorporate material into an EIS by reference when the effect will be to reduce bulk and notes that the material must be reasonably available for inspection "within the time allowed for comment." CEQA Guidelines state that an EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. There is no reason why a reader would not know that the technical studies exist. The technical studies that support the EIR/EIS are listed at

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003 cont. the beginning of Chapter 3, *Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*. In addition, the studies that support each particular environmental analysis discussion are listed at the beginning of each technical analysis section.

004 Please note that the Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*; as a result, mitigating the Cannon Road DAR is not required.

005 Specific information regarding the locations of potentially affected homes and businesses is typically not provided in draft environmental documents and related technical reports due to the potential for subsequent project design changes that may result in modifications to the list of potentially affected properties; properties currently identified as affected may be eliminated from the list, and properties not currently identified as affected may be added to the list. Please refer to Topical Response "Property Acquisition" for additional information regarding ongoing refinements, as well as assessors' parcel numbers for affected homes and businesses. Potential impacts to the Barrio Carlsbad community in northern Carlsbad are discussed in various sections in the EIR/EIS. In particular, *Figure 3-4.1* shows the differences among the four build alternatives on an aerial photo of this area. This specific information was provided due to the related but separate evaluation of environmental justice issues required for projects receiving federal funds and/or federal oversight.

006 As described in EIR/EIS *Section 3.7, Visual/Aesthetics*, the number of key views and related photosimulations must be limited by necessity, particularly for a project such as this that involves an extensive corridor. Specifically, the discussion of key views in *Section 3.7* notes that because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project. The southern-most portion of Carlsbad (Carlsbad Mesa) was identified as having moderately low existing visual quality due to relatively flat topography and large-scale

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006 cont. development. The portion of I-5 crossing Agua Hedionda Lagoon is identified as having moderately high existing visual quality, but large built elements such as soundwalls are not proposed for the lagoon crossing. The northern portion of Carlsbad (Carlsbad Village) is identified as both having moderately high existing visual quality, as well as the potential for project-related build elements to notably affect future visual conditions. The simulations addressing the difference between existing and future conditions (*Figures 3-7.63* through *3-7.72*) provides focus on important Carlsbad particulars—a sample of I-5 at Carlsbad Village Drive, views toward I-5 from Holiday Park, and a view from a small local street (Pine Street) toward I-5. Each of these simulations provides a specific example that can be seen as a "typical" during evaluation of projected visual impacts associated with the project. A number of measures also are identified in the EIR/EIS to address potential visual/aesthetic impacts related to soundwalls (and other project features), including efforts such as combining soundwalls with retaining walls where practical (to reduce overall wall construction), use of articulated wall designs (to create contrast), installation of landscape screening, use of transparent materials, and replacement of soundwalls with landscaped berms where practical (refer to Final EIR/EIS *Figures 3-7.113* through *3-7.119* and *3-7.122*). Also, the City of Carlsbad surrounds Agua Hedionda Lagoon and Batiquitos Lagoon, and abuts the south side of Buena Vista Lagoon. Project-related visual effects are depicted on simulations in the Final EIR/EIS in *Figures 3-7.75* through *3-7.80*, and in *Figures 3-7.89* through *3-7.92*.

As discussed in *Section 3.7.3, Environmental Consequences*, the loss of landscaping within the project corridor (including the noted areas at the Encina Power Station) would cause a substantial change to visual character and an adverse effect on the visual quality of the north coast corridor, with all build alternatives resulting in "highly adverse change" to existing visual character and quality. A number of measures are identified to address these concerns, including the use of replacement and/or additional landscaping, although the EIR/EIS notes that the overall visual impact of mitigated build alternatives would remain high.

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	007 Measures to address potential construction-related noise generation are provided in EIR/EIS *Section 3.15, Noise*, under the discussion of *Measures to Minimize Construction Noise* (refer to page 3.15-57). Information on noise levels for typical construction activities that can be expected in the project area can be found at the following website: http://www.fhwa.dot.gov/environment/noise/handbook/09.htm. Noise at the construction sites would be intermittent and would vary in intensity. Specifically, the degree of construction noise may vary for different areas of the project site as well as with the nature of individual construction activities. Information on noise levels for typical construction activities that can be expected in the project area can be found at the following website: http://www.fhwa.dot.gov/environment/noise/handbook/09.htm. Measures to address potential construction-related noise generation include planning noisier operations during times least sensitive to receptors, planning rests between construction activities so that noisy activities are followed by more quiet activities, and are provided in EIR/EIS *Section 3.15, Noise*, under the discussion of "Measures to Minimize Construction Noise." During the construction period, contractors would be required to comply with the above requirements. These standards have been included in text within this Final EIR/EIS in *Section 3.15,* under the discussion of "Measures to Minimize Construction Noise*."* Regarding traffic impacts during construction, EIR/EIS *Section 3.6.4*, *Avoidance, Minimization, and/or Mitigation Measures*, lists measures that are anticipated to help minimize impacts to communities during construction activities, including preparation of a Traffic Management Plan (TMP) to minimize traffic delays during construction. At this time, a TMP has not been prepared specifically for use during construction of the proposed project, but the TMP would encompass a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program

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	007 cont. to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Additional specifics in the TMP cannot be developed until there is project approval, selection of an alternative, and final design so detailed construction activities and phasing are known. Please also refer to Topical Response "Construction Traffic."
	008 Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*. Please also refer to Topical Response "Multimodal System" for additional information about the 2050 RTP.
	009 Caltrans mitigation measures are provided within the EIR/EIS. Each environmental topic section in *Chapter 3* includes a discussion of avoidance, minimization, and/or mitigation measures, as appropriate. Under NEPA, an assessment is made as to the magnitude of project impacts as a whole; this analysis is provided within *Chapter 3*. Under NEPA, once a decision is made regarding the need for an EIS, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. Mitigation proposed in *Chapter* 3 of the Draft EIR/EIS would be provided to reduce all impacts, and would not be limited to only significant impacts, as required under CEQA. Please refer to EIR/EIS *Chapter 4, California Environmental Quality Act Evaluation,* for the discussion of significance under CEQA, which is based on the analyses within both *Chapters 3* and *4*.

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010 Consistent with both City and federal standards, noise mitigation measures were identified and reviewed in the Draft EIR/EIS for this location. Soundwall S737, which would be located in the freeway right-of-way along the southbound side of I-5, was identified to provide "feasible" noise reduction to noise receptors R13.13 through R13.16, representing 17 mobile homes. In order to provide recommended attenuation, the sound barrier would need to be 14 feet high. As indicated in EIR/EIS *Section 3.15, Noise*, however, S737 would not be "reasonable" to construct due to the fact that the estimated construction cost exceeds the total "reasonable" allowance. Therefore, S737 would not be recommended (refer to EIR/EIS *Tables 3.15.27* and *3.15.28*). Please note that future build versus no build conditions would vary by two to three decibels at each of the four representative sensitive noise receptors. A change of three decibels or less generally is not considered audible to the average healthy human ear.

Noise receptors R14.1 through R14.6 are located behind existing property walls of six to nine feet in height, and are also generally shielded by hotels and commercial structures. R14.6 is one of the structures located behind the existing nine-foot wall. A soundwall on I-5 right-of-way would not provide "feasible" noise reduction to these second-row noise receptors.

011 Identified mitigation measures are based on extensive Caltrans experience with similar projects. The identification of replacement and/or additional landscaping per Caltrans standards is a valid mitigation measure, even though it is not practical to develop precise site-specific design details at this time. Details such as the exact type and numbers of plants, location, and height of proposed landscaping may vary with design factors, including grading parameters, the nature and extent of proposed facilities (including whether or not soundwalls are ultimately approved by the shielded property owners), the nature and quality of associated visual resources, physical planting limitations, and irrigation requirements. This Final EIR/EIS contains the Design Guidelines: I-5 NCC Project, which provides additional specificity over that provided in the Draft EIR/EIS.

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011 cont. Section S.7, Avoidance, Minimization, and/or Mitigation Measures, states on page S-9 that "since the project has not yet been designed, specific visual mitigation measures cannot be proposed at this time" and "mitigation measures shown in photo simulations in Section 3.7.4 are generic and illustrative." Similar, generic mitigation requirements are described for other impact categories, including water quality, biology, and traffic and transportation.

012 3. The Draft EIR/EIS fails to adequately discuss or address cumulative impacts. An evaluation of cumulative impacts is required by CEQA Guidelines 15130. The document provides an incomplete analysis of other past, current, and probable future projects in Carlsbad that in conjunction with proposed widening may produce a cumulatively considerable impact. The Carlsbad Energy Center and LOSSAN are listed as projects that along with the widening project would contribute to visual degradation; however, they are not identified in Table 3.25.1 (page 3.25-3), which identifies all cumulative projects; further, it is very likely there are other cumulative impacts besides visual.

Though a jetty restoration project in Carlsbad is listed in this table, projects for which a cumulative analysis should be considered are not. These include the Carlsbad Seawater Desalination Plant, Carlsbad Boulevard realignment, and Agua Hedionda Sewer Lift Station and Force Main Replacement, approved and probable future projects which may contribute to cumulative visual and traffic impacts, among others. Please see additional comments on cumulative impacts that are specific to the Carlsbad Energy Center project under the Cumulative Impacts section below.

013 4. The Draft EIR/EIS fails to identify the environmentally superior alternative other than the no-project alternative as required by CEQA Guidelines Section 15126.6 (c).

014 5. Much of the data used throughout the draft document and on which traffic and population numbers are based and biological assumptions are made are several years old. To provide more relevant information and accurate conclusions, all data relied upon should be updated as much as is possible.

015 6. For the reasons listed above, the Draft EIR/EIS meets the requirements for recirculation as stated in CEQA Guidelines Section 15088.5 (a) (4) as it is "...so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment [are] precluded." Moreover, revisions to make the document adequate for meaningful review would be considered significant new information.

016 7. The City of Carlsbad is a responsible agency as defined by CEQA Guidelines Section 15381. Based on the current project description, it appears the city will exercise discretion in issuing permits or approvals for the project, including:
a. A Freeway Agreement, as Caltrans/FHWA have already identified in Table 2.3, page 2-18.
b. An amended lease agreement for recreation use of Agua Hedionda Lagoon.

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012 The EIR/EIS has identified reasonably foreseeable projects as the basis of the cumulative analysis. An enhanced cumulative impacts discussion is provided in this Final EIR/EIS to clarify conclusions reached. Health or status is provided for each environmental topic analyzed in the EIR/EIS. Final EIR/EIS *Table 3.25.2* in *Section 3.25, Cumulative Impacts,* summarizes those projects within the cumulative study area (comprised of specific Resource Study Areas [RSAs]) that would result in adverse impacts to the resources that would also be adversely affected by the *I-5 NCC Project*. The focus of the cumulative analysis in *Section 3.25.3* is on impacts to visual/aesthetics, natural communities, and wetlands and other waters of the U.S. and State, where the project could contribute to resources in declining health regionwide.

With respect to specific projects in the list of past, current, and probable future projects, the LOSSAN project was included in Draft EIR/EIS *Table 3.25.1* as project number 13, and a more detailed list of LOSSAN projects are now described on Final EIR/EIS *Table 3.25.2* as project numbers 28 through 42. Consistent with your comment, Caltrans acknowledges that the Carlsbad Energy Center Project was inadvertently omitted from Draft EIR/EIS *Table 3.25.1*, and it has been added to *Table 3.25.2* in this Final EIR/EIS (project 19). The project was, however, included in the evaluation of cumulative impacts provided in *Section 3.25.3, Environmental Consequences*, under the heading of *Visual/Aesthetic Resources*. Specifically, this analysis notes that the Carlsbad Energy Center would also contribute to the degradation of visual quality along the corridor due to removal of screening vegetation. As described for the proposed project in *Section 3.7,*

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012 cont. mitigation measures have been identified in association with the loss of existing landscaping and other vegetation along the project corridor. As noted in *Section 3.25.4,* however, the mitigation would not fully mitigate the cumulatively considerable project contribution to cumulative impacts.

013 By following the requirements of NEPA and evaluating four build alternatives at an equal level of detail, it was apparent in the Draft EIR/EIS that the environmentally superior alternative, or the 8+4 Buffer alternative, was the build alternative with the smallest footprint and least overall impacts. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Identification of the Preferred Alternative and features of the Preferred Alternative not covered in (or refined and/or clarified since) the Draft EIR/EIS were addressed in the Supplemental Draft EIR/EIS, circulated for review and comment in August 2012.

014 In conformance with CEQA Guidelines Section 15125, Environmental Setting, the baseline for analysis in an environmental document is what exists at the time the notice of preparation is published. The Draft EIR/EIS incorporated the most current applicable data that were available at the time of preparation relative to traffic and biology, including pertinent information from the MOBILITY 2030 Regional Transportation Plan (RTP), various other SANDAG documents, and pertinent biological technical reports.

Where more current data are now available for these topics that could affect project design, they have been incorporated into project analyses provided in this Final EIR/EIS. For example, the discussion of the 2050 RTP adopted by SANDAG on October 28, 2011, and information relevant to traffic projections, as discussed in response to Comment 008 of this letter. Please also refer to Topical Response “Projected Growth” for a discussion of the

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016 cont.

c. An Incidental Take Authorization Permit for those species covered by the City of Carlsbad Habitat Management Plan (HMP).
d. A Major Amendment to the HMP for removal of preserve lands in and near the lagoons.

017

8. Additionally, the project requires a redevelopment permit from the Carlsbad Redevelopment Agency. I-5 crosses the South Carlsbad Coastal Redevelopment Plan (SCCRP) in the vicinity of the Encina Power Station. The SCCRP includes the 49-acre San Diego Gas and Electric parcel on which a portion of the Cannon Road Direct Access Ramp is planned. A redevelopment permit is not a local permit. The Carlsbad Redevelopment Agency is a separate public entity from the city and acts as an arm of the state in redevelopment matters. The state Legislature has designated the redevelopment agency in each community as the agency with the authority and responsibility for carrying out the work of redevelopment pursuant to the adopted redevelopment plan. According to Section 200 of the SCCRP, a "Redevelopment Permit means a permit issued by the [city's Housing and Redevelopment] Commission...for all rehabilitation, redevelopment, and development activities involving private and public real property, buildings, facilities, and infrastructure systems within the Project Area."

018

9. Several references throughout the Draft EIR/EIS are made to the "project limits." Yet, this term does not appear to be defined. Please provide a definition and graphic as appropriate. If project limits vary among impact category (e.g., project limits for noise impacts may be different than visual), please clearly state the limits as appropriate for each category.

Sections S.1 to S.7 – Summary:

019

1. **Page S-2:** Section S.3, Alternatives Considered, states "there is a width difference of about 3.7 m (12ft.)" regarding alternatives. Please clarify to what this width difference applies. Is it the difference between the alternatives with the least and greatest widths?

020

2. **Page S-3:** Section S.5.1 identifies the environmental consequences that would remain substantial after mitigation. Since the Draft EIR/EIS admits the project "has not yet been designed" (see visual discussion on page S-9), how is it possible at this time to identify completely these consequences?

021

3. **Page S-8:** Section S.7, Avoidance, Minimization, and/or Mitigation Measures, frequently notes that mitigation measures listed would "minimize impacts." However, this section does not state if the impacts would be minimized to less than significant. Please clarify.

022

4. **Page S-15**: Section S.8, Other Projects and Considerations, lists four projects, three of which are located partially or completely in the City of Carlsbad. Please state the reasons for listing these projects. If it is to identify projects for cumulative analysis, the list is incomplete as noted above.

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014 cont. accommodation of anticipated growth. Biological data also were updated and clarified with regard to lagoon crossings in the August 2012 Supplemental Draft EIR/EIS, including updated sensitive species surveys and the results of optimization studies completed in 2012.

015 The EIR/EIS thoroughly and completely discusses cause, nature and magnitude of impacts. The focused Supplemental Draft EIR/EIS, circulated for review and comment in August 2012, provided important information and analyses related to the LPA (Preferred Alternative), refinements to the community enhancement projects, and lagoon studies, and is now incorporated into this Final EIR/EIS.

016 The permits listed in *Table 2.3* (*Table 2.7.1* in this Final EIR/EIS) have been updated since the Draft EIR/EIS and are subject to refinement when final design is prepared for a Preferred Alternative if the project is approved. Please note that this table is intended to highlight primary permits or agreements that carry substantial environmental requirements or affect funding. The project would not proceed to construction without all appropriate permits and approvals. City HMP issues would not be reflected as Caltrans is not a signatory to the MHCP. Caltrans does, however, strive to be consistent with its guidelines, and has continued (and would continue) to coordinate with the appropriate wildlife agencies to ensure that impacts to sensitive biological species or communities targeted for preservation in the draft subarea plans are minimized to the extent practical. The City may have to amend their HMP for where some lands are impacted and mitigation is proposed within Carlsbad.

017 Please refer to the response to your Comment 004. As the Cannon Road DAR has been eliminated from the proposed *I-5 NCC Project*, no redevelopment permit would be required in this area.

018 The term "project limits" is defined in EIR/EIS *Section 1.1, Introduction*, and is intended to describe the beginning and end points of the project as expressed in kilopost (KP) and post mile (PM) markers. The limits of the proposed project are depicted

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018 cont. graphically on *Figure 1-1.1.* The EIR/EIS also identifies a general study area in *Chapter 3*, with the approximate limits of this designation shown on Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*. In addition, as indicated in this comment, study areas evaluated for individual impact categories can vary depending on the nature of the associated issue, with these issue-specific study areas described for applicable topics under the related descriptions of Affected Environment in *Chapter 3*.

019 The *Executive Summary* has been completely revised in the Final EIR/EIS and this statement has been eliminated. Cross sections for the build alternatives are in *Figures 2-2.2a* and *2-2.2b* in the Final EIR/EIS. The cross sections show that the total width difference between the 8+4 barrier and buffer alternatives is 24 feet (or 12 feet in each line of direction), and the total width difference between the 10+4 barrier and buffer alternatives is 26 feet (or 13 feet in each line of direction). Therefore, the average width difference between barrier and buffer alternatives was concluded to be 12 feet in each line of direction. The cross sections also show that the total width difference between the two barrier alternatives is 24 feet (or 12 feet in each line of direction), and the total width difference between the two buffer alternatives is 22 feet (or 11 feet in each line of direction).

020 The EIR/EIS has been prepared in compliance with 40 CFR 1502.5, which states that a document "shall be prepared early enough so that it can serve practically as an important contribution to the decision making process...." The timing of the EIR/EIS also complies with 40 CFR 1502.5(a), which states, "For projects directly undertaken by Federal agencies the environmental impact statement shall be prepared at the feasibility analysis (go - no go) stage and may be supplemented at a later stage if necessary." While precise identification of specific design elements or mitigation may be dependent on final design, based on familiarity with this type of project, the project area and design completed at the time of Draft EIR/EIS preparation, technical specialists were able to make informed decisions as to the level of impact significance.

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	021 Please refer to the responses to your Comments 009 and 011.
	022 As general information, please note that Caltrans follows the environmental document organization and content required in the Standard Environmental Reference (SER), which provides a single, standard reference on compliance with NEPA and CEQA for both local assistance and Caltrans projects. The SER sets forth document content and format, as required by law or regulation, and recommended format if not specified by law or regulation. The SER is available at http://www.dot.ca.gov/ser/. *Section S.8, Other Projects and Considerations*, in the Draft EIR/EIS provided the content recommended in the SER to discuss other major projects in the vicinity of the proposed project; it is not the purpose of this section to list cumulative projects. A revised *Executive Summary* is provided in the Final EIR/EIS.

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Section 1.3 - Proposed Project:

023 1. **Pages 1-3 to 1-6**: Sections 1.3.2 and 1.3.3 present data, such as reported for HOV use on pages 1-4 and 1-5 and population and employment information presented on page 1-6, that is now several years old. Undoubtedly, estimates have been revised. The recirculated Draft EIR/EIS should include updated data as much as possible.

024 2. **Page 1-8 to 1-9**: Section 1.3.6, Other I-5 Projects, seems to focus on transportation projects, including freeway, street, and rail improvements in the I-5 vicinity. Please clarify why the Del Mar Fairgrounds, Carlsbad Energy Center, and Carlsbad Desalination Project are listed here.

Chapter 2 - Project Alternatives:

025 1. **Pages 2-23 to 2-24:** Figures 2-2.10 and 2-2.11 provide typical cross sections for the four alternatives and indicate the amount of increased travel way that would result from each as compared to the no build alternative (existing freeway condition). These cross sections or other part of the environmental document should also indicate the amount of right of way increase proposed.

026 2. **Pages 2-25 to 2-26:** Figures 2-2.12 and 2-2.13 provide the only detailed information on the Cannon Road DAR other than site layout information on Figures 2-2.14ad and 2-2.14ae. These sections need revision to be scaled exhibits dimensioned with height and length information. East and west elevations views of the Cannon Road DAR are also necessary.

Chapter 2 - Project Features Map:

027 1. **Overall:** While helpful in evaluating the overall project, the small scale and great amount of information displayed by the map makes reading and understanding project features very difficult. It is very difficult to tell the locations of existing and proposed rights of way for example. Further, since the 10+4 Buffer Alternative only was used for the Project Features Map, not all proposed improvements are shown. A reader of the Draft EIR/EIS does not know, for example, that realignment to the west of portions of Avenida Encinas is proposed with the 10+4 Barrier Alternative (see sheet 48 of the I-5 Project Report Exhibit A). As part of the recirculated Draft EIR/EIS, please provide exhibits for all proposed alternatives the clearly and completely convey project details.

028 2. **Figures 2-2.14ag and 2-2.14ah**: Next to noise receptor site "R18.26," a building is labeled "community center park." This building is actually a hotel. Please correctly label.

029 3. **Figure 2-2.14ag**: Identify Oak Park (APN 156-180-41).

4. **Figure 2-2.14ah**: Identify Pio Pico Park (APN 156-231-05).

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023 Please refer to the responses to your Comments 008 and 014. As indicated, although new compilations of figures are now available, projections show that the same improvements to I-5 are now required to satisfy transportation needs through 2050 as were identified in the 2030 RTP to be required through 2030. SANDAG is the regional planning agency with responsibility for compiling population and employment data as well as projecting future travel needs and infrastructure improvements. Population and employment data are provided to support predictions of infrastructure need, as well as to indicate general education, income, and ethnicity patterns within a community, and whether there may be concerns related to low-income or minority populations. The ethnic population in Barrio Carlsbad represents part of a community present in the area since the 1920s (i.e., an established long-term community) and other community elements are similar. Although population growth has slowed, because the future 2050 transportation is projected to be the same as that originally forecast for 2030, the general population figures are considered appropriate.

024 These are the other major projects proposed within the I-5 corridor that provide general setting information. Please also refer to the response to your Comment 022.

025 The amount of new right-of-way varies along this 27-mile section of I-5 and cannot be accurately depicted on a single schematic. Representative boundaries of the project impact footprint are illustrated in Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which illustrate existing and proposed right-of-way to the level of detail that can be determined at this time. The proposed right-of-way by build alternative was shown on the detail plans from the Project Report, Exhibit A, which was available for review with the Draft EIR/EIS on Caltrans and www.keepsandiegomoving.com project websites. Please also refer to Topical Response

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	025 cont. "Property Acquisition" for additional information about why precise numbers and dimensions of property required are not specified for incremental right-of-way.
	026 As noted above, the Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*.
	027 Please refer to the response to your Comment 002.
	028 The reference to noise receptor site R18.26 on Draft EIR/EIS *Figures 2-2.14ag* and *2-2.14ah* (now contained in Appendix K) has been changed to reflect the correct use (hotel outdoor pool area) in this Final EIR/EIS (refer to Final EIR/EIS *Figures 2-2.3, Sheet 54).* Please note that the evaluation of this noise receptor in EIR/EIS *Section 3.15, Noise*, incorporates the correct land use.
	029 There are no parks with these names listed on the City of Carlsbad website, and parks with these names are not identified in the Thomas Guide or in Google Maps. Thank you for providing the APNs for these small facilities; Oak Park has been added to Final EIR/EIS *Figures 2-2.3, Sheet 54,* and Pio Pico Park has been added to Final EIR/EIS *Figures 2-2.3, Sheets 54* and *55*. Pio Pico Park is located immediately east of Pio Pico Drive between that street and single-family residential uses fronting onto Gregory Drive and Cynthia Lane. Picnic tables are provided. Oak Park is located between the I-5 off ramp and Pio Pico Drive just south of a gas station on Carlsbad Village Drive. The primarily dirt area has some trees and a picnic table. Per a February 21, 2013, email from the City, both of these facilities are considered "Special Use Areas" without significant recreational use.

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Chapter 2 - Community Enhancements:

030

1. **Pages 2-9 and 2-10**:
   a. Please ensure descriptions of the community enhancement opportunities in Carlsbad are clear and accurate and match related exhibits. For example, the description of Community Enhancement Opportunity #2, Trails on West Side of I-5 at Batiquitos Lagoon, proposes revegetation of disturbed areas. Please clarify the location and extent of this vegetation in both text and map form.
   Further, Community Enhancement Opportunity #3, Trails on West Side of I-5 at Agua Hedionda Lagoon, notes the enhancements will include a "new section of trail from the railroad tracks south of the power plant running east of I-5" and "a planting buffer to provide screening along the power plant perimeter." The former suggests a location along Cannon Road as that is south of the power plant. The latter does not clarify the extent of the "power plant perimeter."

031

   b. All proposed suspension bridges should be designed to accommodate loads for light pick-up trucks to be used for ongoing maintenance and safety patrolling needs. Furthermore, the Draft EIR/EIS should analyze potential biological impacts associated with safety lighting for trail proposals, suspended and at grade, under the freeway. For all trails, any trail closures necessary to accommodate breeding season should be discussed.

032

   c. To demonstrate compliance with city and FHWA trail construction standards, all trail enhancements need to indicate surface and construction details as follows: Trail surface materials on the west side of lagoons shall be paved with either pervious or impervious paving and trails on the east side of lagoons shall be, stabilized decomposed granite, with concrete headers and constructed in accordance with City standards and FHWA Trail Construction Standards. All trail widths shall be a minimum of 8' wide. Note: These recommended width requirements do not pertain to suspension bridges or trails constructed underneath freeway bridges.

033

2. **Pages 2-27 to 2-68**: In addition to the Draft EIR/EIS text descriptions of the community enhancements, the Project Features Maps (Figures 2-2.14a to ao) need to clearly identify all five proposed Carlsbad community enhancement opportunities and their components. For example, no labeling or information is provided on Figure 2-2.14ag to call out the streetscape enhancements proposed for Chestnut Avenue. It is fine for the Draft EIR/EIS to reference the January 2008 I-5 North Coast Community Enhancement Plan, but the reader of the EIR/EIS should be able to readily see community enhancement location and component information that matches the text description provided.

3. The future Coastal Rail Trail alignment through the Encina Power plant property from Agua Hedionda Lagoon south to near Cannon Road has not been finalized. Should the alignment be determined to stay within the railroad right of way or on the power plant property, the segment of trail shown between the freeway and the power plant's east side as shown on the exhibit for Community Enhancement Project # 3 would not be desired.

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030 Details regarding proposed community enhancements have changed following continuing Caltrans coordination with local jurisdictions in response to comments received on the Draft EIR/EIS. Refinements to community enhancement projects and other project changes were evaluated in the Supplemental Draft EIR/EIS, which was circulated for public review and comment in August 2012. In particular, within Carlsbad, information regarding trails at both Batiquitos and Agua Hedionda Lagoons was modified, and sensitive habitats would no longer be impacted due to trails implementation. Information from the Supplemental Draft EIR/EIS has been incorporated into this Final EIR/EIS, as appropriate.

031 All proposed pedestrian/bicycle bridges under the *I-5 NCC Project* would be designed in accordance with the current American Association of State Highway and Transportation Officials (AASHTO) Load and Resistance Factor Design (LRFD) Bridge Design Specifications with California Amendments, and in conjunction with the current version of the AASHTO Guide Specifications for the Design of Pedestrian Bridges. These standards are used by Caltrans in the design of bridges where pedestrians and bicyclists are anticipated. In addition, pedestrian/bicycle bridges are designed to accommodate the loading of an occasional single maintenance vehicle, provided that vehicular access is not restricted by physical barriers and/or the width of the bridge.

Lighting impacts associated with I-5 improvements and associated trails were clarified in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. A sample sign identifying sensitive habitat and restricted activities was circulated for comment as *Figure 2-2.6* in the Supplemental Draft EIR/EIS and has been carried forward into this Final EIR/EIS (*Figure 2-2.7*).

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If the Coastal Rail Trail alignment cannot go within the railroad right of way or within the power plant property, then the City would consider this enhancement project; however, such consideration would be subject to further evaluation of the status and location of adjacent portions of the Coastal Rail Trail and the screening, security, and safety needs along the power plant's freeway frontage, among other things. In any alignment scenario, a trail connection under the freeway to join east and west side lagoon trails would be very desirable. See also comment six below for more relevant concerns about trails in this area.

033 cont. 4. Additionally, Community Enhancement Project # 3 proposes a north-south pedestrian bridge parallel to the railroad tracks and across the lagoon west of the freeway. The City of Carlsbad is currently pursuing discretionary permits for the construction of a lagoon-crossing bridge in this area of the lagoon and just west of the railroad tracks that would serve this identical purpose. The city-proposed bridge would serve the dual-purpose of supporting a new sewer line and the Coastal Rail Trail. While the city appreciates Caltrans' efforts to provide an important crossing of the lagoon, this proposed pedestrian bridge along the railroad tracks will not be necessary.

In summary, to preserve flexibility, ensure the best public access to recreation and coastal resources, and perhaps seek alternatives to the pedestrian bridge, the city requests Caltrans reconsider its trails plan that is part of this enhancement project and coordinate with Carlsbad on additional trails planning in this area.

034 5. For all trail enhancements proposed, the Draft EIR/EIS needs to demonstrate compliance with the City's Local Coastal Program, including the Agua Hedionda Land Use Plan. There are specific policies regarding selection of landscape materials, erosion protection measures, lighting impacts, and other guidelines for the development of the trails.

035 6. The Local Coastal Program has numerous policies and guidelines pertaining to the development of trails that need to be considered. One such item of concern not addressed in the Draft EIR/EIS is that trails in the coastal zone shall be designed in consultation with the State Department of Fish and Game and "offers of dedication" of 25' shall be required to be provided to the City of Carlsbad, State Coastal Conservancy or other appropriate public agency such as the lagoon foundations for a term of 21 years. The Draft EIR/EIS and other documents presented thus far do not provide information on which agency the trail dedications would be provided to while it generally makes a broad statement in the Draft EIR/EIS that the "cities" would be responsible for maintenance as discussed in the Draft EIR/EIS in Chapter 3, section 3.6.3.2.

Section 3.1 – Land Use:

036 1. **Page 3.1-17:** Section 3.1.1.2, Environmental Consequences, states "...no effects on future Carlsbad land uses are anticipated." This statement is not supported by

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031 cont. EIR/EIS *Section 3.21.4, Avoidance, Minimization, and/or Mitigation Measures*, states that a USFWS-approved biologist would be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. No trail closures would occur due to breeding seasons after project completion. However, portions of trails may need to be temporarily closed during construction.

032 Bike and pedestrian trail improvements were clarified in the Supplemental Draft EIR/EIS, including incorporation of additional detail regarding bike and pedestrian trails suspended from I-5 bridges. All bike and pedestrian trails would be 12 feet wide or less. Co-located bike and pedestrian trails are anticipated to consist of an eight-foot wide paved bike trail with an adjacent soft-surface trail for pedestrians. As no bikes are allowed in the ecological reserves adjacent to most of the lagoons, the trails through these areas would be for pedestrian use only.

033 The list of enhancements was updated in the August 2012 Supplemental Draft EIR/EIS and has been further refined in this Final EIR/EIS. *Figures 2-4.1a* through *2-4.1c* show the location of all enhancement projects. Chestnut Avenue is identified on *Figures 2-2.3, Sheet 53*. Caltrans will coordinate with the City and other applicable entities to ensure that all appropriate consideration and requirements are included in the location and design of the Coastal Rail Trail (and other project-related trail development and enhancement). Caltrans also will continue to coordinate with the City to ensure that appropriate trail-related facilities are provided, and to avoid unnecessary or duplicative facilities. Please also refer to the response to your Comment 031.

034 EIR/EIS *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs*, evaluates project consistency with the City of Carlsbad General Plan, including the City of Carlsbad Local Coastal Program (LCP). *Table 3.1.1* notes that community enhancement opportunities associated with the proposed project

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036 cont. substantial evidence and needs to be reconsidered in light of the impacts that would be created on undeveloped property impacted by the Cannon Road DAR.

The Cannon Road DAR would remove at least several acres of the 49 acre SDG&E parcel designated for travel recreation commercial uses (see Section 3.3.3, page 3.3-2). However, this parcel, located at the northwest corner of Cannon Road and I-5, is already constrained by 14.5 acres of habitat and transmission lines. Combined with these constraints, the Cannon Road DAR reduces the useable area of the property to under 30 acres, which may significantly impact development potential. Furthermore, the DAR will require setbacks, further impacting useable area, and may impact the property's aesthetic values.

037 2. **Page 3.1-19 – 3.1-42**: Section 3.1.2, Consistency with State, Regional and Local Plans and Programs, provides only a cursory review of project consistency with City of Carlsbad programs and policies. Completely lacking, for example, is analysis for consistency with the Carlsbad Local Coastal Program, Scenic Corridor Guidelines, the 1997 Master Plan for the I-5 Corridor, Batiquitos Lagoon Enhancement Plan, Encina Specific Plan 144, Encina Power Station Precise Development Plan, the Open Space and Conservation Resource Management Plan, many General Plan and Habitat Management Plan policies, and the Transportation Corridor zone and general plan designation.

038 Furthermore, analysis is often conclusory at best and provides no aid for the reader of the document to understand the significance of an impact or where the impact is located. To illustrate, the discussion of the City of Carlsbad General Plan indicates "the proposed project would convert existing residential and commercial land uses to transportation uses as discussed in Section 3-1 of this Draft EIR/EIS. However, impacts would be restricted to isolated parcels along an existing corridor and would not substantially affect land use patterns within Carlsbad." The Draft EIR/EIS needs to identify the location of each property impacted by map, address and Assessor's Parcel Number and clarify the extent of the impact (e.g., temporary construction easement, footing easement, partial or full parcel acquisition).

Section 3.4 - Community Impacts:

039 1. **Page 3.4-8**: Section 3.4.2.3, Environmental Consequences, describes the potential need to displace a 47-unit apartment complex and one triplex in Carlsbad if the 10+4 and 8+4 with Barrier alternatives are implemented. Rents in those units are affordable to lower income households, and there are low income households residing within the complex. Referring to the apartment complex, the Draft EIR/EIS notes that "it is unlikely that current residents would be able to relocate in Carlsbad and maintain similar rents." It is also unlikely that residents of the triplex will be able to relocate in Carlsbad with similar rents.

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034 cont. would include trails at several locations along the lagoons, but project implementation would not disrupt access to existing trails, and the project would be consistent with the General Plan. Details regarding proposed community enhancements continue to be developed as Caltrans coordinates with local jurisdictions in response to comments received on the Draft EIR/EIS. Ultimate decisions as to landscape materials, erosion protection measures, lighting, etc., would be expected to be consistent with City plans.

035 In order to obtain appropriate permits for any project features that affect regulated biological resources, Caltrans would coordinate with overseeing agencies, including the local jurisdiction and resource agencies as required to ensure that potential impacts to natural resources would be minimized and/or mitigated to the maximum extent practicable.

As part of the PWP, Caltrans would be requesting amendments to the City's LCP to ensure that project components are consistent with those policies and guidelines.

As stated in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* implementation of such projects is dependent on future formal cooperative agreements between Caltrans and each city, where Caltrans would build these features and the cities would be responsible for their maintenance. If the project is approved, enhancement projects that are not mutually acceptable would not be included in the final *I-5 NCC Project* that is constructed.

036 Based on City land use input and as noted above, the Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*. Accordingly, the potential impacts to "undeveloped property" noted in this comment would not occur.

037 EIR/EIS *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs* is intended to evaluate project consistency with regional and jurisdiction-wide plans. Relevant City of Carlsbad LCP policies are discussed as including the preservation of prime agricultural land throughout the coastal zone, such as the Carlsbad Flower Fields. The EIR/EIS also notes that the Agua Hedionda

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037 cont. LUP proposes land uses and environmental control measures for a 1100-acre segment of the Carlsbad Coastal Zone, including Agua Hedionda Lagoon and adjacent marsh, upland habitats, and wetland areas. EIR/EIS *Section 3.1, Land Use*, includes consideration and analysis of several of the plans and programs listed in this comment, including the Carlsbad LCP; Batiquitos Lagoon Enhancement Plan; Carlsbad Habitat Management Plan (HMP); and Scenic Corridor Guidelines (under the General Plan Circulation element, *Table 3.1.1*); as well as other applicable plans and policies under the General Plan Land Use, Circulation, Noise, Open Space and Conservation, and Parks and Recreation elements (all in *Table 3.1.1*). As indicated in the *Section 3.1* analysis, the project was determined to be consistent with these plans and policies, based on considerations including the minor nature of project-related impacts (e.g., Batiquitos Lagoon Enhancement Plan), project design features (e.g., General Plan Circulation and Noise elements), and use of appropriate minimization and/or mitigation measures (e.g., Carlsbad HMP and General Plan Open Space and Conservation Element). As discussed in *Section 3.7* of the EIR/EIS, removal of some vegetation located adjacent to I-5 is anticipated during implementation of I-5 improvements. No conflict with plans or policies is anticipated, however, with regard to implementation of the Encina Specific Plan 144 or the Encina Power Station precise Development Plan. I-5 improvements would have no effect on development or re-use plans west of the I-5 footprint. Text has been added to this effect in *Section 3.1.1.2* of this Final EIR/EIS on *Table 3.1.1.* Please also refer to the response to your Comment 035.

038 The cited analysis conclusion relates to land use plan and policy consistency as well as overall land use patterning. Information regarding the project limits of disturbance and property acquisitions was provided in *Chapter 2, Project Alternatives,* and *Section 3.4, Community Impacts,* of the EIR/EIS in terms of magnitude within each city (e.g.,number of dwellings impacted for a 10+4 Barrier versus 8+4 Buffer alternative, respectively). Upon request, during public circulation, additional maps of the project limits for each alternative were posted on the project website. Updated acquisition information is provided in the Final EIR/EIS for the refined 8+4 Buffer alternative. Please refer to Topical Response

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040 Loss of the total of 50 affordable units in Carlsbad is a major setback to the City's efforts to create affordable housing opportunities in the area and Caltrans should mitigate the loss of these units by creating an equal amount of new affordable units and thereby replacing these affordable units within the City limits, preferably in the immediate area from which the residents will be displaced, in addition to compensating the displaced residents per California Relocation Regulations.

Furthermore, pursuant to Government Code Section 65590, demolition of existing residential units in the Coastal Zone occupied by persons of low or moderate income shall not be authorized unless replacement housing affordable to those persons is provided in the same city and preferably within the Coastal Zone.

041 2. **Pages 3.4-8 to 3.4-10**: For each alternative, all businesses and residences proposed for displacement should be clearly mapped and identified by address and Assessor's Parcel Number. Please also identify any housing in the Coastal Zone occupied by low or moderate income persons. Further, the Draft EIR/EIS should identify the reason for any displacement.

042 3. The Draft EIR/EIS needs to discuss and evaluate the community and social impacts created from construction of very high sound walls that would further divide the west side of Carlsbad from its east. Further, the environmental document should also discuss the impact resulting from construction of retaining and sound walls along Holiday Park; this large visual barrier would counteract the objectives of the nearby Learning Center, a city public library/learning facility designed to present a welcoming and supportive environment for patrons who often face barriers in learning or are tentative about using government services. Potential mitigation for these impacts would include improvements to all east-west under crossings and bridges to better connect both sides of Carlsbad in a more pleasant, safe, and inviting manner.

043 4. Economic impacts resulting from the physical freeway improvements should also be considered in the Draft EIR/EIS. In particular, the document should consider the following:

a. The loss of businesses at the entrance to the city's downtown Village that would be caused by proposed freeway improvements at Carlsbad Village Drive may negatively impact tax revenues. These businesses are located in the Albertson's shopping center. This may also impact the city's ability to repay its debt obligations used to improve and remove economic and physical blight of this former redevelopment area.

044 b. As commented under the Land Use section above, the construction of the Cannon Road DAR greatly reduces the useable area of the 49 acre SDG&E parcel at the northeast intersection of Cannon Road and I-5. Other impacts to the parcel and its use may result from project noise, access and visual constraints.

The Draft EIR/EIS needs to analyze the impacts of surrounding land uses and influences and report on the economic and use potential that would remain following construction of

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038 cont. "Property Acquisition" for information regarding why information regarding property owned by private homeowners is not published in the Draft EIR/EIS, as well as the assessor's parcel numbers for residential and business structures affected.

039 As stated in *Section 3.4* and the project Community Impact Assessment (CIA), adequate relocation opportunities have been determined to exist for these single-family residences and the triplex.

040 Potential impacts of the 10+4 Barrier alternative on the 47-unit complex in Carlsbad are evaluated in EIR/EIS *Section 3.4.1, Community Character and Cohesion*, *Section 3.4.2, Relocations and Real Property Acquisition*, and *Section 3.4.3, Environmental Justice*. The displacement of a 47-unit apartment complex in Carlsbad associated with 10+4 Barrier alternative in an area with greater proportions of minorities and lower incomes is identified as a disproportionate impact that would not be mitigable. Consistent with GC Section 65590, demolition of these residential units would require location of appropriate replacement housing. If the Preferred Alternative is approved for construction, the apartment complex impacts would not occur. The 8+4 Buffer alternative still would displace three single-family residences and one triplex in Carlsbad. As stated in *Section 3.4* and the project's Community Impact Assessment (CIA), adequate relocation opportunities have been determined to exist for these single-family residences and the triplex. Based on this, implementation of the Preferred Alternative would not adversely affect the City's affordable housing efforts.

041 Displacements are discussed in EIR/EIS *Section 3.4.2, Relocations and Real Property Acquisition*. EIR/EIS *Section 3.4.3, Environmental Justice,* addresses potential disproportionate impacts in areas with greater proportions of minorities and individuals living in poverty. Please refer to the response to your Comment 040 for a summary of those analyses. With respect

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041 cont. to identifying specific housing within the Coastal Zone occupied by low or moderate income persons, the Draft EIR/EIS noted that 7.3 percent of the I-5 study area within Carlsbad was living in poverty. Block groups with the highest proportions of individuals living below the poverty level guideline include 179.00.2, 179.00.3, and 180.00.2. Consistent with the comment, these block groups were highlighted on *Figure 3-4.2* in the Draft EIR/EIS. As noted in *Section 3.4.2.3*, depending on approval of a build alternative, between seven and nine business acquisitions are anticipated to occur. As far as the reason(s) for displacement, all identified displacements are associated with full or partial (as applicable) acquisitions from project implementation of the identified alternative.

042 Project-recommended soundwalls for an existing north-south major transportation corridor would not substantially divide the western and eastern portions of Carlsbad. Potential soundwalls would abut I-5, an existing major transportation corridor.

Impacts to Holiday Park are discussed in EIR/EIS Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f). There would be no use of Holiday Park recreational area by the proposed project, but a retaining wall topped by a proposed soundwall would alter views to the west. This effect was not found to adversely impact activities at the park.

A soundwall would not counteract the objectives of the Learning Center. The public library and learning center is across the street (Eureka Place) from the park to the east. Views from the Learning Center toward I-5 would encompass the parking lot, the street, the tot lot, and Holiday Park grass and large trees before encompassing the wall. Views would not only encompass a number of visually competing elements, but the walls also would be partially screened by the large trees in the park from this location. Within the park, as shown in the simulation in *Figure 3-7.68*, the mass of the wall would be more notable. Caltrans suggests that although some park visitors may miss the smaller vegetated slope, others may find the greater separation from I-5 enhances the park experience. Future noise levels were determined to be reduced slightly with construction of the soundwall. The Draft EIR/EIS did note that if, during final design, it is found that conditions have

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042 cont. substantially changed, noise abatement may not be necessary at some locations. Also, should the City decide it does not wish the wall to be built, it can reject the wall during final design.

Please note that the proposed community enhancement projects are not minimization or mitigation measures for the *I-5 NCC Project.* EIR/EIS *Section 3.4.1, Community Character and Cohesion*, however, notes that in addition to the reconfigured interchanges, overpasses, and underpasses (all of which would be constructed with pedestrian and bicycle facilities), the proposed community enhancement features would greatly increase connectivity between neighborhoods and provide citizens with the ability to access community facilities both east and west of I-5 with greater ease and safety. Generally, impacts to community cohesion from operation of the proposed project in Carlsbad were concluded to likely be positive.

043 The discussion in *Section 3.4, Community Impacts*, notes that adequate relocation resources exist for the majority of displacees (including businesses in the City of Carlsbad), and adds that displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or Last Resort Housing (LRH) Program options, including (Last Resort Housing) LRH payments. This discussion is based on analysis provided in Section 3.2.5.5, Impacts to Local Economy, of the project CIA, which concludes that:

> The majority of the (displaced) businesses are expected to be able to relocate within Carlsbad. The gas and auto service station may have difficulty finding another commercial site within Carlsbad that would allow for this kind of land use. The California State Board of Equalization does not disclose sales tax information for individual businesses. However, this business is not expected to provide a significant portion of the approximate $25.4 million in sales tax received by Carlsbad in 2006. As such, (tax revenue) impacts related to the relocation or potential loss of this business are not considered to be adverse.

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044 cont. the DAR. The 49 acre parcel is within the South Carlsbad Coastal Redevelopment Area; financial implications resulting from loss of revenue potential may negatively impact the Carlsbad Redevelopment Agency's ability to eliminate physical and economic blight.

045 5. Various alternatives impact Carlsbad streets adjacent to I-5, as pointed out in the comments in the Traffic and Transportation Section and in the Technical Study - I-5 Project Report Exhibit A (Layout Sheets) Section below. These impacts may affect property usability and access, building setbacks, parking, and landscaping for both residential and commercial properties. These impacts need to be fully disclosed and analyzed.

046 Furthermore, regarding the proposed displacement of several businesses at the Albertson's shopping center near the Carlsbad Village Drive onramp, the Draft EIR/EIS needs to analyze how removal of existing structures and construction of improvements would impact circulation, parking, and the overall vitality of the shopping center.

Section 3.5 - Utilities and Emergency Services:

047 1. **Page 2-53 Project Features Map:** The proposed retaining wall and sound wall on east side of I-5 may impact existing gravity sewer pipeline placed in parallel to I-5 requiring its relocation. Proposed I-5 Freeway grading on west side may impact existing water pipeline crossing freeway.

2. **Page 2-59 Project Features Map:** On east side of I-5, a proposed retaining wall/barrier and proposed trail improvements are shown on the property owned by City of Carlsbad for the existing Foxes Sewer Lift Station. This may necessitate the relocation of the existing sewer lift station, control building, and odor control facility. The relocation may be very difficult to achieve because of the property ownership constraints at this location.

048 3. **Page 3.5-1. Affected Environment:** In the second paragraph, for water suppliers, delete the following words "... and City of Carlsbad Municipal Water District (Olivenhain Municipal Water District or the Vallecitos Water District)," and substitute the following: "and City of Carlsbad (Carlsbad Municipal Water District, Olivenhain Municipal Water District or Vallecitos Water District)."

4. **Page 3.5-1. Affected Environment:** In the second paragraph, for wastewater management, delete the words ..."Carlsbad Municipal Water District" and substitute "City of Carlsbad."

049 5. Recycled water facilities are also located adjacent to and cross Interstate 5 within the City of Carlsbad. These pipelines need to be included in relocations and are owned by the Carlsbad Municipal Water District. Interstate 5 landscaping shall be irrigated using recycled water where available. The existing 10-inch diameter recycled water pipeline within the freeway right-of way should be made available for use by Carlsbad Municipal Water District to convey recycled water to other locations along the freeway corridor.

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044 The Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*. Accordingly, the noted potential impacts would not occur.

045 Details on setbacks, parking, and landscaping for individual parcels potentially affected will not be available until final design of the Preferred Alternative if the project is approved. In addition, please refer to Topical Response "Property Acquisition" for information about why precise numbers and dimensions of property required are not specified.

046 As indicated on Final EIR/EIS *Figures 2-2.3, Sheet 54*, access to the shopping center west of the gas station would not be expected to be affected. Refinements to the project footprint continue to be made as part of the Preferred Alternative. Please refer to the response to your Comment 043.

047 These comments regarding specific utilities within the I-5 corridor are noted, and associated impacts will be avoided and/or minimized during design to the maximum extent practicable. EIR/EIS *Section 3.5, Utilities and Emergency Services*, notes that numerous buried and overhead utilities are present in the project area, and utilities conflicting with proposed construction activities would require protection or relocation during construction. With regard to relocation constraints, if relocation would exceed existing easements or otherwise require environmental evaluation, such evaluation would be completed when relocation specifics are known.

048 The requested text changes on page 3.5-1 in the second paragraph have been made in the Final EIR/EIS.

049 Final design of the Preferred Alternative (if the project is approved) would determine the extent of landscaping and irrigation needs within the freeway corridor. Recycled water would be used where available. In addition, use of any surplus capacity from the existing Caltrans-operated 10-inch diameter recycled water pipeline by City MWD would be contingent upon agreements entered into by the City of Carlsbad MWD and Caltrans, in addition to an encroachment permit issued and approved by the latter.

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050 6. New bridges proposed for crossing Interstate 5 need to consider multiple pipelines and be sized to accommodate pipeline sizes larger than existing, and other pipelines planned for future crossings within the interior structure of the bridge.

051 7. **Page 3.5-1. Environmental Consequences:** It states all build alternatives would require both above ground and below ground utility relocations in several locations. ... The relocations would occur within existing utility easements, wherever possible, and would not create any additional environmental impacts. Within the City of Carlsbad there are several sewer pipelines constructed parallel to the existing I-5 Freeway as well as one sewage lift station (Foxes Lift Station) and water pipelines and storm drains. The relocation of the pipelines and sewage lift station may be difficult and impact existing residential and commercial properties. Relocation of these facilities may involve additional environmental review depending on where they are proposed to be relocated.

052 8. As a general comment, the proposed freeway widening proposes to, depending on the alternative, reduce street widths in some locations (e.g., Pio Pico Drive), realign portions of streets (e.g., Pio Pico Drive and Avenida Encinas), remove all or portions of existing cul de sacs (e.g., Knowles Avenue, Palm Avenue, and Pine Avenue) and modify street improvements (e.g., Tuttle Street). The Draft EIR/EIS needs to make obvious through text and graphics these street impacts and what effect they would have on utilities, including existing and planned infrastructure, and emergency services, including vehicle access.

Section 3.6 – Traffic and Transportation:

053 Note: The Comments on traffic are separated into three sections. The first section summarizes some general thoughts on the project's traffic-related impacts to Carlsbad. The second section provides a more detailed section-specific review of the Draft EIR/EIS. Finally, the third section comments on the associated technical studies made available on the Caltrans District 11 website at http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html.

In preparing these comments, city staff reviewed the following documents:

- Interstate 5 North Coast Corridor Project – Draft EIR/EIS/EIS (June 2010)
- I-5 North Coast Traffic Report – A Summary of Traffic Reports (November 2008)
- I-5 North Coast Freeway Operations Report (November 2008)
- Technical Report No. 1 – Area of Influence Analysis (July 2004)
- Technical Report No. 2 – Existing Conditions Data (July 2004)
- Technical Report No. 3 – Methodologies and Standards (July 2004)
- Technical Report No. 4 – Existing Conditions (March 2006)
- Technical Report No. 5 – Traffic Demand Forecasting Report (August 2007)
- Technical Report No. 6 – Freeway Interchanges Operation Report (August 2007)
- Technical Report No. 7 – Direct Access Ramps/Local Circulation System Operations Report (August 2007)
- I-5 Project Report Exhibit A (Layout Sheets) (June 2010)

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050 In addition to existing and planned utilities, bridge designers are directed to make every effort to provide for unanticipated future utilities in all overcrossings, undercrossings, and bridges over waterways.

051 Please refer to the response to your Comment 047.

052 Caltrans finds that the City's correct depiction of proposed plan elements in the named streets demonstrates that adequate information to understand the project was provided.

With regard to clarity on utilities infrastructure, please refer to responses to Comments 047 through 049 of this letter, as well as EIR/EIS *Section 3.5, Utilities and Emergency Services*. Specific to emergency services, *Section 3.5* notes that response time for emergency services and law enforcement would be likely to improve with project implementation due to an anticipated reduction in traffic congestion and improved street and freeway access. During construction activities, however, there may be temporary, short-term increases in response times for emergency services due to detours and road closures. Regarding vehicle access during construction, please refer to the response to your Comment 007.

053 The City's outline of traffic comment format and references relied upon in developing comments on traffic is noted.

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Section 1 - General Traffic Comments

054

1. Regarding horizon year versus build-out year, the Draft EIR/EIS clearly states in Chapter 2 that the project would not be fully constructed until the year 2050. Specific to Carlsbad, the phasing plan states the following:
   a. 2012 through 2020: Construct 2 HOV lanes from Manchester to La Costa. Construct 2 HOV lanes plus noise barriers from La Costa to SR-78. Additional improvements include Voigt and Manchester DAR, managed lanes at I-5/I-805 merge, and two new HOV/managed lanes from SR-56 to Manchester (total of 4 lanes).
   b. 2021 through 2035: Construction of two additional managed lanes (and conversion of HOV to managed) from Manchester to Batiquitos Lagoon and to the Agua Hedionda Lagoon. Construction of the Cannon Road DAR.
   c. 2035 through 2050: Construction of two additional managed lanes (and conversion of HOV to managed) to SR-78 and construction of DAR at Oceanside Blvd.

   The traffic model data used to evaluate freeway operations were based on year 2030 forecast volumes. In Chapter 3 of the Draft EIR/EIS, the document summarizes growth along the I-5 corridor from 1970 to 2008 and forecast data to 2030. On average, the annual traffic growth along the corridor was shown to be approximately 3,000 vehicles per year. If this trend continues to the year 2050, the volumes on the corridor at project completion would be significantly higher than evaluated in this Draft EIR/EIS. Actual conditions in year 2030 are likely to be worse than documented in this Draft EIR/EIS since the project will still be under construction. As the analysis year is inconsistent with the project opening (2050) year, the analysis of freeway operations is flawed and should be re-evaluated with data prepared for the 2050 RTP.

2. In Section 5.2, page 5-1, the Draft EIR/EIS states that the purpose of this project is to "maintain or improve existing and future traffic operations" and to "improve the safe and efficient regional movement of goods and people through 2030". However, the project construction phasing indicates that the full build-out of the improvements would not occur until 2050. Technical analysis in the document assumes build-out volumes in 2030 with construction of full improvements. The Draft EIR/EIS should clearly state the operating conditions of the I-5 facility in year 2030 when construction is still ongoing or the build-out year should be adjusted to 2050 and technical analysis should be appropriately corrected.

055

3. Regarding consideration of right-of-way impacts, chapter 3 of the Draft EIR/EIS discloses that both the 10+4 and 8+4 with barrier alternatives will impact a 47-unit apartment complex in Barrio area of the City of Carlsbad. However, the 10+4 and 8+4 with buffer alternatives can be designed to avoid the 47-unit apartment complex.

   On page 3.6-5 of the Draft EIR/EIS, the traffic analysis summary shows that the difference in the southbound period of congestion between the 10+4 and 8+4 barrier/buffer alternatives is less than 30 minutes during the a.m. peak and negligible during the p.m. peak. As shown in Table 3.6-6, the level of service analysis between Carlsbad Village Drive and Tamarack Avenue is LOS E in the a.m. peak and LOS D in the p.m. peak for both the 10+4 and 8+4 buffer/barrier alternatives.

RESPONSES

054 The phasing plan has been updated and refined since circulation of the Draft EIR/EIS. EIR/EIS *Section 2.4, Phased Construction*, describes the projected operating conditions of the proposed project in 2020, 2030, and 2035. Consistent with the comment, project phasing has been extended from 2030 to 2035, when all construction would now be completed. Please also refer to the response to your Comment 008 for information regarding consistency with the 2050 RTP.

055 As described in EIR/EIS *Section 3.4, Community Impacts* (and the associated CIA), the 8+4 Buffer alternative would not impact the 47-unit apartment complex in the City of Carlsbad. The refined 8+4 Buffer design, which was the smallest of the build alternatives proposed in the Draft EIR/EIS, is also the LPA and the Preferred Alternative, as noted above.

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055 cont. Due to the small measure of improvement in the performance of the corridor through this section, the Draft EIR/EIS should consider reducing the impact on land use through the Barrio area to avoid the 47-unit complex. Design considerations should be made to the 8+4 with buffer alternative to reduce or eliminate the impact to the apartment complex. If the 10+4 with barrier alternative can avoid impacts to the apartment complex, it would appear that the 8+4 with buffer alternative (which has a narrower cross-section than the 10+4 barrier alternative) could also be designed to avoid impacts to the apartment complex.

056 4. The DAR ramps at Cannon Road are shown to be located on the existing strawberry field site with a connection to the existing local street network at the intersection of Paseo Del Norte/Cannon Road. The traffic analysis presented in Technical Report #7 shows that the intersection of Paseo Del Norte/Cannon Road will operate at LOS F during the a.m. and p.m. peak periods. While staff understands the potential advantages of a DAR at Cannon Road for regional traffic, it cannot support the DAR ramp at Cannon Road if acceptable operating conditions cannot be maintained at the intersection of Paseo Del Norte/Cannon Road. Carlsbad's Growth Management standards require road segments and intersections to operate at a level of service D or better during peak hours.

Queuing and ramp meter impacts were not considered or discussed in connection with the DAR on Cannon Road. Existing p.m. period conditions show that on a typical weekday, the p.m. peak period queue for I-5 northbound on Cannon Road extends east beyond Paseo Del Norte. The addition of eastbound left-turning traffic for the DAR will further impact the existing queuing issues on Cannon Road. Operational analyses in the Draft EIR/EIS and associated technical documents do not clearly address this queuing/ramp metering issue.

As noted previously, the Cannon Road DAR is not scheduled for construction until 2021-2035. Therefore, the conditions evaluated in this Draft EIR/EIS may not accurately reflect the opening year conditions for the intersections and roadway segments analyzed.

5. Although the DAR may improve access to the HOV/managed lanes along the I-5 corridor, there are insufficient park-and-ride facilities in the vicinity of the DAR at Cannon Road to effectively support the increase in carpooling or ride-sharing. Parking is not currently permitted on Cannon Road and is limited on nearby Paseo Del Norte due to the prevalence of car dealerships. The analysis fails to address any of the parking issues that are likely to arise relative to increased carpooling and ride-sharing.

057 6. There is inconsistency between the Chapter 2 concept drawing for Holiday Park (page 2-60) and the Project Report Layout sheets for this same segment (Exhibit A1, Sheet 53 of 68). The Project Report Layout sheets show modifications to Pio Pico Drive to accommodate additional parking within the boundary of the park. The Draft EIR/EIS does not show the same parking accommodations but states on Page 3.7-30 that the

RESPONSES

056 These comments are in reference to the Cannon Road DAR. As noted above, following input from the City, the Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*. Accordingly, the noted concerns regarding the Cannon Road DAR are not applicable to the revised project addressed in this Final EIR/EIS.

057 *Section 3.1.3* text regarding Holiday Park and associated parking has been updated and augmented in the Final EIR/EIS.

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057 cont. width of Pio Pico Drive would be narrowed by 10 feet. Clearly, circulation and parking impacts to Holiday Park are a great concern to the city and any impacts would require mitigation. The street width reduction by 10 feet would violate the city's roadway design standards. We recommend including Holiday Park in Section 3.1.3 of the Draft EIR/EIS document for further analysis.

058 7. Although Cannon Road is shown on Carlsbad's General Plan Circulation Element, the unconstructed portion between College Boulevard and the easterly city limits is heavily constrained from an environmental perspective and unlikely to be built in the time frame of the proposed project. Since there is also an unconstructed portion of Cannon Road within the City of Vista, the assumption that Cannon Road will be continuous from I-5 to SR-78 may not be valid in the context of this project.

059 8. The project will spend billions of dollars to improve traffic flow along the corridor, however p.m. peak conditions by year 2030 (inconsistent with build-out year) will result in LOS E/F conditions through much of Carlsbad. The city requests Caltrans and FHWA provide data that justifies the high project cost in light of minimal local benefits to Carlsbad.

060 9. Although the DAR is provided at Cannon Road, no associated rideshare parking lot is provided in the immediate area. There is no feasible on-street parking available adjacent to this proposed DAR. The Draft EIR/EIS suggests approximately 12% use carpool lanes today and the additional two lanes of carpool capacity would result in an increase in carpool of 2-5%. Traffic on the freeway is anticipated to nearly double by 2030. The Draft EIR/EIS should provide more information about how the DAR will be practically supported in terms of rideshare incentives.

061 10. The Draft EIR/EIS does not discuss any forecast shifts in traffic from passenger vehicles to alternative modes. The Draft EIR/EIS does not discuss any changes to transit service associated with the construction of additional lanes. Would BRT or other services be provided? If so, where would the new stops be located? Would they be collocated with the DAR ramps for direct access to the carpool lanes? If so, this would further challenge the DAR ramps at Cannon Road.

062 11. The Draft EIR/EIS traffic analysis does not address forecast increase in large vehicles on the freeway system. Clearly large trucks have a bigger impact on freeway operations than passenger vehicles. The Draft EIR/EIS should clearly address the forecast increase in freight movement along this corridor.

063 12. The Draft EIR/EIS evaluates two conditions: with and without barrier. The project also suggests that there will likely be managed (pay to use) lanes along the corridor. How can Caltrans reasonably expect to manage lanes without a barrier? It is unclear if the analysis assumes that the lanes are managed (pay to use) lanes, in which case you would assume the increase in HOV lane usage (as described in the traffic analysis to be 2-5%) may reflect the shift in SOV users from multiple purpose lanes to the managed lanes. Please clarify.

RESPONSES

058 This comment regarding Cannon Road is noted. Regional planning efforts such as the *I-5 NCC Project* routinely rely upon future conditions provided in local jurisdictions' approved General Plan Circulation Elements.

059 The purpose and need for the project are discussed in *Chapter 1, Proposed Project*. Regarding traffic conditions of 2030 and build out year, please refer to the response to your Comment 008.

LOS would not improve for every segment of the *I-5 NCC Project* due to increased future traffic and limited widening of some alternatives; however, the factors of total delay, congested hours, and travel time compiled in *Table 3.6.3* of this Finale EIR/EIS are projected to improve over No Build conditions for all build alternatives. As stated in Section 4.0, Operations Analysis Summary, of Draft Technical Report No. 6, the primary benefit associated with the *I-5 NCC Project* would be the additional freeway capacity, along with enhanced interchanges, HOV/Managed Lanes, and DARs. It is anticipated, as the report notes, that with the ability to better serve forecast travel demands, this additional freeway capacity would in turn provide a number of corresponding benefits when compared with the No Build scenario, including:

- Improved interchange ramp intersection operations
- Improved traffic operations at intersections nearby and adjacent to the freeway ramps
- Additional interchange ramp storage
- Improved traffic operations on parallel and intersecting arterial roadways

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059 cont. In summary, although every segment would not be improved to the same level, given traffic flow and numbers of users entering and leaving the facility at different points, the project would provide overall accommodation of increased traffic volumes and reduction in travel times compared to No Build conditions, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists.

060 The Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*.

061 The *I-5 NCC Project* is part of a balanced, multimodal regional transportation network. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes. Because the ongoing improvements to all transportation sources (automobile, rail, bus, pedestrian, and bicycle) are consistent with the 2050 RTP, the existing projected ridership, etc. is already incorporated into the user projections for each transportation mode. As noted above, the Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project.*

062 The proposed project would not result in an increase in the ratio of trucks to the volumes. EIR/EIS *Section 3.14, Air Quality,* notes that the existing diesel fuel truck percentage within the project limits is approximately six percent of Annual Average Daily Traffic (AADT). Estimated future truck AADT is anticipated to remain at approximately six percent.

063 In Caltrans' experience, both barriers and buffers are effective separations between general purpose and Managed Lanes. EIR/EIS *ES.2, Purpose and Need*, introduces the concept, with more detail provided in *Section 1.3.5, Managed Lanes*. As described, excess capacity in the HOV/Managed Lanes would be sold to Single Occupancy Vehicles (SOVs), allowing SOVs to use the lanes for all build alternatives. The Value Pricing program would entail the implementation of tolls to these SOV users. The proposed use of HOV/Managed Lanes provides additional highway

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	063 cont. capacity by both increasing the number of vehicle occupants, as well as generating revenue. They provide a quicker and more reliable ride for HOV and paying users by bypassing areas of heavy traffic congestion during peak periods. Appropriate use of managed lanes would be monitored and enforced by state law enforcement personnel as on other freeways, with or without a barrier. *Chapter 2, Project Alternatives*, notes that any violations of law in regard to the HOV/Managed Lanes would be enforced by the California Highway Patrol (CHP).

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Section 2 – Specific Traffic Comments

1. DRAFT EIR/EIS/EIS Chapter 2: Project Alternatives

064 a. **Page 2-5:** The Draft EIR/EIS states that all ramps will be metered with this project. The Draft EIR/EIS should address the impacts to the community (queue and delay on surface streets) with respect to adding meters at locations currently not impacted by ramp meters. Traffic analysis in Chapter 3 does not address this issue.

065 b. **Page 2-5:** The Draft EIR/EIS states that there will be a single tolling facility along the managed lanes. Assuming a barrier alternative, would the access to the managed lanes be restricted? Where would access points occur (DAR only?) Would the lanes be restricted with the buffer? The technical analysis summarized in the Draft EIR/EIS shows varying tolls collection along the corridor and varying HOV usage from Oceanside to La Jolla. How will tolls be collected?

066 c. **Page 2-5:** The description of the 8+4 with barrier alternative states that the alternative includes the addition of one general purpose lane in each direction. But the cross-section drawings on page 2-24 show the additional lane labeled as "AUX LANE". Please explain.

067 d. **Page 2-13:** The phase construction of the general purpose lanes is unclear. Phase 1 includes the construction of the HOV lanes (2012-2020). Phase 2 converts the HOV lanes to managed lanes and the construction of the Cannon Road DAR (2020 – 2035). Phase 3 construction does not mention construction of general purpose lanes. Please clarify.

2. DRAFT EIR/EIS/EIS Chapter 3: Environmental Impacts

068 a. **General Traffic Analysis Comment:** Intersection operations and ramp metering impacts should be included in the discussion of environmental impacts.

069 b. **Page 3.2-1 & 3.2-10:** Population projections for 2000 are inconsistent. Please correct.

070 c. **Page 3.6-1 Traffic Model:** Analysis was conducted using Series 11 for year 2030. The freeway construction phasing indicates the project will not be complete until 2050. Since ADT volume projections show significant growth from 2000 to 2030 (30 years), would the improvements be sufficient through year 2050? If not, would it be more accurate to assess only the improvements that will be complete by year 2030?

071 d. **Pages 3.6-1, 3.6-2 General Traffic Analysis Comment:** The Draft EIR/EIS described a 2015 scenario in the discussion of analyses that were conducted. However, there is no 2015 analysis provided in Chapter 3. Please clarify.

072 e. **Page 3.6-5 Traffic Analysis:** Year 2030 delay in the northbound direction is given as 600 vehicle-hours; however there are 2.5 hours of congestion. In 2006, there were 3,500 vehicle-hours of delay and 5.0 hours of congestion. Given the significant increase in traffic from 2006 to 2030, it does not seem likely that delay would be reduced, even assuming the additional capacity based on the operational analysis of the corridor. Please address.

073 f. **Page 3.6-6 LOS:** Building the 10+4 alternative will still result in the following segments operating at LOS F by year 2030:
   i. Northbound: Las Flores to SR-78 (pm)
   ii. Southbound: Tamarack to Cannon (am)
   Please explain the benefit/cost justification for this improvement.

074 g. **Page 3.6-6 LOS:** All northbound segments operate at LOS E except PAR to Cannon, which operates at LOS D. Therefore, most segments in the northbound

RESPONSES

064 While EIR/EIS *Section 3.6.3.1, Traffic and Transportation*, is focused on freeway operations in concert with the proposed project facilities, the alternative analyses include applicable discussion of effects to ramp meters and local intersections. Specifically, the evaluation of proposed interchange improvements includes descriptions of ramp operations and proposed modifications at associated interchanges, including capacity, turning, and metering (refer to *Table 3.6.11*). Similarly, although intersections outside of the I-5 corridor are not part of the proposed project and thus were not evaluated directly, the Final EIR/EIS notes that Caltrans is also working with local cities to improve intersections under their jurisdiction. In addition, The project Draft Technical Report No. 6, Freeway Interchange Operations Report (August 2007), shows roadway segment impacts for each scenario in Section 3.6, Roadway Segment Analysis. Section 4.2, Summary of Project-Related Impacts, under the discussion of Arterial Roadway Operations in the same report gives a summary of the roadway segments that would operate under and over capacity for various scenarios. The technical report was prepared in support of the EIR/EIS, and is incorporated by reference herein.

065 Draft EIR/EIS *Chapter 2, Project Alternatives*, described the project features as known at that time in the process. For example, *Section 2.2.1, Common Design Features of the Build Alternatives* described intermediate access points (IAPs) or at-grade access near La Jolla Village Drive, Carmel Valley Road, Lomas Santa Fe Drive, Birmingham Drive, Poinsettia Lane, SR-78, and Harbor Drive. IAPs were clarified in the Supplemental Draft EIR/EIS to add Del Mar Heights Road, Via de la Valle, Santa Fe Drive, Tamarack Avenue, and Oceanside Boulevard; and delete Birmingham Drive and SR-78. This information has been incorporated into the Final EIR/EIS in *Section 2.2.2*.

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065 cont. Access control technology is described and diagrams are presented in *Chapter 2*. The discussion of HOV/Managed Lane Enforcement states that policy would have to include that a SOV traveling in the HOV/Managed Lanes must render a per-trip payment using a valid transponder or other similar technology.

066 The diagram on page 2-24 shows two HOV lanes plus an auxiliary lane. As noted on page 2-3 of the Draft EIR/EIS, at various areas within the corridor, the project also proposes auxiliary lanes to facilitate weaving for drivers entering the freeway from an on-ramp and merging into general purpose lanes. Locations where these lanes are proposed are listed on pages 2-3 and 2-4 of the Draft EIR/EIS. The reference to an additional general purpose lane as part of the proposed I-5 improvements under 8+4 scenarios has been deleted from the Final EIR/EIS. The existing I-5 facility is a minimum of four lanes in each direction.

067 The phasing description and graphics provide the proposed approach by decade to project implementation if a build alternative is approved. At that time, implementation of specific project components would be identified with more precise timing parameters. Please note that the general approach discussion and graphics have been modified since public circulation of the Draft EIR/EIS and are revised within this Final EIR/EIS; and that the Cannon Road DAR is no longer included in the proposed *I-5 NCC Project*. Phase 3 is generally north of SR-78 and all alternatives are the same in these areas.

068 Please refer to the response to your Comment 064.

069 This comment is not clear. While page 3.2-1 of the Draft EIR/EIS included *Table 3.2.2* with current and projected populations for applicable jurisdictions (including year 2000), *Section 3.2* ended on page 3.2-3. Accordingly, it is unclear what population data this comment is referring to in the reference to page 3.2-10. *Table 3.2.2* has been updated in this Final EIR/EIS.

070 Please refer to the response to your Comment 008. It is anticipated that the Preferred Alternative improvements would be complete by 2035. This alternative would be consistent with the 2050 RTP.

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071 The referenced discussion on pages 3.6-1 and 3.6-2 of the Draft EIR/EIS describes a number of technical reports prepared for the project, and noted on page 3.6-1 that: "The previously listed technical reports for traffic analysis contain detailed background information on the traffic volume forecasting process and development of traffic methodologies. The reports also present the Year 2030/2015 forecast volumes and turning movements for mainline I-5, the HOV/managed lanes, the ramp interchange intersections, the DAR intersections, and intersections within the DAR areas of influence." The horizon year, however, is the focus of the traffic analysis in the EIR/EIS, because very little of the *I-5 NCC Project* would be completed by 2015.

072 EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities,* and the 10 technical reports prepared in support of the EIR/EIS and cited in *Section 3.6.2, Affected Environment,* document how the various build alternatives are anticipated to provide additional capacity. This additional capacity, as well as the use of HOV/Managed Lanes, which would make those (and the general purpose) lanes work more efficiently, would result in the reduced delay and duration of congestion presented in *Table 3.6.3*.

073 This project would ease future conditions within the entire 27-mile section of I-5 within the North Coast Corridor. While local residents would be expected to benefit from more time-certain commutes along I-5, it is the improvement to the overall system rather than to any specific location that provides benefit. Please also refer to the response to your Comment 059.

074 As noted, buildout 10+4 scenarios for northbound freeway segments in the City of Carlsbad would all operate at LOS E during the p.m. peak travel period, with the exception Palomar Airport Road to Cannon Road, which would operate at LOS D (refer to *Table 3.6.6*). The noted traffic conditions would maintain or improve existing and future traffic operations when compared to the corresponding freeway segments under the buildout No Build alternative, where each of the segments are projected to operate at LOS E or F during the p.m. peak.

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074 cont. direction will operate at unacceptable LOS under the 10+4 scenario by year 2030. Please clarify how this result satisfies the project goal to "maintain or improve existing and future traffic operations".

075 h. **Page 3.6-6 LOS:** All southbound segments operate at LOS D except Carlsbad Village Drive to Tamarack, which operates at LOS E. Therefore, the southbound direction will experience a greater benefit from the widening than the northbound direction. Can the proposed alternatives account for the difference in directionality?

076 i. **Page 3.6-7 HOV Use:** HOV volume projections seem low based on the forecast ADT volume for the corridor. Between La Costa Avenue and Santa Fe Drive (southbound), the difference between the 8+4 and 10+4 scenario is shown as 360 vehicles per hour in the a.m. peak. However, the congestion on the freeway mainline is significantly different between these two ramps. It would seem that the demand for carpool would be higher with the 8+4 scenario when freeway mainline conditions southbound are LOS E/F compared to LOS D/E. Please elaborate.

077 j. **Page 3.6-8, Table 3.6.9:** It is unclear which intersections on Cannon Road are operating at or over capacity. Please elaborate.

078 k. **Page 3.6-8:** Improvements to Palomar Airport Road include the removal of the free right turn lane and the addition of dual right turn lanes that are controlled by the traffic signal. Would the dual right turn lanes cause a negative impact for pedestrians? It seems that the inside right turning vehicle would block the outside right turning vehicle line of sight of a pedestrian. Would the intersection therefore be signed "No Right Turn on Red"? How would this affect intersection operations?

079 l. **Page 3.6-11:** Section 3.6.4.1 provides minimal information and solutions to project construction impacts on traffic. It refers to the construction phasing plan and notes a comprehensive Traffic Management Plan (TPM), which it also briefly describes, would be developed after a preferred alternative is chosen. The section further states "traffic delays would be controlled to the extent feasible during periods of many simultaneous construction operations."
Considering the sheer size of this project in Carlsbad alone, the length of time it will take to construct it, and the long-term impact on motorists and pedestrians while it is being built, a detailed discussion of how traffic would be impacted by the project is warranted. At the very least, the Draft EIR/EIS should explain construction time lengths, bridge and road closures, and alternative routings needed. Traffic impacts to adjacent roads caused by construction detours and delays should be explained. Impacts and proposed mitigation should be fully explained. Once comprehensive information is provided, a revised Draft EIR/EIS should be recirculated.

080 m. **Page 3.7-30 Holiday Park in Carlsbad:** The reduction of Pio Pico Drive by 10 feet violates the city's Street Design Criteria. Currently this portion of Pio Pico Drive provides two-way access and on-street parking. Any loss of parking should be identified as mitigation. This Draft EIR/EIS should only propose mitigations that do not violate Carlsbad design standards.

081 n. **Page 3.7-34 Photo simulation:** Photo labeled "Oceanside Boulevard" for the DAR location is actually Mission Avenue off ramps. The Oceanside Boulevard DAR will be behind the Ralph's shopping center. Please correct.

Section 3 – Comments on Technical Traffic Studies

1. I-5 North Coast Traffic Report – A Summary of Traffic Reports

082 a. **General Comment of Volumes (2006 to 2030):** The report states that there will be a 54% to 74% increase in traffic. However, the project will not be complete until 2050. Based on the ADT volumes from 1970 to 2030 (as reported in this document),

RESPONSES

075 *Tables 3.6.6* and *3.6.7* present estimated general purpose lane LOS for segments throughout the 27-mile corridor. Benefits of the project are ascertained by comparing traffic conditions in the future with and without the proposed improvements (build versus no build scenarios). In addition, traffic conditions vary between a.m. and p.m., from northbound to southbound, and with the different build alternatives. There is no consistent "greater benefit" in the southbound direction over the northbound direction. For example, the segment cited in this comment, Carlsbad Village Drive to Tamarack, would improve from LOS F/E (a.m./p.m. for the No Build alternative) to LOS E/D for 10+4 or 8+4 build scenarios in the southbound direction, and improve from LOS D/F (a.m./p.m. for the No Build alternative) to LOS C/E for the 10+4 scenarios but would keep the same LOS D/F for the 8+4 scenario. Variation between segments in future LOS and projected levels of improvement are based on differences in projected traffic specifics for each segment.

076 EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities,* and the 10 technical reports prepared in support of the EIR/EIS and cited in *Section 3.6.2, Affected Environment,* adequately document traffic volume projections for the different build and No Build alternatives. Further elaboration is not required.

077 Draft EIR/EIS *Table 3.6.9* is not intended to differentiate intersections from being at capacity or over capacity. This table is part of the discussion about potential DAR locations, and the interchanges listed are those that were initially considered as candidates for DAR development. Please note that the Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project,* and the table has been updated as *Table 3.6.10* in this Final EIR/EIS.

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078 Details about signalization to assure protection of pedestrians would be developed during final design of the Preferred Alternative if the project is approved. In general, however, a signalized intersection would be expected to be more predicable for crossing pedestrians as they are signaled when to walk, and vehicles turning right are also looking at the same signal.

079 EIR/EIS *Section 3.6.4.1, Traffic and Transportation*, lists anticipated components of a Traffic Management Plan (TMP) that would minimize traffic delays and closures through the use of various traffic handling practices. Additional specifics in the TMP cannot be developed until there is project approval, selection of an alternative, and final design so detailed construction activities and phasing are known. Accordingly, the generation of specific data regarding construction time lengths, bridge and road closures, and alternative routings is not possible at this time. As described in *Section 3.6.4,* the TMP would include a Public Awareness Program to distribute information such as construction schedules and locations, and a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns such as lane closures and alternate route strategies. Please note that bridge construction would be conducted to maintain the number of travel lanes that were open prior to initiation of construction. Please also refer to Topical Response "Construction Traffic."

080 Please refer to the response to your Comment 057.

081 Thank you for providing this correction, that the two figures depicting existing and proposed views of the Mission Avenue Interchange on Draft EIR/EIS page 3.7-34 are incorrectly labeled as “I-5 at Oceanside Boulevard DAR.” It should be noted that the Oceanside Boulevard DAR is no longer included as part of the proposed *I-5 NCC Project*. This change was publicly noticed in the August 2012 Supplemental Draft EIR/EIS, and has been incorporated into this Final EIR/EIS.

082 Please refer to the response to your Comment 008.

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082 cont. approximately 3,000 new vehicles are added to the corridor each year. Using this assumed rate increase, the ADT volumes on I-5 would be 60,000 vehicles per day higher than those reported and analyzed in the Draft EIR/EIS. Please address this inconsistency.

083 b. **General Comment on Volumes:** The report states that 30,000 vehicles per day will divert from surface streets to I-5 with 10+4 vs. 8+4. Will an associated reduction in peak period of traffic result? Please elaborate on the reduction of peak spreading.

084 c. **Page 8 Travel Time:** Travel times reported in the summary report are inconsistent with the travel times reported in the Draft EIR/EIS. Please correct.

085 d. **Page 10 Vehicle-Hours of Delay:** The Draft EIR/EIS states that under existing conditions, there are zero hours of northbound delay in the a.m. peak. The Summary of Traffic Reports includes an analysis of bottlenecks that states that there are two locations in the northbound direction (during the a.m. peak) where up to 5 hours of congestion occurs. This equates to 3,500 vehicle-hours of delay. Please resolve this discrepancy in findings.

086 e. **Page 16 Tables 3.24 and 3.25:** HOV volumes are inconsistent with volumes reported in Tables 3.22 and 3.24. Please correct.

087 f. **Page 22:** Ramp meter analysis shows that, with ramp metering, the weave sections improve along I-5. However, there is no discussion of the arterial street, intersection or queuing impacts of the ramp meters at the identified locations. Analysis should include arterial street, intersection and queuing impacts.

088 g. **Page 30 Intersection LOS:** The Cannon Road DAR results in degradation in level of service to LOS F. Analysis likely does not include assessment of queue and operations associated with ramp metering at existing I-5 ramps at Cannon Road. Draft EIR/EIS documentation should include an assessment of arterial operations (not just V/C) for the closely spaced intersections (Cannon Road between Avenida Encinas and Paseo Del Norte).

089 h. **Page 34:** Tamarack Avenue and Cannon Road excluded from HOV lane improvement list. Please verify that both interchanges will have unchanged ramp geometry.

2. Technical Report #7 – Direct Access Ramps/Local Circulation System Operations Report

090 a. **General Comment:** The construction of the DAR ramps was determined to shift approximately 5,000 vehicles per day from Palomar Airport Road to Cannon Road to access the DAR. Although the analysis evaluated the impacts to intersections and roadway segments along Pacific Coast Highway (i.e. Carlsbad Boulevard), Palomar Airport Road and Cannon Road, the report fails to evaluate the impacts to Paseo Del Norte, or other north-south roadways that connect Palomar Airport Road and Cannon Road such as Armada Drive and Avenida Encinas. In addition, the report fails to include the I-5/Tamarack Avenue interchange, which is located immediately north of Cannon Road. The aforementioned roadways and associated intersections should be included in the analysis.

091 b. **General Comment:** The specific mitigation measures listed in this document should be reflected in Section 3.6.4 of the Draft EIR/EIS.

092 c. **Page 7 and Page 12 DAR Impacts at Cannon Road/Paseo Del Norte:** The increase in traffic due to the DAR will result in LOS F by year 2030 for both a.m. and p.m. peak periods based on the intersection configuration shown in the Draft EIR/EIS. To mitigate the impacts, the Draft EIR/EIS recommends widening the south

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083 Analysis presented In Section 3.1 of Technical Report No. 5, "Traffic Demand Forecasting Report" (incorporated by reference to the Draft EIR/EIS), states that total corridor volume for the 2030 8+4 alternative would be slightly less than the 2030 10+4 alternative by an average of 3 percent, or about 9,000 vehicles per day, which is significantly less than the volume difference of 30,000 vehicles per day, as stated in the comment. Therefore, based on the aforementioned report, 9,000 vehicles per day can be translated to a small difference in peak period traffic between the two alternatives.

Peak spreading is a phenomenon that involves drivers making the decision to either leave earlier or later than the perceived peak period of traffic. One significant factor in this decision is freeway capacity. With the increased capacity of 10+4 over the 8+4 alternative, drivers are more likely to travel within the peak period, therefore inducing a reduction in peak spreading along the corridor. Because of the relatively small difference between the total corridor volumes of 10+4 and 8+4 as stated above, however, the reduction in peak spreading would be minimal as well.

084 The EIR/EIS is the summary document prepared for the use of decision makers and the public to evaluate environmental impacts, and is also the most refined document, since it was compiled from technical reports and may reflect some information available to Caltrans following preparation of focused technical efforts. As such, information in the EIR/EIS supersedes data presented in the technical report.

085 This comment is incorrectly stating the information compiled in Table 3.5 of the Summary of Traffic Reports, which provides the average queue length, total delay, and average duration of weekday bottlenecks in 2006 for northbound traffic at two

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085 cont. locations (Lomas Santa Fe Drive and Cannon Road). Both of these bottlenecks occur in the p.m. peak. The 3,500 hours of delay and 5 hours of congestion in the northbound direction in the p.m. peak are correctly stated in EIR/EIS *Table 3.6.2, n*ow Final EIR/EIS *Table 3.6.3.*

086 It is assumed that this comment is intended to state that HOV volumes reported in Table 3.24 of the Summary of Traffic Reports do not exactly match those in Table 3.22 (weekday northbound), and the volumes in Table 3.25 do not match those in Table 3.23 (weekday southbound). These two sets of tables are presented for different purposes. Tables 3.22 and 3.23 provide a brief summary of weekday peak hour HOV traffic volumes for each alternative and do not include Single Occupancy Vehicle (SOV) traffic. Tables 3.24 and 3.25 present the demand weekday peak hour HOV volumes to compare with HOV/Managed Lanes capacity. The values in Tables 3.24 and 3.25 are not presented in the EIR/EIS. The values in Tables 3.22 and 3.23 of the Summary of Traffic Reports are correctly reported in EIR/EIS *Table 3.6.8* (northbound HOV volumes) and *Table 3.6.9* (southbound HOV volumes).

087 I-5 North Coast Corridor Project, Draft Technical Report No. 6, Freeway Interchange Operations Report dated August 2007, which is listed in EIR/EIS *Section 3.6, Traffic and Transportation/ Pedestrian and Bicycle Facilities* as an applicable technical report and made available on the project website, contains this detailed analysis.

088 The Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*.

089 Tamarack is included in EIR/EIS *Table 2.2.2* as having proposed lane geometry modifications. Cannon Road was included in the Draft EIR/EIS as having a DAR, but this proposed facility is no longer included as part of the *I-5 NCC Project*.

090 The Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*. The potential traffic shifts noted in this comment would not occur.

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side of the street to accommodate a dedicated eastbound right-turn lane. Existing right-of-way is not available to construct this improvement. Therefore, it will be the responsibility of Caltrans to require the necessary right-of-way to construct this mitigation.

d. **Page 7 and Page 12 DAR Impacts at Cannon Road/Carlsbad Boulevard:** The increase in traffic relative to the DAR is forecast to result in a significant impact by the year 2030. Although the intersection operates at LOS F with or without the project, the change in delay associated with the project exceeds the allowable threshold and must be mitigated. Therefore, the Draft EIR/EIS recommends installing a northbound right-turn overlap phase. The existing northbound right-turn lane is very short due to existing right-of-way constraints. This right-turn lane should be extended to allow right-turning vehicles to access the right-turn lane during peak conditions when there is congestion on Carlsbad Boulevard.

092 cont.

e. **Page 7 and Page 12 DAR Impacts at Cannon Road/Faraday Avenue:** The Draft EIR/EIS analysis recommends modifying the northbound approach (Faraday Avenue) to accommodate the increase in traffic relative to the DAR. The northbound left-turn movement is forecast to exceed 1,000 vph during the p.m. peak. Therefore, dual left-turn lanes are recommended as mitigation. This will require widening of northbound Faraday Avenue. Existing right-of-way is not available to construct this improvement. Therefore it will be the responsibility of Caltrans to acquire the necessary right-of-way to construct this improvement. The text in this section of the document is contradictory and should be corrected to clearly identify the recommended improvements.

f. **Page 7 and Page 12 DAR Impacts on Cannon Road between Legoland Drive and Paseo Del Norte:** The Draft EIR/EIS recommends that this portion of Cannon Road be widened from a four-lane Major Arterial to a six-lane Prime Arterial. This improvement would provide the necessary capacity to accommodate the approximately 36,000 vehicles per day forecast for this segment with the DAR. The proposed improvements are inconsistent with the existing Circulation Element of the city's General Plan. There is no evidence provided in the Draft EIR/EIS that the environmental impacts and feasibility of these improvements have been fully evaluated. Therefore, it is unclear as to whether or not this recommended improvement is feasible.

Section 3.7 - Visual/Aesthetics:

093

1. The current designs of architectural features in the Draft EIR/EIS are generic, have no personality or creativity, and would result in blight. The city believes at least one artist should be involved with the team that designs the project's architectural features such as retaining walls, noise walls, bridge railings on overpasses, freeway under crossings, pedestrian crossings, and lighting elements – to help improve the aesthetic and visual impact of the newly built environment. An artist's input might also help mitigate potential problems such as graffiti, which are sure to arise. (See the I-15 widening project at Center City Parkway off ramp for a recent example.)

   In 1997, the City of Carlsbad developed a Master Plan for the I-5 Corridor, with a comprehensive design plan for art and landscape elements within the City's limits of the corridor. The aim of the plan was to "create a unique visual identity within the I-5 corridor, with a special emphasis on the north and south 'gateways' to the City." The

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091 These comments refer to the August 2007 *Direct Access Ramps/ Local Circulation System Operations* Report (Draft Technical Report No. 7). The suggested mitigation measures are focused on either: (1) precise signalization and road striping elements that would be finalized if a specific build alternative is approved (see the response to your Comment 078, above); or (2) potential effects to local streets from the implementation of the previously proposed Cannon Road and Oceanside Boulevard DARs. As neither of those DARs is currently part of the *I-5 NCC Project,* the mitigation measures would not be required.

092 Please see the response to your Comment 091.

093 Aesthetic and visual mitigation efforts within the I-5 right-of-way would be subject to applicable Caltrans and FHWA standards, including context sensitive design (i.e., design that is responsive to the specific location and preferences of the community). Caltrans is also very aware of gateway interchanges to the cities along the North Coast Corridor. The EIR/EIS includes the following discussion in *Section 3.7*, *Visual/Aesthetics*.

> "Caltrans and FHWA recommend that a qualitative/ aesthetic approach should be taken to mitigate for visual quality loss in the project area. This approach is intended to replicate desirable visual qualities that are impacted by a project and to restore in place a viewshed's original level of aesthetic excellence. It…addresses the actual

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landscape architecture and planning firm of KTU+A, working in association with the artist Roberto Salas, was chosen to develop that plan.

093 cont. Whether the strategies developed in 1997 are still valid is still to be determined, but now, as in 1997, it is Carlsbad's view that inclusion of artists and professional landscape architects in the design of the architectural features (whether for the whole project or just Carlsbad's section) should be an essential component of the final project. Please respond to these comments in the Draft EIR/EIS.

094 2. In addition to consideration of the 1997 I-5 Corridor Master Plan and incorporation of artists and landscape architects, exit and on ramps in Carlsbad should be enhanced as one of the project's visual mitigation measures to make these more appealing as freeway entryways into Carlsbad neighborhoods.

095 3. General Plan Noise Element's Land Use policies C.9 and C.10 discourage the exclusive use of sound walls above six feet in height along Circulation Element roadways and encourage natural sound barriers, such as berms and landscaping, and aesthetically pleasing wall designs. Policy C.10 further requires that "when over-height walls are necessary to mitigate noise, a berm/wall combination with heavy landscaping, a terraced wall heavily landscaped, or other similar innovative wall design technique shall be used to minimized visual impacts." These policies underscore the need for the project to mitigate visual impacts in a pleasing manner.

096 4. Additional visual simulations are needed to help illustrate how the project would change the appearance of I-5 from both the freeway motorist and, in some cases, impacted property owners and viewers. Accordingly, please provide the following simulations that provide both current and proposed views, including with existing and proposed slopes and landscaping:

a. Proposed sound wall S729 (shown on Figure 2-2.14z)
b. Proposed sound wall S736 (shown on Figures 2-2.14z and 2-2.14aa)
c. Proposed sound wall S802 and, in particular, landscaping removed and proposed(shown on Figure 2-2.14af)
d. Proposed sound wall S811 (shown on Figure 2-2.14ag) from the perspective of Jefferson Street to the west
e. Proposed sound wall S821 (shown on Figure 2-2.14ah)
f. Propose sound wall, landscape and slope modifications south and north of the Las Flores Drive bridge (shown on Figure 2-2.14ah)
g. The Cannon Road DAR (shown on Figure 2-2.14ae) from:
   i. The perspective of the freeway motorist heading north and southbound
   ii. The easterly adjacent parcel that is north of Cannon Road
   iii. Carlsbad Boulevard
   iv. Adams Street, located along the lagoon's north shore and east of I-5
h. The I-5 frontage along the Encina Power Station (shown on Figure 2.2-14ae) (Note: Please see the additional comments on the proposed Carlsbad Energy Center project in the Cumulative Impacts section below.

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093 cont. cumulative loss of visual quality that would occur in the project viewshed when the project is implemented. It also constitutes mitigation that can more readily generate public acceptance of the project.

"Visual mitigation for project impacts…would consist of adhering to…design requirements in consultation with the District 11 Landscape Architect (DLA). The requirements… would contain detailed architectural and landscape mitigation guidance that reflects comments received during public outreach meetings with interested community groups, city staff members, regulatory agencies, and the general public. Effective implementation of the…mitigation measures would require a multi-disciplinary design approach as required by NEPA and Caltrans Policy and Procedures Manual… Mitigation measures that require regular maintenance and are located outside Caltrans right-of-way or…that require the installation of non-standard equipment within the right-of-way…can be implemented… if the responsible local government would be willing to maintain them in perpetuity."

Based on these considerations and the Design Guidelines: I-5 NCC Project that have been completed and made available for review with this Final EIR/EIS, professional landscape architects would be involved in the mitigation design process, and the use of additional artistic elements may be possible under appropriate conditions. Proposed visual changes to I-5 (an existing major transportation corridor) would not be anticipated to result in "blight."

094 As noted in response to your Comment 093, interchanges would be a focus of the I-5 landscaping plan. EIR/EIS *Chapter 2*, *Project Alternatives*, notes that common design features of the build alternatives include reconfiguration of various local interchanges to improve vehicular, pedestrian, and bicycle circulation. As stated in *Section 3.7.4* under "Freeway Interchanges" in the Draft EIR/EIS, interchange landscaping would reflect both the visual character and goals of its locality. Enhanced landscaping would

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094 cont. be included where the local agency commits to maintenance, and could include entry features. Specific landscape themes for interchanges would be developed as part of the Design Guidelines: I-5 NCC Project. The landscape guidelines included with this Final EIR/EIS constitute the beginning of this discussion.

095 As described in *Section 3.7.4, Avoidance, Minimization, and/or Mitigation M*easures, Caltrans standards include similar preferences for sound barriers, with the associated text noting that "Noise barriers should consist of landscaped berms wherever possible. Landscaped berms are the preferred visual mitigation for noise barriers and are most visually compatible with most land uses adjacent to the freeway." To this end, *Section 3.7.4* identifies a number of design scenarios encompassing landscaped berms and landscaped berm/wall combinations as potential mitigation measures. Please note, however, that these mitigation measures (particularly berms and terraced walls) increase right-of-way need and visual mitigation would be balanced against need for property acquisition.

096 As outlined in EIR/EIS *Section 3.7, Visual/Aesthetics*, the selection of key views and associated photosimulations was based on the identification of representative key viewpoints most clearly displaying the visual effects of the project and representing the potentially affected primary viewer groups. Accordingly, the photosimulations included in the EIR/EIS provide representative views of several proposed soundwalls, including five locations in the City of Carlsbad (refer to Final EIR/EIS *Figures 3-7.63* through *3-7.72*). Based on these simulations and the understanding that it is not possible to analyze every view in which a proposed project could be seen, no additional photosimulations are considered necessary to demonstrate the identified substantial effects assessed to the project. Please note, however, that additional simulations have been added to this Final EIR/EIS. With special relevance to the City of Carlsbad, simulations were prepared for a number of vantage points looking over lagoons. These include simulations from the north side of Batiquitos Lagoon (*Figures 3-7.76, 3-7.88,* and *3-7.90*); of Agua Hedionda Lagoon (*Figures 3-7.78, 3-7.92,* and *3-7.94*), and at Buena Vista Lagoon (*Figures 3-7.80* and *3-7.96*). It should also be noted, as previously described, that the Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*.

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096 cont. Following analysis of the project as presented in a revised and recirculated Draft EIR/EIS, the city may request additional visual simulations.

097 2. **Pages 3.7-35 and 36**: The Cannon Road DAR should be listed as one of the DARs that would remove median oleanders. Further, all Project Features Map figures for Carlsbad (Figures 2-2.14z to 2-2.14ah) note the freeway median will have "proposed landscape planting." What are the specifics of this planting and does this note imply all median oleanders in Carlsbad would be removed?

098 3. **Page 3.7-40**: This pages notes that transparent sound walls would be used in locations where noise receptors are located above the elevation of the freeway. Because of this limitation, please uniquely identify on Figures 2-2.14a to 2-2.14ao soundwalls which are eligible to be transparent.

099 4. Provide details about project lighting, the effects of which may need to be evaluated for impact categories other than just visual/aesthetics.

Section 3.9 – Hydrology:

100 1. The Draft EIR/EIS should include technical studies that demonstrate what impact the Project has on existing storm drain infrastructure and what mitigation efforts are required to address these impacts. Additional pavement associated with the I-5 widening will increase impervious area and new impervious area will lead to an increase in storm runoff volume and durations. Revise the Draft EIR/EIS to provide an overall hydrology study for the Project. The hydrology study should document existing natural channels and storm drain infrastructure along the I-5 corridor. The study should address the capacity of existing storm drains and whether there are any project impacts.

101 2. Revise the Draft EIR/EIS to include more detailed plans/exhibits that shows how drainage will be collected, conveyed and discharged from the Project. There are several locations where the Project drains or connects to city facilities. Without studies, impacts and mitigation of this project cannot be accurately analyzed.

102 3. Revise the Draft EIR/EIS, to include technical studies that clarify if detention facilities will be a required mitigation measure associated with this Project to address impacts to the capacity of existing storm drain infrastructure. Due to limited space along the Project corridor, please show the type, size and location of preliminary detention facilities to verify the feasibility to satisfying mitigation measure(s), if any.

103 4. Revise the Draft EIR/EIS to provide more detailed plans or exhibits that show how the Project will affect existing natural channels that currently serve the existing I-5 freeway. These natural channels serve as biofiltration (water quality) channels along the freeway. These detailed plans or exhibits should show if natural channels can be preserved, enhanced or whether the widening will result in constructing large underground storm drain facilities. If these natural channels are removed, the water quality section of the

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097 The Cannon Road DAR is no longer included as part of the proposed *I-5 NCC Project*. EIR/EIS *Section 3.7, Visual / Aesthetics,* currently states that median oleanders would be permanently removed at the Voigt Drive and Manchester Avenue DAR locations; note that both the Cannon Road and Oceanside Boulevard DARs are no longer included as part of the proposed *I-5 NCC Project*. Proposed future views illustrated in *Figure 3-7.64* and *Figure 3-7.70* illustrate that freeway improvements would result in the permanent loss of all freeway planting adjacent to the outside shoulder, however, the oleanders in the central median would remain. *Figure 3-7.64* depicts the vicinity of Carlsbad Village Drive.

098 As noted in the cited text, where private viewers are located above I-5 and agree to maintain the soundwall, transparent panels would be considered. More specific detail as to location will not be available until completion of sound barrier coordination with property owners and identification of final soundwall location. In general, however, eligible properties would need to be on the east side of I-5, and have an existing view to the ocean or other identified scenic view.

099 I-5 lighting would be consistent with existing route lighting. Details about any lighting associated with enhancements will be developed during final design of the Preferred Alternative if the project is approved. With regard to night lighting and potential impacts to sensitive species, please note that no night lighting (no night use) is proposed by the project for pedestrian-only trails along lagoons. Unobtrusive trail lighting would be provided for safety at park and ride features or along bike connections, and would have shielding and be directed away from sensitive habitat. In addition, lighting would be equipped to prevent perching by birds, as appropriate.

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100 As noted in EIR/EIS *Section 3.10.1*, the proposed project would be programmed to follow the guidelines and procedures outlined in the 2003 Statewide Storm Water Management Plan (SWMP), which Caltrans developed, to address storm water runoff or any subsequently approved SWMP version. As noted in *Section 3.10.4, Avoidance, Minimization, and/or Mitigation Measures*, the project would be designed with design pollution prevention (DPP) best management practices (BMPs) that are standard technology-based, non-"treatment" controls selected to reduce pollutant discharges to the maximum extent practicable. DPP BMPs have the following design objectives: prevent downstream erosion, stabilize disturbed soil areas, and maximize vegetated surfaces consistent with Caltrans policies. These measures would provide some benefit for effects on downstream receiving waters related to changes in the rate and volume of runoff, changes in the sediment load due to modification of the land surface, and other hydraulic changes from stream encroachments, crossings, or realignment.

In addition to the Floodplain Studies, Caltrans District 11 prepared the I-5 North Corridor Water Quality Report (WQR), which is incorporated by reference into the EIR/EIS. The purpose of this Water Quality Report is to address the BMPs associated with the potential storm water impacts for the I-5 project. The WQR is intended to inform the public about existing water quality conditions, potential impacts associated with the project construction and operation, and avoidance, minimization and/or mitigation measures that would be implemented. A Water Quality Technical Memorandum was prepared in August 2013 to supplement the 2009 WQR. The purpose of the August 2013 Technical Memorandum is to provide additional information related to the current Caltrans NPDES Permit and to describe Caltrans' practices and policies to ensure all NPDES permit requirements are complied with and documented for the proposed project. The Technical Memorandum also reflects the selection of the locally preferred alternative (LPA), which occurred subsequent to completion of the 2009 WQR.

101 The analysis and specificity of BMPs have been presented in *Section 3.10* to the level of detail possible at this stage of design. The implementation of the appropriate programs (tailored to the

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103 cont. Draft EIR/EIS should be revised to show what treatment control BMPs can be employed to treat the Project.

104 5. The hydrology study for the Agua Hedionda lagoon indicates a slight increase in water surface elevation from the bridge replacement. The study also states that no habitable structures or road systems will be impacted by the increase in floodwaters. Revise the Draft EIR/EIS to provide technical backup for this statement. For example, revise the study to include a topographic survey map (showing structures and roadways) that shows the existing and proposed water surface elevations.

Section 3.10 - Water Quality and Storm water Runoff:

105 1. The Water Quality Report in the Draft EIR/EIS references that the construction activities for the project are subject to Order No. 99-08. In July, 2009, it is our understanding that this permit has been superseded by a new state-wide permit regulating construction activities. This new permit is Order No. 2009-009-DWQ issued by the State Water Resource Control Board. Please revise the update the water quality report to address the new, more stringent requirements outlined in the permit.

106 2. The project does not appear to provide sufficient storm water treatment BMPs to treat the increase in urban runoff/pollutants that this project will create. There are only a few locations where detention basins or bioswales are proposed. There are several locations where storm runoff from this project would be untreated, which does not satisfy storm water quality objectives. Revise the project storm water report in the Draft EIR/EIS to address how the conceptual layout of the treatment BMPs will address the project impacts to water quality. In addition to the new lanes and pavement this project will build, treatment BMPs typically require significant area. Since space along the corridor is limited due to adjacent properties and/or habitat, early planning will clarify how this project will mitigate storm water impacts.

107 3. At various locations, this Project will drain into the cities storm drain system (MS4). Therefore, drainage from this project may be subject to additional storm water regulations that are not contemplated in the Draft EIR/EIS. Although the Draft EIR/EIS states this project is subject to State Order 99-06, the city's MS4 system are subject to Order No. 2007-0001 issued by the California Regional Water Quality Control Board San Diego Region. Please confirm the water quality regulations and, if applicable, revise the Storm Water Management Plan in the Draft EIR/EIS to address the storm water regulations subject to other agencies in the San Diego region.

Section 3.11 – Geotechnical:

108 1. This project will require significant excavations for retaining walls along the project alignment. Revise the technical study to address what measures will be employed when excavating near existing residential or commercial structures. Specifically the study

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101 cont. specific project design that will be developed if the project is approved) and compliance with Regional Water Quality Control Board (RWQCB) permits and regulatory requirements would adequately mitigate for potential project impacts on storm drainage.

The potential for specific hydraulic changes, including peak flow rate and runoff velocities, would be assessed as an element of final project design, and would be developed as part of compliance with applicable drainage regulations and permit requirements. Please refer to the response to your Comment 100.

102 Please refer to the response to your Comment 100. "Treatment" BMPs listed in Table 6-3 of the 2009 WQR were considered for this project as these BMPs have been approved for Statewide consideration and implementation as appropriate. "Treatment" BMPs must be considered for this project as required under the SWMP to avoid or minimize the potential long term impacts from any Department facilities or activities. The approved "treatment" BMPs are considered to be technically and fiscally workable.

103 Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor. A preliminary review of the project area has been completed and potential locations and types of "treatment" BMPs have been assessed for feasibility, based on such factors as climate, water volume, soil conditions, physical limitations, other environmental considerations, etc. Preliminary locations of some of the "treatment" BMPs are shown on the Project Features Maps *Figures 2-2.3, Sheets 1* through *67*. When the proposed project proceeds to the design phase, the locations of these "treatment" BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints or hydraulic capacity. In addition, in areas where "treatment" BMPs cannot be incorporated due to above-mentioned reasons, vegetation would be maximized and very effort would be made to ensure the successful establishment of landscaping and erosion control throughout the project limits. The project would also consider any future "treatment" BMPs that might be approved by Caltrans from the ongoing research and monitoring program.

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104 Please refer to Topical Response "Lagoon Evaluations" for information about current studies on the lagoons potentially affected by the *I-5 NCC Project*. In addition, since circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways. This new information was detailed in an August 2012 publicly circulated Supplemental Draft EIR/EIS and has now been incorporated into this Final EIR/EIS. These studies include the results of associated hydrologic or hydraulic technical analyses and related Caltrans interaction with lagoon scientists to determine appropriate bridge and channel dimensions, which affect water surface elevations; and are incorporated by reference into this Final EIR/EIS.

105 As discussed in Final EIR/EIS *Section 3.10.1*, the project would be designed to comply with the Statewide NPDES Permit current at the time of permitting.

106 EIR/EIS *Section 3.10.3, Environmental Consequences*, discloses that the project has the potential to impact water quality during the construction phase as well as during its operation. BMPs would be evaluated and implemented to address these impacts during the planning and design, construction, and operational phases. EIR/EIS *Section 3.10.4, Avoidance, Minimization, and/or Mitigation Measures* notes that short-term potential impacts to water quality during the construction phase would be prevented or minimized through the use of Construction Site BMPs while the long-term potential impacts during the facility operation and maintenance would be prevented or minimized through the use of DPP BMPs, "treatment" BMPs, and maintenance BMPs, in conformance with regulatory requirements and standard Caltrans practices.

EIR/EIS *Section 3.10.4* discusses how Caltrans will comply with the appropriate regulations to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages of the project. The SWMP describes how Caltrans would comply with the provisions of the NPDES Permit (Order No. 2012-0011-DWQ) and implement measures to reduce the discharge of pollutants to the storm water drainage systems that serve the highway and highway-related properties, facilities,

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106 cont. and activities. Appendix D, Environmental Commitments Record, includes measures related to managing storm water pollution, including the requirement to further evaluate during design the locations of "treatment" BMPs to determine whether they could be incorporated or rejected due to hydraulic feasibility, right-of-way, and/or environmental constraints. Appendix D also notes that even if the sites were found not to be practicable locations, vegetation would be maximized throughout the area.

Please also note that as described in the August 2012 Supplemental Draft EIR/EIS, projects built within the North Coast Corridor over the last five years have incorporated "treatment" BMPs. Due to grading and hydraulics, some of the existing treated runoff from these projects would also treat a portion of the new proposed pavement. As the project progresses in the design phase, Caltrans staff would ensure that "treatment" areas are maximized and existing "treatment" BMPs are left in place, replaced in kind or replaced with the latest approved devices. The existing and proposed amounts of impervious areas within the project limits were quantified based on average directional dimensions for general purpose lanes, with auxiliary lanes, median, and on- and off-ramps. The Preferred Alternative would result in approximately 214 acres of new paved area, with "treatment" to be provided for approximately 112 percent of the equivalent new impervious area. Currently seven percent of existing impervious areas is being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. During final design, specifics would be determined, such as the amount of acreage to be treated by the project, what "treatment" BMPs would drain to specifics watersheds and water bodies and whether existing or new "treatment" BMPs are incorporated to treat Preferred Alternative runoff.

107 The discussion in *Section 3.10.4* describes regulatory requirements associated with water quality concerns (e.g., NPDES criteria and the related Caltrans SWMP), and notes that Caltrans is committed to prevent or minimize impacts to water quality. The EIR/EIS concludes that implementation of the project build alternatives, as part of (and in conformance with) Caltrans and related

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should address what steps will be taken to assure the line of influence of existing foundations are not exposed during construction that would cause instability issues.

108 cont.

2. The geotechnical report includes tables and exhibits that show existing drainage courses and drainage facilities that cross the project corridor. This information should also be included on the Project Report Exhibit A to include a comprehensive development plan.

3. The geotechnical report includes tables that call out the proposed retaining walls and respective maximum heights. This information should also be included on the Project Report Exhibit A to include a comprehensive development plan.

Section 3.14 – Air Quality:

1. Section 3.14.3, Environmental Consequences
   a. **Pages 3.14-3 to 3.14-4**: Tables 3.14.4 lists sensitive receptors, including parks and schools, which could be impacted by project contributions to air quality. The following uses adjacent or very near to I-5 and in Carlsbad should be added: Holiday, Pio Pico and Oak Parks; the Learning Center; and Cole Library. 109
   b. **Page 3.14-6**: The first paragraph of this page notes the project's estimated horizon year is 2030 and concludes that the proposed project "...would relieve congestion, improve operations, and provide better circulation. However, as detailed in the Traffic and Transportation section comments above, not all project improvements would be completed by the horizon year. Please address. 110
   c. **Page 3.14-7**: Under "Mobile Source Air Toxics (MSAT)," a 2015 build alternative is referenced. Please clarify, as the specifics about this alternative are not provided in the Draft EIR/EIS. 111
   d. **Page 3.14-10**: Under "Construction Impacts," it is noted that construction emissions would be "temporary," limited in area, and "...would not adversely affect air quality." To support these statements, please define "temporary" and provide details about duration of construction of the different project components. For example, describe the length of time necessary to construct bridges and undercrossings and the rate of construction of linear improvements, such as the HOV lanes. Air quality impacts should then be calculated accordingly. 112

2. **Page 3.14-11**: Section 3.14.4, Avoidance, Minimization and/or Mitigation Measures, specifies that staging areas would be located downwind of sensitive receptors, such as schools, parks, and high residential density areas. Please map the staging area locations proposed. 113

Section 3.15 – Noise:

1. The Noise section needs to analyze noise impacts in relation to City of Carlsbad noise standards. These standards, according to the General Plan Noise Element's Land Use Policy C.5, are 60 dBA CNEL for exterior residential noise (not subject to McClellan-Palomar Airport noise) and 45 dBA CNEL for interior residential noise when exterior 114

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107 cont. requirements, would ensure compliance with applicable water quality standards and regulations.

Project implementation would require conformance with a number of regulatory requirements related to water quality concerns, including applicable elements of the CWA, NPDES, RWQCB Basin Plan, and associated Caltrans standards. Based on such conformance and implementation of the associated project design features/standard construction practices noted in *Section 3.10* of the EIR/EIS, all identified project-level hydrology and water quality impacts from implementation of the build alternatives would be avoided or effectively addressed.

108 Details about excavation techniques, drainage facilities, and retaining walls will be developed during final design of the Preferred Alternative if the project is approved. As is standard in projects of this type, Caltrans would evaluate the potential for excavation-related effects to impact adjacent facilities. If necessary, additional testing would occur, followed by application of buttressing or other stabilizing elements as appropriate.

Items 2 and 3 of this comment request changes to the Project Report, which have been noted. These responses concern only comments on the Draft EIR/EIS.

109 The list in *Table 3.14.4,* now *Table 3.14.5* of the this Final EIR/EIS, has been amended to include Holiday Park, Pio Pico Park, and Oak Park in this Final EIR/EIS. The Learning Center is across Eureka Place from Holiday Park. The Cole Library is east of the freeway on Carlsbad Village Drive. Please refer to the response to your Comment 041 for a discussion of potential impacts to Holiday Park and the Learning Center.

110 All project improvements would be completed by the horizon year. Please see responses to Comments 008 and 054 of this letter.

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111 The referenced discussion on page 3.7-14 is based on a forecasting scenario in the traffic technical reports prepared for the project please (refer to the response to your Comment 071). As noted, detail relating to 2015 data has not been carried forward into the EIR/EIS, as very little of the *I-5 NCC Project* would be completed by 2015.

112 The three major phases of construction are described in EIR/EIS *Section 2.4, Phased Construction*. The *I-5 NCC Project* is regional and construction is anticipated to be phased over many years. The construction duration for each of the three major phases would be lengthy compared to smaller and more localized types of projects; however, the construction activities in any given location would last much less time than each overall phase and would not be permanent. This is what is meant by "temporary."

The discussion of construction emissions in Final EIR/EIS *Section 3.14, Air Quality*, has been augmented with additional details regarding construction assumptions, based on the Final Air Quality Analysis Update for the I-5 North Coast Corridor Project, dated August 2013, which, as with all of the technical reports prepared to support the environmental document, is incorporated by reference into the EIR/EIS. Clarification was provided in the 2012 Supplemental Draft EIR/EIS on this topic. As discussed in *Section 3.14.3* of the EIR/EIS and Section 5.2 of the Air Quality Study, the principal criteria pollutants emitted during construction would be particulate matter sized 10 microns and under (PM_{10}) and particulate matter sized 2.5 microns and under ($PM_{2.5}$). The source of the pollutants would be fugitive dust created during clearing, grubbing, excavation, and grading; demolition of structures and pavement; vehicle travel on paved and unpaved roads; and material blown from unprotected graded areas, stockpiles, and haul trucks. A secondary source of pollutants during construction would be the engine exhaust from construction equipment. The principal pollutants of concern from this source would be nitrogen oxides (NO_X), reactive organic gases (ROG), and volatile organic compounds (VOC) emissions that would contribute to the formation of ozone (O_3), which is a regional nonattainment pollutant.

Assumptions from the 2007 Air Quality Analysis were used when running the current Road Construction Model Version 6.3.2, with

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112 cont. the exception of start date. The modeled bridge construction scenario assumed a project length of 0.036 miles and an area of 4.3 acres, constructed during a 12-month period. Daily maximum area disturbed was assumed to be 0.9 acres per day, and no soil import or export haul trucks trips would be made. The modeled roadway widening scenario assumed a project length of 1.3 miles and an area of 28 acres, also constructed within a 12-month period. For this scenario, daily maximum area disturbed was assumed to be 4.6 acres per day and 4,000 cubic yards of soil import was assumed per day. For the purposes of estimating emissions, construction phasing for both the bridge construction and roadway widening model scenarios included the following assumptions: grading/land clearing (1.2 months); grading/excavation (5.4 months); drainage/utilities/sub-grade (3.6 months); and paving (1.8 months). Construction emissions are assessed against the general conformity emission limits used to determine conformity with existing air quality plans. The general conformity limit for carbon monoxide (CO) in an area under a maintenance plan is 100 tons per year. The general conformity limits for O_3 (8-hour) basic nonattainment are 100 tons per year for both NO_X and VOC. The federal general conformity limit for PM_{10} nonattainment is 100 tons per year. Although the San Diego Air Basin is not a federal nonattainment area for PM_{10}, it is a state nonattainment area; therefore, use of this limit would represent a conservative measure.

Table 9 of the Air Quality Study shows that the total construction-related emissions of up to 6.6 linear miles per year of roadway widening and mainline bridge construction simultaneously would be below the general conformity limits. The estimated tons per year of volatile organic compounds (VOCs), nitrogen oxides (NO_X), carbon monoxide (CO), and particulate matter (PM_{10} and $PM_{2.5}$) would be 2.7, 20.7, 21.9, 7.1, and 2.7 tons, respectively. Based on these calculated emissions, construction activities limited to approximately 6.6 miles of construction of roadway widening and bridge work simultaneously in the region would not have a substantial impact on air quality. Placed in this context, it can be seen that the construction of the much smaller community enhancement projects also would not have a substantial impact on air quality.

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114 cont. openings are open or closed. Therefore, the Draft EIR/EIS needs to consider project impacts on interior residential noise levels, which it currently does not.

115 2. In support of the analysis of project noise impacts on Carlsbad's residential uses, Noise Element Circulation Policy C.4 states, "Apply the residential noise policies of this element in the review of proposals for the construction or improvement of any roadway, railroad, transit system or other noise producing facility."

116 3. While the Noise Element does not have policies specifically related to noise impacts on non-residential uses, Noise Element Land Use Goal A.1 states, "A City where land uses are not significantly impacted by noise." The city's Noise Guidelines Manual, in Figure III, identifies acceptable noise levels for residential and non-residential uses.

117 4. In light of the above General Plan policies and Noise Guidelines Manual, as well as the Noise Abatement Criteria listed in Table 3.15.1 of the Draft EIR/EIS, it is particularly troublesome that the Noise Section clearly identifies homes that would be impacted by project noise yet would not receive any noise abatement measures. For example, residences identified by receptor numbers R14.6 and R18.1 would experience a 7 or 8 dBA increase in noise yet no sound wall or other noise mitigation is proposed. As explained on page 3.15-36 and 3.15-45, this is because either "a soundwall located along the right of way would not provide feasible noise reduction" or it is "...due to the estimated construction cost exceeding the reasonable allowance." Please explain how the project's noise impacts will be mitigated for all uses.

118 5. **Page 3.15-3:** For each of the four build alternatives, the first sentence under Section 3.15.3, Environmental Consequences, notes "traffic noise levels were modeled using the LOS C traffic volumes to obtain the worst-case noise scenario." The city questions if this assumption of worst case conditions is correct considering the following:

a. As discussed in the Traffic and Transportation section below, the traffic model data used to evaluate freeway operations were based on year 2030 forecast volumes. In Chapter 3 of the Draft EIR/EIS, the document summarizes growth along the I-5 corridor from 1970 to 2008 and forecast data to 2030. On average, the annual traffic growth along the corridor was shown to be approximately 3,000 vehicles per year. If this trend continues to the year 2050, the volumes on the corridor at project completion would be significantly higher than evaluated in this Draft EIR/EIS. Actual conditions in year 2030 are likely to be worse than documented in this Draft EIR/EIS since the project will still be under construction. As the analysis year is inconsistent with the project opening (2050) year, the analysis of freeway operations is flawed and should be re-evaluated with data prepared for the 2050 RTP or based on the improvements proposed for completion in 2030.

b. Traffic and transportation comments below also note that p.m. peak conditions by year 2030 (inconsistent with build-out year) will result in LOS E/F conditions through much of Carlsbad.

Please respond to this concern.

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112 cont. Measures proposed to reduce emissions during construction are presented in EIR/EIS *Section 3.14.4.* Details about rates of construction for individual components are highly dependent on local conditions at the time of construction and cannot be known or provided in the environmental document.

113 In general, staging areas are assumed to be within the Study Area footprint along the 27-mile corridor identified for the project in the EIR/EIS. Specifically, *Chapter 3.0, Impact Analysis*, of the *I-5 NCC Project* CIA has specified park and ride facilities, in whole or in part, as construction staging areas. The precise locations of staging areas, however, cannot be identified until after final design of the Preferred Alternative if the project is approved.

114 Caltrans follows and complies with FHWA 23 CFR 772 and the Caltrans Traffic Noise Analysis Protocol. According to the Protocol, primary consideration is to be given to exterior areas in determining and abating traffic noise impacts. Abatement would usually be necessary only where frequent human use occurs and a lowered noise level would be of benefit to the user. Where exterior exceedances cannot be attenuated, the interior criterion shall be used as the basis of determining noise impacts if the noise receptor would be "severely impacted" (subject to future noise of 75 dBA or greater).

115 Please refer to the response to your Comment 114.

116 Please refer to the response to your Comment 114.

117 Caltrans does review and plan for potential attenuation, but numerous factors can keep attenuation from occurring, as described below. The preliminary noise abatement decision is based on the feasibility of evaluated abatement and the preliminary "reasonableness" determination. Noise abatement is considered to be acoustically "feasible" if it provides a noise reduction of at least five dBA at receivers subject to noise impacts. Other non-acoustical factors relating to geometric standards (e.g., sight distances), safety, maintenance, and security can also affect feasibility. The preliminary "reasonableness" determination

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117 cont. is made by calculating an allowance that is considered to be a "reasonable" amount of money per benefited residence to spend on abatement. This "reasonableness" allowance is then compared to the engineering cost estimate of the abatement. If the engineering cost estimate is equal to or less than the allowance, the preliminary determination is that the abatement is "reasonable." If the cost estimate is greater than the allowance, the preliminary determination is that abatement is not "reasonable." The Noise Abatement Decision Report (NADR) presents the preliminary noise abatement decision based on acoustical and non-acoustical feasibility factors, as well as the relationship between noise abatement allowances and the engineering cost estimate (as identified in draft environmental document). The final overall "reasonableness" decision will take this information into account along with other factors identified during the environmental review process. Specifically, these factors may include: impacts of abatement construction; public and local agency input; life cycle of abatement measures; views and opinions of impacted residents; and social, economic, environmental, legal, and technological factors. At the end of the environmental document public review process, the final noise abatement decision is made and is included in the final environmental document. An additional potential factor that could prevent attenuation from occurring is the property owner's rejection of a potential soundwall.

Please note that the change in seven to eight decibels cited in the comment is directly related to the proposed project. Modeling indicates that the actual change from No Build conditions at project buildout would be two to three decibels. This level of increase is not usually perceived by the average healthy human ear.

If pertinent parameters change substantially during the final project design, the preliminary noise abatement design may be changed or eliminated from the final project design. Another decision on noise abatement would be made upon completion of the project design.

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	118 The peak noisiest hour occurs when a freeway is operating at LOS C. This is the period when the greatest number of cars are moving (number plus velocity create noise). Greater numbers of cars reducing travel speeds or approaching gridlock generate less noise. The LOS C criterion is the most conservative guideline, in that it identifies the greatest amount of impact, and is therefore the correct scenario to use for noise modeling. Regarding traffic forecast volumes and the build-out year, please refer to the response to your Comment 008. Regarding LOS in build conditions, please refer to the response to your Comment 059.

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119 6. Please see the Visual/Aesthetics section of this letter for relevant General Plan Noise Element policies on the design of sound walls.

120 7. Please provide existing and future noise contour maps along the entire length of I-5 in Carlsbad that illustrate how noise levels would change with the proposed widening. These maps should show contours as far beyond the freeway to the east and west as necessary to capture all noise contours that would change.

121 8. Though the Noise Section contains no discussion or description of noise impacts resulting from planned nighttime construction, it is clear that nighttime work is both proposed (see *construction impacts* on page 3.6-10) and critical to the project (see http://www.keepsandiegomoving.com/I-5-Corridor/I-5-FAQ-noise.aspx, the project's website, which states, "In order to build the highway quickly, there will be night work. Without night work, the highway construction would take almost twice as long."). Considering the significant night construction planned, please provide this critical analysis and description. The description should note the duration of nighttime work for individual locations along with description of work performed and types of equipment to be used.

122 9. Abbreviations used for sound walls and receptors mapped on Figures 2-2.14a to 2-2.14ao, such as "ST," "LT," and the "A" suffix in "R18.1A," need definition.

123 10. On Figures 2-2.14a to 2-2.14ao, identify the heights of sound walls shown.

124 11. It appears that if a sound wall is not recommended, it is not mapped. If that is correct, the Noise Section should so state and walls mapped on Figures 2-2.14a to 2-2.14ao should be labeled as "recommended" versus "proposed" sound walls.

125 12. Despite Draft EIR/EIS statements to the contrary, the following receptor locations in Carlsbad are not mapped: R13.10, R13.17, R14.1 to R14.6, R18.8, R18.9 and R18.27.

126 13. **Page 3.15-2**:
a. This page notes noise measurements were conducted inside classrooms. Such measurements need to be taken inside the Carlsbad Learning Center (3368 Eureka Place, about 400 feet from the freeway) and Cole Library (1200 Carlsbad Village Drive, about 700 feet from the freeway), both of which have second floor indoor areas facing the freeway. Furthermore, there are no structures, only Holiday Park, to block sound between the freeway and the Learning Center.

127 b. Please define "noise sensitive areas."

128 14. **Page 3.15-34**: Discussion regarding proposed sound wall S729 (shown on Figure 2-2.14z), which would be constructed along the rear yards of several homes on Navigator Circle, is somewhat misleading. It suggests this sound wall may not be reasonable due to construction costs; the summary about this wall in Table 3.15.28 leaves the opposite impression as it indicates the wall is "recommended." The discussion on this page also

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119 Please see responses to your Comments 093, 095, 096, and 098 of this letter.

120 Caltrans is satisfied that potential noise impacts throughout the corridor have been adequately described in EIR/EIS *Section 3.15, Noise*, and the Noise Study Report. Please refer to *Tables 3.15.27* through *3.15.39* for locations (addresses) of representative sensitive noise receptors and existing and future noise data. For depiction of those addresses on an aerial photograph, please refer to Final EIR/EIS *Figures 2-2.3, Sheets 41* through *57.*

121 Details about potential instances of nighttime construction will be developed during final design of the Preferred Alternative if the project is approved. Please see response to Comment 007 regarding nighttime restrictions on construction noise that are mandatory elements of contracts with construction contractors.

122 The meanings of the abbreviations "ST" (short term), "LT" (long term) are described in the Final EIR/EIS discussion of the Project Feature Maps in *Section 2.2.1, Build Alternatives*. "A" is simply an identifier that indicates the second of two noise receptors with the same number (e.g., R18.1 and R18.1A). Further explanation is found in the Noise Study for this project.

123 Soundwall heights are identified in *Section 3.15* of the Draft EIR/EIS (e.g., *Tables 3.15.28* and *3.15.30* in the City of Carlsbad). These are preliminary and subject to refinement during final design of the Preferred Alternative if the project is approved. The preliminary heights therefore will not be put on the maps.

124 Although locations and general parameters of length and height are indicative of anticipated final conditions, soundwalls recommended in the EIR/EIS are subject to refinement during final design of the Preferred Alternative if the project is approved. For example, a wall could shift a few feet closer or farther from a property or be somewhat shorter or longer in length. Text

124 cont. introducing the Project Features Maps (*Figures 2-2.3, Sheets 1* through *67* in the Final EIR/EIS) has been clarified to note that only preliminarily "reasonable" and "feasible" wall locations are schematically depicted on the figures.

125 Thank you for your comment regarding this inadvertent omission. Missing noise receptor locations R13.10, R13.17, R14.1 to R14.6, R18.8, R18.9, and R18.27 have been added to the figures in this Final EIR/EIS.

126 Noise receptors were modeled for the first and second floors of both the Carlsbad Learning Center and the Georgina Cole Library. The future build noise model results assumed a standard 20 dB building attenuation for interior noise levels, as indicated in the matrices below. Based on exterior noise levels, the interior level at Carlsbad Learning Center would approach the Noise Abatement Criteria (NAC) of 52 dBA. A soundwall was therefore considered, which would result in the reduction shown. Based on exterior levels at Georgina Cole Library, the interior level would be below the NAC of 52 dBA. Decisions about soundwalls are preliminary and subject to refinement during final design of the Preferred Alternative if the project is approved. Please refer to the response to your Comment 115.

This information has been added to this Final EIR/EIS. Attenuation for second floors of buildings is only considered if the structure is a "severely impacted noise receptor," or subject to existing or future sound levels exceeding 75 dBA. In this case, the Georgina Cole Library meets interior standards based on structural attenuation alone, and the Carlsbad Learning Center was within one dBA of not being considered for attenuation. Neither of these locations would be considered "severely impacted."

CARLSBAD LEARNING CENTER

REC. LOCATION	PROJECT BUILD WITHOUT BARRIER		PROJECT BUILD WITH SOUNDWALL S810		SOUNDWALL S810 INSERTION LOSS
	Exterior	Interior	Exterior	Interior	
1st Floor	71 dBA	51 dBA	66 dBA	46 dBA	5 dB
2nd Floor	71 dBA	51 dBA	67 dBA	47 dBA	4 dB

126 cont. **GEORGINA COLE LIBRARY**

REC. LOCATION	PROJECT BUILD WITHOUT BARRIER	
	Exterior	Interior
1st Floor	69 dBA	49 dBA
2nd Floor	69 dBA	49 dBA

127 Noise sensitive areas include land uses listed below in Activity Categories A, B, and E. Schools, hospitals, libraries, and churches are especially sensitive to noise impacts since they require very low noise levels to facilitate activity. Residential areas are also considered noise sensitive areas.

Activity Category	NAC (dBA-L_{eq}[h])	Description of Activities
A	57	Exterior Lands on which serenity and quiet are extraordinarily significant and serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose.
B	67	Exterior Picnic areas, recreation areas, playgrounds, active sport areas, parks, residences, motels, hotels, schools, churches, libraries, and hospitals.
C	72	Exterior Developed lands, properties, or activities not included in categories A and B above.
D	---	Undeveloped lands.
E	52	Interior Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditorium. In identifying noise impacts, primary consideration is given to exterior uses.

128 Soundwall S729 would not be “reasonable” to construct due to the estimated construction cost exceeding the “reasonable” allowance (*Table 3.15.27*). Cost of acquisition for right-of-way is assumed to be $186,843 for this wall, and when added to the construction cost, it exceeds the “reasonable” allowance. If the estimated construction cost could not be reduced to less than or equal to the “reasonable” allowance, construction of S729 would not be recommended (*Table 3.15.28*).

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128 cont. makes reference to a soundwall S675, which appears to be irrelevant. Please correct and provide clear and consistent information as necessary.

129 Furthermore, soundwall S729 is planned in the same location as a pedestrian trail alignment that ultimately is to connect trails along the Batiquitos Lagoon east and west of I-5. Due to sensitive habitat, topography, and proximity of homes, it may be difficult to locate both a wall and trail together. Furthermore, assuming the sound wall would feature a transparent section, it might be subject to vandalism from trail users.

If the proposed wall would interfere with the trail alignment, it would be necessary to process Local Coastal Program and Master Plan amendments and propose an alternative trail alignment that maintains a pedestrian trail connection.

130 15. **Page 3.15-38**: Segment 15 identifies noise abatement between Palomar Airport Road and Cannon Road. The only use listed for this segment, West Inn, is located north of Cannon Road. Therefore, report West Inn as part of Segment 16.

Sections 3.17 to 3.22 - Biological Environment:

131 1. The document is lacking any substantive discussion and analysis of the proposed project's impacts to Carlsbad's Habitat Management Plan (HMP) implementation. There is only brief mention of the Carlsbad HMP and Multiple Habitat Conservation Plan (MHCP) on pages 3.1-26 and 3.1-27 and page 3.25-8.

The City is obliged through its Incidental Take Authorization permits with the California Department of Fish and Game and the U.S. Fish and Wildlife Service (Wildlife Agencies) to implement the HMP and create a preserve totaling 6,478 acres. The layout of that preserve is shown in Figure 28 of the HMP. There are several areas around the lagoons, within and adjacent to the I-5 right-of-way, currently designated as Hardline Preserve in the HMP.

Since the proposed I-5 expansion project would increase the footprint of the freeway improvements and right-of-way through the preserve, it would reduce the amount of preserve area and habitat cover. According to the HMP Implementing Agreement, Section 20.2, "Removal of lands from conserved areas, or reconfiguration of Hardline Areas resulting in a decrease of acreage or quality of habitat shall constitute a Major Amendment."

Therefore, Caltrans must process a Major Amendment to the HMP and receive approval from the City and Wildlife Agencies prior to removing lands from the HMP preserve. A discussion of this requirement, the process, and the resulting preserve acreages by habitat type is needed in the Draft EIR/EIS.

132 2. There is inadequate information in the Draft EIR/EIS to determine the species within the various habitat types impacted by the proposed project. The Carlsbad HMP covers 25

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129 Although not proposed as part of the *I-5 NCC Project*, Caltrans is experienced in co-locating walls and trails. As noted in the EIR/EIS, should Caltrans and the property owners agree that a transparent soundwall is desirable, the property owner would commit to its maintenance. It is not anticipated that any wall (if ultimately approved and implemented) would interfere with the trail alignment, but coordination would occur between Caltrans and the City to ensure that a pedestrian trail connection could be maintained. Details about soundwalls will be developed during final design of the Preferred Alternative if the project is approved.

130 Due to its length, the project corridor has been divided into 22 roadway segments for organizational purposes. Including the West Inn (R15.1 and R15.2) in Segment 15 does not have any impact on the associated noise analysis or decision making. No change is necessary.

131 The Carlsbad Habitat Management Plan (HMP) is specifically evaluated in EIR/EIS *Table 3.1.1.* The evaluation concluded that all four alternatives would be generally consistent with small encroachments into preserve areas, and that potential biological impacts would be fully mitigated. *Table 3.1.1* also notes that while not signatory to the MHPA (and therefore not eligible for benefits thereof), Caltrans strives to be consistent with its guidelines, and has continued (and would continue) to coordinate with the appropriate wildlife agencies to ensure that impacts to sensitive biological species or communities targeted for preservation in the draft subarea plans are minimized to the extent practical. Since circulation of the Draft EIR/EIS, California Department of Fish and Wildlife (previously the California Department of Fish and Game) and United States Fish and Wildlife Service staff have provided valuable guidance regarding project design in the lagoons. The results of this coordination were circulated in the August 2012 Supplemental Draft EIR/EIS. The information included updated

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132 cont. species, six of which are plants. Any impacts to listed species not covered by the HMP would require processing Take Authorization permits through the Wildlife Agencies. To provide complete information please revise the Draft EIR/EIS to include a list of impacted species and the additional processing of Take Authorization permits if required.

133 3. The biological mapping referenced in the Draft EIR/EIS is out-of-date and does not reflect current conditions. For example, page 3.17-4 refers to eelgrass mapping at Batiquitos Lagoon conducted by Merkel and Associates in 2006. There have been subsequent eelgrass mapping efforts that have shown a different distribution of this and other habitats within Batiquitos Lagoon that are readily available. The Draft EIR/EIS cannot accurately assess impacts and determine mitigation with outdated and incorrect mapping data. To provide complete information please revise the Draft EIR/EIS to include updated information.

134 4. The reference to 303(d) listed impaired water bodies is out-of-date. For example, on page 3.10-6, the 2006 impairments are referenced, when the 2008 list is available. To provide complete information, please revise the Draft EIR/EIS to include updated information.

135 5. The Draft EIR/EIS is lacking discussion and analysis of how the current hydrological functioning of the three lagoons in Carlsbad will be affected by the proposed structural changes to bridges. To provide complete information, please revise the Draft EIR/EIS to include modeling information related to changes in width, depth, velocity, sediment transport mechanisms, bathymetry and other dynamic features of the lagoons hydrologic systems.

136 6. The Draft EIR/EIS provides no assurance that mitigation for biological impacts will occur in Carlsbad. It is our expectation that such will occur so impacts in Carlsbad are fully mitigated in Carlsbad to maintain consistency with the HMP and improve the health of the Carlsbad's preserve system and habitat overall. Mitigation efforts should also be coordinated with the city.

Section 3.25 – Cumulative Impacts:

137 1. In addition to the overall comments regarding cumulative impacts made at the beginning of this letter, following are specific comments regarding the Carlsbad Energy Center project:
   a. The document is lacking any discussion and analysis of the cumulative impacts resulting from the construction of both the I-5 widening and the proposed CECP. Please correct and provide the information required to address this concern.
   b. There is inadequate information in the EIR to determine the spatial impacts of the widening of the I-5 on the CECP. Due to the constrained site location of the CECP, adequate emergency access has been required by the Carlsbad Fire Department which is not reflected in the DEIR. Please address.
   c. Please include the proposed CECP site plan in the appropriate EIR maps to accurately assess impacts and determine mitigation.

RESPONSES

131 cont. impacts specifics, as well as benefits of the project; including improved lagoon function and wildlife movement, as well as reductions to current human incursion into sensitive habitat areas. This information has been incorporated into this Final EIR/EIS.

132 Impacts to specific sensitive plant species are addressed in EIR/EIS *Section 3.19, Plant Species* as well as *Section 3.21, Threatened and Endangered Species*. Caltrans also has been in close coordination with the resource agencies concerning sensitive species (including plant species) as part of ongoing efforts following circulation of the Draft EIR/EIS. A Biological Opinion for impacts to federally listed species was obtained for the project in December 2012. Necessary permits would be obtained.

133 The baseline for analysis in an environmental document is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The analysis in the EIR/EIS is therefore valid. Please note, however, that specific to lagoons, updated information was provided in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS. Please also note that (as specified in *Chapter 3*) eelgrass surveys would occur at appropriate locations prior to, during, and following construction, in order to ensure species protection.

134 Caltrans is committed to preventing or minimizing impacts to water quality through implementation of its plans and programs that are continually updated as policies and regulations change. The information in the Draft EIR/EIS is adequate to provide a "snapshot in time" of water quality status in the North Coast Corridor. The cited 2008 list was not available when the technical report upon which the EIR/EIS depended was compiled. Although draft versions of the 2008/2010 303(d) list were available, final approval by the USEPA did not occur until November 12, 2010, which was after the Draft EIR/EIS was circulated. The August 2013 Water Quality Technical Memorandum, prepared to supplement the 2009 WQR, provides the 2010 303(d) listed water bodies that would be potentially impacted by the proposed project, which have been incorporated into this Final EIR/EIS.

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135 As noted in the response to your Comment 104, additional studies prepared since circulation of the Draft EIR/EIS address hydrologic or hydraulic technical issues and related Caltrans interaction with lagoon scientists to determine appropriate bridge and channel dimensions. Updated information about lagoons was provided in the Supplemental Draft EIR/EIS, and has been incorporated into this Final EIR/EIS. Consistent with this comment, updates include information regarding existing and proposed channel width and depth, sedimentation issues, fresh versus salt water interactions, flood flow effects, etc.

136 Development of mitigation specifics for impacts to biological resources provided a major focus of inter-agency coordination in 2011 through 2013. Refer to EIR/EIS *Chapter 5, Comments and Coordination* for a listing of meetings and topics. Additional mitigation specificity was provided in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS. The Environmental Commitments Record (EIR/EIS Appendix D) and the Final Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) also contain augmented, clarified, and refined information regarding the mitigation program.

The mitigation package developed for the *I-5 NCC Project* (as well as other transportation projects addressed n the PWP/TREP) is regional in nature. As noted above, the program was developed in close coordination with the resource agencies in order to obtain the greatest resource benefit for the region. As a result, footprint impacts would not necessarily be mitigated in an adjacent area, but where the impacted resources would be best served. Please note, however, that the Buena Vista Lagoon Planning and Restoration effort (located east of I-5 and south of SR-78 along the northern corner of the lagoon) and the Hallmark Mitigation Site would benefit resources in the City.

137 The Carlsbad Energy Center (CEC) was discussed in EIR/EIS *Section 1.3.7, Other I-5 Projects*, and mentioned in the cumulative analysis as a project that could add to visual impacts in the I-5 corridor, which were found to be cumulatively substantial. The general location of the proposed CEC project would be in the

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	137 cont. footprint of the Encina Power Station, which is shown on Draft EIR/EIS *Figure 2-2.14ae*, and potential spatial impacts of the 10+4 Buffer alternative can be ascertained from this graphic. The area is fully developed. No other cumulative effects would receive a cumulatively considerable contribution from the project (i.e., there are no sensitive habitats, jurisdictional waters, etc.) to be affected. The final footprint and right-of-way that may be needed to achieve widening would depend on the alternative selected for the *I-5 NCC Project* if the project is approved. The footprint for the 8+4 Buffer alternative (Preferred Alternative) is shown on *Figures 2-2.3, Sheet 50* of this Final EIR/EIS. Additional information about the Preferred Alternative is available in this Final EIR/EIS. Project improvements would not be anticipated to adversely affect the new emergency access route from Cannon Road to Avenida Encinas and then to the facility. I-5 improvements would not be expected to have any effect on development or re-use plans west of the I-5 footprint.

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CITY OF CARLSBAD COMMENTS ON INTERSTATE 5 NORTH COAST CORRIDOR PROJECT DRAFT EIR/EIS/EIS
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138 d. The California Energy Commission has identified a "severe negative visual impact" which would result from the cumulative effects of both the I-5 expansion and the development of the CECP (CEC's CECP Final Staff Assessment November 2009). However, the Draft EIR/EIS is silent on any potential visual mitigation. Please revise the document to adequately analyze visual impacts and proposed adequate mitigation.

Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f):

139 1. Revise this section to identify and describe impacts to Oak Park (APN 156-180-41) and Pio Pico Park (APN 156-231-05), both public parks directly next to or near I-5. All alternatives impact Oak Park; Pio Pico Park may be impacted by project narrowing of or improvements to Pio Pico Drive.

Technical Study - I-5 Project Report Exhibit A (Layout Sheets):

Note: As with other associated technical studies, this report, which consists of detailed plans of each alternative, was not available with the Draft EIR/EIS but was made available on the Caltrans District 11 website at http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html.

Furthermore, several of these comments note the need to acquire right of way to accommodate project improvements. Right of way acquisition shall be the responsibility of Caltrans.

140 1. **General Comment:** Impacts to local roadways and mitigation measures identified on the Project Report Layout Sheets should be included in the Draft EIR/EIS document.

2. **All Exhibits Sheet 48:** The proposed modifications to Avenida Encinas are unclear and need to be specified in more detail.

3. **All Exhibits Sheet 53:** The widening on the west side of the freeway appears to impact the existing cul-de-sacs of Palm Avenue and Pine Avenue. Please clarify impacts and identify appropriate mitigation measures.

4. **All Exhibits Sheet 53:** Extensive proposed modifications to the roadways surrounding Holiday Park are shown, including parking areas. However, such improvements are not discussed anywhere in the Draft EIR/EIS; in fact, Appendix A to the environmental document makes no mention of any proposed parking improvements (see page A-19) and exhibits do not show these improvements. Further, page 3-1.36, in its evaluation of project consistency with the city's Parks and Recreation Element states "...the proposed project would avoid impacts to Holiday Park..." Please clarify and provide consistent information.

5. **All Exhibits Sheet 54:** The widening on the west side of the freeway appears to impact the existing cul-de-sacs of Oak Avenue and Knowles Avenue. Please clarify impacts and identify appropriate mitigation measures.

6. **Exhibit A2 Sheet 52:** The proposed modifications to Pio Pico Drive north of Tamarack Avenue are unclear and need to be specified in more detail.

RESPONSES

138 Consistent with the California Energy Commission finding, Caltrans identified a cumulative visual impact associated with I-5 and other development (including specifically naming this facility). EIR/EIS *Section 3.7.4* discusses mitigation measures for visual impacts. The EIR/EIS states that alternative mitigation measures may be necessary in each viewshed as project designs are developed and mitigation design guidelines are applied, that the overall visual impact of each mitigated build alternative would remain high under NEPA, and that impacts to Visual/Aesthetics would remain significant under CEQA after mitigation identified in *Chapter 3*. Caltrans has committed to analyzing the visual effects of specific project features, synthesizing applicable mitigation measures from the EIR/EIS and the Design Guidelines: I-5 NCC Project, applying those requirements to actual design features in specific locations, and submitting proposals to the project design team during project design and construction, following project approval and selection of an alternative. Sketches and examples of potential avoidance, minimization, and/or mitigation measures are presented in Final EIR/EIS *Figures 3-7.113* through *3-7.149.* Because these measures cover the full variety of appropriate visual mitigation, it is not possible to identify additional mitigation measures specific to the cumulative effect. Project-specific mitigation would also address the cumulative effect.

139 Thank you for providing the APNs for these parks, which do not show up as parks through normal search parameters (please refer to response to your Comment 029). They have been added to Appendix A and Final EIR/EIS *Section 3.1.3*. Function is not expected to be adversely affected by the project in either location.

140 Comments 001 through 027 address the I-5 Project Report Exhibit Layout Sheets relate to requests to see additional detail on the Project Report exhibits, which illustrate potential project footprint and features. Individual responses to these comments are therefore generally not provided. Overall, please refer to responses to your

REGIONAL AND LOCAL AGENCIES — COMMENTS

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140 cont.

7. **Exhibit A2 Sheet 54:** The widening on the east side of the freeway appears to encroach into the existing travel way of Pio Pico Drive north of Carlsbad Village Drive. Please clarify impacts and identify appropriate mitigation measures.

8. **Exhibit A2 Sheet 55:** The widening on the east side of the freeway appears to encroach into the existing travel way of Pio Pico Drive south of Las Flores Drive. Please clarify impacts and identify appropriate mitigation measures.

9. **Exhibit A3 Sheet 52:** The proposed modifications to Pio Pico Drive north of Tamarack Avenue are unclear and need to be specified in more detail.

10. **Exhibit A4 Sheet 52:** The proposed modifications to Pio Pico Drive north of Tamarack Avenue are unclear and need to be specified in more detail.

11. **Exhibit A4 Sheet 54:** The widening on the west side of the freeway appears to impact the existing cul-de-sac of Laguna Drive in addition to those of Oak Avenue and Knowles Avenue. Please clarify impacts and identify appropriate mitigation measures. There appear to be modifications to Pio Pico Drive north of Carlsbad Village Drive but they are not specified.

12. Several exhibits show the proposed right-of-way crossing over properties but do not callout nor address the resulting property impacts. Revise the exhibits to clarify if certain structures or private improvements will be removed or relocated as part of the right-of-way acquisition for the project. Revise the exhibits to show how these properties will be impacted from the loss of structures or property (access, setback, parking, net developable area, etc.).

13. Revise the exhibits to include the drainage infrastructure information that is located in the project geotechnical report.

14. On sheet 44 of Exhibit A2, revise the exhibits to clarify if a retaining wall or slope is required along the easterly edge of the right-of-way. There seems to be a 5 feet difference between the freeway surface improvements and the adjacent properties along the westerly soundwall.

15. On sheet 48 of Exhibit A2, the project exhibits appear to shift/relocate the roadway improvements for Avenida Encinas to accommodate the project. There appears to be a need for additional right-of-way along the westerly portion of Avenida Encinas, but the exhibits do not show it. Revise the exhibits to clarify the proposed improvements and the new/revised right-of-way necessary to encompass the revised street improvements. Based on the dedication of land, revise the Draft EIR/EIS to address any impacts (setbacks, landscape, access, loss of parking, etc.) to existing properties along Avenida Encinas.

16. On sheet 53 of Exhibit A2, the project exhibits appear to both shift and significantly reduce the roadway improvements for Pio Pico to accommodate the project. There appears a need for additional right-of-way along the easterly edge of Pio Pico Drive, but the exhibits do not show it. The exhibits show new sidewalk and maybe new pavement for the shifted road. Revise the exhibits to clarify the proposed improvements and the new/revised right-of-way necessary to encompass the revised street improvements. Based on the dedication of land, revise the Draft EIR/EIS to address any impacts

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140 cont. Comments 047, 049, and 050 regarding utilities; 052 regarding emergency services; and 07 with regard to Holiday Park. Finally, please refer to Topical Response "Property Acquisition" for information about why precise numbers and dimensions of property required are not currently specified, and the response to your Comment 038 regarding the level of specificity regarding property effects that is required in environmental documents.

A representative footprint for the proposed project within the City of Carlsbad is illustrated on *Figures 2-2.3, Sheets 41* through *57* in the Final EIR/EIS *Chapter 2, Project Alternatives*. The exhibits in the Project Report present information in as much detail as could be developed at the stage of design appropriate for circulation of the Draft EIR/EIS. Details on roadway modifications and other specifics such as changes to parking spaces and drainage facilities that may result will not be available until final design of the Preferred Alternative if the project is approved. It should be noted that refinements to the project footprint continue to be made as part of the Preferred Alternative, and certain modifications were presented in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS. Please note that the Preferred Alternative would be the smallest of the build alternatives described in *Chapter 2* of the EIR/EIS.

Updates to the Project Report and technical studies are not required, because project changes would be reflected in subsequent engineering documents such as design plans and permits if the project is approved.

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(setbacks, landscape, access, loss of parking, etc.) to existing properties along Pio Pico Drive.

17. On sheet 53 of Exhibit A2, it appears nearly half of Pio Pico Drive will be used to widen the I-5 project. Revise the exhibits to show how utilities (sewer, water, storm drain, gas, electric, cable, etc.) will be removed and/or realigned to accommodate the project. . If Pio Pico will be reduced to a 24-foot wide street, will it be wide enough to contain the utilities?

18. On sheet 53 of Exhibit A2, near station 807+50, the proposed right-of-way for the project appears to remove an existing cul-de-sac for Palm Ave. To ensure adequate vehicular and emergency access turn around, revise the exhibit to show a new cul-de-sac will be installed to replace the old one. The exhibits should show the proposed right-of-way necessary to accommodate the new cul-de-sac and it should show adjacent property impacts. The revised exhibits should also show revised or relocated utilities associated with the new/revised cul-de-sacs.

19. On sheet 53 of Exhibit A2, near station 813+00, the proposed right-of-way for the project appears to remove an existing cul-de-sac for Pine Ave. To ensure adequate vehicular and emergency access turn around, revise the exhibit to show a new cul-de-sac to replace the old one. The exhibits should show the proposed right-of-way necessary to accommodate the new cul-de-sac and it should show adjacent property impacts (access, dedication needed, setbacks, etc.). The revised exhibits should also show revised or relocated utilities associated with the new cul-de-sac.

140 cont.

20. On sheet 54 of Exhibit A2, near station 815+00, the proposed right-of-way for the project appears to remove an existing cul-de-sac for Oak Ave. To ensure adequate vehicular and emergency access turn around, revise the exhibit to show a new cul-de-sac to replace the old one. The exhibits should show the proposed right-of-way necessary to accommodate the new cul-de-sac and it should show adjacent property impacts. The revised exhibits should also show revised or relocated utilities associated with the new cul-de-sac.

21. On sheet 54 of Exhibit A2, Pio Pico Drive appears to be reduced from a 40-foot wide residential street to a 24-foot wide drive (with no parking on either side). Reducing the vehicular capacity of Pio Pico Drive may cause vehicles to choose other roadway segments to reach their intended destination. Revise the exhibits and technical studies to address the circulation impacts of reducing the vehicular capacity of Pio Pico Drive and what impacts this has on adjacent roadway segments and/or intersections.

22. On sheet 54 of Exhibit A2, provide a typical cross section of existing and proposed Pio Pico as part of the project.

23. Revise the exhibits and Draft EIR/EIS to clarify if reducing the travel width of Pio Pico Drive would affect the ability of emergency access vehicles to serve the adjacent community.

24. On sheet 55 of Exhibit A2, near station 821+00, the proposed right-of-way for the project appears to remove an existing cul-de-sac for Knowles Ave. To ensure adequate vehicular and emergency access turn around, revise the exhibit to show a new cul-de-sac to replace the old one. The exhibits should show the proposed right-of-way

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necessary to accommodate the new cul-de-sac and it should show adjacent property impacts. The revised exhibits should also show revised or relocated utilities associated with the new cul-de-sac.

25. On sheet 55 of Exhibit A2, near station 823+00, the proposed right-of-way for the project appears to remove a portion of existing right-of-way and improvements at the intersection of Lewis Ave and Buena. To ensure adequate vehicular and emergency access movements, revise the exhibit to show how this intersection will be revised or relocated. The exhibits should show the proposed right-of-way necessary to accommodate the revised intersection and it should show adjacent property impacts. The revised exhibits should also show revised or relocated utilities associated with the new construction.

140 cont.

26. On sheet 55 of Exhibit A2, near station 825+00, the proposed right-of-way for the project appears to remove a portion of existing right-of-way and improvements for Tuttle Street. To ensure adequate vehicular and emergency access movements, revise the exhibit to show how this street will be revised or relocated. The exhibits should show the proposed right-of-way necessary to accommodate the revised street and it should show adjacent property impacts. The revised exhibits should also show revised or relocated utilities associated with the new construction.

27. On sheet 55, revise the exhibits to show the proposed contour grading near station 828+00. Although retaining walls are shown, no proposed grading elevations are shown. As an example, sheet 56 shows the contour grading, but sheet 55 does not continue to show this grading information.

If you have any questions, please contact Scott Donnell, Senior Planner, at (760) 602-4618 or scott.donnell@carlsbadca.gov.

Sincerely,

DON NEU, AICP
City Planner

c: Lisa Hildabrand, City Manager
Cynthia Haas, Deputy City Manager
John Coates, Assistant City Manager
Ron Ball, City Attorney
Gary Barberio, Community and Economic Development Director
David Hauser, Property and Environmental Management Director
Skip Hammann, Transportation Director
Glenn Pruim, Utilities Director
File

REGIONAL AND LOCAL AGENCIES – COMMENTS

CITY OF
CARLSBAD
Transportation Department

www.carlsbadca.gov

November 18, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Draft EIR/EIS for the I-5 North Coast Corridor Project (SCH #2004101076) and Preliminary Draft Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP)

Dear Ms. Harrison:

01 The City of Carlsbad respectfully requests that additional enhancement be added to the I-5 North Coast Corridor Project (I-5 widening) to promote, maintain, and enhance the character of the community and coastal access while improving the regional transportation systems.

Caltrans has identified the following projects as potential enhancements to the I-5 widening project:

1. La Costa Avenue park and ride enhancement
2. Trail connections on the east side of I-5 at the Batiquitos Lagoon bridge
3. Trail connections on the west side of I-5 at the Agua Hedionda Lagoon bridge
4. Trail connections on the east side of I-5 at the Agua Hedionda Lagoon bridge
5. Streetscaping along Pio Pico Drive and Chestnut Avenue

Carlsbad has developed a list of additional enhancements that should be considered to help minimize impacts to Carlsbad. In general, it is proposed that all the over and under crossings in Carlsbad should be enhanced as part of the project to maximize coastal access for pedestrians and bicyclists. Five additional enhancement projects have been suggested:

1. Chestnut Avenue railroad crossing gateway improvements
2. Carlsbad Boulevard realignment
3. Palomar Airport Road realignment
4. Carlsbad Village Drive gateway improvements
5. Expand Chestnut Avenue undercrossing improvements linking Pine Avenue Park with Holiday Park

Transportation Department
1635 Faraday Ave. | Carlsbad, CA 92008 | 760-602-2730 | 760-602-8562 fax

RESPONSES

Responses to Conrad "Skip" Hammann, P.E., Transportation Director, City of Carlsbad Transportation Department

01 Thank you for your comments, which are part of the public record. Please note that the list of proposed community enhancements for the City of Carlsbad has been modified since circulation of the Draft EIR/EIS. The current proposal for potential enhancements is included within this Final EIR/EIS.

Caltrans appreciates your suggestions for additional enhancements as described, and will consider these specific recommendations during the ongoing project design process of the Preferred Alternative if the project is approved. Specifically with regard to elements of these proposals that would enhance bicycle travel, please see the I-5 North Coast Bike Trail elements currently proposed as part of a regional enhancement. Providing links to existing elements and including bike and pedestrian trails into I-5 crossings of North Coast Corridor lagoons would support an option for non-motorized travel for the entire length of the *I-5 NCC Project*.

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The following is a more detailed description of the proposed enhancements.

1. Chestnut Avenue Railroad Crossing Gateway Improvements
The Chestnut Avenue corridor provides direct and convenient access across I-5, linking neighborhoods, schools and parks on both sides of the freeway. Pedestrians and bicyclists traveling along Chestnut, however, cannot reach the coast because the North County Transit District rail right-of-way blocks their path. The right-of-way is 200 feet wide at this location.

To legally cross the tracks, pedestrians and bicyclists must detour south to Tamarack Avenue, or north to Carlsbad Village Drive. Residents have reported that they would rather drive their cars, or forgo an excursion to the beach altogether, rather than add that extra distance.

A crossing would bridge this divide by giving pedestrians and bicyclists safe and convenient access across the tracks to the coast, where they can visit such amenities as the Carlsbad Seawall and Carlsbad State Beach. The crossing would have to meet all conditions established by the property owner and railroad operator, and conform to current and planned uses of the right of way.

This enhancement would advance many of the "livability" and "sustainability" objectives identified for the I-5 North Coast Corridor program, by improving pedestrian and bicycle access, supporting community character, improving coastal access and advancing tourism.

01 cont.

2. Carlsbad Boulevard Realignment
The Carlsbad Boulevard realignment project would shift and realign the coastal highway eastward between Cannon Road and La Costa Avenue. This would result in excess right-of-way on the west side of the highway that would enable the California Parks and Recreation Department to expand Carlsbad State Beach.

The project also would serve as a "complete street" by improving interaction among the various transportation modes — vehicles, public transit, bicycles and pedestrians. A major benefit of this project is enhanced coastal access, improving recreational opportunities for people of all ages.

In addition, the total scope of this project would surpass the intent of the enhancement projects for the I-5 widening project, because it would add capacity in the regional transportation system, thus mitigating some impacts of the I-5 widening.

3. Palomar Airport Road Realignment
Realigning Palomar Airport Road between Avenida Encinas and Carlsbad Boulevard is a goal of the Carlsbad Boulevard Realignment project. The current western terminus of Palomar Airport Road consists of bridges and ramps that impede access to the coast and cut off access to public lands. Realigning this terminus to form a "T" intersection with Carlsbad Boulevard would

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eliminate several bridge structures and open up views and access. It is also a critical element of the Carlsbad Boulevard Realignment project, because it would enable the city and state to exchange lands of equal value and open them to the public. This would maximize the potential recreational value of these underused public lands while improving access to Carlsbad Boulevard and Carlsbad State Beach.

4. Carlsbad Village Drive Improvements
Carlsbad Village Drive serves as the gateway to Carlsbad Village, the city's downtown and one of its prime attractions. This gateway, however, is likely to experience severe degradation as a result of the I-5 widening. The widening also is likely to cause the removal of businesses on the west side of the freeway near the Carlsbad Village Drive interchange.

The landscaping at this interchange is sparse, consisting of ice plant, and access under the freeway overpass is intimidating for pedestrians and bicyclists.

An enhancement of this intersection would serve residents and visitors by providing an attractive, welcoming entryway into the city. It also would help offset the economic loss of business activity caused by the widening project.

Attractive landscaping and improved pedestrian and bicycle access from east to west across the intersection would also improve coastal access and serve as the much-needed gateway to the Village.

01 cont.

5. Undercrossing Enhancements Linking Holiday Park with Pine Avenue Park
Holiday Park, on the east side of the freeway, and Pine Avenue Park, on the west side, may be viewed as two bookends of a single major park in the city's Northwest Quadrant. However, Interstate 5 prevents a connection between these recreational and cultural amenities.

Holiday Park is a passive park where families gather for picnics and social events. Across Eureka Place from Holiday Park is the Library Learning Center, which serves as a cultural attraction to many children and families who live on the west side of I-5. Many of them walk to the Learning Center by way of Chestnut.

Pine Avenue is more active, housing the Carlsbad Senior Center. Immediately south of Pine, on the opposite side of Chestnut, are the baseball diamonds at Chase Field. One block east of Pine, also on Chestnut, is the Harding Community Center, which hosts many public activities. It has long been the city's desire to better connect Holiday Park and the Learning Center with its western counterparts, to create more synergy between these amenities. The aim of this enhancement project would be to achieve that synergy by integrating the parks, in effect creating one large park.

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The Pine Avenue project would remove parking on the north side of Chestnut to make way for a pedestrian parkway that would include bulb-outs, trees, shrubs and public art nodes that would physically and visually link the east- and west-side parks. It also would place features along streets serving the Harding Community Center and the Learning Center, to integrate them as well.

01 cont.

This enhancement would help relieve the impact of a large concrete wall that would be built on the east side of I-5, next to Holiday Park and facing the Learning Center. Such a large visual barrier would counteract the objectives of the Learning Center, which was designed to present a welcoming and supportive environment for patrons who often face barriers in learning or are tentative about using government services.

Enhancing pedestrian and bicycle access would help to offset the negative effects of the widening on this roadway, and better meet the definition of a "complete street." If you have any questions, please contact me at 760.602.2730 or skip.hammann@carlsbadca.gov. Thank you for your consideration.

Sincerely,

Conrad Hamm

Conrad "Skip" Hammann, P.E.
Transportation Director

SH:brg

Cc: Lisa Hildabrand, City Manager
John Coates, Assistant City Manager
Cynthia Haas, Deputy City Manager
Gary Barberio, Community & Economic Development Director

REGIONAL AND LOCAL AGENCIES — COMMENTS

City of Del Mar

November 8, 2010
Ms. Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation, District 11
Division of Environmental Analysis
MS 242
4050 Taylor Street
San Diego, CA 92110

Re: Comments on the Interstate 5 (I-5) North Coast Corridor Project Draft Environmental Impact Report (DEIR) /Environmental Impact Statement (EIS)

Dear Ms. Harrison,

01 This letter contains comments from the City of Del Mar ("City") on the Draft Environmental Impact Report/Environmental Impact Statement for the Interstate 5 North Coast Corridor Project (the Project) released to the public on July 10, 2010 by the California Department of Transportation (Caltrans), the U.S Department of Transportation and the Federal Highway Administration.

In preparing this comment letter, the Del Mar City Council conducted a number of public meetings to involve a broad spectrum of the public. Many persons, agencies and groups attended these meetings and provided detailed and expert comments that are incorporated into this letter. The City Council also relied on a number of other sources to help in the review and preparation of these comments. They are listed below.

1. The staff of the City's Planning, Public Works, and Fire Departments, along with the City Attorney's office.

2. An ad-hoc citizens' advisory committee, composed of Del Mar residents appointed by the City Council to assist in the review and comment on the North Coast Corridor project and the associated environmental documents. Many of the Committee members have professional training and expertise related to issues addressed in the DEIR/EIS. The Ad-Hoc Committee meetings were attended by representatives of a number of interested entities who also provided comments to the Ad-Hoc Committee on the DEIR.

1. OVERVIEW OF CITY'S COMMENTS

The City appreciates the opportunity to respond to the DEIR/EIS document. The draft document raises many questions about the purpose and potential effectiveness of the

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Responses to Richard Earnest, Mayor, City of Del Mar

01 Thank you for your comments, which are part of the public record. Caltrans agrees that I-5 is an important link for Del Mar and shares the goal to have I-5 remain a positive factor and not a negative one in the region. Caltrans has followed the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) in preparing the Draft and Final EIR/EIS. Responses to your detailed comments are provided below.

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01 cont.

entire Project as a truly comprehensive public transportation improvement endeavor. The Project also raises specific concerns about the segment that runs just east of the City's boundaries in the area between the freeway interchanges at Route 56 and Via de la Valle, particularly in the area of the San Dieguito River Valley.

Although the I-5 right-of-way and the Project limits, as defined in the DEIR/EIS document, are located just outside of Del Mar's city limits, the I-5 corridor is a constant presence. It links us with other cities in the region and its presence is seen and heard throughout much of the community. Additionally, the proposed Project would have impacts on the local Del Mar circulation system. All of these factors give the City a stake in how the Project would be designed and implemented. We have a responsibility as part of the San Diego County community to be sure I-5 remains a positive factor and not a negative one in the region.

The comments on the following pages contain the City's overall questions and concerns about the Project itself and about the associated DEIR/EIS document. The City requests that Caltrans and the other agencies responsible for the document respond to all comments and questions contained in the body of this letter pursuant to the requirements of CEQA and NEPA.

Please note that the bulk of references in this letter regarding the requirements for compliance with environmental review reference the California Environmental Quality Act (CEQA). However, the document should also comply with the corresponding provisions of the National Environmental Policy Act (NEPA), as applicable.

2. THE DEIR/EIS FAILS TO ADDRESS THE PROJECT'S MAIN PURPOSE

02

The City poses the question: Is the goal of the Project to move cars and trucks or to move people and goods? We believe the basic goal of Caltrans, the U.S Department of Transportation and the Federal Highway Administration is to provide both road and mass transportation options for the people of this State; yet we see in this Project a huge allocation of funds for roads and very little for rail, bus, bicycle, multi-modal or other alternative transportation service. This "car bias" perspective commits current and future generations to car and truck-driven options to the exclusion of alternative transportation strategies. It appears that this allocation of resources has been pursued without any real discussion in the DEIR/EIS about why this policy choice was made and why it is preferable.

03

While the DEIR/EIS acknowledges the existence of the LOSSAN (rail) plans and assumes double tracking of rail lines along the Los Angeles to San Diego corridor (LOSSAN) and along the North San Diego Coastal region will occur, the freeway widening plan and its DEIR/EIS do not address how the two plans will be integrated. Does the plan fit into the Corridor System Management Plan and San Diego Association of Governments' (SANDAG's) 2030 Regional Transportation Plan? Contrary to the assertions in the DEIR/EIS, the proposed four widening alternatives fail to offer the best solution for existing and future rapid transit needs of the I-5 corridor population. (See Purpose and Need chapter, p. S-1).

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02 The overall project purpose statement and goals (objectives) of the project are listed in EIR/EIS *Section 1.2*, *Purpose for the Project*. Maintaining or improving traffic operations relate to moving vehicles, which in turn move people and goods. Both rail and highway can be efficient at this task. The importance of the joint rail and highway improvements in the North Coast Corridor have been the focus of planning and/or environmental review for over a decade (please refer to Topical Response "Multimodal System"). Following evaluation of the overall corridor, improvement projects have been divided by mode of travel. Two of the most critical for the North Coast Corridor are I-5 and rail facilities. Each is an existing passenger and freight mover and each has its own specific route through the corridor. The Los Angeles-San Diego-San Luis Obispo (LOSSAN) upgrades evaluated in documents focusing on footprints and design scenarios related to that mode of travel have largely been completed, although continuing

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02 cont. focused area review continues. The *I-5 NCC Project* EIR/EIS focuses on improvements to the highway from the southern terminus to northern terminus because this is the project-specific CEQA/NEPA document. The fact that the multitude of potential projects (including also pedestrian, bikeway, and bus improvements) are being addressed in a more focused fashion in no way implies that one mode of travel is preferred over another.

The *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North County Corridor transportation being developed by the San Diego Association of Governments (SANDAG) and other transportation agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to EIR/EIS *Section 2.3)*. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. The 2050 Regional Transportation Plan (RTP) includes projects for rail and bus services, bicycle and pedestrian facilities, and demand management, as well as for highways and local streets. Please refer to Topical Responses "Multimodal System" and "Mass Transit" for additional discussion about multimodal aspects of the transportation system, including transit. Transportation funding, including funding for the proposed project, is disbursed through the TransNet program. The $17 billion generated during the 60-year life of the program is distributed to transportation projects in general by SANDAG. TransNet monies are divided roughly into thirds, with approximately one-third each

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	02 cont. going to highways, transit, and local roadways. Please also refer to Topical Response "Corridor Alternatives" with regard to transportation alternatives evaluated for the corridor. The need for the project is presented in detail in EIR/EIS *Section 1.3, Need for the Project*.
	03 The *I-5 NCC Project* is part of a balanced, multimodal transportation network. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project and related planning fit within the regional transit system and RTP, including significant expansion to the LOSSAN heavy rail line. As the right-of-way for the I-5 and LOSSAN do not intersect, implementation of the proposed project would not adversely affect planned improvements to LOSSAN. The I-5 San Diego North Coast Corridor System Management Plan (CSMP) assessed several options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding managed lanes on I-5, and improving regional arterials, bicycle and pedestrian routes, and bus, rail, vanpool, and carpool services. Project-level CEQA and/or NEPA documentation is being prepared for these various transportation modes. This EIR/EIS is the project-level document for this segment of I-5 only; as such, it implements a portion of the CSMP and would not conflict with implementation of other CSMP elements. The project's consistency with the RTP is evaluated in EIR/EIS *Section 3.1.2.2*, *Environmental Consequences, Consistency with State, Regional, and Local Plans and Programs*. The project is included in 2030 RTP and identified in the 2008 Regional Transportation Improvement Program (RTIP), as well as the 2050 RTP and 2012 RTIP.

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It is understood that some of these issues will be addressed with the associated Public Works Plan, but the Project nonetheless, as identified in the DEIR/EIS, is limited to freeway expansion and the adequacy of the DEIR/EIS must be judged by its own contents.

04 The road-building described in the DEIR/EIS is a thirty-year plan to be built in stages. This raises the question: Is this a program EIR? Although the document is represented as a project DEIR/EIS, the Project itself is far too big and proposed over too long a timeframe to really fit that category. With its many components, it would seem more appropriately characterized as a program DEIR/EIS.

05 The document also raises these questions: 1) Will there be an opportunity for design changes once a draft plan is approved? and 2) Where are the details of each phase spelled out? Much of the information in the draft about the surrounding environment is already outdated or not taken into account at all. An example is the 22nd District Agricultural Association Fairgrounds Master Plan that was released in the fall of 2009. This planned project would result in major changes at the Via de la Valle Interstate 5 interchange and yet has not been addressed in the DEIR/EIS document. The proposed freeway widening plan does not appear to contain the flexibility to adapt to future needs, including the addition of more railroad, bus, bicycle, and other alternative transportation services. Likewise, the DEIR/EIS does not contain up to date information concerning other nearby commercial developments that are already in the planning stages and which will have cumulative impacts with the widening project.

06

07

08

09

3. THE PROJECT DESCRIPTION IS INADEQUATE

10 CEQA requires an EIR to present an accurate and complete description of the project. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *See County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193. Among other things, the project description must include: (1) the "precise location and boundaries of the proposed project," (2) a "clear written statement" of the project's objectives, including the underlying purpose of the project, as well as (3) a general description of the project's technical, economic, and environmental characteristics. CEQA Guidelines, § 15124. As further explained by the California Court of Appeal in *County of Inyo,* 71 Cal.App.3d at 192-193, a curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance.

The Project description in this DEIR/EIS suffers the same infirmities as the discussion of project need and objectives, i.e., the Project description is limited to freeway expansion alternatives without consideration or discussion of options for rail, bus, bicycle, multi-modal and other alternative transportation options. The Project is described as follows in the very first statement in the summary:

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04 The environmental document prepared for this project is not a Program EIR/EIS, but rather, a project-specific EIR/EIS. Caltrans believes that this is the appropriate level of environmental documentation for this project. The level of detail in the description and graphics is sufficient to adequately evaluate the specific components of the improvements in the 27-mile corridor for each of the project alternatives. The use of preliminary project alternative designs within the Draft EIR/EIS facilitates the refinement of the project based on feedback received from responsible agencies and the public during Draft EIR/EIS public review. This has resulted in the identification of the refined 8+4 Buffer alternative, which is both the locally preferred alternative (LPA) and the Preferred Alternative identified by Caltrans in this Final EIR/EIS. Additional design information has been developed and presented for the Preferred Alternative within this Final EIR/EIS. This alternative represents the smallest of any of the build alternatives and it is anticipated that this alternative would be fully implemented by 2035.

05 Throughout project design, the project development team has been reviewing opportunities for avoidance and minimization of potential project impacts. This has included shifts in facility location as well as redesign, and in some cases, even elimination of potential project features. These changes were addressed in the Supplemental Draft EIR/EIS, which is incorporated into this Final EIR/EIS. As with any project evaluated in an environmental document, once a draft plan and the final environmental document is approved, if design changes occur, the changes would be compared to the project that was addressed in the environmental documentation. If substantial changes are proposed that would result in new significant environmental effects (among other conditions), the Lead Agency would determine whether a subsequent environmental document would be needed.

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	06 The details of each phase are discussed in *Section 2.4, Phased Construction,* of the Final EIR/EIS and presented in *Figure 2-4.1a* (Phase 1), *Figure 2-4.1b* (Phase 2), and *Figure 2-4.1c* (Phase 3).
	07 The baseline for analysis in an environmental document is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The 2008 Master Plan for the Del Mar Fairgrounds and Horsepark is discussed in EIR/EIS *Section 1.3.7, Other I-5 Projects*.
	08 The project is proposed to be flexible. The provision of HOV/Managed Lanes in association with the project does not preclude long-term future replacement with alternate transportation modes. Please refer to Topical Response "Multimodal System" for additional discussion of the multimodal nature of the system. Further details about proposed community enhancement features, including bikeways and multimodal connections, are provided in EIR/EIS *Section* 2.3, *I-5 North Coast Regional and Community Enhancement Projects*.
	09 The baseline for analysis in an environmental document is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The set of projects identified in *Section 3.25*, *Cumulative Impacts,* was deemed sufficient to adequately determine which project impacts would be cumulatively considerable and which would not. Nonetheless, additional clarification is provided in Final EIR/EIS *Section 3.25*. Documentation of additional projects has been added to *Table 3.25.2* and review of environmental resource health or status were added to provide the reader with clarification regarding the basis for conclusions reached in the Draft EIR/EIS. As detailed in *Section 3.25*, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative effects remains as stated.
	10 The project alternatives analyzed at an equal level of detail are presented in adequate detail in EIR/EIS *Chapter 2, Project Alternatives*. Please refer to Topical Response "Transportation Funding" for an explanation of the allocation of transportation

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"The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) propose improvements to maintain or improve the existing and future traffic operations on the existing Interstate 5 (I-5) freeway from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton...".

This Project description eliminates at the start any consideration of non-freeway widening options. Interestingly, the DEIR/EIS does describe how a broader analysis might be done extending the inquiry beyond options for freeway widening. The DEIR/EIS summary at page S-1 states:

11 *"Caltrans has adopted a new approach to improve mobility across California, with an emphasis on productivity, reliability, flexibility, safety, and performance. As defined under a formal budgetary process, as part of the Corridor Mobility Improvement Account (CMIA) Program, the California Transportation Commission (CTC) requires all CMIA corridors develop a (CSMP). The purpose of a corridor system management plan (CSMP) is to provide one unified concept for managing, operating, improving, and preserving a corridor across all modes and jurisdictions for highest productivity...This concept integrates and coordinates all travel modes in the corridor including highways, parallel and connecting roadways, public transit and bikeways for multimodal analysis to focuses (sic) on how transit, local roadways, highways, pedestrian routes and land use work together as a system. The CSMP also provides the basis for prioritizing improvements, resources, demand profile, related land use developments, modal interactions, and the environment. The larger purpose of a corridor management plan is to focus all transportation efforts of all jurisdictions on effective and efficient usage of all facilities in the corridor. The plan is a tool for effective management and a guide for implementation of system management and performance measurement. This plan integrates operational analysis with more traditional."*

Unfortunately, the DEIR/EIS does not follow up and analyze the options under this multi-disciplinary approach. Rather, it describes the proposed Project narrowly as a freeway widening project and limits its review of options to four strategies for adding lanes to the freeway.

4. <u>THE DEIR/EIS FAILS TO PROVIDE EFFECTIVE/SUFFICIENT ALTERNATIVES</u>.

12 CEQA requires that an EIR describe a reasonable range of alternatives to the project under review, or to the location of the project, that could feasibly attain most of the basic objectives of the project while avoiding or substantially lessening any of the significant effects of the project. See CEQA Guidelines, § 15126.6. The discussion of alternatives should provide sufficient information to the public to enable it to understand, evaluate and respond to the lead agency's conclusions, which requires facts and analysis, not simply conclusions. *See Laurel Heights Improvement Assoc. v. Regents of the University of California* (1988) 47 Cal.3d 376, 404-406.

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10 cont. funding. Proposed community enhancements, including bicycle and pedestrian trails as well as park and ride facilities, are discussed in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*. The project also would support implementation of a Bus Rapid Transit (BRT) system through construction of HOV/ Managed Lanes and Direct Access Ramps (DARs).

11 Please refer to responses to your Comments 02 and 03 regarding how the project and related planning fit within the regional transit system and the RTP.

12 The comments on how alternatives should be developed and evaluated under CEQA and NEPA are noted.

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The range of alternatives that must be considered depends upon the objectives of a particular project. Therefore, where a project's objectives are unclear or improper, an EIR cannot adequately consider project alternatives because there is nothing against which to measure the alternative.

NEPA likewise requires a rigorous analysis of alternatives. The U.S. DOT Federal Highway Administration website, referring to the Council on Environmental Quality (CEQ) Regulations governing NEPA implementation states the following with regard to how alternatives are to be evaluated with respect to transportation projects like the proposed I-5 widening:

> *"The identification, consideration, and analysis of alternatives are key to the NEPA process and goal of objective decision-making. Consideration of alternatives leads to a solution that satisfies the transportation need and protects environmental and community resources. The Council on Environmental Quality (CEQ) refers to the alternatives analysis section as the "heart of the EIS," and requires agencies to:*
>
> *a. Rigorously explore and objectively evaluate all reasonable alternatives and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.*
> *b. Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.*
> *c. Include reasonable alternatives not within the jurisdiction of the lead agency.*
> *d. Include the alternative of no action.*
> *e. Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.*
> *f. Include appropriate mitigation measures not already included in the proposed action or alternatives."*

12 cont.

There are some differences in the standards of CEQA and NEPA with regard to the alternatives analysis that are important. For example, under NEPA all alternatives must be evaluated with equal weight, while under CEQA the proposed project may be given greater analysis. Under NEPA: *"During the draft EIS stage all reasonable alternatives, or the reasonable range of alternatives, should be considered and discussed at a comparable level of detail to avoid any indication of a bias towards a particular alternative(s)."* ibid. Further guidance on handling alternatives under NEPA is cited below:

> *"Alternatives analysis should clearly indicate why and how the particular range of project alternatives was developed, including what kind of public and agency input was used. In addition, alternatives analysis should explain why and how alternatives were eliminated from consideration. It must be made clear what criteria were used to eliminate alternatives, at what point in the process the alternatives were removed, who was involved in establishing the criteria for*

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12 cont.

assessing alternatives, and the measures for assessing the alternatives' effectiveness.

In preparing NEPA documents, project sponsors should be candid about the rationale for generating, evaluating, and eliminating alternatives. Being as specific as possible is important. If an alternative is eliminated from further consideration because it "does not meet the purpose and need," we must adequately explain how or why this alternative doesn't meet the purpose and need." ibid.

13

The Alternatives Section of this DEIR/EIS, Section 2, states only the following in an apparent attempt to comply with these guidelines:

"This section describes the proposed action and the design alternatives that were developed by a multidisciplinary team to achieve the project purpose and need while avoiding or minimizing environmental impacts. The design alternatives were identified in the MIS that was conducted through the North Coast Transportation Study and refined with input from the PDT, the NEPA/404 MOU integration process, and public scoping information. This included the goal to provide the full range of transportation modal alternatives that are cost-effective, promote and provide incentives for ridesharing and alternative modes, accommodate regional and interregional freight movements, minimize environmental and community impacts. These alternatives were discussed and subsequently eliminated or identified for further consideration in the PSR (PDS) dated January 2000."

" The project alternatives were assessed for ability to meet the objectives of the purpose and need established for the project, with consideration to avoid and minimize impacts on the environment, local streets, and communities adjacent to the project, while adhering to Caltrans design and safety standards."

However, the document does not disclose who was on the interdisciplinary team, what criteria were used to evaluate and select the chosen alternatives or what criteria were used to eliminate other alternatives. Likewise, it is not disclosed what criteria were used, or who did the analysis, to "*assess [the alternatives] for ability to meet the purpose and need established for the project,*" all of which are required by the guidelines.

14

With regard to alternatives that were rejected, there is a separate discussion at Section 2.5 that states *"Over the last twenty years, various formal and informal studies have been conducted to identify long-range highway improvements to various portions of I-5 within the project area."* This very general statement is followed by a reference to the titles of some of these studies. It is then noted that year 2030 traffic projections were used to evaluate the alternatives and that a number of alternate build options were eliminated:

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13 As noted in EIR/EIS *Table 5.1* in *Chapter 5*, *Comments and Coordination*, the interdisciplinary team referenced in this comment included individuals from Caltrans, as well as the U.S. Environmental Protection Agency (USEPA), U.S. Fish and Wildlife Service, Army Corps of Engineers, and National Oceanic and Atmospheric Administration. The criteria used for identifying and evaluating the "chosen" alternatives are the project objectives listed in EIR/EIS *Section 1.2*, *Purpose for the Project*. Specifically, as stated in *Section 2.1*, *Project Description*, the project alternatives were assessed for ability to meet the objectives of the purpose and need established for the project. Similarly, the criteria for eliminating other alternatives are based on the project objectives, with eliminated alternatives, along with specific reasons they do not meet the project objectives, provided in EIR/EIS *Section 2.6*, *Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*. The determination of whether or not the project alternatives would meet the stated objectives was conducted by the EIR/ EIS preparers, with a list of these individuals and associated qualifications and experience provided in EIR/EIS *Chapter 6, List of Preparers*. The criteria for determining whether the alternatives would meet the stated objectives are identified in the sections of the document associated with individual objectives. Specifically, the first five objectives are associated with traffic levels of service, travel times, compatibility with multimodal transportation options, compatibility with the adopted RTPs and applicable federal/state regulations, and maintaining an effective link in the national Strategic Highway Network. Accordingly, the criteria for determining whether these objectives are met are listed

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14 cont.

"The following freeway alternatives were rejected due to their inability to provide adequate highway capacity to meet the year 2020 travel demands within the project limits. Therefore, it is anticipated that that these alternatives would not maintain or improve traffic levels of service in the year 2030."

The alternative of pursuing non-freeway dominated alternatives such as augmented rail, bus, bicycle, multi-modal and other alternative transportation options is not identified or discussed. It is not even listed as an alternative considered and rejected. A read of the DEIR/EIS reveals that perhaps the most critical consideration of alternatives apparently did not occur, i.e., any consideration of non-freeway centric options. Likewise, there are no data in the document that would allow one to evaluate how non-freeway options might compare to the four freeway "build" options that the DEIR/EIS does address. The DEIR/EIS's assumption that some configuration of a freeway widening will occur and its limitation of the range of alternatives to widening without addressing or explaining why non-freeway alternatives are infeasible is contra to CEQA and NEPA guidelines.

15

The DEIR/EIS focuses almost exclusively on build options for widening I-5. The DEIR states that the alternatives were assessed for their ability to meet the purpose and need for the project which itself is defined as improving traffic flow on I-5. Section S.2 describes the project "purpose and need" as:

"... To maintain or improve the existing and future traffic operations in the I-5 north coast corridor in order to improve the safe and efficient regional movement of people and goods for the design year of 2030."

16

Section S.2 then describes the Project "objectives" (which one must assume are the same as "purpose and need") as:

"The objectives of the project are to:
Maintain or improve future traffic levels of service in 2030 over the existing levels of service; Maintain or improve travel times within the corridor; Provide a facility that is compatible with future bus rapid transit and other mobile options; Provide consistency with the regional transportation plan, San Diego Regional Transportation Plan: Pathways for the Future (2030 RTP) where feasible and in compliance with Federal and state regulations;
Maintain the facility as an effective link in the National Strategic Highway Network; and
Protect and enhance the human and natural environment along the I-5 corridor."

17

The DEIR/EIS then identifies the four build alternatives listed below for adding lanes to I-5 as meeting this definition of need, purpose and objectives:

1. 10 plus four with barrier
2. 10 plus four with buffer
3. Eight plus four with buffer
4. Eight plus four with barrier

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13 cont. primarily in *Chapters 1 – Proposed Project*; *2 – Project Alternatives*; and *3 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures* (particularly *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities)*. Similarly, the criteria for determining whether the sixth objective, protect and/ or enhance the human and natural environment along the I-5 corridor, is met is provided primarily in *Chapter 3*.

14 Please refer to responses to your Comments 02 and 03 regarding how the project and related planning fit within the regional transit system and the RTP. As described, the EIR/EIS is intended to address the highway element of a planned multimodal system; other elements of the system are undergoing separate environmental review.

15 EIR/EIS *Section 1.2*, *Purpose for the Project*, presents the detailed purpose for the project. The quote provided in this comment is the overall project purpose statement, which is a concise summary statement of the purpose of the project. This summary quote is not the entire project purpose and need, which was addressed on pages 1-1 through 1-7 of the Draft EIR/EIS.

16 This comment accurately cites the objectives of the project listed in EIR/EIS *Section 1.2*, *Purpose for the Project*. The objectives are not the entire project purpose and need, which was addressed on pages 1-1 through 1-7 of the Draft EIR/EIS and is presented in *Section 1.2* of this Final EIR/EIS.

17 The proposed phasing and costs of the *I-5 NCC Project* are presented in EIR/EIS *Section 2.4*, *Phased Construction*. Phasing was developed to match the time extension of the TransNet program, a half-cent sales tax to finance transportation improvements that partly funds the region's transportation

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17 cont.

It is noted that alternatives considered in an EIR or EIS must be "feasible" to comprise the required "reasonable range of alternatives". "Feasible" under CEQA is defined as:

> "15364. FEASIBLE
> *"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."*

While, generally, economic data and analyses are not required under CEQA, economics do come into play when determining whether an alternative or a mitigation measure is "feasible." Because the DEIR/EIS presents no economic analysis as to the funding sources or as to the economic feasibility of any of the four build alternatives, a reader cannot determine if any of these alternatives is in fact "feasible" within the meaning of the law. It is submitted that sufficient economic information about each alternative needs to be presented so that a determination of "feasibility" can be made. How much would each alternative cost, how would it be funded, are the funding sources secured, would there be debt service and how much and how would it be paid, and is there adequate funding to implement the identified mitigation measures for the life of the project?

18

The DEIR/EIS also briefly addresses the required "no build" alternative as a fifth alternative. And, the DEIR/EIS reviews a number of alternatives that were considered and rejected (see, section 2.5.1 listing rejected build alternatives). All of these rejected alternatives were also freeway expansion alternatives. The reader is left with the unmistakable impression that no serious consideration was given to alternatives other than freeway expansion.

19

By defining the "purpose, need, and objectives" too narrowly, the DEIR/EIS artificially constrains the range of alternatives considered. The purpose, need, and objectives of the project should be to identify and implement the most cost effective and environmentally benign strategies for efficiently moving people and goods in the north coastal San Diego area without a presumption that freeway expansion is the best strategy. Currently, this north coastal area is served by a single track (proposed to be double tracked) rail line, surface streets with local and regional bus service, the I-5 freeway, and an interconnected array of local and regional streets, roads, bike paths, and freeways that connect with I-5. There is also the potential for a north coast trolley extension.

20

Because the alternative finally selected for project implementation will likely cost several billion dollars to carry out, a consequence of project selection will be that a long-term societal commitment to that strategy will have been made that will be difficult to change. Is a freeway expansion project adding lanes to I-5 the best way to meet the project goals? Would pursuit of mass transit options be better – such as a new north coast trolley extension beyond UTC/UCSD or a multi-modal transit system? Would augmenting passenger and freight rail service meet the Project goals in whole or in part? How about the options for reducing truck traffic on I-5? How about expanded bus service? How about all of the above?

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17 cont. projects. Under CEQA, feasibility may be used as a rationale for rejecting an alternative or mitigation measures, but need not be demonstrated for alternatives that are evaluated in detail. All four of the build alternatives evaluated in the EIR/EIS are considered feasible, or they would not have been studied at an equal level of detail.

18 The No Build alternative is properly evaluated in each technical issue section in EIR/EIS *Chapter 3*, *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. Please refer to responses to your Comments 02 and 03 regarding how the project and related planning fit within the regional transit system and the RTP.

19 The project objectives do not presume that freeway expansion is the best sole transportation strategy. The project is recognized to be one element of a larger transportation upgrade being developed along the corridor. Provision of managed lanes does not preclude long-term future replacement with alternate transportation modes as the region moves in the direction envisioned in the 2050 RTP. Please refer to responses to your Comments 02 and 03 regarding how the project and related planning fit within the regional transit system and the RTP.

20 The project's estimated costs per phase are presented in EIR/EIS *Section 2.4*, *Phased Construction*. It is correct that the total cost is projected to be several billion dollars. The long-term strategy to address transportation system needs is addressed in the RTP, which

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21 Instead of addressing these most basic issues, the DEIR/EIS assumes that expansion of the I-5 freeway is the goal and that, as such, only those alternatives that involve variations of freeway expansion need be considered.[1] The problem thus created is that the range of alternatives is artificially constrained and there is no documentation in the DEIR for comparing the four freeway expansion alternatives to the other non-freeway expansion alternatives which should be at the crux of the decision-making process.

22 **5. THE "NO BUILD" ALTERNATIVE IS DISMISSED PREMATURELY.**

The "no build" alternative assumes that congestion on I-5 will continue to worsen. At Section 2.2.4, the DEIR states:

> *"With the No-Build Alternative, traffic would continue to increase, which would cause longer delays and further congestion. The No-Build Alternative would not improve access for bikes and pedestrians. The No-Build Alternative would not meet the project's Purpose and Need."*

The "no-build" alternative assumes that some interchange projects and other ancillary projects will proceed (see list at section 2.2.4) but does not address whether or not rail projects, the north coast trolley, enhanced bus service, a multi-modal system, a truck traffic management program, bicycle and pedestrian projects, or any other non-freeway lane expansion projects for moving people and goods could be feasible alternatives in whole or in part to the proposed freeway widening options. If funds are reallocated to some or all of these other options it may well be that the "no-build" alternative is an acceptable alternative.

It may well be that one or more or a combination of these other strategies could move people and goods better than any of the four proposed freeway expansion plans, and that these alternatives might do so at less cost and with less environmental damage. The DEIR/EIS should provide the data and analysis to allow this judgment to be made, but unfortunately, it does not.

The "no-build" alternative should include a discussion of what other transit plans are on the books and what the impact will be on need and demand as they are built out. This would include a discussion of existing planned rail, bus, multi-modal, etc., plans as well

[1] The DEIR/EIS does reference existing rail facilities in the north coast area. There is no analysis, however, with the DEIR/EIS once again jumping to an unsupported conclusion. It is stated at section 1.3.3:

*" **Rail.** The Los Angeles to San Diego Rail (LOSSAN) is a north-south corridor that parallels I-5. The Amtrak Surfliner provides daily passenger service along the LOSSAN corridor while North County Transit District (NCTD) provides commuter service (known as the Coaster) within San Diego County. Burlington Northern and Santa Fe Railway (BNSF) transport goods for interstate, intrastate and international commerce. Improvements are proposed to the LOSSAN corridor (Final Program EIR/EIS 2007); however, even with the proposed improvements, capacity would not be sufficient to address anticipated travel demand along the I-5 corridor in 2030.* See, also, section 1.3.6 where the LOSSAN corridor is described. The discussion is brief, and focused on the question of how the proposed freeway widening will not impact on LOSSAN rail corridor proposed projects. What is not discussed is the key question of whether or not expansion of rail facilities could serve as an alternative to the freeway widening.

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20 cont. also describes how funding would be allocated among the modes of transportation, including transit (trolley and bus service), rail, roads, and bike trails. The proposed project's HOV/Managed Lanes, DARs, and park and ride facilities would support BRT service. Further details about proposed community enhancement features, including bikeways and multimodal connections, are provided in *Section 2.3* of the EIR/EIS. Please refer to responses to your Comments 02 and 03 for a discussion of how the project and related planning fit within the regional transit system and the RTP.

21 The *I-5 NCC Project* is recognized to be only one element of a larger transportation system upgrade being developed for the corridor. The RTP and associated planning process, as well as the Major Investment Study described in Topical Response "Corridor Alternatives," were the more appropriate venues to examine the full range of transportation strategies. With those prior studies having evaluated and planned the multimodal system for the North Coast Corridor, the role of this project-specific EIR/EIS is to evaluate the highway element of the system.

22 The No Build alternative is properly analyzed in every technical section of EIR/EIS *Chapter 3*, *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Section 3.6.3.1*, *Traffic and Transportation*. Various enhancement opportunities that would be constructed simultaneously with the *I-5 NCC Project* are described in EIR/EIS *Section 2.3*, *I-5 North Coast Regional and Community Enhancement Projects*. Please refer to responses to your Comments 02 and 03 for a discussion of how the project and related planning fit within the regional transit system and the RTP, which includes rail and bus services, highways, local streets, bicycle and pedestrian facilities, as well as systems and demand management. As discussed in EIR/ EIS *Section 2.2.4*, *No Build Alternative*, the "no build" analysis must discuss the existing conditions as well as what other projects

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22 cont. as the freeway projects that the DEIR/EIS states will continue even under the no-project scenario. This is the background against which a "no-build" alternative should be evaluated.

23 Beyond that, an alternative should be presented and considered that would reallocate funds from the proposed freeway widening project to these other transit management strategies that would allow for significant augmentation of the existing rail, bus, trolley, bicycle, and multi-modal plans for the corridor, taking them well beyond the existing plans. If the billions of dollars proposed to be spent to add lanes to I-5 were reallocated to these other forms of transit, how much of the long-term need could be met? Would this approach be more cost effective? Would it be environmentally superior? Could a smaller I-5 widening project, a limited build alternative be considered? One searches in vain in this DEIR/EIS for the answers to these questions.

24 Section 2.2.3 of the DEIR does briefly address Transportation System Management (TSM), Multi-Modal and Transportation Demand Management (TDM) Alternatives. In part it accurately states:

> *"Promoting mass transit, and facilitating non-motorized alternative means of transportation are two such examples, but TDM strategies may also include reducing the need for travel altogether through initiatives such as telecommuting. In some cases, TDM may also involve changing work schedules, with the resultant greater travel flexibility producing a more even pattern of transportation network use, muting the effect of morning and evening rush hours."*

What is lacking, however, is any analysis of these alternative strategies and any attempt to quantify what they might contribute to meeting long-term transit needs and, thereby, what they might contribute in terms of lessening the need for widening I - 5. Instead of an analysis, the DEIR/EIS gives a description and then jumps to the unsupported conclusion:

> *"Although TSM measures alone could not satisfy the purpose and need of the project, TSM measures have been incorporated into the Build Alternatives for this project."*

At section 1.5, the DEIR/EIS describes the existing Corridor System Management Plan as well as the Public Works Plan and the Federal Corridor of the Future Plan. All of these plans, to varying degrees, are described as efforts to coordinate overall transit planning in the corridor. What is lacking, however, is any discussion of how the proposed project fits in with these other planning efforts. Again, mere description cannot substitute for analysis.

25 Apparently, there may have been some effort to address these issues a decade ago. At section 2.1, the DEIR/EIS states that the proposed project was developed by a multi-disciplinary team and goes on to state:

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22 cont. would be reasonably expected to occur in the foreseeable future if the proposed project was not approved. The No Build alternative provides a baseline for comparing the impacts with the other alternatives. As described in Topical Response "Transportation Funding," allocation of funds between transportation modes is undertaken by SANDAG, and is not within the authority of Caltrans. As a result, the No Build alternative assumes the allocation to various transportation modes as currently planned by SANDAG.

23 Caltrans has no authority to divert funds dedicated to state highway system needs to other programs. Please refer to Topical Response "Transportation Funding" for additional explanation. Please also refer to Topical Response "Multimodal Systems" for information about how the project fits into the multimodal improvements being proposed for the North Coast Corridor.

24 Project elements designed to reduce vehicle miles traveled (VMT) include adding bike and pedestrian facilities; providing a competitive option to single-occupant vehicles through the express lane system; and using fee revenue generated through congestion pricing to support transit within the corridor (refer to EIR/EIS *Section 2.2.3* for details). In addition, the *I-5 NCC Project* includes a number of operational and Transportation System Management (TSM) improvements (e.g., ramp meters, vehicle detection, and changeable message signs), designed to maximize the efficiency of the existing system and to provide improved traveler information. Even with incorporation of these measures, the 8+4 Buffer alternative was the smallest alternative that would achieve traffic flow objectives, based on SANDAG Series 10 traffic modeling; therefore, use of TSM methods alone would not achieve the project objectives. Additional alternative strategies are more properly addressed in the 2050 RTP. Please refer to responses to your Comments 02 and 03 for a discussion of how the project and related planning fit within the regional transit system and the RTP.

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25 cont. *"This included the goal to provide the full range of transportation modal alternatives that are cost-effective, promote and provide incentives for ridesharing and alternative modes, accommodate regional and interregional freight movements, minimize environmental and community impacts. These alternatives were discussed and subsequently eliminated or identified for further consideration in the Project Study Report/ Project Development Support (PSR/ PDS) dated January 2000."*

The PSR/PDS from January 2000 is not contained in the current DEIR/EIS nor is it summarized. Did this decade-old study in fact evaluate the various alternatives and conclude that freeway widening was best? Has the study been updated? Does it need to be updated? Having dismissed any further discussion of a multi-disciplinary and multi-modal approach after referencing this decade-old study, the DEIR/EIS then immediately jumps to presenting a range of alternatives, all of which are limited to adding lanes to the freeway.

6. IMPACTS TO THE SAN DIEGUITO LAGOON AND RIVER CORRIDOR HAVE NOT BEEN ADEQUATELY ADDRESSED.

26 A major restoration of the San Dieguito Lagoon ($80 million+restoring 150 acres of functioning wetlands along with associated transition and uplands) is nearly complete. This project preserves and enhances magnificent views of the lagoon to the west and the extended valley to the east now enjoyed by drivers on I-5. And, the I-5 freeway is itself in the scenic views enjoyed from public and private view spots around the San Dieguito River Valley. The project, as described in the DEIR/EIS, raises the following questions: 1) How is widening a freeway through the middle of the restoration area consistent with this area and what will the impacts be with respect to noise, light and air quality? 2) More specifically, how would the existing lagoon views be affected by new barriers on and the widening of the freeway? 3) What impacts would increased exhaust fumes, including ultra-fine particles have on the waterway, air quality, fish and other wildlife? 4) How would increased noise levels affect hikers on paths below? While the DEIR/EIS includes some analysis of the potential noise impacts of the project on humans, there is virtually no analysis or consideration of potential noise (and lighting) impacts on the wildlife that nests, burrows, hunts and procreates in the San Dieguito Lagoon area.

27

28 Does the DEIR/EIS adequately predict the effects of channeling the freeway with solid sound walls that replace wide swaths of landscaping that soften noise? Why is no money provided to maintain any sound walls that might be built? How can sound walls be considered to be long-term mitigation through 2030 if there is no money for their maintenance and repair? The DEIR/EIS should include consideration of other sound attenuation materials and methodologies. The City cites, as one example of an alternative methodology, the "snow-shed" type of curved sound attenuation walls being used in highway projects in Europe and Asia.

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25 Background information is provided in EIR/EIS *Section 1.4*, *History and Background*. Please refer to Topical Response "Corridor Alternatives" for additional details about the environmental process for the North Coast Corridor, which began approximately 20 years ago. Additional studies continue to be addressed by other agencies, as discussed in Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" as well as responses to your Comments 02 and 03.

26 Impacts on views of and from the freeway are evaluated in EIR/EIS *Section 3.7*, *Visual/Aesthetics*. San Dieguito Valley is highlighted as an existing visual resource on *Figures 3-7.10* and *3-7.11*. As stated in Topical Response "Visual/Community Effects," view impacts from the project to the coastline and lagoons have been avoided or minimized as a matter of project design.

27 Project impacts with respect to noise are evaluated in EIR/EIS *Section 3.15*, *Noise*, with information specific to noise effects on sensitive species presented in *Section 3.21, Threatened and Endangered Species*. The areas that would include the San Dieguito Lagoon and discussed in detail in *Section 3.15* are Segment 5: Del Mar Heights Road to Via de la Valle, and Segment 6: Via de la Valle to Lomas Santa Fe Drive.

Light is an aspect of visual quality, which is discussed in EIR/EIS *Section 3.7*, *Visual/Aesthetics*. EIR/EIS *Section 3.7.4* notes that freeway lighting and signage would conform to the Design Guidelines: I-5 NCC Project, that include directing lighting away from sensitive habitats and reducing glare.

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27 cont. Project impacts with respect to air quality, including ultra-fine particles (assumed to mean particulate matter 2.5 microns or smaller in size, or $PM_{2.5}$, are evaluated in EIR/EIS *Section 3.14*, *Air Quality*. The proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower $PM_{2.5}$ emissions as compared to the No Build alternative.

Noise effects on wildlife are discussed in EIR/EIS *Section 21.3*, *Threatened and Endangered Species, Environmental Consequences*. Bird species within the lagoons are expected to be exposed to an increase of two decibels (dBA). Under existing conditions, noise in excess of 70 dBA occurs over various amounts of wetland and upland habitats that either support, or have potential to support, special status bird species at the lagoons within the project area. Although population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. Please refer to Section 4.9 of the National Environment Study (NES) for further details.

Please refer to Topical Response “Lagoon Effects” for additional information on lagoons. Updated information on the biology and hydrology of the lagoons and potential project impacts was presented in the Supplemental Draft EIR/EIS and is incorporated into this Final EIR/EIS.

28 With regard to the potential use of landscaping to reduce or “soften” noise effects, *Section 6.1.8.4*, *Vegetation as Noise Barriers*, of the 2009 Technical Noise Supplement states:

> In spite of a general perception of its effectiveness in lowering noise levels, shielding by shrubbery and trees typically used in landscaping along highways provides an imperceptible amount of noise reduction (less than 1 dB), according to Caltrans field research. Such plantings are not effective for reducing highway noise. A possible explanation for the contradiction of objectively measured noise with general perception is that shrubs shielding traffic from the receiver

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28 cont.

reduce the visual awareness of the traffic. In such cases, the reduction in visual awareness of the traffic is commonly accompanied by a reduction in auditory awareness of the traffic.

Similarly, the Federal Highway Administration (FHWA) document Highway Traffic Noise: Analysis and Abatement Guidance, published in June 2010 concludes that only vegetation which is:

> high enough, wide enough, and dense enough and opaque may reduce highway traffic noise. A 200-foot width of dense vegetation can reduce noise by 10 decibels. It is usually impossible, however, to plant enough vegetation along a road to achieve such reductions…the FHWA does not consider the planting of vegetation to be a highway traffic noise abatement measure. The planting of trees and shrubs provides psychological benefits and by providing visual screening, privacy, or aesthetic treatment, but not highway traffic noise abatement.

With regard to soundwall maintenance, all soundwalls constructed within Caltrans' right-of-way would be maintained by Caltrans.

Curved "snow-shed" type noise barriers are primarily used in areas where space restrictions are severe and high-rise living is the norm. The width of the I-5 corridor would negate potential positive effects of a curved "snow-shed" type noise barrier. The cost of building this type of barrier would far exceed possible benefits from a slight reduction in noise, with "standard" soundwalls exhibiting almost the same effect as "snow-shed" type walls due to the width of the freeway corridor. It should also be noted, however, that the EIR/EIS identifies a number of sound barrier design options to both provide effective sound attenuation and address associated potential aesthetic concerns (refer to Final EIR/EIS *Figures 3-7.58, 3-7.113* through *3-7.120*, and *3-7.122*).

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29 Was any effort made to handle truck traffic differently? Much of the congestion and slowdown on I-5 and subsequent noise and air pollution comes from trucks laboring up the steeper grades and trying to pass other trucks on those steeper grades.

30 On this issue of noise impacts, the City requests that the analysis be based on a standard of 60 DBA (decibels through "A" filter) used by many jurisdictions as being the upper limit of acceptable noise impacts, rather than the 67 DBA standard applied under NEPA for acceptable noise limits.

31 The City also requests that the Project be designed to accommodate the possibility of a future pedestrian access trail along the south side of the San Dieguito River.

7. IMPACTS ON LOCAL FEEDER ROADS HAVE NOT BEEN CONSIDERED.

32 Why are potential impacts to traffic on roads near the freeway not analyzed and described as they were for other freeway projects, for example, the I-5 southbound auxiliary lane, proposed in 1990 and now built between Via de la Valle and Del Mar Heights road? In the case of that project, a trip study was required to assess the potential impacts of the increase in traffic on that segment of the freeway on nearby roads, along with appropriate mitigation.

In the case of the subject North Coast Corridor Project, the vast majority of drivers entering or leaving Del Mar use three roads, each of which has an interchange intersection with Interstate 5. These three roads are: Via de la Valle, Del Mar Heights Road and Carmel Valley Road. Portions of each of these roads extend into Del Mar's City limits. Any increase in cars entering and exiting a widened freeway will undoubtedly add to the congestion that already exists within Del Mar. This scenario warrants and requires a traffic analysis trip study. If the study shows that the proposed project will adversely impact, directly or indirectly, the levels of service (LOS) on Del Mar's surface streets (as it undoubtedly would), mitigation for those impacts should be incorporated into the Project and associated DEIR/EIS. This is especially true for Jimmy Durante Boulevard, which feeds onto Via de la Valle directly to the west of its interchange with I-5.

33 Similarly, because Camino del Mar (Highway 101), is the only continuous parallel vehicular travel corridor to I-5, it is subject to horrendous congestion when I-5 fails to function. This raises the question: Why didn't Caltrans analyze impacts to the 101 corridor and provide alternatives related to access at each intersection to improve ease of access from the streets that intersect that corridor? The failure of nearby Interstate 5 interchanges to function, such as at Genesee, and the delays due to ramp meters, result in drivers rerouting to the Highway 101 corridor. This has a tremendous impact on all the communities that parallel I-5 north of the 805/I-5 merge, especially the first community north of that intersection, the City of Del Mar. The DEIR/EIS is inadequate in that it does not include either an analysis of the traffic impacts of the proposed project alternatives, or improvements for intersections on traffic flows on Camino del Mar/Highway101. The DEIR/EIS should include such an analysis of this issue and

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29 Regarding noise from trucks, EIR/EIS *Section 3.15*, *Noise,* states that noise differences between the No Build and build conditions would be primarily due to the presence of HOV/Managed Lanes and expanding the outer lanes closer to the noise receptors in the build alternatives. Therefore, trucks could potentially be closer to noise receptors. However, potential changes to California Vehicle Code Section 21654, which requires slow moving vehicles to stay as close as practicable to the right-hand lane, except when overtaking and passing another vehicle, and Section 22406, which limits the speed of various vehicles (including those having three or more axles) to a maximum of 55 miles per hour, would be required to allow trucks to travel in lanes farther to the left, including in the HOV/Managed Lanes. It should be noted, however, that the percentage of truck traffic is not expected to change dramatically by year 2030 (five to seven percent). Therefore, most of the traffic noise generated in build or no build conditions is from automobile traffic. Although there are no specific plans in the I-5 NCC Project to handle truck traffic differently, SANDAG has requested and received funding from Caltrans under the Competitive Planning Grant to study the viability of using managed lanes (two lanes in each direction) for freight movement during off-peak hours.

30 Regarding air quality, EIR/EIS *Section 3.14*, *Air Quality,* notes that the existing diesel fuel truck percentage within the project limits is six percent of Annual Average Daily Traffic (AADT), which is below the standard of eight percent used by the USEPA and FHWA to identify when a project would require a detailed air quality analysis. It was determined that the project would not result in an increase in the ratio of trucks to the volumes and estimated that horizon year (2030) truck AADT would remain at six percent. In addition, the proposed project would relieve congestion, improve operations, provide better circulation, and contribute to lower particulate matter emissions as compared to the No Build alternative. No need was identified to handle truck traffic differently.

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	30 cont. Per associated regulatory requirements, Caltrans follows and complies with FHWA 23 CFR 772 and the Caltrans Noise Protocol.
	31 The request to design the project to accommodate a future pedestrian access trail along the south side of the San Dieguito River is noted. The Final EIR/EIS, which is incorporated into this Final EIR/EIS, discusses community enhancement projects in more detail than provided in Draft EIR/EIS *Section 2.3*, *I-5 North Coast Regional and Community Enhancement Projects.* The Supplemental Draft EIR/EIS notes that the project proposes to maintain the existing auxiliary lanes across the San Dieguito Lagoon and widen the existing San Dieguito Lagoon bridge rather than replace the bridge. A new bike and pedestrian trail would be suspended from the I-5 bridge at the lagoon crossing. It is, therefore, anticipated that the project would be consistent with a potential future pedestrian access trail.
	32 EIR/EIS *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities*, summarizes operation and potential improvements at freeway interchanges that were studied in the *Freeway Interchange Operations Report* (Technical Report No. 6), which analyzed 51 ramp intersections and 25 arterial intersections within close proximity of the *I-5 NCC Project. Table 3.6.11* describes the proposed interchange improvements, including ramp adjustments at Via de la Valle and Del Mar Heights Road. All of the roads mentioned in this comment are addressed in Technical Report No. 6. Del Mar Heights Road at I-5 is projected to generally operate at Level of Service (LOS) F in 2030 in the No Build and build alternatives conditions. Via de la Valle is projected to operate at LOS D or above in 2030 in all conditions analyzed. Carmel Valley Road at I-5 is projected to operate at LOS C or above in 2030 in all conditions analyzed. The intersection of Via de la Valle and Jimmy Durante Boulevard is projected to operate at LOS D or above in 2030 with the build alternatives. This intersection is projected to operate at LOS E in the a.m. peak hour for the No Build condition, so the project would improve traffic operations in this location. Refer to Tables 3.4 and 3.5 in Technical Report No. 6 for details.

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33 cont. should identify improvements to guard this local street system from impacts related to any of the project alternatives included in the DEIR/EIS.

34 As a more general comment on the Project, there does not appear to be any coordination between the proposed Direct Access Ramps (DARs) and access to park-and-ride facilities, rail facilities, or other transit hubs. How does Caltrans envision that rail, bus, park-and-ride and other transit users would access the DARs? For example, how would a Coaster rider get onto the bus rapid transit proposed for the freeway? How would a commuter parking in an existing park-and-ride facility access proposed freeway public transit options? The most salient example of this disconnect is the park-and-ride facility proposed east of the Manchester Avenue interchange in Encinitas. While that site may offer abundant land for parking, it is currently isolated from mass transit opportunities. As a result, its installation would likely result in more traffic impacts on the local feeder roads in that community.

35 **8. THE DEIR FAILS TO ADDRESS IMPACTS TO WATER QUALITY FOR BENEFICIAL USE, FAILS TO QUANTIFY THE EFFECTS OF ADDITIONAL TRAFFIC POLLUTION ON STORM WATER RUNOFF, AND FAILS TO ADEQUATELY ADDRESS AEROSOL DEPOSITION.**

The project will have adverse impacts on the hydrology and water quality of the San Dieguito and Penasquitos Lagoons in the Del Mar area, as well as wetlands further north and south [Los Penasquitos] in the project.

The most significant impacts will be the massive increase of impervious surface area; increase in pollution due to additional traffic; and associated storm water runoff (DEIR/EIS Section 3.10 Water Quality and Storm Water Runoff). Long-term negative impacts include the increase in pollution and loss of natural lands resulting from new development due to the added capacity of the I-5 freeway. According to Section 3.10.2.5, the build options would increase Total Maximum Daily Loads (TMDLs) during rainy season from storm water runoff, and during dry season from aerosol deposition onto surface water.

The increase in pollution has the potential to degrade the beneficial use of these lagoons and nearby beaches, including fishing, swimming, snorkeling, diving, and surfing. In addition, beneficial uses of the Inland Surface Waters (Section 3.10.2), which include water that supports habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered, may be degraded. Least Tern nesting sites may also be degraded by increased pollution as a result of the interstate widening. Additionally, the DEIR/EIS fails to recognize the importance of the San Dieguito Lagoon River Park, which is an area of biological significance. Areas of biological significance are defined as areas that:

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33 The subject of this EIR/EIS is the I-5 corridor, not Highway 101. Please note, however, that the proposed I-5 HOV/Managed Lanes would result in a 10 to 15 percent reduction in VMT on Highway 101 (refer to CSMP Figure 8.26).

34 The concept of a DAR is described in EIR/EIS *Section 2.2*, *Alternatives*, and illustrated in *Figure 2-2.5a*. The anticipated benefits associated with the DARs are summarized in Final EIR/EIS *Table ES.2.* The DARs have been sited in locations where there is anticipated to be high traffic volume and where there are key destinations, such as healthcare and large employment centers. It is anticipated that most commuters would utilize either the Coaster or the freeway (including through carpooling or BRT use) on any given day; there is not anticipated to be high demand for connection between these two modes. The Voigt Drive DAR would provide logical termini to the HOV/Managed Lanes; support and facilitates future BRT service along these lanes; and coordinate with a potential future Mid-Coast Corridor Light Rail Transit Project. Although the originally anticipated BRT service at El Camino Real has been eliminated from the 2050 RTP, the Manchester Avenue DAR would serve existing HOV utilization on El Camino Real and would be a logical location for future transit expansion. The proposed San Elijo Multi-use Facility would include a bus stop facility and provide 150 parking spaces for carpoolers and bus riders. Potential impacts to local circulation associated with the DARs were analyzed in Draft Technical Report No. 7: Direct Access ramps/Local Circulation System Operations (August 2007). As detailed in that report, no impacts to the local circulation system were identified in association with implementation of the Manchester DAR.

35 Please refer to Topical Response “Lagoon Effects” for additional information regarding effects on lagoons. Since circulation of the Draft EIR/EIS, additional detailed studies have been prepared and/or completed regarding the hydrology of the lagoons and

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35 cont.

"Include uses of water that support designated areas or habitats, such as established refuges, parks, sanctuaries, ecological reserves, or Areas of Special Biological Significance (ASBS), where the preservation or enhancement of natural resources requires special protection."

Protection of these areas is not adequately addressed in the DEIR/EIS but certainly should be. The Project should also be analyzed for its conformance with the most current regulations applied by the Regional Water Quality Control Board.

9. THE MANAGEMENT OF TRUCK TRAFFIC HAS NOT BEEN SUFFICIENTLY ADDRESSED.

36

Truck traffic on I-5 contributes disproportionately to congestion. Trucks are slow and cumbersome in entering and exiting the freeway, they impede the free flow of traffic in their lanes, disrupt traffic when changing lanes, and they generally slow and impede traffic, as they are large and slow. Moreover, traffic of heavy trucks has a disproportionately adverse impact on roadway surfaces and maintenance and, it is presumed, on the cost of construction to accommodate their weight. Truck accidents involving the sound walls proposed in the Project would likely have significantly worse impacts than those of cars, resulting in increased demands for maintenance and repair of the implemented project. The City notes that the project description does not address maintenance and repair activities, or the required funding thereof.

37

Accordingly, the DEIR/EIS should include a discussion of the management of truck traffic. That discussion should include answers to the following questions:

(1) How much freight traffic currently handled, and projected to be handled, on I-5 could be relocated to rail traffic? Would it be less expensive to expand rail facilities to handle more freight, thereby removing trucks from the freeway? Could the existing rail line running east from San Diego to the Borrego area be repaired and put in service, with a new rail line up to the San Bernadino/LA area that could take truck traffic off the I-5 and which could take freight traffic off the coastal rail corridor, thereby increasing rail freight service overall and increasing the potential for passenger rail service along the coast, all of which might significantly reduce the demand for freeway widening?
(2) How much would the environmental impacts of the proposed project, including reductions in air pollution, noise, visual impacts, costs of construction, cost of maintenance, and other impacts be reduced by a reduction in truck travel on the freeway?
(3) Has an alternative been considered for providing separate truck travel lanes ways to separate truck traffic from automobile traffic?
(4) Has the implementation of demand management strategies applicable to truck traffic been considered to remove truck traffic from peak flow time periods into off-peak hours, thereby reducing congestion and potentially reducing the scope of needed freeway expansion?

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35 cont. potential project impacts. This new information was presented in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. The I-5 does not cross Los Peñasquitos Lagoon; removal of the culverts under Sorrento Valley Road and construction of the elevated bike and pedestrian bridge would improve existing hydrological conditions. The proposed I-5 bridge would not constrict the recently improved tidal prism at the San Dieguito Lagoon or otherwise adversely affect hydrology of that lagoon.

Regarding regulations of the Regional Water Quality Control Board, EIR/EIS *Section 3.10*, *Water Quality and Storm Water Runoff,* discusses current regulations and associated project conformance. Additional information regarding water quality was presented in the Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS. The existing and proposed amounts of impervious areas within the project limits were quantified based on average directional dimensions for general purpose lanes, with auxiliary lanes, median, and on- and off-ramps. The Preferred Alternative would result in approximately 214 acres of new paved area, with "treatment" to be provided for approximately 112 percent of the equivalent new impervious areas. Currently seven percent of existing impervious areas is being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. The difference in anticipated levels of traffic between the build alternatives and the No Build alternative is minimal (approximately four percent). As a result, it is not anticipated that the level of increased traffic would result in substantial increases in pollutant runoff; rather, as described in Topical Response "Air Quality," emissions would be decreased due to improvements in traffic flow. Proposed "treatment" best management practices (BMPs) are derived from approved (Category III) Caltrans measures (refer to *Table 3.10.12* of the EIR/EIS), and include, but are not limited to, a series of biofiltration swales (bioswales) and detention basins. Approved

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	35 cont. "treatment" BMPs proposed as part of the *I-5 NCC Project* would provide "treatment" of runoff from both existing and proposed pavement areas within the project corridor. The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases, and concludes that Caltrans is committed to prevent or minimize impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. Regarding sensitive biological resources, EIR/EIS *Section 3.21.3*, *Threatened and Endangered Species, Environmental Consequences*, noted that California least terns, western snowy plovers, and brown pelicans were all identified foraging within the lagoons at certain times of the year. No nesting areas for any of these three species were found to be directly impacted. However, there are least tern nesting areas relatively close to where construction would be completed at San Dieguito and Batiquitos Lagoons. EIR/EIS *Section 3.21.4, Avoidance, Minimization, and/or Mitigation Measures,* as well as *Section 3.17.3,* present information on how these and other sensitive resources would be protected. 36 EIR/EIS *Section 3.14.3*, *Air Quality, Environmental Consequences*, notes that the existing diesel fuel truck percentage within the project limits is six percent of AADT. Congestion is largely due to the number of passenger cars on the highway. The proposed project also includes a number of auxiliary lanes to help reduce weaving, which is particularly problematic for trucks. Caltrans will be responsible for maintenance of the highway facility. 37 Double-tracking of the LOSSAN corridor is anticipated to divert some freight traffic to rail lines rather than trucks. Consideration of other rail improvements was addressed in the RTP and is beyond the scope of this project-specific EIR/EIS. Please refer to responses to your Comments 02 and 03 for a discussion of how the project and related planning fit within the regional transit system and the RTP.

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	37 cont. As noted in EIR/EIS *Section 2.2.4, No Build Alternative*, the proposed LOSSAN rail improvements are incorporated into the analysis of conditions without the proposed I-5 improvements. Because truck traffic on I-5 is only six percent of the AADT, the redistribution of freight traffic to rail would have a minimal impact on reduction in air pollution and noise. The same I-5 facilities would need to be built to avoid substantial degradation in levels of service as traffic volumes increase, so visual impacts and costs would not be changed. There is not enough truck traffic to justify providing separate truck travel lanes. Demand management is one aspect of the RTP.

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10. THE CUMULATIVE IMPACT ANALYSIS OVERLOOKS SEVERAL SIGNIFICANT PROJECTS

CEQA requires that EIRs analyze the direct, indirect, and "cumulative" impacts of a proposed action (CEQA Guidelines, §§ 15355, 15358). Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or . . . compound or increase other environmental impacts." CEQA Guidelines, § 15355. Stated another way, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts." CEQA Guidelines, § 15130(a)(l). The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable or probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. The DEIR/EIS does not comply with the CEQA requirement to identify reasonably foreseeable impacts on other existing or planned projects in the area. Instead, Section 3.25.2 of the DEIR/EIS simply states:

38

> "*No additional projects were identified with potential environmental justice impacts or community cohesion impacts within the community affected by the proposed project, therefore the project could not contribute to cumulative effects.*"

The City believes that the projects listed below will potentially affect "community cohesion" within Del Mar and the broader community affected by the Project and that their cumulative impacts, together with those of the I-5 widening project, should be addressed:

> (1) **The double tracking of the LOSSAN corridor.** The existing single track rail line separates the bulk of North County's population from the beach and coastline, disrupts community cohesion, and is a significant barrier to coastal access. Double tracking, which the I-5 widening DEIR/EIS assumes will occur, will divide the community even more significantly making it more difficult, and more dangerous, to access the coast at the same time that the proposed I-5 widening project will bring increasing traffic to the inland side of the rail lines along with an increasing demand for coastal access.

39

> (2) **Extension of a North Coast Trolley.** MTB is proposing a north coast trolley extension to UCSD and to the UTC areas. Extension of the trolley line to Del Mar and areas further north should not only be considered under a discussion of alternatives, but should also be considered cumulatively with the proposed I-5 widening in terms of the impacts to community cohesion, including a discussion of potential alignments and their impact on the communities they traverse.

40

> (3) **Relocation of the existing rail line.** The City of Del Mar is on record in favor of removing the existing rail line from the bluffs in Del Mar. Several alternative alignments, including alternative alignments for tunnels under Del Mar, have been considered. The cumulative impacts of a relocation of the rail line, taken together

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38 The EIR/EIS has identified reasonably foreseeable projects as the basis of the cumulative analysis. *Table 3.25.2* in EIR/EIS *Section 3.25*, *Cumulative Impacts,* summarizes those projects within the cumulative study area, comprised of specific Resource Study Areas (RSAs), that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. Conclusions of the cumulative impacts discussion disclose that: environmental justice and community cohesion are issues that are specific to an affected population or community and are not incrementally cumulative across the corridor.

The cumulative impact analysis for the project includes LOSSAN rail improvements (including double-tracking of railroad tracks) as project numbers 28 through 42 in *Table 3.25.2*. Identified community cohesion cumulative impacts with the LOSSAN project include displacement of commercial and residential properties; community and neighborhood disruption.

39 Analysis of the potential alignments and impacts of a possible extension of the North Coast Trolley is not within the purview of Caltrans. Please refer to responses to your Comments 02 and 03 for a discussion of how the project fits within the regional transit system and 2050 RTP. In addition, the cumulative impacts discussion in EIR/EIS *Section 3.25* concluded that community cohesion is an issue that is specific to an affected population or community and is not incrementally cumulative across the corridor. Potential future extension of the trolley line beyond UTC

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40 cont. with the impacts of the Interstate-5 widening project, should be addressed. There is no realistic long-term viability of maintaining the rail line in its existing location on the eroding coastal bluff, certainly not in a manner consistent with beach access, modern coastal preservation policies and practices, and with the California Coastal Act.

41 (4) **The 22nd District Agricultural Association's (22nd District's) 2008 Master Plan.** In the fall of 2009 the 22nd District released its own DEIR on its proposed 2008 Master Plan. This Master Plan calls for approximately one million square feet of construction, roughly half of which is new and half rebuilding of existing facilities. Access to the fairgrounds from I-5 is an important issue in evaluating the Master Plan, and the DEIR/EIS for the I-5 widening should address the Master Plan as a project with potential cumulative impacts. It is noted that the planning horizon for the 2008 Master Plan is shorter than the planning horizon for the I-5 widening, making interaction of the two projects virtually inevitable.

The impact of the activities conducted at the Fairgrounds on Del Mar's roadways is enormous. They are most pronounced at the Via de la Valle interchange and on the feeder roads to that interchange: Via de la Valle and Jimmy Durante Boulevard. These roadways, and the Via de la Valle interchange itself, operate at a Level of Service (LOS) F when events occur at the Fairgrounds - and the number of events being conducted at the Fairgrounds seems to increase each year. The DEIR/EIS does not address the tremendous traffic volumes that are already generated by events at the Fairgrounds let alone the increase in events that would be accommodated by development of the 22nd District's proposed 2008 Master Plan. The DEIR/EIS also does not address the failing LOS of the interchange and its feeder roadways. Nor does it address the fact that the Project will worsen, rather than improve, that LOS. Additionally, the DEIR/EIS does not address the present and future needs for mass transit opportunities to the Fairgrounds, this despite the fact that SANDAG's Transportation Plan includes Bus Rapid Transit (BRT) on the I-5 corridor. Yet the proposed Project does not accommodate BRT from the freeway to the Fairgrounds site (see also comment below on a Direct Access ramp to the Fairgrounds site).

42 (5) **A Direct Access Ramp (DAR) from I-5 to the Fairgrounds.** Caltrans has in its files preliminary drawings for a DAR from I-5 to the fairgrounds. Such a DAR is discussed in Caltrans' comments on the 22nd District's DEIR on its 2008 Master Plan. The DAR should be discussed and analyzed in the I-5 DEIR/EIS as a potential project component, but with an analysis that is broad enough to also address the potential impacts that the DAR itself might have on wetlands, local traffic circulation, air quality and aesthetics.

43 (6) **The rebuilding of Flower Hill.** The Flower Hill Shopping Center located just to the east of I-5 off Via De La Valle is scheduled for a major reconstruction and expansion, including the addition of a major supermarket. This project should be considered for its cumulative impacts with the proposed I-5 widening project.

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39 cont. is not included in the 2050 RTP and, therefore, is not anticipated at this time. Even if the potential trolley project were included in the analysis, conclusions regarding community cohesion would not change.

40 Potential relocation of the existing rail line from the bluffs of Del Mar is included in the cumulative analysis by virtue of being part of the LOSSAN Rail Improvements project. As specific relocation plans have not been developed at this time, a more detailed analysis is not possible.

41 Regarding cumulative impacts, the 2008 Master Plan for the Del Mar Fairgrounds and Horsepark is discussed in EIR/EIS *Section 1.3.7, Other I-5 Projects,* has been included in the cumulative projects analyzed in Final EIR/EIS *Section 3.25, Cumulative Impacts.* The immediate proposed projects in the Master Plan are focused on maintenance and improvement to the current Fairgrounds' facilities and are not deemed to contribute to regional cumulative impacts of the *I-5 NCC Project*. The long-term projects would require additional planning in the future to define precise building parameters, so their impacts are unknown. Inclusion of the potential Master Plan projects in the cumulative discussion has not changed the conclusions in *Section 3.25*, *Cumulative Impacts*.

Regarding traffic impacts of the Fairgrounds, it is the responsibility of the 22nd District Agricultural Association to address the impacts that implementation of its Master Plan may generate. Traffic impacts of the *I-5 NCC Project* are discussed in EIR/EIS *Section 3.6*, *Traffic & Transportation/Pedestrian & Bicycle Facilities.* Final EIR/EIS *Table 3.6.6* discloses that in 2030, the northbound I-5 segment from Del Mar Heights Road to Via de la Valle is projected to operate at LOS F/F in the a.m./p.m. peak for the No Build alternative, LOS E/F for the 10+4 alternative, and LOS D/F for the 8+4 alternative. In the northbound direction, therefore, either build alternative would improve LOS in the a.m.

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41 cont. peak and maintain LOS compared to the No Build alternative in the p.m. peak in this freeway segment. *Table 3.6.7* discloses that in 2030, the southbound I-5 segment from Via de la Valle to Del Mar Heights Road is projected to operate at LOS E/E in the a.m./p.m. peak for the No Build alternative, LOS F/E for the 10+4 alternative, and LOS F/D for the 8+4 alternative. In the southbound direction, therefore, both build alternatives would diminish LOS in the a.m. peak and maintain or improve LOS compared to the No Build alternative in the p.m. peak in this freeway segment.

Regarding present and future transit needs, please refer to Topical Response "Multimodal System" for a discussion of how the project fits within the regional transit system and 2050 RTP.

42 A DAR from I-5 to the Fairgrounds is not proposed to be part of the project. As presented in *Section 2.2*, *Alternatives*, DARs proposed in the Draft EIR/EIS were located at Voigt Drive, Manchester Avenue, Cannon Road, and Oceanside Boulevard. The Cannon Road and Oceanside Boulevard DARs have been removed from the proposed project subsequent to public review. Proposed changes at I-5 and Via de la Valle are compiled in *Table 2.2.2*.

43 As of August 2013, the Flower Hill Promenade Project is largely completed with some renovations remaining to be done. As a result, it will be complete before I-5 modifications would begin. The projected traffic and emissions ramifications would already be part of the cumulative regional studies completed by SANDAG as part of the 2050 RTP and regional conformity analysis. As construction is so close to completion, construction traffic associated with the shopping center would no longer be on the roadway; and during I-5 construction, all active lanes would remain open.

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44 (7) **Widening of Via de La Valle.** The widening of Via De La Valle east of the I-5 is proposed. The interaction of this project with the proposed freeway widening and the cumulative impacts thereof should be addressed.

45 (8) **Intensified Development in the Del Mar Heights Road Area.** There is a great deal of office and mixed-use construction planned and being implemented in the vicinity of Del Mar Heights Road east of the freeway, including the planned Kilroy Project. The potential impacts of this development should be included in the DEIR/EIS.

46 The DEIR/EIS Figure 3.25.1 lists only the Riverview Office project as a Del Mar project having a potential cumulative impact with the proposed I-5 widening. This project is listed, but there is no discussion in the brief, one-paragraph, discussion of cumulative impacts at section 3.25. It should also be noted that this project is not currently moving forward.

47 It is respectfully submitted that all eight of the above-listed projects should be included in a cumulative impact analysis addressing the Del Mar area. And, Caltrans should make a good faith effort to estimate the other impacts and projects likely to occur between now and the 2030 Project horizon, as it is known that the region will continue to grow and build out. It is hoped that Caltrans would also address similar cumulative impact issues throughout the rest of the project area and that the cumulative impact of all of these would be addressed from an overall perspective

11. IRREVERSIBLE CHANGES

48 CEQA requires a public agency, such as Caltrans, to analyze the extent to which the proposed project's primary and secondary effects will commit non-renewable resources to uses that future generations will probably be unable to reverse. See Public Resources Code § 21100, CEQA Guidelines §§ 15126, 15126.2 and 15127. Page S-4 of the DEIR/EIS, part of the summary to the DEIR, addresses "*Significant Irreversible Environmental Changes*" that are projected to occur as a result of project implementation. However, this section does not address the most important irreversible change: the long-term consequences of committing society to automobiles and trucks and to a freeway-dominated transit system as opposed to the pursuit of alternative modes of transportation such as freight and passenger rail, a north coast trolley, a multi-modal system, expanded bicycle system or any of the other approaches for moving

49 people and goods that do not rely primarily on freeway expansion. As a related comment, the DEIR/EIS does not contain an adequate analysis of the Project with respect to legislation aimed at reducing greenhouse gas emissions (Senate Bill 375 and Assembly Bill 32).

50 With regard to emissions, the City also poses the question: have the potential impacts from "ultra small" particles been included in the analysis? Also, does the analysis take into consideration the fact that many of the vehicles traveling in this stretch of San Diego County have been fueled in Mexico, where different fuel-safety standards apply?

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44 Widening of Via de la Valle is still in the future, and it is understood that some public controversy does exist. Regardless, the City of San Diego is using the improvement as a project that mitigates for cumulative effects, and is therefore expected to be built. It is expected that the City would provide this information to SANDAG as part of its normal transfer of planning information for use in regional transportation planning, as well as, ultimately, regional air quality modeling. Widening of Via de la Valle to a four-lane major roadway would occur from San Andreas Drive east to El Camino Real and would not affect or be affected by the plans for I-5 at Via de la Valle, which would involve ramp adjustments to remove free right-turn capabilities and adding or modifying ramp lanes at the interchange, as compiled in *Table 2.2.2*.

45 The "Kilroy" or One Paseo Project, has been assessed, with associated potential cumulative impacts included in this Final EIR/ EIS.

46 The Riverview Office project was evaluated in terms of potential impact due to visual/aesthetics changes associated with commercial development on vacant land. The project was found not to contribute to overall visual impacts in EIR/EIS *Section 3.25.3*, *Environmental Consequences*. The comment that this project is not currently moving forward is noted.

47 Please refer to responses to your Comments 38 through 46, above, with regard to each of the identified projects. Consequences of the entire spectrum of transportation projects moving forward through the year 2050 are being considered in the development of the RTP. The analysis of cumulative transportation impacts, as well as associated air quality and noise impacts, addresses anticipated regional growth. Analysis of location-specific resources from future growth in the region would be speculative at this time, as specific plans are not known.

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48 EIR/EIS *Section 4.5*, *Significant Irreversible Environmental Changes,* discloses that uses of nonrenewable resources during the initial and continued phases of the project, including wetlands, sensitive species and natural communities, farmlands, homes, floodplain, cultural resources, and visual resources may be irreversible. In addition, significant irreversible changes are discussed in EIR/EIS *Section 3.24*, *Irreversible and Irretrievable Commitments of Resources that Would be Involved in the Proposed Project.* The *I-5 NCC Project* does not commit society to automobiles and a freeway-dominated transit system. The project is only one element of a larger transportation upgrade being planned in the San Diego region through the RTP. Please refer to responses to your Comments 02 and 03 for a discussion of how the project and related planning fit within the regional transit system and the RTP. Furthermore, the transportation system may be further adapted as needed in the future.

49 Greenhouse gas emissions are addressed in EIR/EIS *Section 4.6*, *Climate Change*. This section includes discussion of California Assembly Bill (CA AB) 32 in Section *4.6.5*, *AB 32 Compliance*. Required analysis of greenhouse gas emissions has evolved since the Draft EIR/EIS was released for public review. The Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS, provides additional analysis of air quality conformity and sea level rise strategies, which relate to greenhouse gas emissions. Please also refer to Topical Response "Climate Change."

50 Air quality impacts are evaluated in EIR/EIS *Section 3.14*, *Air Quality*. In terms of "ultra small" particles, assumed to mean particulate matter of 2.5 microns in size ($PM_{2.5}$), the EIR/EIS concluded that the project would improve traffic operations by smoothing traffic flow and would contribute to lower PM emissions as compared to the No Build alternative. The proposed project would therefore be in conformance with federal PM_{10} and $PM_{2.5}$ standards and is unlikely to increase the frequency or severity of any existing exceedances regarding the nonattainment of state PM_{10} and $PM_{2.5}$ standards. The potential origin of vehicles does not affect the analysis or conclusions because, regardless of vehicle start or end location, the project would result in diminished emission levels beyond those that would occur without the project.

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12. FINDINGS

51 Both CEQA and NEPA require that findings be made with respect to key decisions made in the environmental review process, including but not limited to findings as to the feasibility of alternatives, findings as to the feasibility of proposed mitigation measures, and findings needed to approve any project. In addition, if it is proposed to move forward with a project that, even after mitigation, would result in significant adverse impacts, a Statement of Overriding Considerations and appropriate findings are also required.

The City asks why no draft findings are presented and when such drafts will be prepared and made available for public review and comment. It is impossible for the public to intelligently evaluate the decision-making process on this important project without access, in a timely manner, to such draft findings.

13. CONCLUSION

52 The DEIR/EIS predicts that after 30 years of freeway widening to I-5 as it traverses the north coast area, and after spending billions of dollars, the service level on the freeway will not be better than it is today. The issue of how we, as a society, decide on our transportation future and how we allocate our resources to implement a transportation system are key to every aspect of economic prosperity and quality of life for the future of our region. Widening I-5 as proposed will commit us to a car/truck and freeway-dominated future at the expense of rail, bus, trolley, multi-modal and other alternative transportation options. This DEIR/EIS does not adequately address nor does it encourage public discussion and dialogue about why such a commitment to freeways should be made. The document, in our view, will not be adequate until it includes such a discussion and addresses these and other issues raised in our comments. Since the revisions will be major and important, the document should be re-circulated for additional review and comment.

We appreciate the opportunity to comment.

Richard Earnest, Mayor
City of Del Mar

RESPONSES

51 Findings were not provided with the Draft EIR/EIS because CEQA requires Findings prior to alternative approval and following EIR certification. The Findings are specific to final impacts and mitigation proposed. Although draft Findings could be circulated, there is no need for them. As a result of comments received on the Draft EIR/EIS, additional studies have been conducted and presented in a Supplemental Draft EIR/EIS and have been incorporated into this Final EIR/EIS.

Subsequent to circulation of the Draft EIR/EIS, the Preferred Alternative, which is consistent with California Senate Bill (CA SB) 468, has been identified. The Preferred Alternate, also identified as the LPA, is the refined 8+4 Buffer alternative, which is the smallest of the build alternatives proposed in the EIR/EIS.

52 EIR/EIS *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities* presents average daily traffic (ADT) in *Table 3.6.2* and total delay, congested hours, and travel time for existing, no build and 2030 conditions in *Table 3.6.3*. The information presented shows that 2030 ADT would increase 1.5 times above 2006 ADT. In spite of that increase, conditions in 2030 with the project would be similar to existing conditions, but 2030 conditions without the project (No Build alternative) would be much worse. The project represents a valid public investment by accommodating the substantial increase in traffic while maintaining traffic operations. Please refer to Topical Responses “Projected Growth” and “Project Lifespan” for additional information regarding accommodation of planned regional growth and the potential need for additional modifications in the future. The RTP addresses how resources are allocated to implement the complete transportation system. Please refer to responses to your Comments 02 and 03 for a discussion of how the project and related planning fit within the regional transit system and the RTP.

REGIONAL AND LOCAL AGENCIES – COMMENTS

City of Encinitas
Planning and Building Department
Current Planning Division
505 S. Vulcan Avenue, Encinitas, California 92024-3633

November 19, 2010

Ms. Shay Lynn Harrison, Environmental Analysis Branch Chief
Caltrans – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Subject: City Comments on the Draft EIS/EIR for the Interstate 5 North Coast Corridor Project

Dear Ms. Harrison:

The City of Encinitas appreciates the opportunity to comment on the above-referenced Draft EIS/EIR. Encinitas staff would be happy to meet with you or your staff/consultants to review our comments in more detail. Staff's comments are provided as follows:

GENERAL COMMENTS

001 Overall, the document's format and content focuses more on satisfying NEPA requirements and less on meeting CEQA's provisions. For most of the issues evaluated, no thresholds are defined for the purposes of determining whether an impact would be considered significant under CEQA. The significance determinations for all analyses in Chapter 3 should be based not only on NEPA but CEQA criteria as well. In addition, significance determinations are not provided for the purposes of CEQA. The document should be clearly formatted throughout Chapter 3 to give equal attention to CEQA in order to demonstrate that the provisions of CEQA are being satisfied.

All of the environmental analyses should be supplemented with evaluations using thresholds that are defined for CEQA purposes.

002 It is not clear if the EIS/EIR is considered a first-tier document under CEQA, given the project would be constructed in three long-term phases, the last of which is expected to be completed by 2050. Assuming the EIS/EIR is strictly a project-level EIR under CEQA, localized site-specific analyses should be conducted for air quality, hydrology, traffic circulation, noise, and community impacts. As discussed in the following comments, without these analyses, the project's impacts have not been fully evaluated. The legal adequacy of the Draft EIS/EIR is questionable under CEQA since these site-specific analyses have not been conducted.

Tel: (760) 633-2710; Fax: (760) 633-2818

RESPONSES

Responses to Patrick Murphy, Director of Planning and Building, City of Encinitas

001 The EIR/EIS has been prepared in accordance with Caltrans and Federal Highway Administration (FHWA) standards and protocols for environmental documentation, because they are the lead agencies under the California Environmental Quality Act (CEQA) and the National Environmental Quality Act (NEPA), respectively. Specific requirements of CEQA, where they differ from NEPA, are presented in *Chapter 4, California Environmental Quality Act Evaluation*. The EIR/EIS states that one of the primary differences between NEPA and CEQA is the way significance is determined.

002 The EIR/EIS is a project-specific environmental document. Caltrans is satisfied that this is the appropriate level of environmental documentation for this project. The level of detail in the description, graphics, and specific technical analysis is sufficient to adequately evaluate the project components in the 27-mile corridor.

REGIONAL AND LOCAL AGENCIES — COMMENTS

City of Encinitas Comment Letter, November 19, 2010
Draft EIS/EIR for the Interstate 5 North Coast Corridor

003 For the purposes of CEQA, the majority of mitigation measures throughout the document do not clearly demonstrate their effectiveness in ensuring impacts would be substantially lessened. For impacts that can be fully mitigated, all mitigation measures should demonstrate that mitigated effects would be reduced below a level of significance. The mitigation measures should be measurable to allow monitoring of their implementation and specify how they would be enforced. Each mitigation measure should have a stated objective for its implementation and a description of who would implement the measure as well as how, where, and when it would be implemented.

004 The discussion of project alternatives should comply with Sections 15126.6 (b) and (d) of the CEQA Guidelines. As part the alternatives analysis, the EIS/EIR should address the City's preferred design alternative for the Encinitas Boulevard interchange (Alternative #7) and an alternative that removes the Manchester Avenue DAR/Park and Ride facility from consideration. These alternatives would substantially reduce environmental impacts of the project. In addition, the City's preferred design alternative for the Encinitas Boulevard interchange would meet most if not all of the project's objectives identified in Section S.2. Lastly, in accordance with CEQA, the alternatives analysis should identify an environmentally superior alternative.

005

SUMMARY CHAPTER

006 A summarized discussion of the rejected project alternatives should be included in Section S.3.

007 Table S-1 summarizes the project's impacts as defined under NEPA. This table or an additional table should summarize the significant effects of the project under CEQA and proposed mitigation measures and alternatives (if any) that would mitigate the effects.

008 Per CEQA, the Summary should provide a discussion of areas of controversy known to Caltrans including issues raised by agencies and the public.

CHAPTER 2 – PROJECT ALTERNATIVES

009 Page 2-3, Manchester Avenue DAR: An expanded project description should be provided that describes all known design elements for the proposed Park-and-Ride facility. The Final EIS/EIR should be supplemented with site, grading, landscaping, lighting, and engineering plans for this facility in order to fully assess the environmental effects.

010 Section 2.3 describes the proposed community enhancement projects that would be implemented as part of the overall project. One of the objectives of the project is to enhance the human environment along the I-5 corridor. Within the City of Encinitas, pedestrian and bicycle access would be further enhanced if the project were to provide such access within the freeway corridor connecting San Elijo Lagoon to Batiquitos Lagoon. The project proposes pedestrian access in many segments adjacent to the freeway widening. To complete the lagoon-to-lagoon connection, the EIS/EIR would need to evaluate trail segments between Manchester Avenue and Birmingham Drive and between the proposed Union Street pedestrian bridge and Leucadia Boulevard. As part of this environmental review process, please indicate whether Caltrans

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RESPONSES

003 The revised *Executive Summary* in the Final EIR/EIS summarizes measures discussed in detail in the appropriate technical issue evaluation in *Chapter 3*. In addition, the draft Environmental Commitments Record, which will specify responsible staff, timing, and actions for each measure, is included in Appendix D of the EIR/EIS. The measures are presented in sufficient detail to demonstrate effectiveness and enable acceptable implementation.

004 EIR/EIS *Chapter 2*, *Project Alternatives*, is deemed sufficient to comply with CEQA and NEPA. *Section 2.1*, *Project Description*, describes the proposed action and the design alternatives that were developed by a multidisciplinary team to achieve the project purpose and need while avoiding or minimizing environmental impacts. Four build alternatives and eight alternatives considered but eliminated from further discussion are included in *Chapter 2*. The alternatives evaluated in the document are corridor-wide design alternatives to address the project purpose and need. The four build alternatives and the No Build alternative are evaluated at an equal level of detail in Chapter 3, *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, of the EIR/EIS. Please also refer to Topical Response "Climate Change" for additional discussion of alternatives studied for the North Coast Corridor in the environmental process that began approximately 20 years ago.

The City of Encinitas is currently studying the Encinitas Boulevard Interchange as a separate project. It is intended that the *I-5 NCC Project* would be designed to accommodate the future interchange plans by the City. Because the City's plan for Encinitas Boulevard Interchange is a separate project, it need not be addressed as an alternative in this EIR/EIS.

The potential for eliminating impacts has been an ongoing process since the Draft EIR/EIS was circulated for public review. As described in *Table ES.2*, the need for the Manchester Direct Access Ramp (DAR) was re-evaluated following the 2050 Regional Transportation Plan (RTP) change to eliminate the El Camino Real Bus Rapid Transit (BRT) service. The Manchester Avenue DAR

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004 cont. was retained as a project element because it would provide access to coastal resources, Mira Costa College, town centers, and a major arterial paralleling the freeway, and because it is expected to have a high volume of traffic. It was, however, redesigned to eliminate an overcrossing and integrate a DAR undercrossing, substantially reduce proposed parking, and commit to pervious hardscape. Although specific BRT facilities would not be constructed as part of this project, future use of the HOV/Managed Lanes by BRT would not be precluded. There is also a more current concept for Encinitas Boulevard bicycle/pedestrian enhancements. These and other project changes are evaluated in the Supplemental Draft EIR/EIS, and have been incorporated into this Final EIR/EIS, as shown on *Tables ES.2, ES.12*, and *ES.13* and as described in *Section 2.3.*

005 By following the requirements of NEPA and evaluating four build alternatives at an equal level of detail, the EIR/EIS identifies the environmentally superior alternative as the build alternative with the smallest footprint and least overall impacts. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

006 As the rejected alternatives are not the focus of analysis in the EIR/EIS, they need not be addressed in the summary. Information regarding alternatives rejected is presented in *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*.

007 Please note that the Final EIR/EIS provides a revised *Executive Summary.* CEQA significance after mitigation has been included in *Section ES.6, Summary of Significant Impacts Under CEQA After Mitigation,* with identification of these impacts also included on *Table ES.14* under the heading *Other Considerations*. Permanent visual impacts were determined to be significant, adverse, and unavoidable after implementation of avoidance, minimization and mitigation measures. All of the build alternatives evaluated

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	007 cont. would have similar conclusions since improvement of this existing facility would require soundwalls, retaining walls, and extra lanes. Removal of a 47-unit multi-family residential structure also was identified as resulting in significant and unmitigable community cohesion impacts under the 10+4 Barrier alternative. At the project level, for the 27-mile corridor, noise impacts are not identified as significant under CEQA. As discussed in *Chapter 4*, however, a small number of segments and 58 individual receptors within the *I-5 NCC Project* area could experience potentially significant noise impacts under CEQA.
	008 Any areas of project "controversy" are addressed in *Chapter 1* of this Final EIR/EIS, in the discussion of identification of the Preferred Alternative. Issues raised by the public relative to overall project size, effects on North Coast Corridor lagoons, aspects of community enhancement projects, etc. were all refined in response to comments received and continuing design.
	009 The EIR/EIS encompasses preliminary design, which defines general project location and design concepts, such as preliminary grading plans. It should also be noted that the proposed San Elijo Multi-use Facility and DAR facilities at Manchester Avenue have been redesigned to minimize their environmental impact. Specifically, the DAR would be constructed underneath the freeway to reduce visual impacts and the multi-use facility would be reduced in size. An updated diagram of the proposed facility is included as *Figure 2-2.5b.* This conceptual design information, together with the project's impact avoidance and minimization measures, is sufficient to provide an analysis of anticipated environmental impacts.

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010 cont. evaluated or would be willing to evaluate the feasibility of providing this continuous trail access between the lagoons.

011 Section 2.4 (Phased Construction) should provide the timing of proposed interchange improvements, construction of retaining walls, and construction of the Manchester Avenue Park and Ride facility.

012 The Project Features Maps should call out the heights of proposed retaining walls and sound barriers. Chapter 3.7 provides a very limited number of visual simulations for various segments of the project. The visual effects of the project would be better understood if this information is provided.

013 Figure 2-2.14s: City staff has had numerous technical meetings with Caltrans on the final roundabout concept at the Birmingham Drive Interchange. It is staff's understanding that the interchange would provide a single-lane roundabout at both ramps. The figure shows a two-lane roundabout at both ramps.

014 Figures 2-2.14u and 2-2.14w include the caption "Proposed Modified Frontage Road" for Devonshire Drive and Piraeus Avenue. Chapter 2 should provide a complete description of proposed improvements to these local streets.

015 The City of Encinitas has been working cooperatively with Caltrans on design alternatives for the Encinitas Boulevard interchange. Figure 2-2.14u does not portray the "Minimum Build" improvements for this interchange that are currently proposed by Caltrans. The minimum build design for this interchange would not adequately address local traffic and pedestrian/bikeway impacts on Encinitas Boulevard. As analyzed in the Project Summary Report for the subject interchange (Encinitas Preliminary Engineering Studies for Inclusion in the Interstate North Coast Corridor Project, February 2007), the minimum build design would result in unacceptable levels of service (LOS E) at the northbound and southbound ramp intersections. In addition, this design would significantly exacerbate the stacking of vehicles that is currently caused by the ramp intersections. With the City's preferred alternative, preliminary analyses indicate that the level of service conditions at the ramp intersections would improve to LOS D or better and the stacking of vehicles between intersections would be mitigated. The Final EIS/EIR should provide an additional figure that is similar to Figure 2-2.14s, which portrays a design option for the Birmingham Drive interchange. A second figure should be added to supplement Figure 2-2.14u in order to portray the City's preferred design option (Alternative #7) for the Encinitas Boulevard interchange. In addition, this interchange alternative should be analyzed as an alternative under CEQA since it would substantially reduce traffic impacts when compared to the proposed minimum build design.

016 Chapter 2 of the Final EIS/EIR should describe the separate Project Authorization/Environmental Documentation process that is underway for the design alternatives being considered for the Encinitas Boulevard interchange. As part of this process, Caltrans has agreed to construct the City's preferred alternative if the City acquires environmental clearance and additional funding for the design alternative.

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010 *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* of the Final EIR/EIS has been updated to reflect modifications in the planned enhancements subsequent to publication of the Draft EIR/EIS. For example, based on public input received on the Draft EIR/EIS, as well as continued agency and city coordination, the I-5 North Coast (NC) Bike Trail has been added to the list of regional and community enhancements. The *I-5 NCC Project* proposes to provide bicycle/pedestrian crossings that do not exist at the lagoons along the I-5 corridor, including a bicycle/pedestrian suspension bridge attached to and under I-5 at San Elijo Lagoon. A connection between Manchester Avenue and Birmingham Drive would be provided as illustrated on Final EIR/EIS *Figures 2-3.4d* and *2-3.4e.* As such, associated impacts are addressed in this Final EIR/EIS.

011 Interchange improvements and retaining walls would occur within the same time frames shown for the adjacent linear highway segments, as depicted on revised *Figures 2-4.1a* through *2-4.1c* of this Final EIR/EIS. Construction of the Manchester Avenue DAR includes the proposed San Elijo Multi-use Facility. EIR/EIS *Section 2.4*, *Phased Construction*, indicates that the Manchester Avenue DAR would be included in the Phase 1 construction to be implemented during the 2012-2020 phase. In addition, Draft EIR/EIS *Figure 2-4.1a* shows the Manchester Avenue DAR as part of the Phase 1 construction.

012 Ranges of proposed heights for identified soundwall barriers are provided in EIR/EIS *Table ES.18*, throughout *Section 3.15*, *Noise*, as well as in the Noise Abatement Data Report (NADR). Because the project is in the preliminary design stage, however, detailed design elements such as retaining and sound barrier wall heights are preliminary in nature, and are subject to change until completion of final project design. The NADR was prepared in support of the EIR/EIS and is incorporated by reference herein.

As described in EIR/EIS *Section 3.7.3, Environmental Consequences*, under the discussion of *Analysis of Key Views*,

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012 cont. the number of visual simulations provided is limited by the nature and scope of the project. Specifically, the analysis notes that:

> Because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project. *Figure 3-7.40* depicts the locations of 17 key views along the corridor.

Based on this methodology, the key views in the EIR/EIS are representative of associated viewpoints and viewers, and are considered appropriate for the assessment of related potential project effects. Please note, however, that additional simulations of retaining walls have been provided in Figures *3-7.76, 3-7.78, 3-7.98, 3-7.100*, and *3-7.103* of this Final EIR/EIS.

013 *Figure 2-2.14s* of the Draft EIR/EIS, which depicts the Birmingham Drive Interchange roundabout, has been updated in the Final EIR/EIS *(Figures 2-2.3, Sheets 30a and 30)* to reflect a single-lane roundabout at both ramps.

014 Please refer to the discussion of *Local Frontage Roads* in EIR/EIS *Section 3.7.4*, *Avoidance, Minimization, and/or Mitigation Measures*, for proposed improvements to frontage roads. Complete designs of the related improvements would be developed in the final design stage of the project, and implementation would be subject to local agency approval.

015 The City of Encinitas is studying the Encinitas Boulevard Interchange as a separate project. It is intended that the *I-5 NCC Project* would be designed to accommodate the future interchange plans by the City. Because the City's plan for Encinitas Boulevard Interchange is a separate project, however, the environmental analysis of this alternative would not be part of this EIR/EIS.

Please refer to EIR/EIS *Section 1.3.7, Other I-5 Projects*, for projects independent from the I-5 *NCC Project*.

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	016 Caltrans would coordinate, accommodate, and possibly combine the City's project with the *I-5 NCC Project* for construction. The City could also build the project as its own, separate from the *I-5 NCC Project*. As noted in the response to your Comment 015, the separate Encinitas Boulevard Interchange is disclosed in this EIR/EIS. Detailed discussion of the separate processes for approving these separate projects is not required.

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017 For the purposes of environmental analysis, Chapter 2 should disclose the locations of construction staging areas. This information is necessary to analyze environmental impacts associated with locating staging areas near sensitive land uses. The EIS/EIR should address these effects in the community impacts, noise, air quality (dust/diesel emissions), and traffic sections of the EIS/EIR.

SECTION 3.1 - LAND USE

018 Page 3.1-16 (Environmental Consequences): For the purposes of CEQA, Section 3.1.1.2 does not describe the criteria or basis for the methodology used in determining significant land use impacts for existing land uses, development trends, and future land uses. Without this information, the land use analysis and determination of significant impacts are vague.

019 Page 3.1-17 (Existing Land Use): The analysis should address the fact that the proposed Manchester Avenue Park and Ride Facility conflicts with the site's adopted land use designation provided in the City's General Plan. The analysis should clearly explain why this proposed change in land use is not considered significant, using defined criteria requested in the previous comment.

020 Page 3.1-16: Section 3.1.1.2 provides an incomplete summary of construction-related land use impacts evaluated in the environmental technical study that evaluates land use impacts (Community Impact Assessment, October 2007). For example, the technical study indicates that the project would have construction impacts related to noise, dust emissions, construction lighting, peak hour traffic congestion, disruption of public transportation, and access to businesses. Section 3.1.1.2 indicates that these effects would be temporary. However, as described in Section 2.4, the temporary nature of the impacts is relative to a phased project that would take many years (2012 – 2050) to complete. Using this timeframe, a fair argument could be made that construction-related land use impacts would be adverse and mitigation measures should be provided. The environmental analysis should provide a good-faith estimate for the expected length of construction activity within individual communities. In addition, the analysis should expand the discussion of construction-related land use impacts in a manner that is consistent with the technical study.

021 Page 3.1-17 (Development Trends-Encinitas): The statement that the "Project would be located within the existing transportation corridor and would not affect future development trends" is incorrect. The DAR/Park and Ride facility at Manchester Avenue is substantially outside the corridor and substantially impacts one of few sizable residentially-zoned agriculturally-used parcels in Encinitas.

022 Page 3.1-17 (Future Land Uses): It should be noted that the Hall Property Community Park is being designed to accommodate more recent changes to the I-5 project that were proposed after the park project was approved. The City of Encinitas is currently processing a Substantial Conformance Review application to address required changes to the park's site plan. As of this time, the I-5 project would affect the approved park project. This determination may change if the Substantial Conformance Review application is approved prior to publication of the Final EIS/EIR.

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017 In general, staging areas are assumed to be within the Study Area footprint along the 27-mile corridor identified for the project in the EIR/EIS, and impacts of construction have been appropriately analyzed in the individual issue areas mentioned in this comment. Specifically, Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor Community Impact Assessment (CIA) has specified park and ride facilities, in whole or in part, as construction staging areas.

018 Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation,* in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*.

Regarding the evaluation of impacts using criteria thresholds of significance typically employed for CEQA, Caltrans provides guidance on the approach to environmental analysis under CEQA on their Standard Environmental Reference (SER) website at: http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition, consistent with the laws, regulations, ordinances, and policies cited therein and within each technical discussion in the EIR/EIS.

This site explains that "because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established." The SER recognizes that some public agencies have established thresholds of significance for CEQA, but because Caltrans has Statewide jurisdiction and the setting for projects varies so extensively across the State, Caltrans "has not and has no intention to develop thresholds of significance for CEQA." This approach is consistent with CEQA Guidelines Section 15064.7, Thresholds of Significance, which states that each public agency

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018 cont. "is encouraged" to develop thresholds of significance, and when adopting thresholds of significance, a Lead Agency "may consider" thresholds of significance previously adopted or recommended by other public agencies. The establishment of thresholds, therefore, is discretionary for each agency, depending on its specific needs for its environmental review process. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant, and the EIR/EIS does not need to conduct analysis of traffic or any other issue using them.

019 The Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS, evaluates revisions made following receipt of comments on the Draft EIR/EIS, including redesign of the proposed Manchester DAR and San Elijo Multi-use Facility. Redesign changes include elimination of an overcrossing and integration of a DAR undercrossing, a reduction in proposed parking spaces as listed in the Draft EIR/EIS from approximately 400 to 150 spaces, and a commitment to the use of hardscape features that are pervious to rainwater. The revised DAR footprint and park and ride illustration is depicted on EIR/EIS *Figure 2-2.5b*. EIR/EIS *Section 3.1.2.2* indicates that the proposed project (which includes the San Elijo Multi-use Facility) would convert existing residential and commercial land uses to transportation uses, but concludes that such changes would not substantially affect land use patterns within Encinitas. Please refer to the response to your Comment 018 with regard to significance conclusions.

020 The *I-5 NCC Project* is regional and construction is anticipated to be phased over many years. The construction duration for each of the three major phases would be lengthy compared to smaller and more localized types of projects; however, the construction activities in any given location would last much less time than each overall phase and would not be permanent. Activities that would occur in each community can be discerned in *Figures 2-4.1a* through *2-4.1c*. The CIA is incorporated by reference into the EIR/EIS, as noted at the beginning of *Section 3.1*, *Land Use*. The EIR/EIS is properly a summary of the technical reports. The discussion in the EIR/EIS therefore does not need to be expanded. Construction impacts related to the various issues mentioned in this comment are addressed in the technical sections within

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023 Page 3.1-18: The discussion of land use impacts for each alternative should include a table that breaks down the area of land use conversions within each municipality due to right-of-way encroachments from the project. This information should be provided in order for readers to have a complete understanding of the extent of the project's land use impacts.

024 Page 3.1-18 (Section 3.1.1.3): The Community Impact Assessment describes mitigation measures that should be provided for potentially adverse construction-related impacts. Section 3.1.1.3 does not provide these mitigation measures. See comment above for page 3.1-16 regarding mitigation measures that are warranted for construction-related land use impacts.

025 Page 3.1-21(City of Encinitas General Plan): It should be noted that the City has commenced the process of updating its General Plan.

026 Page 3.1-23: No discussion is provided for the Subregional MHCP Plan, which is the umbrella conservation plan that has been adopted by SANDAG for northern San Diego County.

027 Page 3.1-24 (Encinitas General Plan): This section should address the following comments that pertain to the policy analysis provided in Table 3.1.1. In addition, this section should address road standard conflicts with the City's Circulation Element in terms of how the project would accommodate adopted roadway classifications through the interchanges. For example, under the proposed "Minimum Build" design for the Encinitas Boulevard interchange, the project would not accommodate the planned prime arterial classification for the roadway.

028 Page 3.1-26: Table 3.1.1 should address the adopted policies of the Subregional MHCP Plan, specifically those pertaining to covered species under the plan. The Draft Encinitas Subarea Plan and its associated policies have not been adopted. Both documents should be discussed within the EIS/EIR to determine project consistency or inconsistency and to better understand potential impacts.

029 Page 3.1-33 (Land Use, Circulation, Resource Management Elements): Chapter 3.7 (Visual Quality) has determined that the project would result in adverse visual impacts that are partially mitigated. The analysis concluded that visual impacts would remain high with implementation of mitigation measures. Within Encinitas, the I-5 corridor has been designated by the City's General Plan as a scenic corridor and the analysis provided in Chapter 3.7 demonstrates that the project would have adverse visual impacts within this scenic corridor. The existing freeway corridor within Encinitas is free of visually obtrusive retaining walls and sound barriers. Views of the corridor beyond the travelway consist largely of vegetated slopes containing mature trees or native plant communities. More distant views are predominately vegetated with mature tree canopies that are consistent with an established suburban community. The proposed project would impact a majority of the vegetated slopes or disrupt more distant tree-lined views with long, large retaining walls having heights up to 52 feet and sound barriers eight to 16 feet in height. Retaining walls would be constructed within natural coastal bluffs above the San Elijo Lagoon within the corridor's southern gateway to the City. This visual gateway, which provides scenic views of natural open space and farmland, would be also impacted by the proposed overpass for the Direct Access Ramp and Park and Ride facility. As summarized in Table 3.1.1,

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020 cont. *Chapter 3*, including the following sections: *3.15*, *Noise*; *3.14*, *Air Quality*; and *3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities*. These sections provide avoidance, minimization, and mitigation measures to reduce anticipated construction impacts, as applicable.

021 Based on comments on the Draft EIR/EIS, the Manchester DAR and proposed San Elijo Multi-use Facility have been redesigned. Impacts and benefits of the redesigned DAR are presented in Final EIR/EIS *Table ES.12*. The analysis includes the recognition that the project would affect a maximum of approximately 26 acres of Prime Farmland and Non-Prime Farmland, areas identified as unique farmland, and lands currently in agricultural production. As noted above, the EIR/EIS also states that the project would result in conversion of residential and commercial land uses to transportation uses. Specifically with regard to your concern for the agricultural parcel adjacent to the proposed Manchester DAR, when comparing these parcels to the overall County average of parcel size and production viability, the answer of continued agricultural viability is positive. An Agricultural Viability Analysis found that the impacts of the Preferred Alternative would not impair the viability of the property to remain in active agricultural production.

022 Caltrans has worked in close coordination with the City of Encinitas regarding Hall Property Community Park and the *I-5 NCC Project*. Natural and human community enhancements were developed in conjunction with the local cities and would be implemented during project construction. These features continue to be developed with community input. *Table ES.13*, which has been incorporated into this Final EIR/EIS, contains updated information on proposed landscaping and sidewalk and trail connections from Villa Cardiff east of I-5 and from Hall Park west to I-5 across new MacKinnon Bridge.

023 Detailed right-of-way needs for the project will not be known until after selection of the build alternative if the project is approved by decision makers. Encroachments are continuing to be refined, with the focus on reducing right-of-way needed from each jurisdiction,

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023 cont. through the environmental process and subsequent final design phases of the project. Right-of-way determination and negotiation cannot occur until after the environmental process is completed.

024 The EIR/EIS concludes that the proposed project would not result in adverse impacts to land use, and construction would not cause permanent conflicts with relevant existing plans and programs. The proposed project could be inconsistent with several community and general plan element policies, including the City of Encinitas Resource Management Element because it would convert land within the San Elijo Lagoon Ecological Reserve to transportation uses and convert prime farmland to transportation uses. These inconsistencies are not identified as adverse because the discrete encroachments would not disrupt or affect overall land use patterns within the respective jurisdictions. The EIR/EIS documents the extensive efforts that Caltrans has undertaken to integrate the proposed project with the adjacent cities of San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside. Appendix D, Environmental Commitments Record, lists measures that would be provided, including a requirement for preparation of a Traffic Management Plan (TMP); compliance with relocation policies; implementation of noise abatement measures; and the commitment that landscape and streetscape improvements would be provided in affected areas, where possible, and would be consistent with the visual atmosphere, historic architecture, and native vegetation in the area.

025 The comment that the City of Encinitas has commenced updating its General Plan is noted. The baseline for analysis in an environmental document is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting.

026 Page 3.1-19 of the Draft EIR/EIS notes that Solana Beach, Encinitas, Carlsbad, and Oceanside are four of the seven cities in northwest San Diego County that have adopted a joint Multiple Habitat Conservation Plan (MHCP), and that the City of Encinitas issued a draft Subarea Plan in 2001. The plans of Encinitas and Oceanside are identified as still undergoing agency review and revision.

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029 cont. the City's General Plan provides policies that are intended to preserve the existing scenic qualities of the I-5 view corridor through Encinitas. Right-of-way constraints along some areas of the corridor may prevent landscaping; as such, it may be infeasible to implement mitigation measures provided in Chapter 3.7 to even partially mitigate the project's visual impacts. The project's significant visual impacts would undermine the City's ability to implement scenic view corridor policies and preserve scenic views along the I-5 corridor. Appendix G of the CEQA Guidelines indicates that land use impacts may be considered significant if a project conflicts with policies intended to avoid environmental effects. For the above reasons, City staff believes the project would result in significant land use policy conflicts and would not be consistent with applicable provisions of the Encinitas General Plan.

030 Page 3.1-33 (Circulation Element): Table 3.1.1 does not address the project's consistency with Policy 2.11 (use of reclaimed water for landscaped areas within freeways) or Goal 4 (scenic highways) of the City's Circulation Element. In addition, Policy 4.1 (roads to enhance scenic areas) of the Circulation Element is not included in the table and should be addressed as part of the analysis.

031 Page 3.1-34: Policy 4.6 (maintain and enhance scenic highways and viewsheds) of the City's Resource Management Element is not included in Table 3.1.1 and should be addressed.

032 The project would not be consistent Encinitas General Plan and Local Coastal Program policies that are intended to preserve scenic qualities of the I-5 View Corridor. The inconsistencies are based upon visual effects of the project that would severely compromise the City's ability to implement the policies in a practical manner. These policies consist of Goal 9 (maintain sense of spaciousness within I-5 corridor) and Policy 9.1 of the Land Use Element, Policy 4.1 of the Circulation Element, and Policies 4.6, 4.9 (road design provisions in scenic corridors) and 4.10 of the Resource Management Element.

033 Page 3.1-34: Table 3.1.1 does not address Policy 1.1 (acceptable noise levels) of the City's Noise Element. This policy is applicable to the project.

034 Pages 3.1-33 to 3.1-34 (Table 3.1.1.) City staff cannot concur at this time with conclusion that "All four alternatives would be consistent" with applicable General Plan/LCP goals. Staff believes the project alternatives would result in adverse land use policy conflicts and would not be consistent with the General Plan/LCP for the following reasons:

Goals/Policies Cited In EIS/EIR:

035 **Goal 9**: "Preserve the existence of natural open spaces, slopes, bluffs, lagoon areas, and maintain the sense of spaciousness and semirural living within the I-5 view corridor…"

REASON: Height of retaining walls, sound walls or combination thereof reduces sense of spaciousness in creating a "tunnel effect" most pronounced just north of Manchester and in the north of Union St. EIS/EIR does not address project-related impacts to the MHCP Subregional Plan for the north San Diego County region.

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027 The referenced text section notes that a more detailed listing of the project's consistency with goals and policies is provided in *Table 3.1.1*; no additional textual discussion is required. The revised *I-5 NCC Project* design, as reflected in Final EIR/EIS *Figures 2-2.3, Sheet 34*, would replace the undercrossing at Encinitas Boulevard so as to accommodate the planned width necessary to reclassify Encinitas Boulevard as a prime arterial.

028 EIR/EIS *Table 3.1.1* correctly notes that Encinitas and Oceanside have prepared public review draft subarea plans and the Encinitas plan is not yet adopted. As discussed in EIR/EIS *Section 3.1.2.1*, *Affected Environment*, *Natural Communities Conservation Plans: MSCP Subarea Plan and MHCP,* until plan approval, all jurisdictions must apply directly to the resource agencies for incidental take authorizations under Section 10 of the Federal Endangered Species Act. While not signatory to the MHCP, Caltrans strives to be consistent with its guidelines and will continue to coordinate with the appropriate wildlife agencies and municipalities to minimize impacts to sensitive biological species and community planning, where practical.

029 The comment regarding conflicts with applicable provisions of the Encinitas General Plan due to visual impacts is noted. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project, which are recognized as remaining high, as stated in the EIR/EIS. Please also refer to the response to your Comment 018 with regard to significance conclusions.

030 As indicated in *Section 3.7.4*, *Visual/Aesthetics Avoidance, Minimization and Mitigation Measures*, drought-tolerant landscaping is proposed along the freeway corridor and reclaimed water would be used whenever possible, so the project would be consistent with the City's Circulation Element Policy 2.11. Goal 4 states "the City shall make every effort to develop a circulation system that highlights the environmental and scenic amenities of the area" and policy 4.1 calls for the City to "design roads to enhance scenic areas." While this goal and policy seem to

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	030 cont. apply to facilities being designed and developed by the City, the measures presented in *Section 3.7.4* and the Design Guidelines: I-5 NCC Project, which are included in Appendix L, demonstrate that the project would be consistent with Goal 4 and Policy 4.1 of the City's Circulation Element.
	031 The relevant key goals of the City of Encinitas Resource Management Element are addressed in EIR/EIS *Table 3.1.1*. The evaluation discloses that all four alternatives are potentially inconsistent with the goals.
	032 Relevant key goals of the Land Use Element are addressed in EIR/EIS *Table 3.1.1*, including Goal 9 and Policy 9.1. Caltrans has committed to coordinating with the City and/or wildlife agencies as required to ensure that potential impacts to natural resources would be minimized and/or mitigated to the maximum extent practicable. Relevant key goals of the Circulation Element are addressed in EIR/EIS *Table 3.1.1,* including Goal 4. It is Caltrans' responsibility to plan, design, and maintain the state highway system, and set the standards for facility development within the corridor. Relevant key goals of the Resource Management Element, including Policy 4.9 and Policy 4.10, are addressed in EIR/EIS *Table 3.1.1*. The evaluation discloses that all four alternatives are potentially inconsistent with the goals.
	033 The City's Noise Element is cited in *Table 3.1.1* of the EIR/EIS. Although Caltrans' construction contractor would comply where possible, Caltrans is not subject to the City's policies on identification of traffic noise impacts.
	034 The comment that City staff cannot concur with the conclusion of consistency with the Encinitas General Plan/LCP goals is noted. In general, as stated in *Table 3.1.1*, Caltrans is not a land use planning agency and therefore has no authority on land use designation or limiting incompatible land uses adjacent to a highway. Conversely, it is Caltrans' responsibility to plan, design, and maintain the state highway system, and set the standards for facility development.

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036 **Policy 9.2**: "Encourage the retention of buffer zones such as natural vegetation and earth barriers, bluffs, and canyons to protect adjacent areas of freeway corridor from pollutants of noise, exhaust and light"

REASON: Widening removes some natural vegetation and earth barriers and replaces with man –made, and brings sources of pollutants closer to uses adjoining the freeway.

037 **Policy 9.6**: Where it is necessary to construct retaining or noise-attenuating walls along the I-5 corridor, they should be constructed with natural-appearing materials and generously landscaped with vines, trees and shrubbery.

REASON: Insufficient information in EIS/EIR to determine. For retaining walls, use of hand-sculpted, colored walls to replicate natural bluffs could be consistent, but not specified. Use of intensive landscaping to screen noise walls may also be consistent, but is not specified and appears of questionable feasibility in many locations. Observation of recent projects in the San Diego region indicates that use of "benched" grading does not reflect a natural appearance, even when planted with native vegetation. EIS/EIR does not address how vegetation will be maintained after 3 years, when irrigation is discontinued.

Goals/Policies Not Cited In The EIS/EIR:

038 **LU Element p. LU-33 (Definition of RR-2 zone):**
"Rural Residential 2 will permit the construction of between 1 and 2 [detached single-family] units per acre… Development constructed at this density will also permit the rural character of a number of existing neighborhoods to be maintained."

REASON: Development of the RR-2-zoned site at the northeast quadrant of the I-5/Manchester interchange with the proposed DAR/park and ride facility is not consistent with the use allowances of the RR-2 zoned property, currently used to support agriculture, nor preserve its rural character.

039 **LU Policy 8.6**: "Significant natural features ***shall be preserved*** (Emph. Added) and incorporated into all development."

REASON: Given "shall be" wording, the fact that the project includes some encroachments renders it inconsistent with this policy.

040 **LU 8.10**: limits encroachments into wetlands and other sensitive lands "…be limited to uses and activities needed for habitat enhancement; educational and scientific nature study; passive recreation which will have no significant adverse impact on habitat values.."

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035 Although the general location and extent of project walls are shown in *Figures 2-2.3*, the precise height and design of retaining walls and soundwalls are undergoing refinement during the environmental process and will continue to be refined as design proceeds. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects and the ongoing effort to avoid, minimize, and mitigate project visual effects, which are recognized as high.

Regarding the MHCP Subregional Plan, please refer to response to your Comment 028. *Table 3.1.1* correctly notes that the Encinitas plan is not yet adopted.

036 Relevant key goals of the Land Use Element, including Policy 9.2, are addressed in EIR/EIS *Table 3.1.1*. Caltrans has committed to coordinating with the City and/or wildlife agencies as required to ensure that potential impacts to natural resources would be minimized and/or mitigated to the maximum extent practicable. As stated in EIR/EIS *Table 3.1.1*, Caltrans is not a land use planning agency, and therefore has no authority on land use designation or limiting incompatible land uses adjacent to a highway. Conversely, it is Caltrans' responsibility to plan, design, and maintain the state highway system, and set the standards for facility development within the corridor.

037 The comment that there is insufficient information in the EIR/EIS to determine how walls would be constructed and landscaped is noted. Because the project design process is ongoing and will not (and cannot) be completed prior to environmental review, the identification of site-specific characteristics will not (and cannot) be identified until additional design detail is available. Specific details such as the exact type, location, extent, and height of proposed walls and landscaping may vary with design factors, including grading parameters (e.g., manufactured slope dimensions), the nature and extent of proposed facilities, the nature and quality of associated visual resources, number of affected viewers, physical planting limitations, and irrigation requirements. Generating such details based on preliminary design information (and prior

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040 cont. REASON: Project includes wetland encroachments that do not qualify as any of those listed

041 **Resource Management Page RM-35 (Scenic/Visual Corridor Overlay Zone – S/VCO)** stipulates that "proposals for new development need to be evaluated to ensure that significant views will be preserved. This designation is also applied to scenic roadways [the I-5 corridor is mapped as such]"

REASON: The project lacks sufficient documentation at this point to evaluate relative to the S/VCO regulations. Additional, detailed visual simulations or the equivalent would be needed to do so.

042 **RM Policy 10.11:** "In acting to maintain and, where feasible, restore the biological productivity of San Elijo Lagoon, the City will limit alterations and uses to minor public facilities, restorative measures; nature study; passive, non-degrading recreational activities; and facilities necessarily adjunct [to] agricultural uses."

REASON: The widening project involves alterations not consistent with the list of allowed activities.

043 **Circulation Element Policy 2.7**: "The City will emphasize road construction projects which serve the Coast by including coastal access as criterion for prioritizing those routes indentified in the multi-year capital improvement program."

REASON: The EIS/EIR does not include any information as to the anticipated effect of any of the widening alternatives on the local coastal circulation system (for example, changes to "bypass" trips utilizing the Coast Highway as an alternative to I-5, which could impact coastal access. In addition, with the anticipation of double-tracking and increased frequency of the LOSSAN rail corridor, coastal access may be further impacted. (Note: of the 6 local roads that cross the rail tracks 4 are at grade crossings.)

044 **Circulation Element Goal 4**: "The City should make every effort to develop a circulation system that highlights the environmental and scenic amenities of the area."

REASON: Potential impacts/inconsistencies stem from the areas noted under the Land Use Goals and Policies above, including: (1) the corridor or tunnel effect created by high retaining or sound walls or their combination, (2) lack of documentation that the walls will be natural in treatment, and (3) that significant view will be preserved and the appearance of large structures such as the walls will be softened through the use of natural-appearing materials, landscaping, etc.

045 **Public Safety Goal 1**: "Public health and safety will be considered in future land use planning."

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037 cont. to receipt of all public input) would invariably result in excessive redesign requirements, with associated costs and delays. EIR/ EIS *Section 3.7.4* does address a number of design features that would be employed as applicable to address visual concerns. Please refer to Topical Response "Visual/Community Effects" for additional information on visual effects and measures to avoid, minimize, and mitigate visual concerns.

038 Please refer to the responses to your Comments 004 and 019 above with regard to the Manchester DAR and proposed San Elijo Multi-use Facility.

039 LU Policy 8.6 referenced in this comment applies to "development." As noted in *Table 3.1.1*, the proposed project would not involve development of any residential, commercial, industrial, recreational, or industrial land uses within the I-5 view corridor. Caltrans is not a land use planning agency, and therefore has no authority on land use designation or limiting incompatible land uses adjacent to a highway. Furthermore, although LU Policy 8.6 is not specifically listed, *Table 3.1.1* notes that all four alternatives are potentially inconsistent with various Resource Management Element goals.

040 Although LU Policy 8.10 is not specifically listed, *Table 3.1.1* notes that all four alternatives are potentially inconsistent with various Resource Management Element goals, and that Caltrans would coordinate with the City and/or wildlife agencies as required to ensure that potential impacts to natural resources are minimized and/or mitigated to the maximum extent practicable. Specifically with regard to abutting San Elijo Lagoon, letters from the California Department of Fish and Wildlife (CDFW), County of San Diego, and San Elijo Lagoon Conservancy (which have jurisdiction over the lagoon) confirm that impacts to the Preserve and recreational elements of the Lagoon would be minimal, or *de minimis*, in nature (see *Figures 5-5.2* through *5-5.4* of this Final EIR/EIS.

041 Resource Management RM-35 referenced in this comment applies to "development." As noted in *Table 3.1.1*, the proposed project would not involve development of any residential, commercial, industrial, recreational, or industrial land uses within the I-5 view

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041 cont. corridor. Caltrans is not a land use planning agency, and therefore has no authority on land use designation or limiting incompatible land uses adjacent to a highway. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects.

042 RM Policy 10.11 referenced in this comment is directed to the City, which does not have decision-making authority over the proposed project. As noted in *Table 3.1.1*, the proposed project would not involve development of any residential, commercial, industrial, recreational, or industrial land uses within the I-5 view corridor.

043 Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor Final CIA discusses the anticipated effects of the project on local circulation systems, including in the City of Encinitas. The CIA was prepared in support of the EIR/EIS and is incorporated by reference herein. As noted therein, the proposed alternatives would improve local circulation and traffic flow due to increased capacity to the mainline. An example is the CSMP (Figure 8.26) conclusion that the proposed project would result in a 10 to 15 percent reduction in vehicle miles traveled (VMT) on Pacific Coast Highway.

In addition, potential impacts to local circulation systems are discussed in the following project technical reports dated August 2007: (1) Section 3.6, Roadway Segment Analysis, of Draft Technical Report No. 6, Freeway Interchange Operations Report; and (2) Section 3.2, Roadway Segment Capacity Analysis, of Technical Report No. 7, Direct Access Ramp/Local Circulation System Operations Report. These Technical Reports were prepared in support of the EIR/EIS, are incorporated by reference herein.

044 Circulation Element Goal 4 referenced in this comment is directed to the City in its responsibilities to plan its own local circulation system; it is not applicable to the interstate system. Please also refer to Topical Response "Visual/Community Effects" for additional information on visual effects of the *I-5 NCC Project* and measures to avoid, minimize, and mitigate visual concerns.

045 Public Safety Goal 1 referenced in this comment is related to land use planning. As noted in *Table 3.1.1*, Caltrans is not a

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045 cont.

REASON: EIS/EIR needs to assess health-related impacts of the project, particularly in relation to adjoining sensitive uses such as the Hall Property park.

046

PS Policy 3.4: "Land uses involved in the production, storage, transportation, handling, or disposal of hazardous materials will be located a safe distance from land uses that may be adversely impacted by such activities."

REASON: EIS/EIR does not address construction "lay-down" areas or other locations for construction staging or where storage of such materials associated with freeway work will occur. Such areas should not be located near lagoons or other sensitive areas.

047

Resource Management Goal 3: "The City will make every effort possible to preserve significant trees, vegetation, and wildlife habitat within the planning area"; and **RM Policy 3.2**: "Mature trees shall not be removed or disturbed to provide public right-of-way improvements if such improvements can be deferred, redesigned, or eliminated…"

REASON: The EIS/EIR lacks information as to the impacts of the alternatives on existing mature trees or assess whether such impacts could be eliminated through redesign.

048

RM Policy 4.3: "The following Vista Points will be maintained as needed, and upgraded as necessary…Existing Vista Point on Southbound I-5"

REASON: Plans appear to indicate a reduction in the area of the Vista Point and parking.

049

RM Policy 4.7: "The City will designate the following view corridors as scenic highway/visual corridor viewsheds:

- Interstate 5, crossing San Elijo Lagoon"

REASON: As I-5 crosses the lagoon at Manchester, the project proposes a DAR, park and ride lot, and retaining walls of up to 46 ft. in height, with no indication given as to the materials of construction or appearance, such that, taken together, there will be significant visual impacts inconsistent with the intent of the S/VCO unless mitigation is provided and delineated in the EIS/EIR.

050

RM Policy 4.9: " It is intended that development would be subject to the design review provisions of the Scenic/Visual Corridor Overlay Zone for those locations within Scenic View Corridors, along scenic highways and adjacent to significant viewsheds and vista points with the addition of the following design criteria:
Road design –

- Type and physical characteristics of the roadway should be compatible with [the] natural character of the corridor, and with the scenic highway function."

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045 cont. land use planning agency, and therefore has no authority on land use designation or limiting incompatible land uses adjacent to a highway. Health related impacts of the project are addressed in *Section 3.13*, *Hazardous Waste/Materials*. Please also refer to Topical Response "Air Pollutants" with regard to air quality related health effects.

046 Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor CIA has specified park and ride facilities, in whole or in part, as construction staging areas. The CIA was prepared in support of the EIR/EIS and is incorporated by reference herein.

With respect to the use and storage of construction-related hazardous materials, such as vehicle fuels and lubricants, project construction contractors would implement appropriate best management practices (BMPs) from the Caltrans Construction Site Best Management Practices Manual. Specifically, this may include the following types of Caltrans-approved BMPs:

- Ensure that all equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities occur in designated areas.
- Implement appropriate controls in vehicle and equipment washing, maintenance, and fueling areas to avoid or minimize pollutant discharge into storm drains or water courses. Specific measures may include the use of covers, impermeable liners, and containment structures, as well as stockpiling of absorbent clean up materials.
- Use properly located, spaced, labeled, sealed, and designed containers; raised (e.g., on pallets), covered, and/or enclosed facilities; and appropriate containment structures for all hazardous materials storage (including temporary storage).
- Avoid storing incompatible materials (e.g., chlorine and ammonia) in the same location.

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046 cont.

- Maintain accurate and up-to-date written inventories and labels for all hazardous material storage and delivery activities and facilities.
- Avoid storing hazardous materials near drains or surface water features and place warning signs in areas of hazardous material use and/or storage and along drainages and storm drains (or other appropriate locations) to avoid inadvertent hazardous material disposal.
- Properly maintain all construction equipment and vehicles.
- Use appropriate waste control measures for operations located over or adjacent to water courses, such as bridge modification and construction and pile driving. Specifically, this may include efforts such as proper equipment maintenance, and control and containment of materials including vehicle fuels and fluids and demolition debris.
- Stockpile appropriate types and quantities of clean-up materials, and post regulatory agency telephone numbers and a summary guide of clean-up procedures in readily accessible and conspicuous locations on the job site.
- Regularly (at least weekly) monitor and maintain hazardous material use and/or storage facilities and operations to ensure proper working order, and contain and clean up spills immediately upon discovery.
- Implement concrete waste management procedures such as the use of properly contained concrete washout facilities.
- Properly manage, collect, contain, and dispose of liquid wastes such as drilling fluids and dredging wastes.

047 *Table* 3.1.1 addresses Resource Management Goal 3, noting that all four alternatives are potentially inconsistent with various Resource Management Element goals. The proposed alternatives would potentially involve the loss of some mature trees along the corridor, and the project includes the planting of disturbed areas with plant species native to the vicinity.

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050 cont. REASON: Project design includes retaining and sound walls of up to 52 ft. in height, the treatment of which is not specified in the EIS/EIR, which are potentially visually obtrusive and create a tunnel effect in some segments, most notably the northerly segment through Leucadia and impacts to significant views. There will be a significant loss of mature trees, not detailed in the EIS/EIR. The treatment of graded slopes has not been specified in the EIS/EIR. Therefore, there is insufficient information in the EIS/EIR to conclude anything other than inconsistency with this policy.

051 **RM Policy 4.10:** "The City will develop a program to preserve views that also preserves the appropriate vegetation and removes obstacles that impact views. Trees and vegetation which are themselves part of the view quality along the public right-of-way will be retained."

REASON: Project plans appear to entail removal of trees that are part of the visual quality of the corridor for all alternatives. A more detailed evaluation is needed in the EIS/EIR to definitively assess consistency.

052 **RM Goal 5**: "The City will make every effort to participate in programs to improve air and water quality in the San Diego region."

REASON: The EIS/EIR does not include any detailed assessment as to impacts to air quality.

053 **RM Goal 9:** "The City will preserve the integrity, function, productivity and long-term viability of environmentally sensitive habitats throughout the City, including…, lagoons and their uplands…"

REASON: The project includes impacts to the San Elijo Lagoon. The EIS/EIR needs to verify that the project will preserve or enhance the long term viability of the lagoon in terms of tidal flushing and impacts to upland areas, and the like.

054 Page 3.1-42 (second paragraph): As noted above, the visual quality analysis provided in Chapter 3.7 would support a determination that the project would not be consistent with Encinitas planning policies intended to preserve scenic qualities of the designated I-5 View Corridor. The reasons provided above would support the conclusion that that these policy conflicts are significant under CEQA.

SECTION 3.3 – FARMLAND/AGRICULTURAL LANDS

055 A LESA analysis should be conducted to determine the significance of the farmland conversion under CEQA.

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048 The proposed Vista Point configuration was revised subsequent to public review of the Draft EIR/EIS. The modification would result in more area and parking spaces for cars and trucks compared to the existing location (refer to Final EIR/EIS *Figures 2-2.3, Sheet 28*).

049 Based on comments on the Draft EIR/EIS, the Manchester DAR and proposed San Elijo Multi-use Facility have been redesigned. The revised design would include an underpass rather than a flyover and the size of the multi-use facility would be reduced, thus reducing associated visual impacts. Please refer to the response to your Comment 009 with regard to visual effects and associated minimization measures. Policy 4.7 is listed in *Table 3.1.1*, which notes that all four alternatives are potentially inconsistent with various Resource Management Element goals.

050 Policy 4.9 is listed in *Table 3.1.1*, which notes that all four alternatives are potentially inconsistent with various Resource Management Element goals. Please also refer to the response to your Comment 029 with regard to visual effects and associated minimization measures.

051 *Table 3.1.1* addresses Resource Management Policy 4.10, noting that all four alternatives are potentially inconsistent with various Resource Management Element goals, the proposed alternatives would potentially involve the loss of some mature trees along the corridor, and the project includes the planting of disturbed areas with plant species native to the vicinity.

052 Resource Management Goal 5 referenced in this comment is directed to the City. The EIR/EIS does contain a detailed assessment of air quality impacts. EIR/EIS *Section 3.14*, *Air Quality*, presents a detailed discussion of impacts based on the Air Quality Analysis prepared for the *I-5 NCC Project* in August 2007. The design concept and scope of the proposed project is identified as being consistent with the project descriptions in the 2030 and 2050 RTPs and the assumptions in the regional emissions analysis for achieving the goals of the Clean Air Act.

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SECTION 3.4 - COMMUNITY IMPACTS

056 Page 3.4-2 (Affected Environment): The affected environment description for Encinitas provides a very general overview of land uses within the communities of Encinitas. The generalities of the description does not allow for a more concise analysis of the project's community character impacts. This description should focus on immediate areas of the affected environment, as viewed by freeway travelers that would be directly impacted by the project.

057 Page 3.4-3 (Environmental Consequences): Section 3.4.1.3 does not define the criteria used in determining adverse community character impacts. With respect to visual quality and changes in land use, the proposed Park and Ride Facility at Manchester Avenue would have potentially adverse community character impacts on the immediate area, which represents an important gateway to the City of Encinitas. The existing community character of this area largely consists of undeveloped farmland and natural open space associated with the San Elijo Lagoon. As proposed, the large parking area and direct access ramps extending from this facility are substantially out of character with the existing scenic views and semi-rural land uses. These conditions and effects are described in Section 3.7 (Visual Quality).

058 Section 3.4.1.3 should address the effects of proposed retaining walls and sound barriers on community character within the I-5 corridor through Encinitas. Also, the analysis should address community character effects associated with all land use conversions resulting from proposed right-of-way encroachments.

059 The City places high importance on the northern and southern gateways to the City within the freeway corridor. The analysis in Section 3.4.1.3 should address the project's community character impacts within these gateway areas.

060 Page 3.4-3 (Construction-Related Impacts): Please address the previous comment for page 3.1-16. During construction activity, staging areas would potentially result in adverse community impacts when located near residential neighborhoods. Adverse impacts would be associated with construction traffic, daytime and nighttime noise, dust and equipment emissions, construction lighting, public safety, and hours of operation. The analysis should be expanded to address this issue.

061 Page 3.4-6 (Mitigation Measures): The last two bulleted measures do not adequately mitigate all potential community impacts resulting from construction activity. A detailed mitigation plan should be prepared to mitigate community impacts associated with staging areas. Comprehensive measures should be provided in the plan to mitigate potential effects on surrounding neighborhoods as noted in the previous comment. The plan should include enforcement provisions that would ensure contractors comply with the mitigation measures. In addition, the plan should provide locations of staging areas including areas where general construction materials (type of material stored, expected quantities, etc.) will be stored for short- or long-term use.

062 The mitigation measures should include a provision for coordination between Caltrans and the City's Traffic Division and Fire Department during preparation of the Traffic Management Plan

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053 *Table 3.1.1* notes that all four alternatives are potentially inconsistent with various Resource Management Element goals, and that Caltrans would coordinate with the City and/or wildlife agencies as required to ensure that potential impacts to natural resources are minimized and/or mitigated to the maximum extent practicable. *Table 3.1.1* also states that the proposed project would result in permanent loss of land within the San Elijo Lagoon Ecological Reserve. Since circulation of the Draft EIR/EIS, additional detailed studies have been prepared and/or completed regarding the biology and hydrology of the lagoons, including San Elijo Lagoon, and potential project impacts. These studies have resulted in refinement of proposed project design (regardless of alternative selected if the project is approved). This new information was detailed in a 2012 publicly circulated Supplemental Draft EIR/EIS and has now been incorporated into this Final EIR/EIS. The bridge over San Elijo Lagoon would be lengthened, substantially improving tidal flows in the lagoon and associated ecological functions. Please also refer to Topical Response "Lagoon Effects."

054 *Table 3.1.1* notes that all four alternatives are potentially inconsistent with various Resource Management Element goals, and that Caltrans would coordinate with the City and/or wildlife agencies as required to ensure that potential impacts to natural resources are minimized and/or mitigated to the maximum extent practicable. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project, which are recognized as remaining high, as stated in the EIR/EIS.

055 As stated in EIR/EIS *Section 3.3*, *Farmlands/Agricultural Lands*, NEPA and the Farmland Protection Policy Act (FPPA) require federal agencies, such as FHWA, to coordinate with the Natural Resources Conservation Service (NRCS) if their activities may irreversibly convert farmland. The assessment of potential impacts to farmland is completed on form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Projects,

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055 cont. which rates impacts based on a point scale from zero to 260. The form reflects coordination with NRCS, which administers the FPPA, and is included in Appendix E of the EIR/EIS. This analysis is considered adequate for NEPA and CEQA analysis of farmland impacts. Please also refer to the response to Comment 021 regarding continued agricultural viability.

056 The affected environment description is by necessity more general for the 27-mile corridor that a description would be for a smaller, localized project within one municipality, and is deemed adequate for this EIR/EIS.

057 Based on comments on the Draft EIR/EIS, the Manchester DAR and proposed San Elijo Multi-use Facility have been redesigned to minimize their potential impacts. Impacts and benefits of the redesigned DAR are presented in Final EIR/EIS *Table ES.2.*

058 Please refer to Topical Response "Visual/Community Effects" for additional information regarding effects of retaining walls and measures proposed to avoid, minimize, and mitigate project visual/aesthetic and community character concerns. Please also see *Section 3.7.3* of the Final EIR/EIS under the discussion of "Other Representative Views" for additional simulations indicative of project changes, particularly *Figures 3.7.86* and *3.7.104*.

059 The character of a community goes beyond specific locales; community character impacts have been addressed adequately throughout the 27-mile corridor.

060 Construction impacts related to the various issues mentioned in this comment are addressed in the technical sections within *Chapter 3,* including the following: *Section 3.15*, *Noise*; *Section 3.14*, *Air Quality*; and *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities*. Construction conditions are concluded to not have permanent impacts on community character.

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	061 Please refer to the response to your Comment 046. Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor CIA has specified park and ride facilities, in whole or in part, as construction staging areas. Appendix D, Environmental Commitments Record, will compile all mitigation measures and tracking to ensure contractors comply with the measures.

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062 cont. (TMP). In addition, the City's Traffic Division and Fire Department should participate in the review of the plan prior to its completion.

063 The TMP should include a description of any ramp or road closures, any streets in the City that will be affected by increased truck traffic or hauling of materials, and any streets that may have limited access, reduced lane widths, or other related concerns. A timeline should be provided for ramp and road closures as well as expected hours of operation.

064 Nighttime construction activity may result in adverse impacts on residential land uses. A mitigation measure should be provided that requires site-specific noise studies and attenuation measures for construction activities during these times.

SECTION 3.5 – UTILITIES AND EMERGENCY SERVICES

065 Page 3.5-1 (Affected Environment): Within the City of Encinitas, wastewater service is provided by the San Elijo Joint Powers Authority and City of Encinitas (Cardiff and Encinitas Sanitary Divisions). The references to the "City of Encinitas Water District" should be deleted because this entity does not exist.

066 Page 3.5-1 (Emergency Services): For construction activity impacts, the analysis addresses the effects by only stating the impacts would be temporary. However, as previously noted and acknowledged in Section 2.4 of the EIS/EIR, construction activity is measured in years, if not decades. Based upon construction phasing information provided in Section 2.4, the "temporary" nature of construction activity is questionable. The project may result in adverse impacts on emergency services if public safety is jeopardized due to increased response times during construction activities, particularly during peak hours of traffic congestion and/or temporary road closures.

067 Page 3.5-2 (Mitigation Measures): The mitigation measure should reference the Traffic Management Plan mitigation measure in Section 3.6.4.1.

SECTION 3.6 – TRAFFIC & TRANSPORTATION/PEDESTRIAN BICYCLE FACILITIES

068 Page 3.6-1 (Existing and Forecasted Conditions): The discussion indicates that there would be no difference in freeway level of service with or without the Direct Access Ramps (DAR). The DAR and Park and Ride facility at Manchester Avenue would result in adverse effects related to land use, visual quality, and community character. For the purposes of CEQA, the alternatives analysis should evaluate a project alternative without the DAR at Manchester Avenue. The analysis should demonstrate how the DAR would benefit level of service conditions at the intersections located at the Manchester Avenue interchange.

069 Page 3.6-4 (Average Daily Traffic): As indicated in the analysis, freeway demand is shifted to surface streets with the No Build and 8 + 4 alternatives, resulting in potentially greater traffic impacts on local streets. In order to compare a complete evaluation of traffic impacts between the alternatives, the analysis should address traffic impacts on affected local surface streets under

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062 Coordination between Caltrans and the City's Traffic Division and Fire Department would be part of the development process for the TMP during the final design phase. Specifically, the City Traffic Division and Fire Department would have the opportunity to review and comment on the TMP during the course of its development.

063 Detailed information on road and ramp closure schedules and other related concerns are to be included in the Project's Special Provisions, which will be developed during the Final Design stage of the project.

064 Measures to address potential construction-related noise generation are provided in EIR/EIS *Section 3.15*, *Noise*, under the discussion of *Measures to Minimize Construction Noise*. As discussed, noise at the construction sites would be intermittent and would vary in intensity. Specifically, the degree of construction noise may vary for different areas of the project site, as well as with the nature of individual construction activities. Measures described in *Section 3.15.4* include equipment noise control, construction noise monitoring, and planning noisier operations during times least sensitive to noise receptors, as well as planning rests between construction activities so that noisy activities are followed by more quiet activities.

065 The requested edit on page 3.5-1 to correct references to the "City of Encinitas Water District" has been made in this Final EIR/EIS.

066 EIR/EIS *Section 3.6.4* requires implementation of the project TMP, including measures to minimize service delays and disruptions to emergency services. As noted in Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor CIA, emergency services would experience temporary disruptions to access and circulation during construction, although TMP measures would be implemented to minimize such impacts. Specifically, the TMP would encompass a Public Awareness Program to distribute information such as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please also refer to Topical Response "Construction Traffic."

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	067 The requested edit on page 3.5-2 to reference additional information about the Traffic Management Plan in *Section 3.6.4.1* has been made in this Final EIR/EIS.
	068 Scenarios with and without DARs are evaluated in the *I-5 NCC Project* Technical Report No. 7, Direct Access Ramps/Local Circulation System Operations Report (August 2007). Specifically, Tables 3.1 and 3.3 provide information on the reported delay, Levels of Service (LOS), and Roadway Segment Capacity analysis. This Technical Report was prepared in support of the EIR/EIS and is incorporated by reference herein. Please refer to the response to your Comment 004 with regard to evaluation of a project alternative without the Manchester Avenue DAR.
	069 The project Draft Technical Report No. 6, Freeway Interchange Operations Report (August 2007), shows roadway segment impacts for each scenario in Section 3.6, Roadway Segment Analysis. In addition, Section 4.2, Summary of Project-Related Impacts, under the discussion of Arterial Roadway Operations in the same report, gives a summary of the roadway segments that would operate under and over capacity for various scenarios. The technical report was prepared in support of the EIR/EIS and is incorporated by reference herein.

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069 cont. the 8+4 and 10+4 alternatives. In accordance with CEQA, this analysis would better inform the public and decision makers by providing more meaningful information when comparing the environmental impacts of the project's alternatives.

070 The Draft EIS/EIR states the future year 2030 AADT on I-5 in Table 3.6.1. It also states on page 9 of the I-5 North Coast Freeway Operations Report (November 2008) that future traffic would be diverted to other parallel routes for the No Build and 8+4 scenarios. The table indicates that the I-5 freeway segment between Encinitas Boulevard and Leucadia Boulevard would increase from an existing AADT of 190,500 to a future year 2030 AADT of 326,850 in the 10+4 scenario. In the 8+4 scenario the future year 2030 AADT would be reduced by 11,700 AADT to an AADT 315,150 and in the No Build scenario the future year 2030 AADT would be reduced by 32,550 AADT to an AADT of 294,300. The EIS/EIR shows a table with the future year 2030 AADT on Coast Highway 101 and El Camino Real but fails to analyze the traffic impacts to the intersections and midblock locations along Coast Highway 101, El Camino Real and the other City streets parallel to the I-5 that would receive 11,700 AADT in the 8+4 scenario and the 32,550 AADT in the No Build scenario. It should also be noted that the City of Encinitas, as well as other coastal cities, is in the planning process for a streetscape project on North Coast Highway 101 between Encinitas Boulevard and La Costa Avenue that will include the installation of single lane roundabouts at five intersections and the reduction in the number of travel lanes in order to accommodate pedestrian and bicycle facilities.

071 Page 3.6-8 (Other Related Congestion Analysis): The discussion indicates that freeway interchanges and ramp intersections were analyzed, however, no analysis is provided in this section.

072 Page 3.6-8: Table 3.6.10 does not address proposed improvements for all project interchanges.

073 Page 3.6-10 (8+4 Alternatives): The total delay of northbound hours (14,500) and southbound hours (20,200) do not represent total hours provided in Table 3.6.2

074 Page 3.6-10 (Construction Impacts): No analysis is provided in this section for construction impacts on traffic circulation. Construction activity may result in unacceptable levels of service on roadways and intersections. This analysis should also include potential impacts related to public safety. For example, traffic hazards may result in areas of construction activity that interface with pedestrians and bicyclists, particularly near freeway interchanges, staging areas, and haul routes.

075 Page 3.6-10 (Pedestrian and Bicycle Enhancement Facilities): No indication is provided as to whether sidewalks and Class II bike facilities would be provided on the Requeza Street and Leucadia Boulevard bridges.

076 Page 3.6-11(Mitigation Measures): As previously noted, the mitigation measures should include provisions for Caltrans to coordinate with the City's Traffic Division and Fire Department when preparing the Traffic Management Plan and allow staff to review the plan before it is completed. Please provide other requested measures provided in the comment on page 3.4-6.

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070 EIR/EIS *Table 3.6.2* presents the average daily traffic (ADT) projected by the regional traffic model for 2006 conditions, 2030 no build conditions, and 2030 conditions for the two build alternatives (with no distinction for barrier versus buffer). The data presented in the table indicated that traffic would be less on I-5 and therefore greater on parallel facilities in the no build condition. As stated on page 3.6-2 of the Draft EIR/EIS, the "2030 No Build shows less demand than the 2030-year build alternatives, because freeway demand is shifted to routes parallel to I-5." The data presented in *Table 3.6.2* indicate that the 8+4 alternative would carry an additional 20,850 ADT that would otherwise be on parallel facilities in the no build condition, and the 10+4 alternative would carry an additional 32,550 ADT. The build alternatives would therefore improve 2030 conditions on parallel facilities. The comment that coastal cities are in the planning process for a streetscape project on Highway 101 is noted.

071 Please refer to the response to your previous Comment 069.

072 *Table 3.6.11* is a summary of interchange improvements. All of the interchange reconfigurations are listed in *Table 2.2.2*. All interchanges are analyzed as presented in Tables 3.2 and 3.3 of Draft Technical Report No. 6.

073 The data for travel time, total delay and duration of congestion on pages 3.6-4 and 3.6-5 of the Draft EIR/EIS are median values, whereas the numbers on pages 3.6-9 and 3.6-10 of the Draft EIR/EIS are average value. There is no heading under *Managed Lanes/Value Pricing*, with the *Managed Lanes/Value Pricing* and the paragraphs on different alternatives in pages 3.6-9 and 3.6-10 of the Draft EIR/EIS are included in *Section 3.6.3.1, Traffic and Transportation,* of the Final EIR/EIS.

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	074 As noted in EIR/EIS *Section 3.6.4*, a comprehensive TMP to minimize delays and increase public awareness would be developed after selection of a Preferred Alternative but prior to the start of construction.
	075 Community enhancement projects have undergone refinement since circulation of the Draft EIR/EIS. The updated projects were addressed in the Supplemental Draft EIR/EIS circulated for public review in August 2012 and are incorporated into this Final EIR/EIS. The updated community enhancements include the following: (1) Bicycle/Pedestrian Enhanced Trail on Both Sides of I-5 at San Elijo Lagoon with Bridge Connection to Manchester Avenue; (2) Park and Ride Enhancements at Birmingham Drive; (3) Villa Cardiff Drive Improvements and MacKinnon Bridge Enhancements; (4) Hall Park Trail Connecting to Santa Fe Drive; (5) Trail Connecting Santa Fe Drive to Requeza Street with Wetland Revegetation; (6) Trail Connecting Requeza Street to Encinitas Boulevard; (7) Union Street Pedestrian Overpass; (8) Cottonwood Creek Park to Union Street trail connection with Wetland Revegetation; and (9) NC Bike Trail in the City of Encinitas. Leucadia Boulevard is not currently proposed as a community enhancement.
	076 Please refer to response to your Comment 062 regarding TMP development.

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SECTION 3.7 - VISUAL/AESTHETICS

077 Figure 2-2.14q: The two proposed detention basins at the Manchester Avenue interchange are rectangular and very 'engineered' in design. Because this area is a gateway to the City and with San Elijo Lagoon, their design should mimic and enhance the natural visual character of the lagoon.

078 Page 3.7-15 (Environmental Consequences): Section 3.7.3 should analyze the visual impacts on recreational users when viewing the project from public trails and vantage points with the lagoon areas.

079 Ocean views are described on page 3.7-12 for five vantage points along the freeway corridor in Encinitas. The analysis should address whether these views would be blocked by the project.

080 Page 3.7-21 (Key View #5 at Manchester Avenue): This key view should be supplemented with a more distant visual simulation of the Park and Ride facility when viewed by northbound freeway travelers. The existing simulation portrayed in Key View #5 does not portray the entire Park & Ride facility and surrounding visual character. Conceptual landscaping of the facility should be portrayed within the visual simulation. This view corridor is one of the more important ones for freeway travelers because it represents the southern gateway to Encinitas.

081 Page 3.7-36 (Impacts to Views of Scenic Resources): The analysis should indicate that the project would result in adverse impacts on scenic views of natural topography and coastal wetlands. These impacts are associated with the construction of retaining walls within coastal bluffs north of the Park and Ride facility above San Elijo Lagoon. In addition, Sound wall S622 Option 2 (12 to 14 feet high) would appear to partially obstruct easterly scenic views of San Elijo Lagoon for northbound travelers.

082 Page 3.7-37 (Mitigation Measures): The mitigation measures should consider the use of sculpted shotcrete for aesthetic treatment of retaining walls proposed in natural slope areas. This type of treatment would provide a geological finish on retaining walls that simulates the natural characteristics of the native topography, which help to maintain (mimic) the existing scenic resources within the I-5 scenic corridor.

083 As previously noted, the EIS/EIR should include a conceptual landscape plan for the Park and Ride facility at the Manchester Avenue interchange. The landscape plan would partially mitigate adverse visual impacts of this facility.

084 As a general comment on the project's mitigation measures for visual impacts, City staff believes that it is important to comprehensively evaluate the feasibility of the following measures during final design stages of the project:

- Undulated grading should be provided, particularly in areas of natural topography;
- Tiered and curvilinear retaining walls should be provided where feasible to reduce visual impacts;

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077 The comment regarding the preferred design for the proposed detention basins at the Manchester Avenue Interchange is noted. Facilities at Manchester Avenue are undergoing refinement during the environmental process and will continue to be refined as design proceeds. Appendix D, Environmental Commitments Record, includes the following measure related to detention basins: Basins should appear to be natural landscape features, such as dry streambeds or riparian areas. Where possible, they should be shaped in an informal, curvilinear manner, incorporate slope rounding, variable gradients, and be similar to the surrounding topography to de-emphasize a defined outer edge.

078 Impacts to viewers in adjacent communities are addressed on page 3.7-35 of the Draft EIR/EIS, which discloses that at freeway interchanges, overcrossing and undercrossing structures and some local streets would be enlarged and create an increased urban visual character. In particular, the visual experience of pedestrians and bicyclists would diminish. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects and the ongoing effort to avoid, minimize, and mitigate project visual effects, which are recognized as high.

079 *Draft EIR/EIS Figure 3-7.79* summarized the visual impacts to scenic resources along the project corridor, with loss of views to the Pacific Ocean noted as occurring between Via de la Valle and Lomas Santa Fe Drive for southbound freeway travelers. Based on changes to the project occurring since circulation of the Draft EIR/EIS, this view would now be retained. This is stated in the Final EIR/EIS under the heading *Impacts to Views of Scenic Resources, Loss of Views to the Pacific Ocean*.

080 Because it is not practical to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Facilities at Manchester Avenue have undergone refinement during the environmental process and

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080 cont. will continue to be refined as design proceeds. Please refer to the response to your Comment 019 for additional information about the revised design of this facility.

081 Please refer to Topical Response "Visual/Community Effects" for additional discussion of visual effects. The Draft EIR/EIS states that large, urban freeway components would contrast with the visual character of adjacent scenic areas and beach communities. EIR/EIS *Section 3.7.4* contains a number of measures to minimize the potential visual effects of retaining walls and soundwalls, including potential use of transparent soundwalls where appropriate to retain views.

082 The comment that the use of sculpted shotcrete should be considered for aesthetic treatment of retaining walls is noted. As described in EIR/EIS *Section 3.7.4*, the Design Guidelines: I-5 NCC Project were developed under the direction of the District 11 Landscape Architect. The guidelines contain detailed architectural and landscape mitigation guidance that reflect comments received during public outreach meetings with interested community groups, city staff members, regulatory agencies, and the general public.

083 Facilities at Manchester Avenue have undergone refinement during the environmental process and will continue to be refined as design proceeds. Developing a landscape plan at this time would be premature. It is agreed that landscaping, which would be identified during final project design, would minimize visual impacts.

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084 cont.

- Sculpted shotcrete should be provided for retaining walls proposed in natural slope areas, particularly in the southern and northern corridor gateways to the City;
- All landscaping should be naturalized within 3 years to reduce or eliminate on-going maintenance;
- Ensure planting pockets or landscape buffers are provided to screen or soften retaining walls and sound barriers;
- A higher level of landscaping should be provided at freeway interchanges, particularly at the Encinitas Boulevard interchange;
- Storm water detention basins should be designed to have a natural appearance; and
- Coordinate with the City when evaluating aesthetic treatments for all retaining walls, sound barriers, and grading of slopes.

SECTION 3.9 – HYDROLOGY/DRAINAGE

085

The project's floodplain studies provide generalized analyses of regional effects resulting from the project. Section 3.9 and the technical studies do not address more localized impacts on drainage facilities.

Although existing flood plain at San Elijo Lagoon has been studied, upon completion of the project, any mapped or unmapped floodplain or floodway that is impacted by embankment, grading, or freeway structures should be analyzed to identify any adverse flooding impacts on adjacent properties and corrective measures should be implemented to mitigate such impacts.

No drainage study has been prepared to analyze additional storm runoff as a result of the project. Therefore, the drainage impacts on downstream drainage facilities (constructed and natural) are not fully addressed. Drainage studies should be prepared to calculate additional discharge and their impacts on the downstream drainage facilities. Should any adverse drainage impacts be identified, mitigation measures should be provided to offset the impacts. This is especially important for watersheds such as Cottonwood Creek that have substandard drainage infrastructures that currently flood during major storms.

086

Page 3.9-8 (San Elijo Lagoon): The analysis indicates that within San Elijo Lagoon, the replacement of the I-5 bridge would cause a decrease to floodwater elevations upstream. However, the previous page indicates that the bridge widening would increase the upstream water surface elevation 0.3 feet. On this page, it appears that "increase" should be replaced with "decrease." Please clarify.

087

Page 3.9-9 (Mitigation Measures): Mitigation measures should include the preparation of drainage studies to assess the impacts on affected local drainage facilities. Caltrans should coordinate with the City's Engineering staff during the preparation and review of these studies.

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084 The request in this comment to comprehensively evaluate the feasibility of the provided list of measures during final design is noted. Please refer to the conceptual measures identified in EIR/EIS *Section 3.7.4*, as well as the response to your Comment 082 regarding the Design Guidelines: I-5 NCC Project.

085 The project will be designed with standard engineering practices and best management practices to facilitate drainage, control erosion and runoff, and protect sensitive areas. Long-term impacts during Caltrans operation and maintenance of its facilities would be mitigated through the use of design pollution prevention (DPP) BMPs, "treatment" BMPs, and maintenance BMPs. Appendix D, Environmental Commitments Record, includes the following measures related to avoiding local drainage impacts: the peak flow rate, runoff velocities, and erosive characteristics of the soils in the area would be assessed with regard to downstream water courses to determine potential impacts and appropriate mitigation, if required.

086 At the time the Draft EIR/EIS was released for public review, the bridge length over the channel was not confirmed and impacts were based on widening the freeway while maintaining the existing bridge length. The currently proposed I-5 bridge in this area has undergone further design, including design to accommodate the optimized channel width. Accordingly, the analysis in Final EIR/EIS *Section 3.9, Hydrology/Drainage*, has been revised to reflect the updated bridge design.

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SECTION 3.10 – WATER QUALITY AND STORM WATER RUNOFF

088 Section 3.10 and the project's water quality report do not provide a more localized assessment of the project's water quality impacts. Specifically, the project's water quality report does not include numeric sizing. The project is a priority project for the purpose of storm water pollution control. Based on the State water quality regulations all priority projects shall size their storm water treatment facilities to meet the numeric sizing criteria. Upon completion of the I-5 design, a water quality report should be prepared that provides design and sizing of the storm water treatment facilities for runoff generated by the proposed freeway expansion. Section 3.10.4 should include the preparation of this report as a mitigation measure.

089 Since runoff generated from the project would discharge into one of City's watersheds, the treatment facilities, sizing requirements, and hydromodification requirements should meet or exceed requirements set forth by the Regional Water Quality Control Board for San Diego County.

090 Page 3.10-10 (Mitigation Measures): With respect to water quality, a fundamental concern with the project is the increased impervious area and related increases in runoff volumes, rates, and pollutant loads. As a result, locally managed and maintained municipal storm drain systems will be additionally burdened on multiple levels, and responsible jurisdictions will be held accountable for the quality of water flowing into and out of these systems. As such, the following considerations should be addressed in Section 3.10.4:

- Treatment Control BMPs must be designed or engineered to a specific compliance standard to match up with those standards being applied by adjacent jurisdictions (storm size, runoff volume, etc.). As currently written in the Draft EIS/EIR, treatment BMPs will be designed to meet a Maximum Extent Practicable Standard (MEP). If there is a more specific treatment design standard used by Caltrans for Treatment Control BMPs, it should be identified in the EIS/EIR.

- Caltrans offers rationale for targeting specific pollutants (Targeted Design Constituents or TDC's) that are considered "*treatable*" by Caltrans approved treatment control Best Management Practices (BMPs), and compares those pollutants to identified impairments in receiving waters within the project limits. While this rationale supports the management and treatment of stormwater related pollutants in specific to Caltrans project limits, this generally disregards the increased volume of runoff and related pollutant loads being discharged into adjacent jurisdictional drainage systems and receiving waters that must then be managed by the responsible jurisdictions. Caltrans should capitalize on and as appropriate identify opportunities to collaborate with local jurisdictions to address a variety pollutant types. For example, the opportunity to treat the "first flush" runoff volume through a connection to the Olivenhain Sewer Pump Station located at the northbound I-5 Manchester offramp may be noted as an opportunity to address more than just sedimentation and siltation in the San Elijo Lagoon.

RESPONSES

087 Please refer to the response to your Comment 085. The project will be designed with standard engineering practices and BMPs to facilitate drainage, control erosion and runoff, and protect sensitive areas.

088 The EIR/EIS states that the project has the potential to impact water quality during the construction phase as well as during its operation, and that BMPs would be evaluated and implemented to address these impacts during the planning and design, construction, and operational phases. Appendix D, Environmental Commitments Record, includes measures related to avoiding local water quality impacts, including the following: BMPs would be implemented to address potential water quality impacts during the planning and design, construction, and operational stages; and short-term impacts to water quality during the construction phase would be prevented or minimized through the use of construction site BMPs.

089 As noted in EIR/EIS *Section 3.10.1*, the proposed project would be designed to follow the guidelines and procedures outlined in the Statewide Storm Water Management Plan (SWMP) and to comply with the Statewide NPDES Permit current at the time of permitting. Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification.

090 Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification and how Caltrans will comply with the appropriate regulations to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages of the project. The SWMP describes how Caltrans would comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit (Order No. 2012-0011-DWQ) and implement measures to reduce the discharge of pollutants to the storm water drainage systems that serve the highway and highway-related properties, facilities, and activities. Appendix D, Environmental Commitments Record,

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090 cont.

- The Draft EIS/EIR does not identify the possibility of restoration activities in affected waterways (streams, creeks, lagoons) as a means to improving water quality through natural stream function. Where determined appropriate and feasible, these opportunities should not be overlooked, and the EIS/EIR should identify restoration as a possibility. For example: restoration done adjacent to the freeway will help to address some of the visual impacts within the I-5 scenic corridor.

- Design Pollution Prevention BMPs (essentially volume controls), as described in the Draft EIS/EIR, will be critical in the effective management of stormwater pollution and volumes related to the project. While it is acknowledged in the EIS/EIR that such controls will be critical to ensuring the protection of downstream channel stability from changes in the rate and volume of runoff, there is little specificity in how this will be achieved. The San Diego County Storm Water Copermittees have developed a comprehensive and scientifically based Hydromodification Plan specific to the San Diego Region. To properly manage rainfall runoff in the context of susceptibility to channel degradation, Caltrans and local jurisdictions must apply the same standards, and therefore collaboration with affected cities in terms of runoff volume management should be a priority and appropriately articulated in the EIS/EIR.

SECTION 3.13 – HAZARDOUS WASTE/MATERIALS

091

The analysis should address the handling of hazardous materials or waste during construction activity and any potential impacts associated with this issue. Section 3.13.4 (Mitigation Measures) should provide measures that require the preparation of a Hazardous Materials Business Plan in accordance with Division 20 of the California Health and Safety Code, Chapter 6.95. The plan should be reviewed and approved by the County Department of Environmental Health. In addition to any County requirements, the following information should be included:

> Detailed information on any use of any hazardous materials and related hazardous waste should be provided. This includes but is not limited to the following: Use, Dispensing, Storage, Secondary Containment, Mixing, and Electrical Bonding and Grounding of any/all hazardous materials (including flammable or combustible fuel) which are used onsite, offsite or stored in temporary aboveground containers (regardless of size), aboveground tanks, or underground tanks. Information should be provided on expected location, quantity and type of liquid or solid hazardous material, how and where material is being stored, and the duration of storage. Protocols should be provided for the handling any hazardous material spills.
>
> If applicable, provide detailed information as to expected uses of any explosive materials and any type of on-site blasting, regardless of the amount of material used or size of blast. Basic information should be provided as to the type of explosive material used, locations and times to be used, amounts of material on site per day (no overnight storage allowed), proper storage of material on site during hours of use, how material will be transported to/from site and any haul routes of explosives. Also, copies of blaster's licenses, neighborhood notifications and insurance info would be required. The California Code of Regulations, Title-19, in the section related to Blasting and Explosives, has specific

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090 cont. includes measures related to managing storm water pollution, including the requirement to further evaluate during design the locations of "treatment" BMPs to determine whether they could be incorporated or rejected due to hydraulic feasibility, right-of-way, and/or environmental constraints. Appendix D also notes that even if the sites were found not to be practicable locations, vegetation would be maximized throughout the area.

091 Please refer to the response to your Comment 046 for examples of appropriate BMPs from the Caltrans Construction Site Best Management Practices Manual related to the handling of hazardous materials or waste during construction. The project would be designed and constructed in compliance with all applicable federal, State, and local regulations.

The Final Design Plans Specifications and Estimates (PS&E) of the project will address applicable regulations, requirements, and procedures involving blasting and the use of explosive materials. Any blasting activity involving the use of explosive materials would be fully coordinated with local emergency and regulatory agencies to ensure that all potential safety concerns and community disruptions are addressed.

In addition, Caltrans Standard Specifications 2010, Section 19-2.03E, Blasting, include associated restrictions for blasting activities. These Standard Specifications are used as minimum requirements for Caltrans projects.

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091 cont.

requirements for the City's Fire Department to follow and enforce. Also, the Fire Department has a blasting checklist that must be followed for on-site blasting and use of explosives. No overnight storage of explosives or blasting material will be allowed, regardless of amount. Also, information on providing an on-site safety inspector ensures Fire Department regulations are followed.

If applicable, provide detailed information on the use, storage, separation and protection of compressed gases; including types and quantity of compressed gases used. This would not include small welding units attached to pickup trucks or small portable cutting torches on wheeled carts.

Detailed drawings and locations for hazardous materials, use of explosives, compressed gases and temporary aboveground or underground tanks should be provided.

SECTION 3.14 – AIR QUALITY

092 Page 3.14-4 (Table 3.14.4: Sensitive Receptors): The Hall Property Community Park should be included in Table 3.13.4 since the park will be constructed prior to the I-5 project.

093 Page 3.14-5 (Carbon Monoxide): As noted in the comment for page 3.6-4, the 8+4 project alternatives would have greater surface street impacts. An analysis should be conducted to determine surface street intersections that may be significantly impacted under these alternatives. In addition, a carbon monoxide hot-spot analysis should be provided for these intersections.

094 Page 3.14-6 (4th paragraph): The fourth paragraph should be rewritten to correctly reflect the contents of Table 3.14.6 (table reference, street name, and monitoring years). In addition, the three years of monitoring data provided in the table do not appear to provide a general downtrend of PM_{10} and $PM_{2.5}$ concentrations in the San Diego Air Basin.

095 Page 3.14-7 (MSAT Analysis): This section refers to Table 3.4.11, which does not exist.

096 Page 3.14-7 (Table 3.14.7): Table 3.14.7 should be revised to address the following items:

- The format of the first column is confusing (some shading and gridlines should be removed).
- The acronym for "LDV" is not defined.
- A typo occurs under the "Trucks" column ("7,9225").

097 Page 3.14-8 (Table 3.14.9): In Table 3.14.9, the Average Percent Range figures for the 8+4 alterative should be shifted to the correct columns. Also, the "4,255" g/day for formaldehyde under the 10+4 Alternative appears to be a typo.

098 Page 3.14-9 (MSAT Discussion of Results): The section states that a substantial decrease in MSAT emissions can be expected for the alternatives. However, the analysis indicates that the 10+4 and 8+4 alternatives would result in MSAT emissions that are greater that the No Build alternative. This exception should be clarified in the discussion.

092 *Table 3.14.4* lists sensitive air quality receptors existing at the time of preparation of the Draft EIR/EIS. This table has been updated as *Table 3.14.5* in this Final EIR/EIS.

093 Chapter 3.0, Operations Analysis, of the I-5 North Coast Corridor Draft Technical Report No. 6, Freeway Interchange Operations Report, (August 2007) presents the operations analysis results for each of the project scenarios. Included in these analyses are surface street intersection capacities, peak hour delays, LOS, and ADT. In addition, Section 4.2, "Summary of Project-Related Impacts" of the same report includes traffic operations at intersections, ramps, and arterial roadways due to increased travel demands. The Draft Technical report was prepared in support of the EIR/EIS and is incorporated by reference.

The results of carbon monoxide (CO) hot spot analysis are compiled in Draft EIR/EIS *Table 3.14.5* (*Table 3.14.6* in the Final EIR/EIS). The EIR/EIS notes that all other intersections in the project area are predicted to experience less delay time and improved operating conditions; therefore, the proposed project would not adversely impact local air quality.

094 The sentence referenced has been changed to read as follows: "*Table 3.14.4* shows the PM_{10} and $PM_{2.5}$ concentrations observed at the Beardsley Monitoring Station from 2010 to 2012, in comparison with federal and State standards." The statement about the general downward trend has been clarified.

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098 cont. In the third paragraph, the "Table 3.14.6" reference should be changed to "Table 3.14.7".

The third paragraph concludes that MSAT emissions associated with the No Build alternative would be greater than the 10+4 and 8+4 alternatives. However, Tables 3.14.8 and 3.14.9 conclude otherwise. For example, under the Year 2015 scenario in Table 3.14.8, the 8+4 and 10+4 alternatives would respectively result in emissions that are 7.5% and 14% greater than the emissions for the No Build alternative.

Because the 10+4 and 8+4 alternatives would result in greater MSAT emissions (7.5% to 20% greater) than the No Build alternative, the analysis should demonstrate whether these increases would result in adverse health effects.

099 Page 3.14-10 (Construction Impacts): Under the fugitive dust analysis, no conclusion is provided as to whether these impacts are adverse.

100 The analysis should address the potential for adverse health effects from emissions at staging areas. Staging areas may be located adjacent to sensitive receptors. The analysis should address potential emissions from staging area activities such as idling of construction vehicles and operation of other equipment that may impact sensitive receptors.

101 During construction activity, it is acknowledged in Sections 3.4 and 3.6 that the project would result in traffic impacts. These effects may result in failing intersection operations. Therefore, the analysis should address the potential impacts related to carbon monoxide hot-spots during construction activity.

102 Page 3.14-11 (Mitigation Measures): The last paragraph indicates that SDAPCD Rule 51 and Caltrans Specification Section 10 would mitigate effects related to diesel particulates; however, these policies appear to pertain to dust control. If the policies address diesel particulates, please describe any applicable provisions.

103 The Encinitas City Council directed staff to retain a consultant (Scientific Resources Associated) to conduct a technical review of Section 3.14 and the air quality/MSAT studies. Please address the following comments provided by the consultant:

> *At the request of the City of Encinitas, Scientific Resources Associated (SRA) has conducted a technical review of the Air Quality Section of the Draft EIS/EIR, and a technical review of the Air Quality and Mobile Source Air Toxics (MSAT) Analyses provided as appendices to the Draft EIS/EIR.*
>
> *General comments on the analysis are as follows:*
>
> - *There is substantial evidence in published studies that demonstrate that residents and sensitive receptors, including children, experience adverse health effects from freeway air emissions. None of these studies were discussed or evaluated in the*

RESPONSES

095 The sentence referenced in this comment has been changed. The results of the 2013-updated MSAT analysis are tabulated in *Tables 3.14.11* and *3.14.12* of this Final EIR/EIS.

096 The first column is not deemed to need changes. The abbreviation LDV has been defined as "Light Duty Vehicle." The number in the "Trucks" column has been changed to 79,225.

097 *Table 3.14.9* has been corrected and is *Table 3.14.12* in this Final EIR/EIS.

098 The referenced text in EIR/EIS *Section 3.14* has been changed. Draft EIR/EIS *Tables 3.14.8* and *3.14.9* have been updated with 2013 MSAT information and are now *Tables 3.14.11* and *3.14.12* of the Final EIR/EIS. Because the No Build Alternative is expected to accommodate less traffic as indicated in *Table 3.14.10,* its MSAT emissions are expected to be less than those of the build alternatives in both 2015 and 2030. However, MSAT emissions are projected to be approximately 49 percent less in 2030 than baseline (2006) conditions for the build alternatives, even though these alternatives would carry much greater traffic. This represents an improvement over existing conditions.

099 Estimated construction emissions in *Table 3.14.14* in the Final EIR/EIS are well below the federal threshold of 100 tons per year.

100 The conclusion that staging areas' particulate emissions would be temporary and limited to the immediate area and, therefore, would not adversely affect air quality applies to fugitive dust as well as engine exhaust.

The EIR/EIS states that diesel particulate emissions are of concern, and that potential adverse impacts would be increased if construction equipment and truck staging areas were to be located near schools, active recreation areas, or areas of higher population density. A measure to reduce this potential impact has been identified in Final EIR/EIS *Section 3.14.4.*

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103 cont. *Draft EIS/EIR. SRA has provided a list of current studies in the attached literature review that summarize the available evidence.*

104
- *The analysis is based on technical studies (Air Quality and MSAT Analyses) that were prepared in 2007 and 2008, respectively, which are outdated. Updated information, data, and guidance have been issued since the reports were written.*

105
- *The analysis focuses on standard guidance from the Federal Highway Administration (FHWA) to evaluate potential particulate matter impacts, but does not address additional issues under the California Environmental Quality Act. The analysis states that the project is not a project of air quality concern for particulate matter; however, the I-5 North Coast Corridor is located in a state nonattainment area, and with increases in traffic does have the potential to increase the frequency and/or severity of exceedances of the state standard. Also, the document states that background particulate matter concentrations are decreasing in the San Diego Air Basin, which is not shown by the data. While there is no standard methodology currently available to address potential health effects from exposure to ultra-fine particulate matter, in recent studies, ultra-fine particulate matter has been identified as a potential health concern. Future studies may show that additional analysis is warranted.*

106
- *The analysis does not address the potential for impacts to additional receptors to due the widening of the I-5 corridor, which will result in travel lanes placed from 48 to 73 feet closer to existing land uses in the vicinity of the freeway. The California Air Resources Board, in their Air Quality and Land Use Handbook, recommend that sensitive receptors not be sited within 500 feet of a freeway due to potential adverse health effects. The attached figures illustrate the existing 500-foot buffer, and the additional receptors/land uses that will be included in a 500-foot buffer with the widening of the I-5 North Coast Corridor through the City of Encinitas.*

107
- *No discussion of potential exposure to elevated levels of NO_2 was provided in the Draft EIS/EIR. While there is no standard methodology for evaluating health effects due to exposure to NO_2, recent studies indicate that NO_2 may be associated with increased incidence of childhood asthma. NO_2 emissions as calculated with the EMFAC2007 Model increase with increasing speeds. According to the Draft EIS/EIR, under the Build Alternatives both traffic volumes and speeds will increase, leading to increases in NO_2 emissions over the No Build Alternative. No discussion of the potential for increased emissions has been provided.*

108
- *The analysis states that there is no technical approach for evaluating potential health effects from MSAT exposure. The California Air Resources Board and the Office of Environmental Health Hazard Assessment recommend use of the USEPA's AERMOD model to evaluate potential exposures, and the HotSpots Analysis and Reporting Program (HARP) to address potential health risks. These models are in standard usage throughout the state of California for both stationary and mobile source projects.*

SRA is providing additional specific comments on the Draft/EIS/EIR, Draft Air Quality Analysis, and Draft MSAT Analysis, which are provided below.

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101 Construction emissions are concluded to be temporary and limited to the immediate area, and therefore would not adversely affect air quality.

102 Measures related to concerns regarding diesel emissions during construction are provided in EIR/EIS *Section 3.14.4* and generally include measures to reduce idling and properly maintain equipment.

103 Information relevant to evaluating project-specific MSAT health impacts has been updated in *Section 3.14.3* of the Final EIR/EIS. While much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques for assessing project-specific health outcomes as a result of lifetime MSAT exposure remain limited. These limitations impede the ability to evaluate how potential public health risks posed by MSAT exposure should be factored into project-level decision making within the context of NEPA. The FHWA, USEPA, Health Effects Institute (HEI), and others have funded and conducted research studies to try to more clearly define potential risks from MSAT emissions associated with highway projects.

104 The EIR/EIS concludes that a quantitative assessment of the effects of air toxic emissions impacts on human health cannot be made at the project level, and that the amount of MSAT emissions from each of the project alternatives and MSAT concentrations or exposures created by each of the project alternatives cannot be predicted with enough accuracy to be useful in estimating health impacts. Updated information available since circulation of the Draft EIR/EIS would not change this conclusion or the measures presented in EIR/EIS *Section 3.14.4* to reduce construction emissions.

105 Regarding long-term operational effects, the EIR/EIS concludes that the proposed project would improve traffic operations, would therefore contribute to lower PM emissions and be in conformance for federal PM_{10} and $PM_{2.5}$ standards, and is unlikely to increase the frequency or severity of any existing exceedances regarding the nonattainment of state PM_{10} and $PM_{2.5}$ standards. The statement

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105 cont. that background particulate matter concentrations are decreasing in the San Diego Air Basin (SDAB) has been deleted. Construction emissions, including particulate matter, are concluded to be temporary and limited to the immediate area and therefore would not adversely affect air quality. Measures to reduce construction emissions are, however, presented in EIR/EIS *Section 3.14.4*.

106 The study area for the air quality analysis is the SDAB. The EIR/EIS states that the proposed project is located in proximity to populated areas and sensitive air quality receptors. The number of air quality receptors along the corridor is not a factor in determining emission rates. Although sensitive air quality receptors closest to the corridor are presented in *Table 3.14.4 (*Final EIR/EIS *Table 3.14.15)*, conclusions of the environmental document would not be different if more or fewer sensitive air quality receptors are identified.

107 The SDAB is in federal and State attainment for the NO_2 ambient air quality standard. As a result, no "hot spot" analysis is required. In addition, the USEPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers in their 1999 National Air Toxics Assessment (NATA) and NO_2 is not listed as one of them; thus NO_2 was not included in the quantitative MSAT analysis. Furthermore, per-vehicle emissions are higher during stop-and-go than under free-flow conditions.

108 The comment is not clear. Under the discussion of MSATs in the Draft EIR/EIS in *Section 3.14.3,* it does not say that there is "no technical approach for evaluating potential health effects from MSAT exposure," but that there are no "established regulatory concentration targets." Modeling was in fact completed, in accordance with FHWA guidance on this issue, and consistent with FHWA and Caltrans guidance as required for joint CEQA/NEPA documents on the Caltrans Standard Environmental Reference.

Technical experts may disagree and still produce defensible technical analyses and conclusions adequate under CEQA. The FHWA and Caltrans have coordinated to develop templates for joint CEQA/NEPA documents and supporting technical studies prepared by these agencies that address necessary legislative

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108 cont. and regulatory mandates. The studies completed for this EIR/EIS are consistent with those templates.

"Hot spot" analysis, as defined in 40 CFR, Part 93, Subpart A, Section 93.101, Definitions, is an estimation of likely future localized CO, PM_{10}, and/or $PM_{2.5}$ pollutant concentrations and a comparison of those concentrations to the national ambient air quality standards (NAAQS). A "hot spot" analysis assesses impacts on a scale smaller than the entire nonattainment or maintenance area, including, for example, congested roadway intersections and highways or transit terminals, and uses an air quality dispersion model to determine the effects of emissions on air quality.

In order to perform a "hot spot" analysis and determine if it has a significant impact, NAAQS must be in place to compare to the concentration levels. Using dispersion modeling, i.e., Aermod, one could model the concentration of pollutants at a certain receptor, or sensitive receptor. Once the desired concentration is found, that value would be added to the background concentration for the pollutant in question. After the combined concentration is determined, that value is compared to the applicable NAAQS. If the combined value exceeds the NAAQS, it would be reasonable to conclude that a significant impact could occur; if not, there would be no significant impact.

Final EIR/EIS *Section 3.14* presents an enhanced discussion regarding incomplete or unavailable information for project-specific MSAT health impacts analysis. In FHWA's view, information is incomplete or unavailable to credibly predict the project-specific health impacts due to changes in MSAT emissions associated with a proposed set of highway alternatives. The outcome of such an assessment, adverse or not, would be influenced more by the uncertainty introduced into the process through assumption and speculation rather than any genuine insight into the actual health impacts directly attributable to MSAT exposure associated with a proposed action. Because of the limitations in the methodologies for forecasting health impacts described in *Section 3.14*, any predicted difference in health impacts between alternatives

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108 cont. is likely to be much smaller than the uncertainties associated with predicting the impacts. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits. These benefits include reducing traffic congestion, accident rates, and fatalities, as well as improved access for emergency response, each of which is better suited for quantitative analysis.

Please also refer to Topical Response "Air Pollutants," which notes that air toxics analysis is a continuing area of research. The Topical Response also explains that the USEPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from its 1999 National Air Toxics Assessment (NATA) (http://www.epa.gov/ttn/atw/nata1999/). These are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases, formaldehyde, naphthalene, and polycyclic organic matter. The results of the MSAT analysis for these compounds are tabulated in *Tables 3.14.11* and *3.14.12* of the Final EIR/EIS.

In addition, prior to preparation of this Final EIR/EIS, Caltrans recalculated MSAT analyses for the refined 8+4 Buffer (Preferred Alternative). This analysis indicates that a substantial decrease in most of the MSAT emissions can be expected for the Preferred Alternative from the base year through future year levels. The discussion concludes that Caltrans has provided a quantitative analysis of MSAT emissions relative to the various alternatives, and has acknowledged that some alternatives may result in increased MSAT emissions in certain locations. However, no meaningful differences in MSAT emissions were observed amongst alternatives and thus no mitigation measures are required. In addition, due to the described uncertainties regarding concentrations and the duration of exposures, the health effects from these emissions have not been estimated.

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109 *In conclusion, it is SRA's opinion that the current analysis is based on outdated information and standard FHWA guidance. The analysis does not address potential impacts to populations that will be affected by the widening of the roadway and does not follow standard technical approaches and guidance for evaluating impacts under CEQA. The project warrants additional analysis, including a quantitative evaluation of health effects associated with exposure to freeway emissions, and an evaluation of additional receptors within the City that would be exposed with widening of the freeway corridor.*

110 *Comments on Air Quality and MSAT Analysis – I-5 North Corridor Project*

Air Quality Analysis
The Air Quality Analysis presented in the EIS/EIR has been prepared following Caltrans' standard format. The analysis addresses regional conformity, project-level conformity, the potential for CO "hot spots", a discussion of $PM_{2.5}$/PM_{10}, a discussion of naturally-occurring asbestos, and a discussion of Mobile Source Air Toxics (MSATs). The following are specific comments on the DEIS/EIR section.

1. *Page 3.14-1: The Air Quality section indicates that it is based on the Draft Air Quality Technical Study that was prepared for the project. The/EIS/EIR is dated June 2010; the Technical Study, which is included as an appendix, is dated August 2007. Much of the information cited in the section is outdated. The analysis should be updated to reflect current guidance and information.*

111

2. *Page 3.14-2: The Air Quality Section includes outdated information regarding the attainment status of the air basin. The "basic" designation for attainment has been overturned and the SDAB is in the process of being redesignated as a serious ozone nonattainment area. This will have a direct bearing on how projects like the I-5 North Coast Corridor project have been evaluated within the attainment demonstration conducted by SANDAG and the SDAPCD. Furthermore, as shown in the MSAT analysis, emissions of MSATs increase and emissions of criteria pollutants are also likely to increase due to increased traffic with the project; this is not discussed in the analysis and nothing has been provided to indicate how these increases are accounted for within the SDAB given the pending redesignation.*

112

3. *Page 3.14-2: Table 3.14.1 shows out of date information on the ambient air quality standards. One of the standards that is out of date is the newly adopted federal 1-hour standard for NO_2, which is lower than the current California state standard. Since on-road traffic is the single largest contributor to NOx emissions within the San Diego Air Basin (See: http://www.arb.ca.gov/app/emsinv/emseic1_query.php), it should be part of the quantitative analysis to assess whether the project, which results in increased traffic on the I-5 North Coast Corridor, would result in an exceedance of the new*

109 Please see responses to your Comments 103 through 108.

110 *Sections 3.14.3* and *3.14.4* have been augmented with information from the technical 2007 and 2013 update reports to clarify construction emissions discussions within the sections. The inclusion of this information does not change the conclusions in EIR/EIS *Section 3.14*.

111 This information has been updated in the Final EIR/EIS. San Diego was designated as a marginal nonattainment area for the federal eight-hour ozone standard, effective July 20, 2012. There is no one-hour federal standard.

112 Ambient air quality standards have been updated in this Final EIR/EIS. It should also be noted that the new federal standards referenced in this comment include a new one-hour NAAQS for NO_2 of 100 parts per billion (ppb), while retaining the existing annual standard of 53 ppb. The new one-hour standard was based on observations by USEPA that roadway-associated exposures account for a majority of ambient exposures to peak NO_2 concentrations. Associated monitoring is required to be implemented and operational by January 1, 2013. After three years of monitoring are completed, the USEPA will evaluate the

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112 cont. *NO_2 standard, resulting in a significant impact on air quality in the vicinity of the freeway. Because the section relies on a Technical Study that was prepared three years ago, however, no discussion has been provided regarding whether and how the project will comply with the new NO_2 standard. The USEPA has also adopted a new 1-hour SO_2 standard. While it is unlikely that traffic on I-5 would result in an exceedance of the SO_2 standard, the new standard is not acknowledged in the document.*

113 4. *Recent studies show a link between childhood asthma incidence and exposure to particulates, NOx, and black carbon generated from traffic. Given the potential association of these health effects with traffic emissions, the I-5 North Coast Corridor study should have evaluated whether widening the road, and thus moving traffic and emissions closer to sensitive receptors, would have the potential to result in increases in health effects among the population.*

114 5. *Page 3.14-3: Tables 3.14.2 and 3.14.3 are out of date and do not reflect the current attainment status of the air basin for ozone. Also, Table 3.14.3, which includes "Exceedance in the Last 3 Years" only presents data for 2004 through 2006 and does not present information on recent exceedances of air quality standards.*

115 6. *Page 3.14-5: The Air Quality section discusses PM_{10} and $PM_{2.5}$, and indicates that a qualitative hot spot analysis method that follows federal guidelines was prepared for the project. The conclusion is reached that indicates that the project is not a Project of Air Quality Concern. The analysis does not discuss potential exposure to ultra-fine particulates, and does not address the effect of widening the freeway and moving traffic closer to sensitive receptors. Ultrafine particles (particles with a diameter of less than 0.1 microns) were not addressed in the analysis; yet recent studies indicate that ultrafine particles may be a source of health concern in populations located near traffic sources.*

116 7. *Page 3.14-6: The Air Quality Section indicates that PM_{10} and $PM_{2.5}$ in the SDAB show a general downward trend. The text states that concentrations of PM_{10} and $PM_{2.5}$ from 2005 through 2008 are presented in Table 3.15.6 (sic); however, the table only shows data from 2004 through 2006. When basin-wide PM_{10} and $PM_{2.5}$ concentrations are plotted, they do not show a clear downward trend. While it may be possible to argue that annual $PM_{2.5}$ concentrations may be trending downward, 24-hour concentrations of PM_{10} and $PM_{2.5}$ do not show a downward trend, and annual PM_{10} concentrations may be trending higher.*

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112 cont. associated data and redesignate individual areas as appropriate for NAAQS attainment or nonattainment status. Please refer to the response to your Comment 107.

113 The EIR/EIS states that the proposed project is located in proximity to populated areas and sensitive air quality receptors. Although sensitive air quality receptors closest to the corridor are presented in *Table 3.14.4* (Final EIR/EIS *Table 3.14.5)*, conclusions of the environmental document would not be different if more or fewer sensitive air quality receptors are identified.

114 Data on these tables have been updated in this Final EIR/EIS. Please also refer to the responses to your Comments 111 and 112 above.

115 Regarding long-term operational effects, the EIR/EIS concludes that the proposed project would improve traffic operations, would contribute to lower PM emissions and be in conformance for federal PM_{10} and $PM_{2.5}$ standards. It is unlikely to increase the frequency or severity of any existing exceedances regarding the nonattainment of state PM_{10} and $PM_{2.5}$ standards. The EIR/EIS states that the proposed project is located in proximity to populated areas and sensitive air quality receptors. The number of air quality receptors along the corridor is not a factor in determining emission rates. Although sensitive air quality receptors closest to the corridor are presented in *Table 3.14.4* (Final EIR/EIS *Table 3.14.5)*, conclusions of the environmental document would not be different if more or fewer sensitive air quality receptors are identified. Construction emissions, including particulate matter, are concluded to be temporary and limited to the immediate area and therefore would not adversely affect air quality. Measures to reduce construction emissions are, however, presented in EIR/EIS *Section 3.14.4*. The same conclusions presented for PM_{10} and $PM_{2.5}$ would also apply to ultra-fine particulates.

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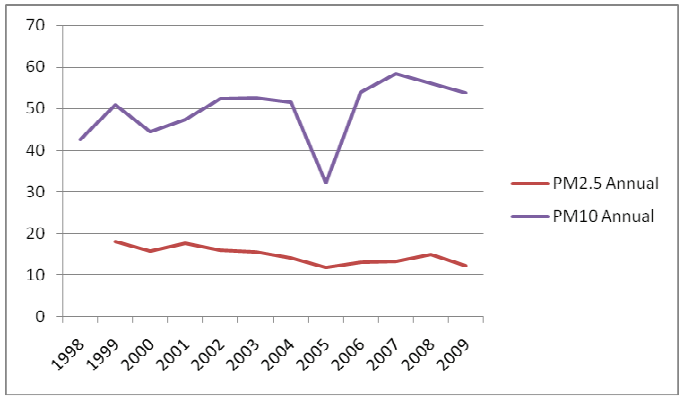
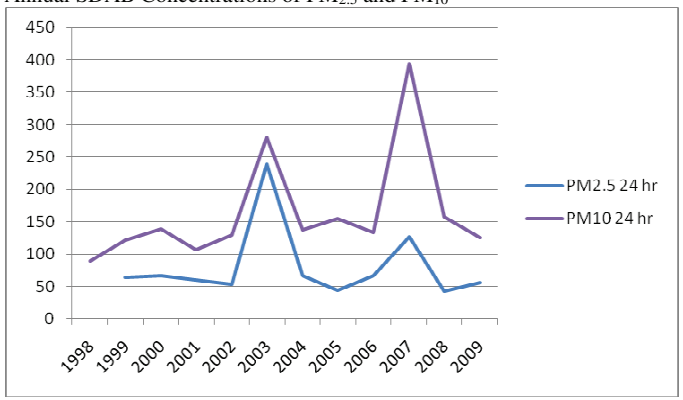


Annual SDAB Concentrations of $PM_{2.5}$ and PM_{10}

116 cont.



Maximum 24-Hour Concentrations of $PM_{2.5}$ and PM_{10}

Also, there is no discussion on the location of the Beardsley monitoring station relative to the I-5 North Coast Corridor and no explanation of why the data from the monitoring station, which is located well south of the project site, is representative of the site.

117

8. *Given the concerns identified by the ARB regarding exposure of sensitive receptors to particulate concentrations, and given studies indicating that freeway traffic may be a key contributor to particulate concentrations, at a minimum, a quantitative analysis is warranted. The ARB has released draft guidance in its Diesel Particulate Matter Exposure Assessment Study for the Ports of Los Angeles and Long Beach (ARB 2006), which recommends calculations of*

116 Please see response to your Comment 094 for the corrections that have been incorporated into this Final EIR/EIS. Clarification has been added to the Final EIR/EIS.

117 As noted in the EIR/EIS, Caltrans followed the Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Non-attainment and Maintenance Areas (PM guidance) published by the U.S. Environmental Protection Agency (USEPA) and FHWA, and applied the qualitative hot spot analysis method that does not involve dispersion modeling. This qualitative PM_{10} and $PM_{2.5}$ hot spot analysis method involves a more streamlined

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117 cont. *mortality and morbidity based on exposure to particulate matter concentrations to provide a quantitative assessment of health effects. Given that the project proposes to move traffic closer to receptors, a quantitative assessment of PM impacts is warranted and should be conducted for the project.*

118 9. *The Air Quality analysis does not describe the effects of moving travel lanes, and therefore emission sources, closer to sensitive receptors. The edge of travel lanes will be moved anywhere from 48 to 73 feet closer to existing receptors in the City of Encinitas. It should also be noted that truck traffic tends to utilize the slower lanes, which would be the closest to receptors.*

119 10. *Page 3.14-10: The Air Quality Analysis includes a qualitative discussion of construction effects, but no attempt was made to quantify construction emissions and evaluate whether construction activities (which would include earthmoving activities, heavy equipment, and increases in truck traffic) would have a significant impact on air quality both locally and regionally. While Caltrans typically does not quantify emissions for projects that are less than five years in duration, there is no such statement in the Air Quality section as to duration of construction. Construction emissions could have a significant impact on basin-wide air quality issues such as ozone and $PM_{2.5}$. The statement that "These emissions would be…limited to the immediate area surrounding the relocation site, and therefore would not adversely affect air quality" does not address regional pollutant impacts or the impacts of truck trips transporting construction materials to and from the site. As this project is a major construction project extending through approximately half of the coastal region of San Diego County and the SDAB, construction of a project of this scale could have a significant impact on air quality in the region and should be analyzed. It should be noted that construction emission estimates were provided in the Air Quality Analysis; these emissions should have been discussed in the Draft EIS/EIR and conclusions as to significance provided.*

MSAT Analysis

120 *The analysis follows the same methodology used for all Caltrans projects, in that it follows the FHWA's Interim Guidance on Air Toxic Analysis for National Environmental Policy Act (NEPA) Documents (FHWA, February 3, 2006). The guidance recommends evaluating MSAT emissions, comparing "Build" and "No Build" alternatives. The analysis is limited to estimating emissions only.*

121 *It should be noted that the FHWA's guidance on MSATs was updated on September 30, 2009. The MSAT analysis followed the 2006 guidance, rather than the 2009 guidance. In the updated guidance, the FHWA eliminated acetaldehyde from its list of pollutants with significant contributions to risk, and added two new pollutants, naphthalene and*

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117 cont. review of local factors, such as local monitoring data near a proposed project location, and is deemed sufficient to reasonably evaluate potential project effects.

118 The EIR/EIS states that the proposed project is located in proximity to populated areas and sensitive air quality receptors. The number of air quality receptors along the corridor is not a factor in determining emission rates. Although sensitive air quality receptors closest to the corridor are presented in *Table 3.14.4* (Final EIR/EIS *Table 3.14.5)*, conclusions of the environmental document would not be different if more or fewer sensitive air quality receptors are identified. In addition, the EIR/EIS notes that the proposed project would not change the ratio of trucks to the volumes in the future.

119 The three major phases of construction are described in EIR/EIS *Section 2.4, Phased Construction*. The discussion of construction emissions is based on the Air Quality Analysis and Air Quality Analysis Update, which, as with all of the technical reports prepared to support the environmental document, are incorporated by reference into the EIR/EIS. Measures proposed to reduce emissions during construction are presented in EIR/EIS *Section 3.14.4*.

120 This comment accurately reflects the guidance followed for the air quality analysis.

121 *Section 3.14* of this Final EIR/EIS has been updated to include the identified new pollutants of concern (naphthalene and polycylic organic matter) in the referenced 2009 FHWA guidelines.

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121 cont. *polycyclic organic matter. Neither of these pollutants has been addressed in the current MSAT analysis.*

122 *The focus of the MSAT analysis that was conducted for the project involves running of the CT-EMFAC Model, which provides estimates of emissions of MSAT substances. Tables B and C of the MSAT Analysis, provided in the appendix to the EIS/EIR, as summarized in Tables 3.14.8 (2015) and 3.14.9 (2030) clearly show that MSAT emissions would increase with the proposed widening of the I-5 North Corridor. Projected increases range from 7.5% to 20% from the No Build alternative.*

123 *Furthermore, the MSAT analysis does not describe the effects of moving travel lanes, and therefore emission sources, closer to sensitive receptors. The edge of travel lanes will be moved anywhere from 48 to 73 feet closer to existing receptors in the City of Encinitas. It should also be noted that truck traffic tends to utilize the slower lanes, which would be the closest to receptors. No discussion of this has been provided in the MSAT analysis.*

Specific comments on the MSAT analysis as presented in the Draft EIS/EIR follow.

124

1. *Page 3.14-9 of the EIR that says the following: "Although the No Build Alternative is expected to accommodate less traffic as indicated in Table 3-14.6, its MSAT emissions are expected to be greater than those of other Build Alternatives in both 2015 and 2035. The greater MSAT emissions projected for the No Build Alternative, despite less traffic, are attributable to the congested traffic conditions and breakdown of travel speeds during peak periods."*

   First, the tables are not referenced correctly in the text; the reference in the above statement should be to Table 3.14.7, which shows the traffic activity for the I-5 North Corridor project. Second, Tables 3.14.8 and 3.14.9, which present emissions associated with the Build alternatives versus the No Build alternative, clearly show that emissions for both Build alternatives increase over the No Build Alternative, in contradiction to the statement made on Page 3.14-9 of the text. According to the data presented in the analysis, the No Build Alternative's MSAT emissions are projected to be lower than the Build alternatives.

125

2. *Page 3.14-10 of the Draft EIS/EIR concludes that "the amount of MSAT emissions from each of the project alternatives and MSAT concentrations or exposures created by each of the project alternatives cannot be predicted with enough accuracy to be useful in estimating health impacts." Caltrans concludes that "the health effects from these emissions cannot be estimated."*

   The State of California Office of Environmental Health Hazard Assessment (OEHHA) has released a health risk assessment model that allows for the prediction of health effects from toxic air contaminants, in its Hot Spots Analysis and Reporting Program (HARP). The HARP model has been used to assess potential impacts from traffic on roadways in a number of studies. Furthermore,

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122 Please refer to response to your Comment 098 for changes that have been made to the associated text in *Section 3.14*.

123 Please refer to response to your Comment 118 regarding travel lanes and truck traffic.

124 Please refer to response to your Comment 098 for changes that have been made to the Draft EIR/EIS text in the Final EIR/EIS.

125 Please refer to the response to your Comment 108 above.

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125 cont. *the South Coast Air Quality Management District (SCAQMD) has issued guidance on addressing risks from diesel particulate matter in its Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis (SCAQMD 2003), in which they provide recommendations for addressing diesel emissions from trucks on roadways and streets. Contrary to the statements in the Draft EIS/EIR, these tools are available and could have been used to estimate the health effects from MSAT emissions.*

126 3. *The MSAT analysis does not describe the effects of moving travel lanes, and therefore emission sources, closer to sensitive receptors. The edge of travel lanes will be moved anywhere from 48 to 73 feet closer to existing receptors in the City of Encinitas. It should also be noted that truck traffic, which is the major source of diesel particulate matter, tends to utilize the slower lanes, which would be the closest to receptors.*

Specific comments on the Draft Air Quality Analysis and the Mobile Source Air Toxics Analysis, which were provided as appendices to the Draft EIS/EIR, are provided below.

Draft Air Quality Analysis

127 1. *Pages 1 and 24: The Air Quality Analysis, which was written in August 2007, contains outdated information regarding the attainment status of the SDAB. The SDAB is no longer classified as a "basic" nonattainment area; the "basic" designation has been rescinded by EPA. The SDAPCD is in the process of redesignating the SDAB as a serious ozone nonattainment area, which will require further analysis of projects such as the I-5 North Coast Corridor Project to ascertain its impacts on ozone attainment.*

128 2. *Page 16: While ultra-fine particulates are not currently regulated by the U.S. EPA as a criteria pollutant, recent studies indicate that adverse health effects are associated with exposure to ultra-fine particulates, and specifically ultra-fine particulates from roadways. Some discussion of ultra-fine particulates is warranted in the Air Quality Analysis.*

129 3. *Page 16: The Air Quality Analysis states "No standards exist for quantitative impact analysis for diesel particulates. Some air districts have issued preliminary project guidance for projects with large or concentrated numbers of trucks, such as warehouses and distribution facilities." Most air quality regulatory agencies are requiring quantitative impact analyses for diesel particulates for projects under CEQA. In 1994, the State of California identified diesel particulate matter as a toxic air contaminant, and identified a cancer slope factor and reference exposure level that allows a quantitative evaluation of impacts from diesel*

126 Please refer to response to your Comment 118 regarding travel lanes and truck traffic.

127 Please refer to response to your Comment 111 regarding pending redesignation of the SDAB.

128 Criteria pollutants that are regulated are addressed in the EIR/EIS. Please refer to response to your Comment 115 regarding PM emissions.

129 As noted in the EIR/EIS, a significant increase in diesel truck traffic is normally considered to be approximately 10 percent. The proposed project would increase capacity, but would not change the existing diesel fuel truck percentage within the project limits, which is approximately six percent of Annual Average Daily Traffic (AADT), and below the designated level. Estimated horizon year (2030) truck AADT would remain at six percent. In addition, the proposed project would relieve congestion, improve operations,

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129 cont. *particulates. Standards therefore do exist under the California AB 2588 Air Toxics Hot Spots Information and Assessment Act which set forth toxicity factors and methodologies to assess potential risks of exposure to diesel particulate matter.*

130 4. *Page 20: Table 2 should be updated to present the current ambient air quality standards. The table is outdated.*

131 5. *Page 24: The Air Quality Analysis states that ambient air quality measurements from the San Diego Beardsley Street monitoring station were used to represent background air quality. Data are presented for the period from 2004 to 2006. No analysis was presented showing data from the Del Mar-Mira Costa monitoring station or the Camp Pendleton monitoring station, which are located closer to the project area. Furthermore, no discussion was provided as to why the Beardsley data are considered representative of conditions along the I-5 North Coast Corridor. Some discussion is warranted to give a perspective on whether these data best and most accurately represent current conditions in the project area. Furthermore, the data should be updated to include recent measurements, especially in light of adoption of new ambient air quality standards.*

132 6. *Page 25: Table 4 is out of date, both in the presentation of ambient monitoring data, and in the listing of ambient air quality standards. The 1-hour O_3 NAAQS has been rescinded, a new 8-hour O_3 NAAQS of 0.075 ppm and a new 8-hour O_3 CAAQS of 0.070 ppm have been adopted; a new 1-hour NO_2 NAAQS of 0.100 ppm has been adopted; the 24-hour $PM_{2.5}$ NAAQS is 35 $\mu g/m^3$; and the annual and 24-hour NAAQS for SO_2 have been rescinded and replace with a new 1-hour NAAQS for SO_2 of 0.075 ppm. None of these changes are reflected in the table and the data provided as background data do not give an accurate representation of current conditions within the region.*

133 7. *Page 30: The statement is made that "The proposed project would not generate traffic but would accommodate future traffic volumes by providing increased efficiency via expanded capacity. Therefore, it may be presumed that the project would not measurably increase traffic volume or the percentage of vehicles in cold start mode." However, the MSAT analysis (Table A, Page 5) clearly shows that traffic volumes <u>would</u> measurably increase with the project; peak hour VMT is more than doubled from the No Build alternative with Alternative 2, and average daily VMT is 8% higher with Alternative 2 than under the No Build Alternative. As stated on Page 29 of the Air Quality Analysis, a substantial increase in traffic volumes is defined as "an increase in volumes in excess of 5 percent." Thus it appears that the project does measurably increase traffic*

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129 cont. and provide better circulation. The project is therefore anticipated to reduce diesel PM emissions. As a result, quantitative analysis is not warranted.

130 As noted in the response to your Comment 112, the corresponding EIR/EIS table has been updated.

131 As noted in the response to your Comment 114, the corresponding EIR/EIS tables have been updated.

132 As noted in the responses to your Comments 112 and 114, the corresponding EIR/EIS tables have been updated.

133 The statement that the project would not generate traffic is true. Transportation facilities may redistribute traffic, but the actual volumes in the region are generated by other factors, including population growth and employment opportunities. The Build alternatives accommodate more traffic than the no build condition on I-5, so the project would result in more traffic being carried on the freeway versus other parallel facilities. The traffic would also be carried more efficiently on the freeway at higher speeds and with fewer stops and starts versus parallel surface streets. The statement that the project would not measurably increase traffic volume or the percentage of vehicles in cold start mode is justified.

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133 cont. *volumes; impacts from this increase in traffic volumes should be evaluated in the Air Quality Analysis.*

134 8. *Page 31: The Air Quality Analysis states that "the SDAB is not federally designated as a $PM_{2.5}$ or PM_{10} nonattainment or maintenance area; thus, the project does not require a $PM_{2.5}$ or PM_{10} conformity analysis." While the SDAB is not a federally designated nonattainment area for $PM_{2.5}$ and PM_{10}, it is a state nonattainment area for these pollutants. Potential impacts from $PM_{2.5}$ and PM_{10} emissions associated with the project must be addressed under CEQA, whether or not the project is designed as a federal nonattainment area. Further analysis of this issue is warranted, especially given the increases in VMT identified in the MSAT analysis.*

135 9. *Page 44: The Air Quality Analysis states that there is no formal guidance for diesel particulate impacts. As discussed above in Comment 3, there is in fact formal guidance from the State of California on methods to address this issue. The Air Quality Analysis also states that a measure to reduce potential diesel particulate impacts has been provided in Section 5.0; however, the measure, which recommends locating construction staging areas away from sensitive receptors, does not address continuing diesel particulate emissions from the I-5 North Coast Corridor with operations, nor does it address the impact of moving traffic lanes closer to sensitive receptors by widening the freeway.*

Draft Air Quality Study - MSAT Analysis

136 1. *Page 1: The MSAT Analysis, which was written as a technical addendum to the Air Quality Analysis in June 2008, follows 2006 MSAT guidance from the FHWA which has since been revised. In the updated guidance, the FHWA eliminated acetaldehyde from its list of pollutants with significant contributions to risk, and added two new pollutants, naphthalene and polycyclic organic matter. Neither of these pollutants has been addressed in the current MSAT analysis.*

137 2. *Page 2: The MSAT Analysis acknowledges that the project warrants a quantitative analysis. The only analysis that has been conducted is to run the CT-EMFAC model, and present differences in emissions between alternatives. However, no analysis of the impact of moving traffic lanes closer to receptor has been provided.*

138 3. *Page 6: Table B reports emissions for "Carolina". We presume this is "acrolein", but should be corrected in the table.*

139 4. *Page 12: The report states "Differences in MSAT emissions among the proposed alternatives are noted in Tables B and C. The "Build" Alternatives result in*

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134 *Table 3.14.2* of the Final EIR/EIS notes that while the SDAB is not a federally designated PM_{10} and $PM_{2.5}$ nonattainment or maintenance area, it is designated as a State nonattainment area for both pollutants. To meet State requirements, the proposed project is assessed using the procedure outlined in the PM Guidance. The analysis is presented in EIR/EIS *Section 3.14.3*.

135 Please refer to the response to your Comment 118 regarding travel lanes and truck traffic. Please also refer to the response to your Comment 129 regarding diesel PM emissions.

136 Please refer to the response to your Comment 121.

137 Please refer to the response to your Comment 115 regarding travel lanes and emissions.

138 The MSAT analysis provided in the Final EIR/EIS correctly uses "acrolein."

139 Please refer to the responses to your Comments 098 and 108 above.

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139 cont. *higher VMT and emissions when compared to the No Build Alternatives. However the "Build" Alternatives substantially relieve congestion with average peak period speed increments from the No Build Alternatives ranging from 85 to 103 percent for the operational year and 101 to 180 percent for the horizon year." Please clarify why this statement contradicts information provided in the tables and text, which indicate the Build alternatives would result in higher MSAT emissions, despite reducing congestion. The report goes on to state that "Project-specific health impacts cannot be predicted with available technical tools." This statement ignores the technical models that are available and used regularly to predict downwind concentrations of MSATs, and technical models that are available to predict health effects (such as HARP) from exposure to these concentrations of MSATs.*

140 5. *Page 13: The report provides a discussion on why the FHWA concluded that the technical tools available for dispersion modeling are limited; however, the project is also subject to CEQA, and state and local agencies in California regularly use dispersion modeling techniques and approaches to predict health effects from mobile sources. In their MATES Studies, the SCAQMD used AERMOD to analyze potential health effects from on-road sources. The analysis should therefore have included an evaluation of potential impacts from MSATs in accordance with CEQA.*

[The attached figures to this letter illustrate the 500-foot sensitive receptor buffer as defined by the California Air Resources Board under existing and proposed (10+4 with Barrier) project conditions.]

SECTION 3.15 – NOISE

141 As previously noted, the analysis should address noise impacts using CEQA thresholds that should be defined as part of the evaluation. When conducting CEQA review for traffic noise impacts within the City, staff believes it is appropriate to use Policy 1.1 of the General Plan's Noise Element as a CEQA threshold.

142 Section 3.15 does not provide any analysis of construction noise impacts. The EIS/EIR acknowledges that construction would occur at nighttime (page 3.6-10). In addition, an analysis should be provided for potential noise impacts at staging areas that may be surrounded by sensitive receptors. The analysis should address staging area activities that may occur during early morning (and nighttime) hours, such as idling of construction vehicles and operation of other equipment. Construction activities conducted during the nighttime and at staging areas would have potentially adverse noise effects. Site-specific noise analyses should be conducted to analyze noise impacts from construction activities and provide site-specific noise attenuation measures for construction activities.

143 The following soundwalls are not portrayed on the project features maps:

140 As a State agency, Caltrans routinely prepares documents in accordance with CEQA. Please refer to the response to your Comment 108 with regard to disagreement between experts and adequacy under CEQA.

141 The proposed freeway improvements would potentially have an effect on local arterials of seven jurisdictions (San Diego, Del Mar, Encinitas, Solana Beach, Carlsbad, Oceanside, and Camp Pendleton); however, the same uniform set of methodologies and significance guidelines was applied for analysis of noise impacts. It is recognized that these guidelines may not be consistent with thresholds of individual municipalities the freeway is crossing.

142 Please refer to the response to your Comment 064 regarding nighttime construction activity.

143 As described in EIR/EIS *Section 3.15, Noise*, Soundwalls S653, S664, and S709 were determined not to be "reasonable" and are not recommended for construction. Individual abatement would be

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143 cont.
- Soundwall S653 (Figure 2-2.14s)
- Soundwall S664 (Figure 2-2.14t)
- Soundwall S709 (Figure 2-2.14w)

144 Page 3.15-2: There is a discrepancy in the base cost allowance provided in the Preliminary Noise Abatement Decision Report ($32,000) and Draft EIS/EIR ($48,000).

The Encinitas City Council directed staff to retain a noise consultant (Giroux & Associates) to provide technical review of Section 3.15 and the technical studies for noise. Please address the following comments provided by the consultant:

At the request of Scott Vurbeff from the Planning Department, we have conducted a peer review of the noise impact analysis for the I-5 North County Corridor project as it relates to City of Encinitas land uses in the vicinity of I-5. Our charge was to review the analysis for technical accuracy, and to verify that appropriate noise mitigation protocols had been applied. With minor exception, we concur on both counts. We have worked with both Caltrans staff and their consultants at Parsons Engineering for many years, and we would expect nothing less. That having been said, we do not believe that compliance with FHWA/Caltrans protocols alone is in the best interests of environmental protection as it relates to traffic noise associated with the proposed freeway widening.

As to technical accuracy, we would note the following:

145
- *The traffic noise model used in the analysis, SOUND2000, was developed in 1991 and was slightly modified in 2000, but does not represent the state of the art. Apparently a decision was made to not apply a more contemporary model because of the tremendous level of effort and time required to model existing and future noise conditions on approximately 25 miles of freeway frontage. The FHWA policy on model selection is that if an analysis was begun at a certain point in time, the use of the older model is acceptable. That policy perhaps did not anticipate that there might be a 5+ year delay between the initiation of analysis and the publication of a EIS/EIR based on the older model as in this case. Our own experience is that the current traffic noise model can accommodate most situations adequately despite its limited sophistication, so we do not believe that the use of SOUND2000 is a significant draw-back.*

- *Similarly, the noise monitoring data for the environmental setting is more than six years old. It is hard to imagine that noise measurements made in 2004 can qualify for "existing conditions." In particular, Caltrans and its contractor conducted updated measurements in approximately 2008 at several City of Encinitas noise-sensitive receivers. As part of the EIS/EIR, it would have been appropriate to present this information and any comparisons to the earlier data. As with the use of the out-of-date traffic noise model, this is not a fatal flaw because the primary purpose of the noise measurements was to calibrate the sound propagation model and not as a stand-alone characterization of the*

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143 cont. provided for "severely impacted" noise receptors at the associated locations (refer to *Tables 3.15.20, 3.15.22*, and *3.15.26* as well as associated text).

144 The text in the Final EIR/EIS has been revised to clarify that the estimated total allowance begins with a base allowance of $32,000, with additional allowances per benefited residences determined by Absolute Noise Levels, Noise Level Increase, Achievable Noise Reduction, and if the project is a new highway construction or more than 50 percent of the benefited residences' construction pre-date 1978. Therefore, the estimated total cost allowance per benefited residence is different for different soundwalls. Please refer to Table 1, Cost Allowance Per Residence, (Volume 1 of 2) in the Preliminary NADR). The NADR was prepared in support of the EIR/EIS and is incorporated herein by reference.

145 Caltrans follows and complies with FHWA 23 CFR 772 and Caltrans Noise Protocol. Future noise modeling for the *I-5 NCC Project* utilized the Caltrans highway noise prediction computer model, SOUND2000, Version 3.3. SOUND2000 is based on the highway traffic noise prediction method specified in FHWA-RD-77-108, and was the FHWA-required methodology at the time the analysis was prepared. Based on community coordination and comments received during public circulation of the Draft EIR/EIS, Caltrans has made a decision to retain the more conservative modeling and subsequent assessment (i.e., the modeling that would result in the greater number of soundwalls being installed if the project is approved).

Noise measurements were taken at sensitive locations within the project limits to establish baseline conditions, calibrate the future traffic noise model, determine the interior noise levels in classrooms, and determine the drop-off rate from the front to backyard at certain residences. Future No Build and Build alternative traffic noise levels were modeled using the LOS C traffic volumes to obtain the worst-case noise scenario, and measured noise levels in 2004 do not affect the future modeled noise level.

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existing environment. The critical question is that if such measurements were made, was there an underlying reason to not present this information?

In order to understand how the application of the standard Caltrans mitigation protocols is sometimes not in the best interest of a community, one needs to understand how these are implemented. The driving force is that federal funding can be applied to traffic noise impact mitigation if certain requirements are met. If existing or future noise exposures "approach or exceed" federal noise abatement criteria (NAC) for various types of land uses, then a noise impact is presumed to exist. If an impact is identified, an evaluation of "feasible and reasonable" mitigation must be made. State transportation agencies (Caltrans) are required to develop criteria that define "approach or exceed" and "feasible and reasonable" thresholds. Caltrans has adopted such guidelines that have been approved by FHWA. A noise exposure within 1 dB of a NAC is considered an impact, feasible means that certain benefit thresholds can be achieved by a noise barrier, and reasonable means that a variety of subjective and objective criteria can be met. The primary reasonable test if that abatement costs per living unit protected meets certain limits. These, in a nutshell, are the highlights of the FHWA/Caltrans protocols. These were followed in the EIS/EIR very scrupulously. The shortcomings of this approach that overlooks noise impacts that might otherwise exist include the following:

145 cont.

- *The benefit ratio per dwelling unit favors apartments over single family, and favors small-lot single family over large-lot residential. Apartments, whose recreational space may be within a shielded courtyard not requiring mitigation, may meet the noise barrier benefit threshold whereas single-family residential uses with patios facing the freeway may not qualify for mitigation.*

- *The protocols apply only to ground-floor outdoor space, and usually specifically exclude upstairs interior livable space. Upstairs bedrooms may be exposed to unacceptable levels of traffic noise even if downstairs patios are sufficiently shielded. Unless a unit is considered "significantly impacted (SI)" (> 75 dB LEQ), no federal funding can be expended in acoustical retrofits. Even if a unit is SI, mitigation of ground-floor outdoor area may be considered adequate even if the upstairs visible above any barrier remains SI.*

- *While the protocols require consideration of noise impacts to non-residential less noise-sensitive land uses (at a greater level of acceptable exposure), such an analysis is rarely provided. The presumption is that non-residential uses would not want view of their property impeded in order to attract clients, customers, etc. There are, however, uses along I-5 in Encinitas that might benefit from noise protection that could advertise their presence with tall signs while still benefitting from reduced freeway noise (motels, medical clinics, animal shelter, etc.).*

- *The retirement home abutting the freeway has been considered as one living unit. Such a use is more akin to an apartment building and should have been considered as multiple apartments.*

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145 cont. Your comments regarding the potential disadvantages of following standard Caltrans mitigation protocols are noted. As acknowledged in your comment, however, these standard protocols are the approved approach uniformly implemented by Caltrans and FHWA, and use of them does not indicate an inadequacy in the document. The retirement home abutting the freeway is located at 1088 Laguna Drive in Carlsbad, which is represented by noise receptors R18.23, R18.24 and R18.25. R18.25 represents 34 benefited residents, and Soundwall S821 has been recommended to abate traffic noise in this area.

The EIR/EIS does not assume uniform use of concrete masonry soundwalls. As depicted on Final EIR/EIS *Figures 3-7.113* through *3-7.119* and *3-7.122*, alternative measures include use of earthen berms (or berm/wall combinations) and/or transparent materials (i.e., to retain desirable views). It is recognized that there is a balance between noise and visual impacts. While landscaping would be employed where practical, *Section 3.7.4* also states that measures that require regular maintenance and are outside Caltrans right-of-way would be implemented only if maintenance agreements could be reached with the applicable parties.

Environmental review is typically conducted on plans that are somewhat preliminary in nature. Given that the EIR/EIS must address several build alternatives at an equal level of detail in accordance with NEPA requirements, it is not practical to develop final design plans at this stage in the process. It is understood and disclosed in the EIR/EIS that if pertinent parameters change substantially during the final project design, the preliminary noise abatement design may be changed or eliminated from the final project design. Another decision on noise abatement/mitigation will be made upon completion of the project design.

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145 cont.

- *The current analysis of potential noise mitigation is based upon a one-size, fits-all approach using concrete masonry sound-walls. Parts of the EIS/EIR document acknowledge that such sound-walls may have visual or geotechnical impacts, and that the use of such walls may not be appropriate in the environment in which they may be placed.*

- *The visual impact analysis places emphasis on the loss of visual resources by the freeway drivers resulting from noise possible protection. The critical impact is to residents living close to the freeway whose noise exposure may become unacceptable by the addition of up to six additional travel lanes along the current I-5 alignment. The visual analysis should establish mitigation standards that require retention of view-sheds by receivers above freeway grade, and a funding mechanism to replace destroyed vegetation associated with sound impact mitigation and to include landscaping for new sound barriers.*

We find two critical flaws in the EIS/EIR as it relates to noise impact. Consistently, the EIS/EIR evaluates noise mitigation measures and then notes that such measures may or may not work because the final project alignment is not defined at a sufficiency level of detail to allow for such analysis. If the project definition is not adequately complete, it is premature to perform a detailed impact and mitigation analysis. The environmental process should be bifurcated to evaluate a plan level of impact for a North County Corridor expansion, and then to conduct a subsequent project level analysis for the environmentally preferred alternative with sufficient input data to support a meaningful analysis. Currently, the analysis defers all mitigation to final site design. The public cannot participate meaningfully in the review process with a complete lack of certainty in the project description, associated impacts or potential mitigation.

146

The second critical flaw is that Caltrans relies on the applicable standards of another agency (FHWA) to determine that impacts are not significant under CEQA. One paragraph of thousands of pages of the EIS/EIR document states that the project-related noise impact would be less than significant under CEQA criteria (page 4-1). That conclusion if flawed for a large number of reasons as follows:

- *CEQA case law is very specific in stating that reliance on the applicable standards of another agency is not a sufficient basis by itself for supporting a less-than-significant impact finding.*

- *The EIS/EIR acknowledges that a number of noise-impacted receivers would not receive mitigation because they do not meet the reasonable cost:benefit threshold. CEQA requires a more stringent mitigation test. For example, a combination of non-federal and federal funding resources for noise abatement could be applied to mitigate impacts that do not meet the test for federal-only funding.*

- *CEQA guidelines specifically state that impacts would be significant if the "expose persons to noise levels in excess of standards established in the local general plan." The EIS/EIR is silent on this issue. It fails to note that the local*

146 Consistent with your comment, EIR/EIS *Section 4.3.4, Noise*, explains that the CEQA noise analysis is completely independent of the NEPA 23 CFR 722 analysis. CEQA Appendix G, which contains the referenced text, provides a sample form, not mandatory review elements. CEQA lead agencies may establish their own standards, and Caltrans has done so. As noted in the response to your Comment 108, the FHWA and Caltrans have coordinated to develop protocol for joint CEQA/NEPA documents that are implemented consistently Statewide without giving preferential treatment to any individual local set of standards. The EIR/EIS is consistent with that protocol.

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146 cont.

general plan standards use a noise metric that is different from the FHWA/Caltrans criterion (CNEL vs LEQ), and that the general plan (and the state building code) have specific requirements for habitable indoor space (such as upstairs bedrooms) that are purposely ignored by Caltrans protocols.

- *CEQA guidelines specifically require adoption of a threshold of significance (not just reliance on standards from another agency), and are very specific that deferral of mitigation as in the present case cannot be used to support a finding of a less-than significant impact.*

147 *Giroux and Associates concludes that the EIS/EIR is an accurate characterization of impacts and exactly follows Caltrans protocols for mitigation analysis. In many instances, however, that adherence is not in the best interests of City of Encinitas residents affected by freeway noise.*

SECTIONS 3.17 THROUGH 3.22 - BIOLOGICAL ENVIRONMENT

148 The mitigation measures provided in these sections are described in a generalized, open-ended, and conceptual manner. Comprehensive mitigation plans should be described for significant effects on uplands, wetlands, and sensitive species. As previously noted, the mitigation measures should clearly demonstrate their effectiveness in ensuring impacts would be substantially lessened. For impacts that can be fully mitigated, all mitigation measures should demonstrate that mitigated effects would be reduced below a level of significance. The mitigation measures should be measurable with performance standards to allow monitoring of their implementation and specify how they would be enforced. Each mitigation measure should have a stated objective for its implementation and a description of who would implement the measure as well as how, where, and when it would be implemented.

149 Page 3.17-9: The Natural Environment Study should include separate tables that break down areas of impact in Tables 3.17.1 and 3.17.2 by municipal jurisdiction.

150 3.18-2 (Cottonwood Creek): The figure references are incorrect. The Cottonwood Creek watershed is partially shown on Figures 3-18.1c and 3-18.1d.

SECTION 3.25 – CUMULATIVE IMPACTS

151 Page 3.25-1: Within Encinitas, the Scripps Hospital Encinitas Master Plan and North Highway 101 Streetscape projects should be added to the analysis. The Beacon's Beach Access project has been withdrawn by the City and is not being proposed at this time.

152 Page 3.25-9 (Mitigation Measures for Natural Communities): The discussion indicates that the project's impacts to natural communities would not be fully mitigated using standard mitigation ratios. In the same paragraph, it is concluded that mitigation measures "would reduce the cumulative impacts to less than considerable". However, Sections 3.17 through 3.22 of Chapter 3 provide a conceptual and open-ended discussion of mitigation measures. Chapter 3 does not clearly demonstrate how mitigation measures would reduce the direct and cumulative effects on

147 The Caltrans noise analysis protocol responds to the federal requirements of 23 CFR 772 and has been approved by the FHWA for the analysis of federally funded highway projects. For consistency, Caltrans applies this protocol to non-federally funded projects as well and must apply it consistently for all projects.

148 Additional details regarding proposed biological mitigation were developed subsequent to public circulation of the Draft EIR/EIS. This information was provided in the Supplemental Draft EIR/EIS, which was circulated for public review in August 2012, and has been incorporated into this Final EIR/EIS. These mitigation and enhancement features (the project Resource Enhancement and Mitigation Program, or REMP [referred to as the Resource Enhancement Program, or REP, in the Supplemental Draft EIR/EIS]) comprise a substantial part of the Transportation and Resource Enhancement Program (TREP) presented with the Project Works Plan (PWP), which addresses all impacts and proposed mitigation for the *I-5 NCC Project*, the Los Angeles-San Diego-San Luis Obispo (LOSSAN) projects, and local agency projects listed in that document.[1] The resource agencies were active participants in the cooperative development of the biological mitigation program. Please also refer to the response to your Comment 003 with regard to mitigation measures.

[1] The PWP/TREP is a separately bound and circulated document used by the CCC for purposes of permitting coastal projects. Compilation of all North Coast Corridor projects into a single mitigation and enhancement effort ensures that the most accurate assessment of total potential impacts is being made and that the best overall options for mitigation of that total effect are being evaluated.

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152 cont. biological resources to below a level of significance. Moreover, it should be noted that Chapter 3 does not indicate that the impacts on natural communities would not be fully mitigated using standard mitigation ratios.

CHAPTER 4 – CEQA EVALUATION

Page 4-1 (Less than Significant Effects):

For the purposes of CEQA, Chapter 4 cannot fully rely on the information presented in Chapter 3 when making a determination that the project would not result in significant impacts for many of the listed environmental issues. This comment is based upon the following reasons:

153
- Mitigation measures have been provided for some of the listed impacts, inferring that the impacts are potentially significant.

154
- Chapter 3 does not define significance thresholds under CEQA for any of the environmental issues and therefore does not analyze the significance of the impacts under CEQA. No significance determinations are made in Chapter 3. For each environmental issue, the discussion of environmental effects should define significance thresholds and provide a significance determination. All of the environmental analyses should be supplemented with evaluations using thresholds that are defined for CEQA purposes. Without a discussion of significance thresholds, Chapter 3 cannot clearly determine whether an impact is significant under CEQA.

- As discussed in the previous comments, more localized, site-specific analyses have not been conducted for the following issues:

155
  - Air Quality: Under CEQA, a fair argument can be made that a MSAT health risk assessment should be prepared. No CO hot spot analyses have been provided for failing intersections during construction activities and for the 8+4 alternatives. An assessment of staging area impacts (diesel and dust emissions) has not been provided.

156
  - Hydrology: The EIS/EIR does not analyze the project's impacts on more localized drainage facilities.

157
  - Water Quality: A numeric sizing assessment for storm water treatment facilities is not provided in the EIS/EIR.

158
  - Community Impacts: The location of staging areas have not been identified nor analyzed for impacts related to construction traffic, daytime and nighttime noise, dust and heavy equipment emissions, construction lighting, and public safety.

159
  - Traffic and Transportation: The EIS/EIR has not analyzed traffic impacts on local surface streets. The document acknowledges that, when compared to the 10+4 alternatives, the 8+4 alternatives would direct more traffic onto surface streets. In

149 Impacts and mitigation are compiled on a lagoon watershed basis to facilitate permitting discussions with the resource agencies. Please refer to the response to your Comment 148 regarding the mitigation program for biological resources.

150 The figures references are correct in the Final EIR/EIS.

151 The EIR/EIS has identified past, present, and reasonably foreseeable projects as the basis of the cumulative analysis. The noted projects have been added to Final EIR/EIS *Table 3.25.2* in EIR/EIS *Section 3.25*, *Cumulative Impacts,* which summarizes those projects within the cumulative study area (comprised of specific Resource Study Areas [RSAs]) that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*.

As described in Final EIR/EIS *Section 3.25*, the Scripps Hospital Encinitas Master Plan and the North Highway 101 Streetscape projects are not expected to add cumulatively to adverse visual or biological resources impacts in the coastal corridor. The Coast Highway modifications would not be within the I-5 viewshed and Scripps Hospital is an existing facility for which only modification is proposed.

The comment that the Beacon's Beach Access project is not being proposed at this time is noted.

152 Please refer to the response to your Comment 148, which has been incorporated into this Final EIR/EIS, regarding the mitigation program for biological resources. The analysis in *Chapter 3* of the EIR/EIS does not provide the conclusion regarding the significance of impacts that is required to satisfy CEQA. These required CEQA conclusions are provided in EIR/EIS *Chapter 4*, *California Environmental Quality Act Evaluation*. Please refer to the response to your Comment 018. The biological resources mitigation package was not fully developed at the time of the Draft EIR/EIS. The REMP (referred to as the Resource Enhancement Program [REP] in the Supplemental Draft EIR/EIS) and developed as part of the PWP/TREP provides a comprehensive package of

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152 cont. mitigation projects that will mitigate biological impacts for both the *I-5 NCC Project* and the LOSSAN double-tracking projects. The package includes no net loss establishment and significant restoration for permanent impacts to sensitive habitats plus additional enhancement including funding for the restoration of San Elijo Lagoon and Buena Vista Lagoon, parcels of sensitive upland to be preserved, lengthening I-5 and railroad bridges to enhance tidal and fluvial flows in the lagoons, and endowments for lagoon maintenance at Batiquitos and Los Peñasquitos. This comprehensive package for both large transportation projects through the corridors will enhance biological resources throughout the corridor.

153 The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible. As noted in EIR/EIS *Section 4.1*, *Determining Significance under CEQA*, there are no actions under NEPA that parallel the findings of mandatory significance of CEQA. It cannot be inferred that measures listed in *Chapter 3* mean impacts are potentially significant under CEQA. CEQA significance conclusions are provided in *Chapter 4*. Please also refer to the response to your Comment 018.

154 Please refer to the response to your Comment 152 regarding why there is no discussion of significance thresholds or determination of significance in *Chapter 3* of the EIR/EIS.

155 Please refer to the response to your Comment 104 regarding MSAT analysis and the response to your Comment 093 with regard to CO hot spot analyses.

156 Please refer to the response to your Comment 085 regarding local drainage impacts.

157 Please refer to the response to your Comment 090 regarding water quality impacts.

158 Please refer to the response to your Comment 017 regarding staging areas.

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159 cont. addition, the traffic analysis does not provide site-specific analyses for construction activity impacts, whereby the localized duration of which is undefined.

- The following analyses are incomplete or are missing:

160 ➢ Air Quality: A MSAT health risk assessment has not been conducted.

161 ➢ Land Use: A good-faith estimate needs to be provided for the duration of construction within individual communities. Staging areas have not been identified to address land use impacts. The policy conflict analysis is incomplete and evidence provided in the EIS/EIS indicates that there are significant policy conflicts with the City's scenic view corridor policies for I-5. Appendix G of the CEQA Guidelines indicates that land use impacts may be considered significant if a project conflicts with policies intended to avoid environmental effects.

162 ➢ Hazards and Hazardous Materials: An analysis should be provided for the handling of hazardous materials during construction activity.

163 ➢ Farmland: A LESA analysis has not been conducted to analyze the significance of the farmland conversion impacts.

164 ➢ Traffic and Transportation: The EIS/EIR does not fully analyze public safety effects on pedestrians and bicyclists during contraction activities.

165 ➢ Emergency Services: The analysis is incomplete and does not clearly demonstrate that emergency service response times would be significant during construction activities.

166 Page 4-1 (Section 4.3, Less than Significant Impacts with Mitigation): This section and Chapter 3 should comprehensively address all previous comments regarding the EIS/EIR's shortcomings in satisfying the provisions of CEQA.

167 Page 4-1 (Section 4.3.1, Natural Communities): It appears that this section is intended to summarize the project's significant biological impacts. No discussion is included for significant impacts on sensitive species.

168 Page 4-1 (Section 4.3.2, Noise): As previously discussed, City staff believes it is appropriate to use Policy 1.1 from the Encinitas General Plan Noise Element in determining significant noise impacts under CEQA within the City.

169 The second paragraph states that the project would increase noise levels between 3-5 dBA in most locations by 2030. However, Section 3.15.3 indicates a difference of 3 dBA or less for the vast majority of receptors.

RESPONSES

159 Table 3.9 of the project Draft Technical Report No. 6, Freeway Interchange Operations Report (August 2007) addresses traffic impacts on local streets. The study shows more traffic on surface streets for the 8+4 alternatives than the 10+4 alternatives, due to the former having less capacity than the latter (which results in more traffic using local streets).

Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor CIA covers construction related impacts, which may variably include service delays and/or disruptions and economic effects (positive and negative), as well as noise and dust generation. These reports were prepared in support of the EIR/EIS and are incorporated by reference herein. The detailed project schedule for specific locations would be available prior to construction; thus, duration of construction impacts on specific locations cannot be determined at this time.

160 Please refer to the response to your Comment 104 regarding MSAT analysis.

161 See EIR/EIS *Section 2.4*, *Phased Construction*, for discussion of proposed construction phasing and activities. The duration of construction activities for specific locations would be available before the start of project construction.

Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor CIA has specified park and ride facilities, in whole or in part, as construction staging areas. The CIA was prepared in support of the EIR/EIS, is incorporated by reference herein.

Please refer to the response to your Comment 032 regarding policy issues.

162 Please refer to the response to your Comment 046 regarding handling of hazardous materials during construction.

163 Please refer to the response to your Comment 055 regarding farmland analysis.

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

164 EIR/EIS *Section 3.6.4.2*, *Pedestrian and Bicycle Facilities,* discusses the project TMP, which would address safety issues during project construction (see also Topical Response "Construction Traffic"). With regard to operations, Caltrans-built elements would conform to standard safety design criteria.

In addition, the project TMP, as outlined in *Section 3.6.4.1*, *Traffic and Transportation*, takes into consideration the needs and safety of all anticipated users during construction activities. As part of developing the TMP, various Caltrans functional unit staff will review the construction staging plans to evaluate the safety needs of bicyclists, pedestrians, vehicular users, and construction workers.

Caltrans projects are also required to adhere to the guidelines included in the Temporary Traffic Control section (Chapter 6) of the California Manual on Uniform Traffic Control Devices. The General section (Section 6A.01) of that chapter details the responsibilities of Caltrans with regard to safety during construction projects.

165 Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor CIA discusses the implementation of the project TMP, which would include measures to minimize service delays and disruptions to emergency services. As noted, emergency services would experience temporary disruptions to access and circulation during construction, although TMP measures would be implemented to minimize such impacts. Specifically, as outlined in EIR/EIS *Section 3.6.4.1*, *Traffic and Transportation*, this would include a Public Awareness Program to distribute information such as construction schedules and locations, and a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns. The CIA was prepared in support of the EIR/EIS, and is incorporated by reference herein.

166 *Chapter 4* provides the significance conclusions that are required pursuant to CEQA, based on the impact analysis and the avoidance, minimization and mitigation measures that are presented in *Chapters 3 and 4*. Please refer to the response to your Comment 018. *Section 4.3* identifies those topics for which the CEQA conclusion is that the impacts would be less than

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

166 cont. significant with implementation of the mitigation measures identified in *Chapter 3*. Please refer to the responses to your previous comments regarding CEQA compliance for an explanation of the reasons that the analysis presented in *Chapters 3 and 4* complies with CEQA. The responses to your Comments 001 through 008 provide a good overview of the responses to such comments.

167 Biological resources are discussed in the following EIR/EIS sections:

- *3.17 Natural Communities*
- *3.18 Wetlands and Other Waters*
- *3.19 Plant Species*
- *3.20 Animal Species*
- *3.21 Threatened & Endangered Species*
- *3.22 Invasive Species*

Please refer to EIR/EIS *Section 3.21, Threatened and Endangered Species*, for the discussion of sensitive species. Issues are only tracked into *Chapter 4* of the EIR/EIS if they are potentially significant under CEQA. If project avoidance or minimization through design would lessen an impact to less than significant levels, it is not addressed in *Chapter 4*, consistent with the Caltrans template. Alternatively, if appropriate mitigation would solely be through habitat acquisition (e.g., of riparian habitats for riparian-dependent species), then *Chapter 4* does not provide duplicative analysis. Project avoidance, minimization, and/or mitigation would reduce impacts to sensitive species below a level of significance. In this instance, the only potentially significant impacts following avoidance and minimization would occur to habitat (addressed in *Chapter 4* under the heading *Natural Communities*). Please note that the combination of project avoidance, minimization, and mitigation measures are anticipated to reduce impacts to sensitive species below a level of significance.

168 Please refer to the response to your Comment 146 regarding noise analysis methodology.

REGIONAL AND LOCAL AGENCIES – COMMENTS

City of Encinitas Comment Letter, November 19, 2010ber
Draft EIS/EIR for the Interstate 5 North Coast Corridor

170 Page 4-2 (Construction Impacts): For construction activity impacts, please address all previous comments pertaining to these potential effects (including comments on page 3.1-16) and the relevant inadequacies of the CEQA analysis.

171 Page 4-9 (Mitigation Measures): Please address the previous comments on the first page of this letter that pertain to mitigation measures as well as all previous comments pertaining to potential environmental impacts that have not been fully analyzed. It should be noted that additional mitigation measures may be required for any additional significant impacts that have yet to be disclosed.

Should you have any questions regarding the above comments, please contact Scott Vurbeff (City's Environmental Coordinator) at 760-633-2692.

Sincerely,

Patrick Murphy
Director of Planning and Building

cc: City Council
Phil Cotton, City Manager
Richard Phillips
Department Heads
Scott Vurbeff, Environmental Coordinator
Tom Curriden, City Planner
Roy Sapau, Senior Planner
Kerry Kusiak, Senior Planner II
Rob Blough, Traffic Engineer
Nestor Mangohig, Traffic Engineer

Attachments: Figures 1 through 10 from Scientific Resources Associated's Letter of 11/16/10: Encinitas Parcels within CARB's Sensitive Receptor Buffer

- 36 -

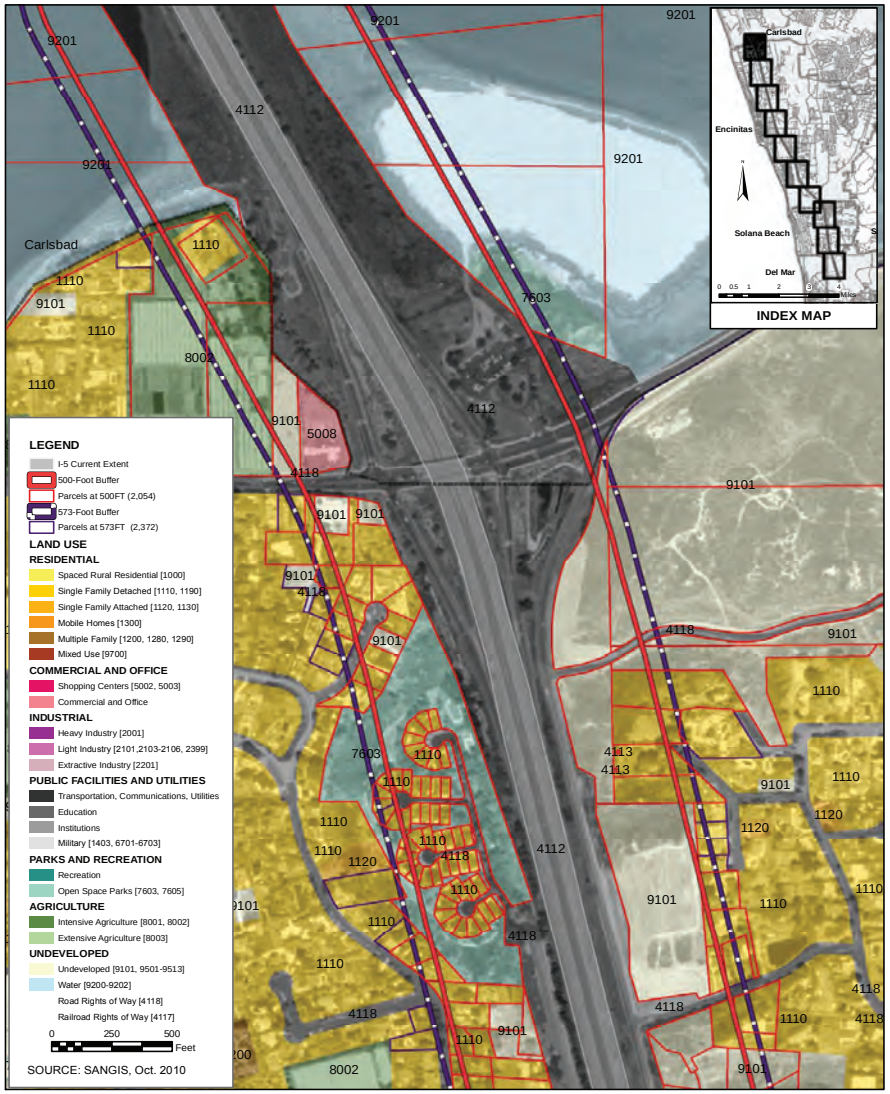
RESPONSES

169 The text in Final EIR/EIS *Section 4.3.4 Noise*, refers to the increase in noise in 2030 at project buildout, relative to existing conditions. The text in *Section 3.15.3* refers to the difference between future Build and no build conditions.

170 Please refer to previous responses to comments pertaining to construction impacts, including but not limited to, the responses to your Comments 017, 020, 024, 046, 060-064, 066, 067, 074, 088, 090, 091, 100-102, 104, 105, 107, 110, 112, 115, 119, 142, 143, 159, 162, 164, and 165.

171 The City's comments throughout its letter, regarding the environmental impacts of the project and proposed mitigation, have been thoroughly addressed within the preceding responses to comments.

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

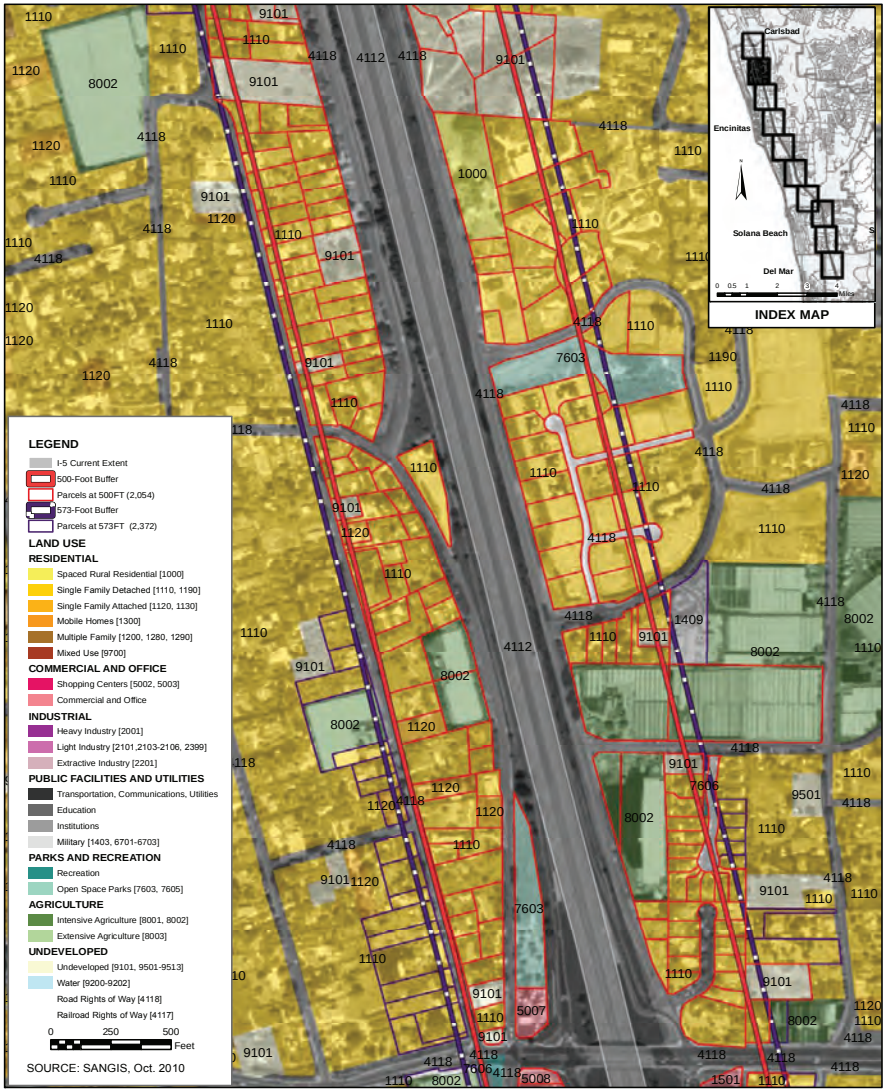


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 1

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

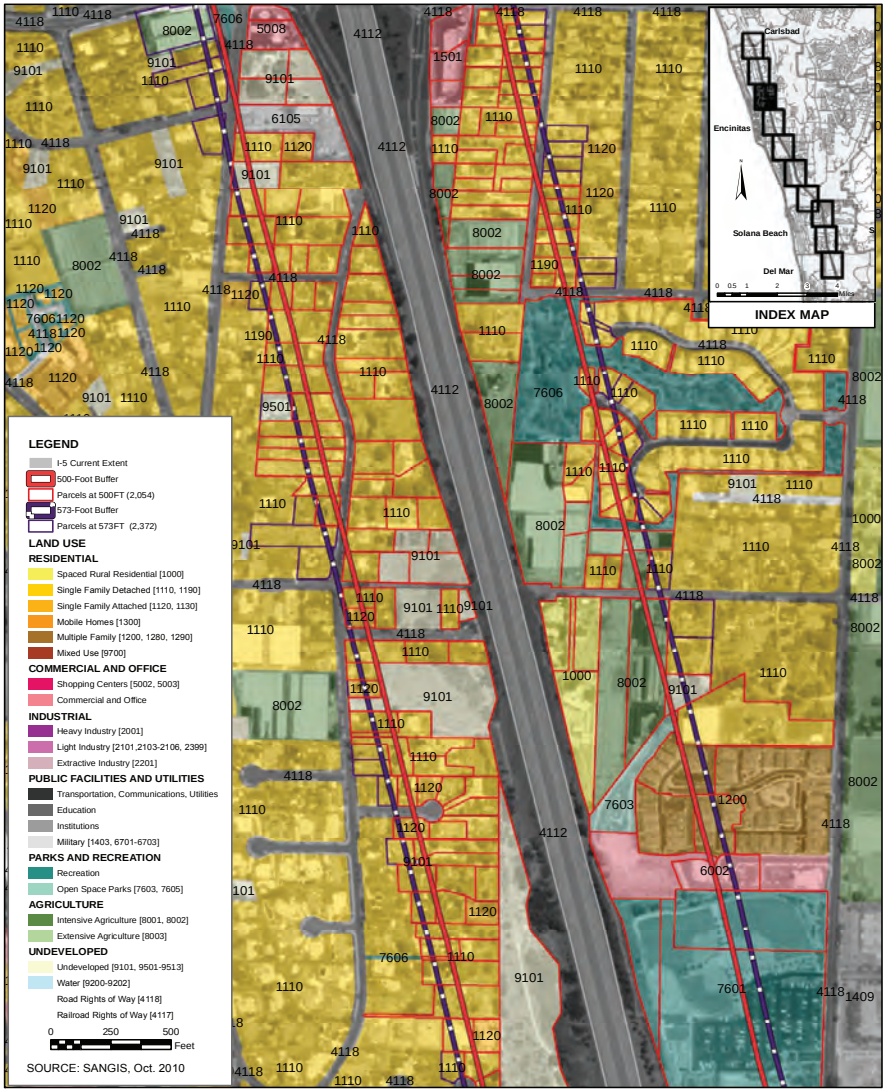


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 2

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

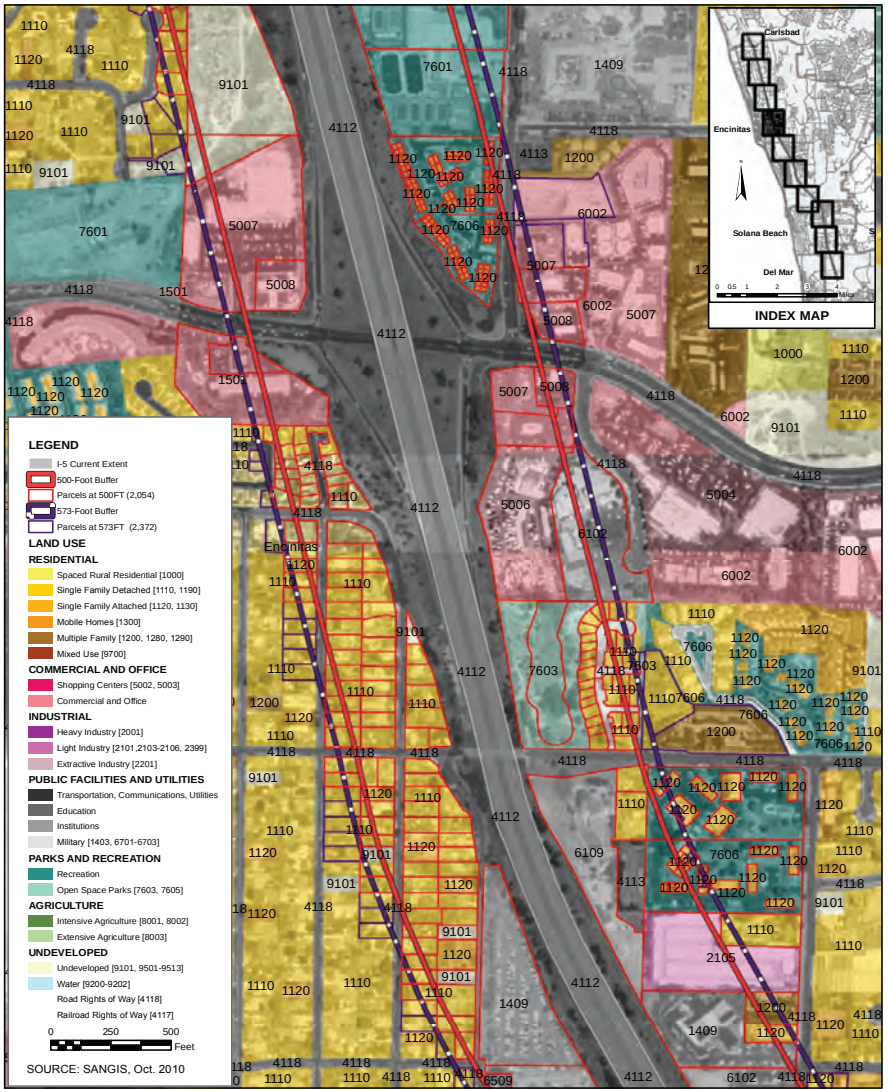


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 3

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

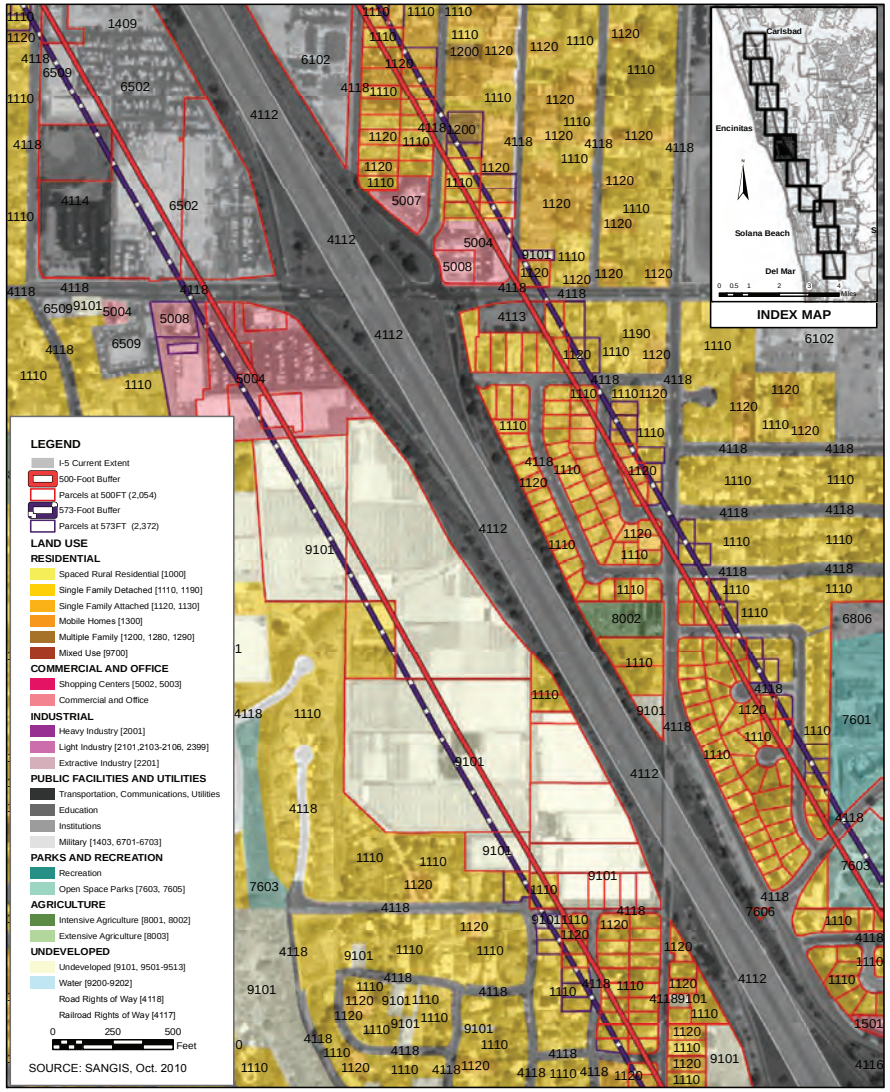


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 4

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

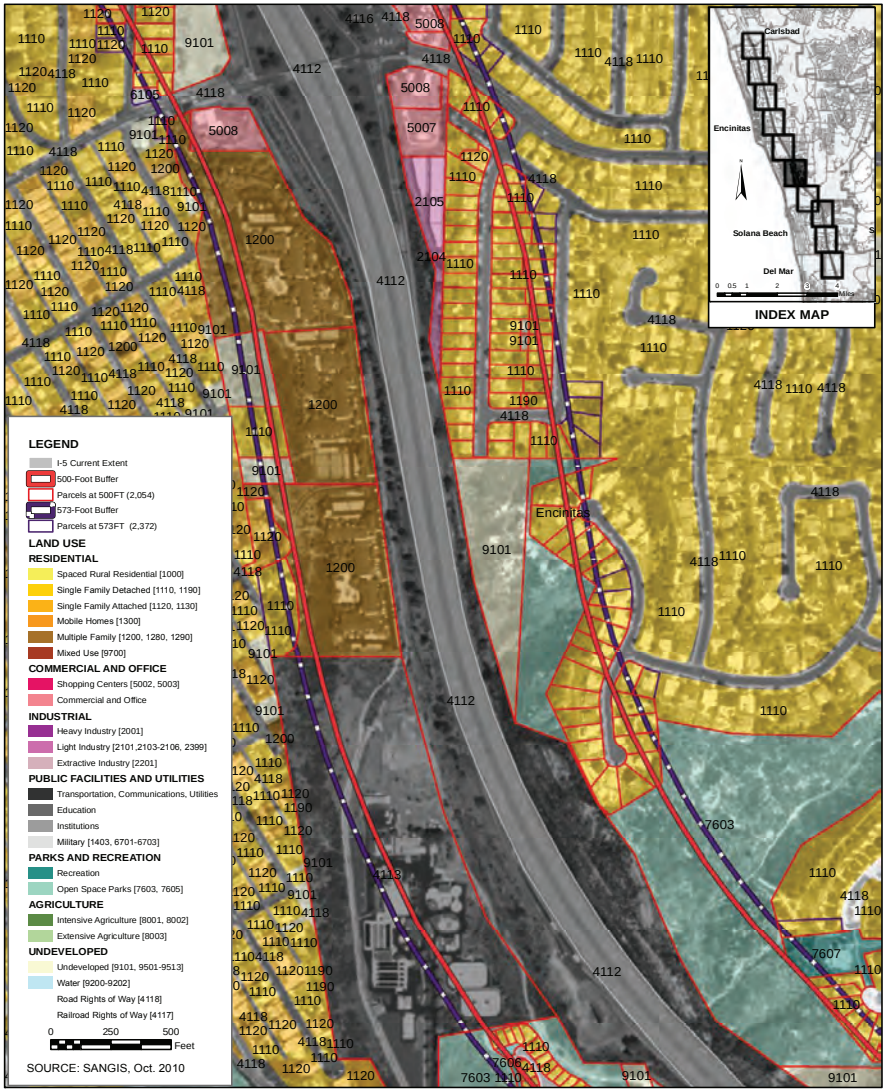


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 5

REGIONAL AND LOCAL AGENCIES – COMMENTS | RESPONSES

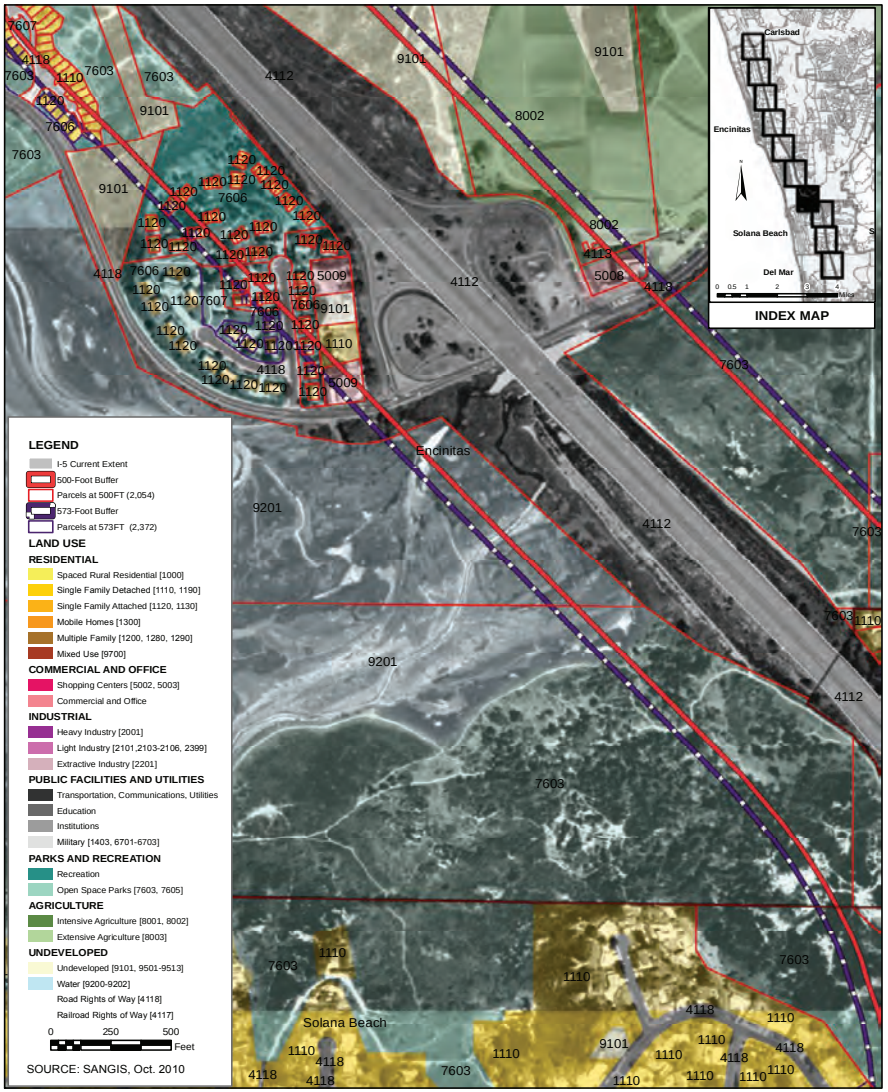


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 6

REGIONAL AND LOCAL AGENCIES – COMMENTS | RESPONSES

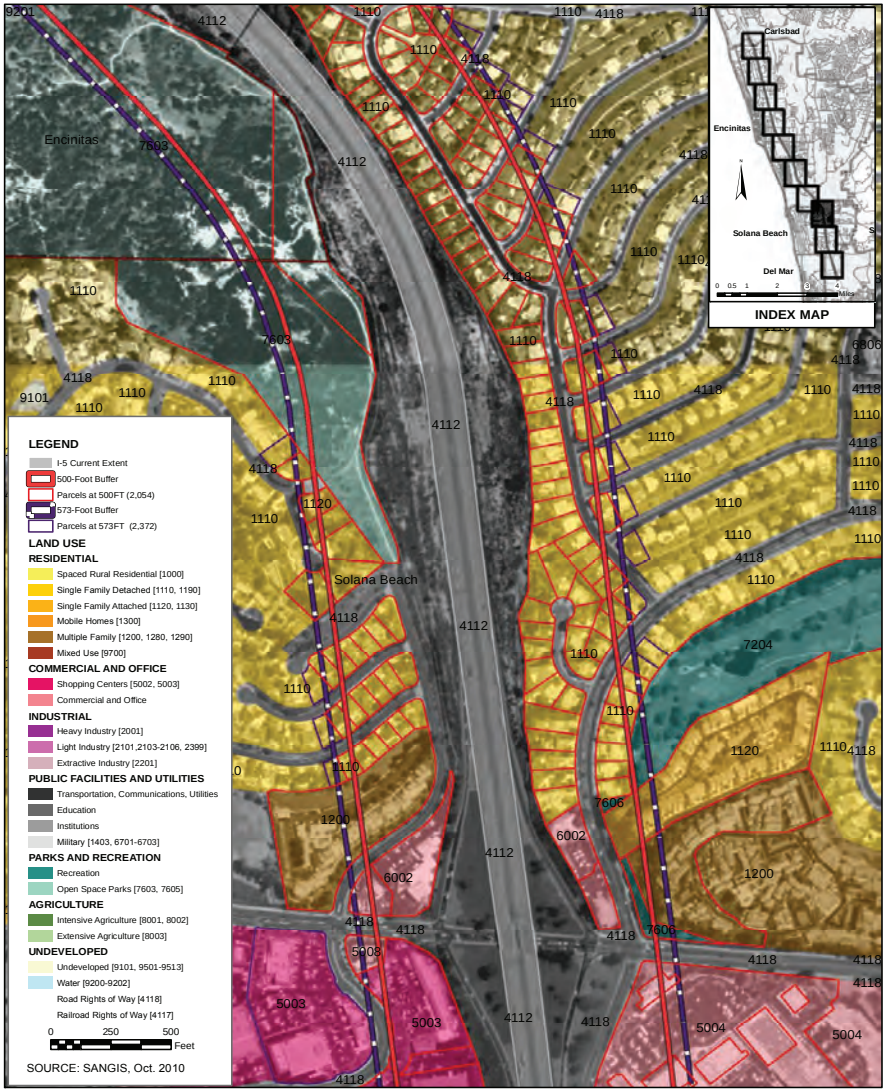


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 7

REGIONAL AND LOCAL AGENCIES – COMMENTS | RESPONSES

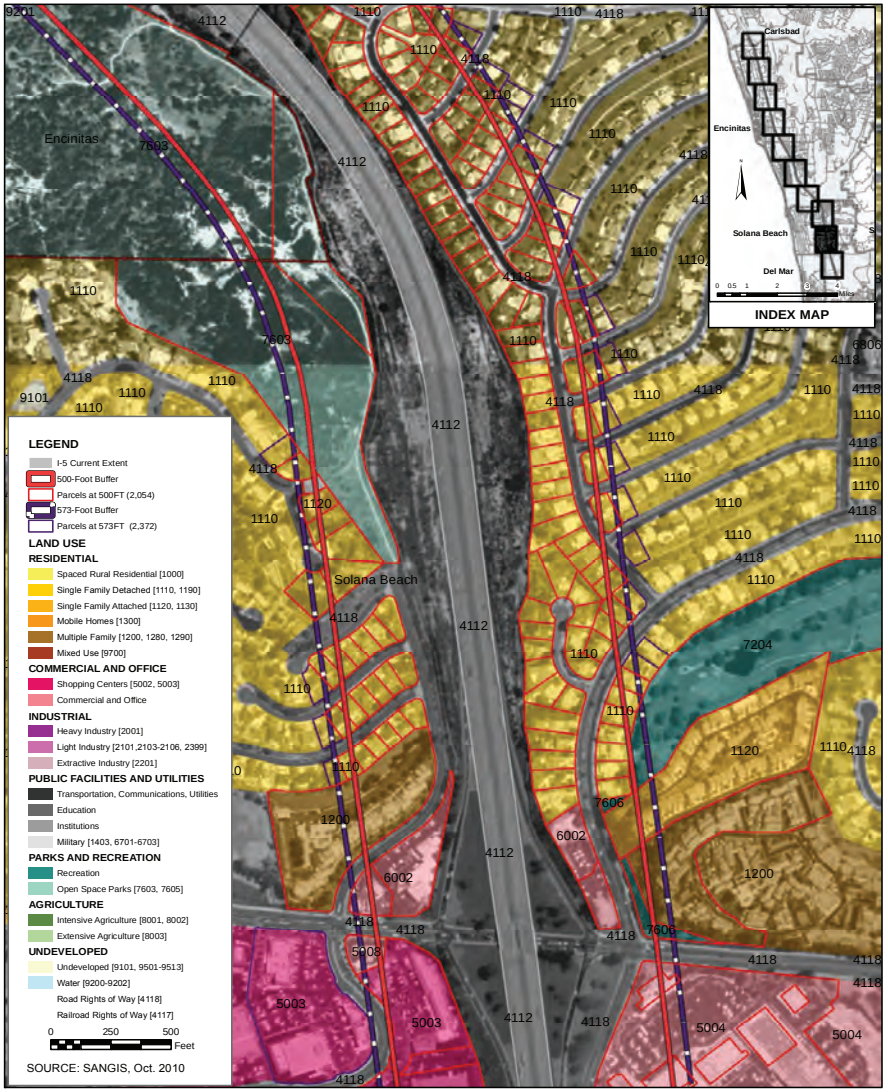


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 8

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

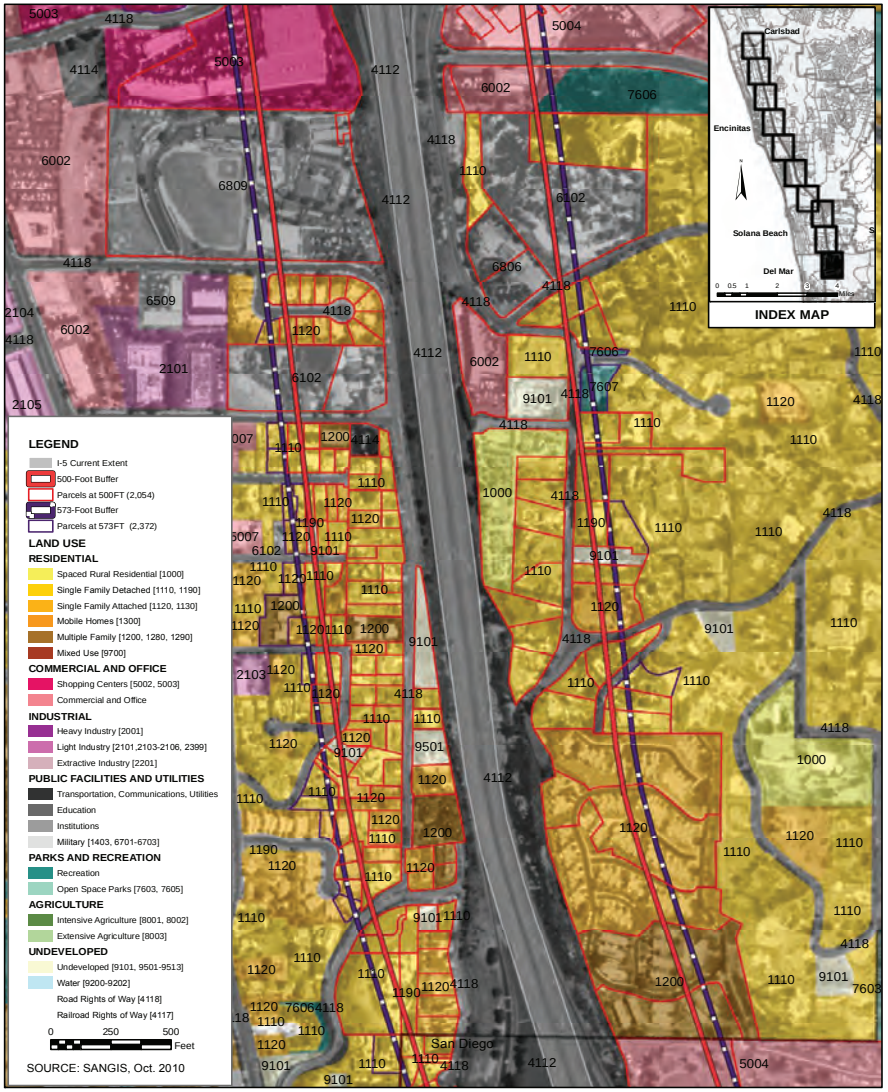


N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 9

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES



N W E S

Land Use Parcels within 500-Foot and 573-Foot Buffers of Interstate 5 Encinitas, San Diego County, CA

FIGURE 10

REGIONAL AND LOCAL AGENCIES – COMMENTS

CITY OF OCEANSIDE
ENGINEERING

November 18, 2010

Ms. Shay Lynn Harrison, Environmental Analysis Branch Chief
California Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, California 92110

Mr. Cesar Perez, Senior Transportation Engineer
Federal Highway Administration
650 Capitol Mall, Suite 4-100
Sacramento, California 95814

Subject: Comments on the Draft EIR/EIS Interstate 5 North Coast Corridor Project

Dear Ms. Harrison and Mr. Perez:

001 The City of Oceanside (City) has reviewed the Draft Environmental Impact Report (EIR) Environmental Impact Statement (EIS) for the proposed Interstate 5 North Coast Corridor Project (proposed project). The City appreciates the opportunity to provide comments on the Draft EIR/EIS to the California Department of Transportation and Federal Highway Administration. In addition, the City acknowledges its role in reviewing and permitting the proposed project as a Cooperating Agency under the National Environmental Policy Act (NEPA) and as a Responsible Agency under the California Environmental Quality Act (CEQA).

002 We respectfully submit these comments to help ensure that State and federal agency decision-makers fully comply with NEPA 42 U.S.C §4321 et seq, CEQA Public Resources Code §21000 et seq, and the CEQA Guidelines §§15000-15387 with respect to the proposed project. The City, as well as our residents and business owners, are very concerned about the disproportionate and long term significant adverse environmental effects on our community.

Page 1

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RESPONSES

Responses to David DiPierro, City Traffic Engineer, City of Oceanside; Peter A. Weiss, City Manager, City of Oceanside

001 Thank you for your comments, which are part of the public record.

002 EIR/EIS *Section 3.4.3, Environmental Justice*, discusses disproportionately high and adverse effects of the *I-5 NCC Project* on minority and low-income populations. Based upon the analysis documented in the EIR/EIS, there is no indication that either the construction or operation of the proposed project would result in disproportionately high and adverse impacts to either minority populations or low-income populations relative to the general population of the project study area and surrounding region for the vast majority of the alignment, with the exception of an apartment building in the City of Carlsbad. Disproportionate impacts were not identified within the City of Oceanside.

REGIONAL AND LOCAL AGENCIES – COMMENTS

003 The City of Oceanside urges Caltrans District 11 and FHWA staff to work with the City as a Responsible Agency under CEQA to revise and recirculate the EIR/EIS. Please contact me with any questions at (760) 435-5114

Regards,

Peter Weiss, City Manager
City of Oceanside

Attachments: Exhibit 1, Consultant Comments
Exhibit 2, Public Comments
Exhibit 3, City Staff Comments

Page 2

RESPONSES

003 The comments provided in the attachments to this letter have been addressed and included in this Final EIR/EIS. Details regarding the project footprint continue to be developed in coordination with local jurisdictions in response to comments received on the Draft EIR/EIS. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Features of the Preferred Alternative not covered in the Draft EIR/EIS, refinements to community enhancement projects, and other project changes were evaluated in a Supplemental Draft EIR/EIS, which was circulated to the public in August 2012 and has been incorporated into this Final EIR/EIS. Recirculation of the EIR/EIS is not needed.

REGIONAL AND LOCAL AGENCIES — COMMENTS

ITEM NO. 12

STAFF REPORT

CITY OF OCEANSIDE

DATE: November 10, 2010

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **CALTRANS INTERSTATE 5 NORTH COAST CORRIDOR PROJECT REVIEW AND COMMENTS**

SYNOPSIS

Staff recommends that the City Council forward all comments for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 5 North Coast Corridor Project to Caltrans.

BACKGROUND

In June of 2010, the California Department of Transportation (Caltrans) released the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 5 North Coast Corridor Project. Caltrans proposes to construct four managed lanes with either a buffer or a barrier along the 3.3 mile segment of Interstate 5 within the City of Oceanside.

004 On August 18, 2010, the City Council directed staff to enter into a cost-sharing agreement with the City of Solana Beach to use their consultants in order to initiate a third party review of the Caltrans EIR/EIS. There were five consultants selected to complete the third party review. The following is a list of the selected consultant team:

Company	Name	Type of Review
Austin-Foust Assoc.	Joe Foust	Traffic/Transportation
Summit Environmental	Leslea Meyerhoff	Environmental
Brian F. Smith & Assoc.	Ryan Taylor	Noise
Mestre Greve Assoc.	Fred Greve	Air Quality
Ogawa Engineering	Mikhail Ogawa	Hydrology

On September 22, 2010, the City Council approved a budget appropriation in the amount of $80,000 from the unassigned Major Thoroughfare Fund balance for the third party review.

RESPONSES

004 Consultant comments provided by the City of Oceanside in the attachments have been addressed and included in this Final EIR/EIS.

REGIONAL AND LOCAL AGENCIES – COMMENTS | RESPONSES

ANALYSIS

Staff worked with the City of Solana Beach and each of the five consultants to complete the review of the Interstate 5 North Coast Corridor EIR/EIR. Comments from each of the five consultants are attached as Exhibit 1, Consultant Comments.

In addition to the consultant comments, a public workshop was held in the City Council Chambers on September 30, 2010, where comments from the public were received, Miscellaneous Public Comments are attached as Exhibit 2. Comments from City staff are attached as Exhibit 3.

The attached comments will be will be forwarded to Caltrans with a cover letter.

FISCAL IMPACT

004 cont.

Does not apply.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

Does not apply.

RECOMMENDATION

Staff recommends that the City Council forward all comments for the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 5 North Coast Corridor Project to Caltrans.

PREPARED BY:

David DiPierro,
City Traffic Engineer

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
Scott O. Smith, City Engineer

Attachments:
1. Exhibit 1, Consultant Comments
2. Exhibit 2, Miscellaneous Public Comments
3. Exhibit 3, City staff Comments

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
EXHIBIT 1 **CONSULTANT COMMENTS**	

REGIONAL AND LOCAL AGENCIES – COMMENTS

AUSTIN-FOUST ASSOCIATES, INC.
TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING

MEMORANDUM

TO: John Amberson, City of Oceanside
Dave DiPierro, City of Oceanside

FROM: Joe Foust, P.E.

DATE: November 2, 2010

SUBJECT: **I-5 FREEWAY NCCC PROJECT EIR/EIS TRAFFIC REVIEW COMMENTS**

005 I have reviewed several hundred pages of the I-5 NCC "Managed Lanes" Project EIR along with supporting referenced material. Before listing a number of detailed and specific comments regarding the EIRs adequacy, I wish to outline my general impression of the project itself with respect to the City of Oceanside.

006 For the City of Oceanside, the advantages identified for this costly $4+ Billion project are quite modest. The I-5 Freeway is widened to provide four HOV "Managed Lanes" along with construction of a new direct access ramp (DAR) at Oceanside Boulevard. Unfortunately, even these improvements are not planned for another 25+ years and only then if funding becomes available. Aside from the HOV lanes and DAR, there is essentially no other traffic mitigation proposed. The EIR identifies significant impacts such as the one created on Oceanside Boulevard by the new DAR but with no traffic mitigation. The EIR cites a conflict with the City's Circulation Element as justification to forgo the needed widening to six lanes along a two mile segment of Oceanside Boulevard.

007 The logic behind the "Managed Lanes" concept is to provide motorists with an alternative that, if they are willing to pay a toll, they can have relative assurance of being able to make the entire trip from Oceanside to San Diego (27± miles) in about 25 minutes. Without this $4 Billion investment, the same trip may take up to 60 minutes or longer during the worst peak periods. The "Managed Lanes" concept refers to this as the travel time "buffer" a motorist would have to be assured of arriving at his destination on time. The City of Oceanside must decide if the need for this "assurance" justifies the project cost in billions of dollars as well as local environmental impacts.

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Tel: (714) 667-0496 Fax: (714) 667-7952
www.austinfoust.com

RESPONSES

005 The traffic review comments contained in this letter are addressed in the following responses.

006 The *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation being developed by the San Diego Association of Governments (SANDAG) and other transportation agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods.

REGIONAL AND LOCAL AGENCIES – COMMENTS | RESPONSES

006 cont. All jurisdictions within the *I-5 NCC Project* corridor would experience the advantages of the project. These include improvements in factors of total delay, congested hours, and travel time, as compiled in EIR/EIS *Table 3.6.3* compared to No Build conditions for all build alternatives. As stated in Section 4.0, Operations Analysis Summary, of Draft Technical Report No. 6, it is anticipated, that with the ability to better serve forecast travel demands, the additional freeway capacity will in turn provide a number of corresponding benefits when compared with the Year 2030 No Build scenario, including:

- Improved interchange ramp intersection operations
- Improved traffic operations at intersections nearby and adjacent to the freeway ramps
- Additional interchange ramp storage
- Improved traffic operations on parallel and intersecting arterial roadways

The project would also provide various community enhancement features to improve facilities for pedestrians and bicyclists. EIR/EIS *Section 2.3*, *I-5 North Coast Regional and Community Enhancement Projects*, lists the features that represent possible community enhancement opportunities that would be constructed simultaneously with the *I-5 NCC Project*. These include nine projects for the City of Oceanside.

Proposed community enhancements were coordinated with stakeholder owner agencies along the corridor. Locations and types of enhancements were originally identified through an extensive planning process. This began with the review of (multiple) planning documents available within each city for the area along I-5, as well as a physical survey of the study area. Meetings were then held with planning agencies, and specific improvements were discussed. Enhancement elements for each location were identified and discussed for applicability. Broader meetings with public representatives were held to obtain ranking of enhancements by preference (most preferred, least preferred) before decisions were made on the final list of enhancements to be included. Please refer to the Community Enhancement Plan

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	006 cont. Notebook and the Community Enhancement Plan documents for details on each enhancement reviewed. Both documents can be accessed through www.keepsandiegomoving.com and www.dot.ca.gov/dist11/Env_docs/I-5NCCDraft.html. Direct access ramp (DAR) location proposals were based on traffic projections, SANDAG proposals for bus rapid transit (BRT), and city coordination. Please note that the Cannon Drive DAR in Carlsbad and Oceanside Boulevard DAR in Oceanside have been eliminated from the proposed project following circulation of the Draft EIR/EIS and receipt of new information regarding city options at those locations. Please also refer to the response to Comment 003.
	007 This comment, which is directed from Austin-Foust Associates to the City of Oceanside as its client and a responsible agency, is noted. The lead agencies who bear the decision-making responsibility for the *I-5 NCC Project* are Caltrans under the California Environmental Quality Act (CEQA) and the Federal Highway Administration (FHWA) under the National Environmental Policy Act (NEPA), with input from responsible agencies, such as the City of Oceanside.

REGIONAL AND LOCAL AGENCIES – COMMENTS

John Amberson, City of Oceanside
November 2, 2010
Page 2

008 The I-5 NCC project proposes to eliminate the eastbound Vista Way to northbound I-5 on-ramp at the I-5/SR-78 interchange. The EIR is not clear on the reasoning for this, but it is suspected that the weaving conflict from the southbound I-5 to eastbound SR-78 is the major factor. In any case, elimination of this on-ramp constitutes a significant issue to the residents who live in the area and the City itself. The EIR/EIS's multitude of traffic studies indicate the existing heavy freeway to freeway volume that currently uses the southbound off-ramp to Vista Way/SR-78 will be replaced by direct flyover connectors, a highly controversial issue in and of itself. This introduces the question "Why is the on-ramp being eliminated and what mitigation is proposed to support the closure?" The EIR provides little or no analysis in this regard. The elimination of a freeway on-ramp without evaluation of the impact of the diverted traffic is not an insignificant matter and should not be ignored in the EIR/EIS.

009 The I-5 NCC project is also proposing four new direct access ramps (DARs) along its 27 mile length. One of those locations is in the City of Oceanside at Oceanside Boulevard. The placement of a DAR at this location creates a significant traffic impact on a two mile segment of Oceanside Boulevard between the I-5 Freeway and El Camino Real. The identified mitigation is widening of Oceanside Boulevard from four lanes to six lanes. However, the EIR ignores this significant impact and does not propose any mitigation be included in the project. As a result, the City of Oceanside must ask the question, "Is having a DAR in Oceanside worth the impact is creates on Oceanside Boulevard?"

010 The reason for citing a DAR at Oceanside Boulevard is not clear from the EIR. A general reference is made to future planned redevelopment in Oceanside as the primary reason. However, from my initial investigation, placement of a DAR near the entrance to Camp Pendleton might also constitute a reasonable alternative. At least this "idea" needs to be evaluated as a potential alternative.

011 Finally, the overall need and cost of the DAR's themselves must be re-examined. The EIR acknowledges that the resulting level of service does not change with or without the DAR's. The inclusion of the four DAR's is very expensive (a precise cost is not available but it is acknowledged that substantial cost and acquisition of right-of-way is involved). In addition, the construction of the Oceanside DAR is not planned for the next 25 years, so its need could change significantly between now and then, even if it is included in the current project description.

Aside for this philosophical comment regarding the overall need and justification for this project, there are a number of specific traffic related comments regarding the adequacy of the EIR/EIS document itself.

EIR Specific Traffic Review Comments

012 1. The cost of this project exceeds $4 Billion, which appears excessive for what is achieved. For the City of Oceanside, only the increased capacity is that provided by two HOV lanes in each direction. Neither the 8 + 4 nor 10 + 4 alternatives add any new general purpose lanes through Oceanside. The ADT within Oceanside for the No-project is forecast as 302,000 and only increases to 320,000 ADT for the most aggressive 10 + 4 option. Based on the limited increase in capacity (counting the HOV lanes), the cost of the project is between $100,000 and $150,000 per ADT, a very high and seemingly non cost effective price. Additional analysis is needed to evaluate other potential alternatives. For example the alternative of construction of only one HOV lane in each direction must be evaluated. Similarly the alternative of one HOV lane and one general purpose lane in each direction must be analyzed.

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RESPONSES

008 The I-5 / SR-78 Interchange improvement is a separate project. Comments related to the design of flyover ramps, etc. will be addressed when that project is out for review. With regard to the current plan to eliminate the northbound on-ramp, however, please note that the existing ramp has low traffic volumes (approximately 400 Average Daily Traffic [ADT]). Impacts to Buena Vista Lagoon would be minimized by constructing HOV/Managed Lanes in the existing right-of-way from the ramp area. Traffic would enter I-5 northbound at California Street.

009 The Oceanside Boulevard DAR in Oceanside, as well as the Cannon Road DAR in Carlsbad, have been eliminated from the *I-5 NCC Project*. The concerns identified in this comment are therefore no longer applicable.

010 The process of identifying the build alternatives is addressed in detail in EIR/EIS *Section 1.4, History and Background*. This Final EIR/EIS, which addresses the build alternatives and No Build alternative throughout the 27-mile I-5 corridor, including in Oceanside, is a project-specific document focusing on I-5 improvements, and the document presents alternatives that address purpose and need based on highway improvements. The suggestion for a DAR to be considered near the entrance to Camp Pendleton is noted, but is not considered to be necessary. A DAR at Camp Pendleton would serve only base traffic. This traffic has been addressed in the project design by proposed improvements to the interchange at Vandegrift and Harbor Drive to segregate traffic heading east to the base from traffic heading west to the beach. The EIR/EIS objectively evaluates a reasonable range of alternatives to the overall project, as required by CEQA and NEPA. Please also refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor.

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	011 Two proposed DAR facilities have been eliminated from the *I-5 NCC Project*. Please refer to the response to your Comment 006.
	012 Neither the 8+4 Buffer alternative, nor the refined 8+4 Buffer alternative would add any new general purpose lanes. Projected improvements in traffic conditions are addressed in EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*. Please refer to the response to your Comment 006. Regarding the suggestion for other alternatives to be addressed in the EIR/EIS, please note that the 8+2 HOV alternative (your suggested one HOV lane in each direction scenario) did not meet project purpose and need. This was discussed in *Section 2.5.1, Rejected Build Alternatives*, of the Draft EIR/EIS (included in this Final EIR/EIS as *Section 2.6.1*). Travel times and congestion levels on the existing eight-lane freeway would revert to pre-project conditions approximately 5 to 10 years after the project's completion. It would not maintain or improve traffic operations or travel times within the project corridor by the design year. Travel times would degrade in the ensuing years as travel demand increases. In addition, the *I-5 NCC Project* is part of a balanced, multimodal regional transportation network. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion. One HOV/Managed Lane and one general purpose lane combined would not address the goal of increasing the number of multiple occupant cars and providing support for future BRT that was identified in the 2050 Regional Transportation Plan (RTP) to the level necessary to meet project purpose and need. Please also refer to the response to your Comment 010.

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013 2. The level of service for the City's Interchange's remains at an unacceptable (Caltrans standards) "D" or "E" in all alternatives. There is little change among the alternatives, including the No-Project. CEQA requires that mitigation be developed to address these unacceptable levels of service.

014 3. The project does little for the City of Oceanside. Moreover, any improvements are delayed until the "long term" (Post 2036) for which there is no committed funding. Two improvements provided, if they are in fact actually improvements, include the two HOV lanes in each direction and the DAR sited in Oceanside. Those two improvements (?) must be evaluated against a potential alternative which would include only two HOV lanes (one each direction) with and without the DAR. In addition with the unavailability of committed funding the EIR must evaluated the impact of the project as if only partial built whereas the improvements in Oceanside are left unbuilt.

015 4. The potential for a political issue regarding the acceptability of single users paying a toll to use the HOV facilities is not addressed. There is an estimate that the "managed lanes" HOV option could produce a revenue stream of between $12 and $19 million annually but this would constitute a poor return (0.4± percent per year) on a $4 billion investment. The 'managed lanes' concept allows use of the HOV lanes by single occupant vehicles (SOV) willing to pay a toll. The effect of building only two HOV lanes (instead of four) prohibiting SOV motorists from use of the HOV facility must be analyzed on both a level of service as well as financial basis.

016 5. The effect of a potential alternative north-south parallel route between I-5 and I-15 Freeways under study by SANDAG has not been addressed other than to mention it is being investigated. The impact of such a parallel route must be analyzed and evaluated before a decision on I-5 is made since the existence of a parallel facility would diminish or eliminate altogether the need and justification for widening I-5 and in particular the need for four HOV lanes instead of only two.

017 6. The travel forecast in the EIR/EIS is based upon SANDAG now out of date Series 10 data with a minor reference that the Series 10 forecasts are within 10 percent of Series 11. Firstly, the current SANDAG Series is Series 11 officially adopted by SANDAG's Board of Directors on September 8, 2006 replacing Series 10. The EIR/EIS similarly dismisses a 10 percent variance between Series 10 and Series 11 without indicating whether it is a 10 percent increase or decrease. In either case, 10 percent should not be considered insignificant. However since the entire need and justification for this project is based on future travel demand forecasts the current and best data available must be used to evaluate $4 Billion expenditure..

018 7. The EIR/EIS uses travel time data from 2006 while also acknowledging that the HOV lane extension north to Manchester completed in 2008 has reduced those delays by 50 percent. This produces a significant change in the "cost effective" of this multi-billion dollar project. As a direct consequence the effect of this HOV lane extension and any changes in travel demand, which may result from use of Series 11 land use data, must be evaluated to determine if this project justifies the expenditure of over $4 Billion.

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RESPONSES

013 Level of Service (LOS) would not improve for every interchange with implementation of the *I-5 NCC Project* due to the magnitude of increased traffic in 2030 and limited widening of some alternatives; however, the mainline factors of total delay, congested hours, and travel time compiled in *Table 3.6.3* are projected to improve for any of the build alternatives compared to No Build conditions. Please refer to the response to your Comment 006.

014 The Oceanside Boulevard DAR has been eliminated from the *I-5 NCC Project*. The 8+2 HOV alternative did not meet the purpose and need of the project. Please refer to the responses to your Comments 006 and 012. Please also note that all project elements are included within the Revenue-constrained Plan in the 2050 RTP and would be implemented within the identified RTP time frame.

015 Political issues are not the topic of environmental documents. The issue of value pricing as it relates to environmental justice is addressed in EIR/EIS *Section 3.4.3.3, Environmental Consequences*, under the heading *Value Pricing*. This section includes a summary of stakeholder interviews that documented key leader attitudes and opinions about the value-pricing component of the project. In addition, supporting analyses and methodologies used to obtain estimated revenues as outlined on *Table 3.6.11* of the EIR/EIS (*Table 3.6.12* of this Final EIR/EIS) can be found on the I-5 North Coast Value Pricing Planning Studies Concept Plan Volumes 1 and 2 (incorporated by reference into the Draft EIR/EIS). The difference in anticipated revenue between the 8+4 and 10+4 build alternatives is linked to remaining congestion levels—drivers on a future I-5 with the fewer general-purpose lanes associated with the 8+4 design scenarios would be expected to benefit to a greater extent from HOV/Managed Lanes (and therefore pay for them), whereas the larger 10+4 scenarios would be expected to carry more free-flow traffic for longer periods of time during the day (with less incentive/demand for paid use of HOV/Managed Lanes).

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016 The suggestion for a north-south parallel route between I-5 and I-15 to be addressed in the EIR/EIS is noted, but such an alternative would not be consistent with the 2050 RTP and would not meet the project purpose and need. Based on travel demand projections, the 2050 RTP identified a minimum of four HOV/Managed Lanes for the I-5 North Coast Corridor, within the project planning period. Please refer to the response to your Comment 010.

017 Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*.

The above results indicate that the traffic volumes used for the project are sufficient for compliance with FHWA requirements, and that the described transportation benefits would last over a longer period, thus improving the return on investment for funds provided to the project. In considering the number of trips using various modes, such as carpool and single-occupant vehicles using freeway general-purpose lanes and HOV/Managed Lanes, with both Coaster and BRT ridership occurring, the comparative analysis showed that the strategic multimodal approach to the North Coast Corridor, including project implementation, remains viable.

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	018 The information on existing conditions was provided as a point of reference for the reader. Improvement in factors of total delay, congested hours, and travel time, comparing future No Build conditions with each build alternative, are compiled in Final EIR/EIS *Table 3.6.3*. Future conditions are not projected based on existing conditions plus additional assumed traffic due to the addition of lanes on I-5. Rather, existing and projected Census-based population numbers, roadways, and planned projects from local jurisdictions are modeled by SANDAG to project future conditions and infrastructure needs. The EIR/EIS results are confirmed to be consistent with more current SANDAG modeling, based on the above-described analysis which shows that Series 12 traffic volumes compare very closely with the Series 10 traffic volumes. Please also refer to the responses to your Comments 006 and 017.

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019 8. The EIR/EIS states freeway diversion traffic will create a significant increase in local circulation congestion but provides no quantification of that statement or, more importantly, the required mitigation. Based upon one report (No. 6) included in the Appendix, Highway 101 is clearly at risk as is probably El Camino Real. CEQA requires that all significant project impacts be mitigated. Therefore the EIR must be revised to identify and evaluate the required circulation improvements needed to mitigate impacts on the local communities.

020 9. The I-5/SR-78 improvements are assumed to be fully implemented by the project EIR/EIS. The EIR must evaluate the impact if this does not occur or is completed at a much later date? Also, these improvements include two controversial flyovers which are not shown in the final I-5 Alternatives. They are, however, included in the back-up traffic studies listed in the Appendix. The EIR must evaluate the removal of the eastbound to northbound loop on-ramp and evaluate if that ramp can be left intact and what design changes and cost would be involved in retaining the existing loop ramp. The elimination of a existing freeway ramp without replacement in some fashion can be expected to create a significant impact unless fully mitigated.

021 10. There is no reference to Caltrans having prepared a Project Study Report (PSR) and/or Project Report (PR) for this specific project. These documents are required for funding any project. The EIR must include these documents as justification for the California Transportation Commission to commit funding to the project. In addition the fact that the project is only partially funded at this time must be fully evaluated and the impacts of a partially completed project mitigated.

022 11. From the viewpoint of Oceanside, there appears to be little benefit, certainly no mitigation improvements other than the DAR for the City of Oceanside from this project. There is only increased delay on the local circulation system and increased delay on the freeway. A substantial portion of the available funding ($4 billion) must be set aside for local circulation mitigation purposes.

023 12. The EIR/EIS clearly states there will be significant construction impacts associated with the project. The "mitigation," includes a note that says a, "Transportation Management Plan (TMP) will be developed." In reality, the construction impacts are expected to cause major disruptions of traffic based on similar experiences with I-5 widenings in Orange County. In those cases, the local cities were provided substantial traffic mitigation to address freeway traffic diversion issues that occurred during construction. Moreover, construction of this project is expected to take years to complete. Consequentially the construction traffic mitigation measures needed may have to remain in place for long periods of time – perhaps as much as 3-5 years to fully mitigate construction traffic impacts.

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RESPONSES

019 Several traffic technical studies for the *I-5 NCC Project* focused on local streets. Technical Report No. 6, Freeway Interchange Operations Report; presents the results of the roadway segment analysis conducted for the adjacent local arterial system, including local arterials and intersections within the City of Oceanside such as SR-78/Vista Way, Oceanside Boulevard, Mission Avenue, and Harbor Drive. Chapter 3.0, Operations Analysis, of this technical report presents the operations analysis results for each of the project scenarios. Included in these analyses are surface street intersection capacities, peak hour delays, LOS, and ADT. Section 4.2, Summary of Project-Related Impacts, of the same report includes traffic operations at intersections, ramps, and arterial roadways due to increased travel demands. Table 3.9 of Draft Technical Report No. 6 shows an assessment of traffic operations for 125 individual roadway segments in the vicinity of the proposed freeway improvements. The table also indicates whether the arterials would operate "over" or "under" capacity. Table 3.1 of Draft Technical Report No. 6 lists proposed ramp intersection improvements that would mitigate potential impacts to the immediately adjacent local intersections. Furthermore, it is expected that the proposed interchange improvements and ramp widening listed in Tables 4.1 and 4.2 of Draft Technical Report No. 6 would benefit the adjacent local streets and intersections.

In addition, Technical Report No. 7, Direct Access Ramp/Local Circulation System Operations Report, addresses scenarios with and without DARs, including local streets affected by the proposed Oceanside Boulevard DAR (which has since been eliminated from the *I-5 NCC Project)*. Specifically, Tables 3.1 and 3.3 provide information on the reported delay, LOS, and Roadway Segment Capacity analysis. These technical reports were prepared in support of the EIR/EIS, are incorporated by reference therein, and can be accessed at:

http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic6.pdf and http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic7.pdf

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020 Please refer to the response to your Comment 008.

021 The Project Study Report (PSR), which was completed in March 2000, is discussed in the following EIR/EIS sections:

- *Section 1.4, History and Background*
- *Section 2.1, Project Description*
- *Section 2.6.1, Rejected Build Alternatives,* and
- *Section 5.1, Project Scoping Process.*

Maps were provided by alternative in the June 2010 Draft Project Report, which were available for review at libraries during the public circulation of the Draft EIR/EIS and have remained available for review at the Caltrans website, http://www.dot.ca.gov/dist11/Env_docs/I-5NCCDraft.html, as well as www.keepsandiegomoving.com.

The project's estimated costs per phase are presented in EIR/EIS *Section 2.4, Phased Construction*. The total cost is projected to be $3.1 billion to $4.5 billion, depending on the alternative. Project funding would come from the State Transportation Improvement Program (STIP) – Regional Improvement Program (RIP) for Capital Outlay, as described in *Section 2.1, Project Description*, of the EIR/EIS, as well as the TransNet Program (a half-cent sales tax to finance a range of transportation projects). The $17 billion projected to be generated during the 60-year life of TransNet is being distributed to transportation projects in general by SANDAG. TransNet funds are distributed approximately in thirds to highways, transit, and local roadways.

022 Please refer to the response to your Comment 006.

023 EIR/EIS *Section 3.4.1, Community Character and Cohesion*, EIR/EIS *Section 3.6.4.1*, *Traffic & Transportation,* and Chapter 3.0, Impact Analysis, of the Community Impact Assessment (CIA, incorporated by reference into the EIR/EIS) discuss the Traffic Management Plan (TMP) that would be developed during the final design phase of the *I-5 NCC Project* to address associated

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023 cont. construction-related impacts and issues. Although Orange County experiences provide interesting anecdotal information, specific impacts related to roadway construction effects are dependent upon both existing roadways and planned project improvements and phasing, as well as abutting uses and local transportation use patterns.

At this time, a TMP has not been prepared specifically to use during construction of the proposed project. The TMP would minimize activity-related traffic delay and accidents through the effective application of traditional traffic handling practices. All TMPs share the common goal of congestion relief during the project activity period through efforts including traffic flow management and balancing traffic demand with highway capacity through the project area and/or the entire corridor. Please refer to Topical Response "Construction Traffic."

Caltrans would work closely with jurisdictions within Oceanside, including the Oceanside Unified School District, to minimize potential impacts to traffic and pedestrian access during the construction phase of the project. The described measures are considered to adequately and appropriately address construction-related traffic/access effects, ensure public safety, and provide conformance with the Oceanside General Plan. The comprehensive TMP would be developed after the selection of a Preferred Alternative if the project is approved. Schools will receive special attention in the measures incorporated into the comprehensive TMP, including the provision of crossing guards/flaggers, if necessary.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Brian F. Smith & Associates

Archaeological/Biological/Historical/Paleontological/Air/Traffic/Noise Consulting

November 1, 2010

Mr. John Amberson
City of Oceanside
300 North Coast Hwy
Oceanside, CA 92054

RE: DRAFT Noise Comments - Interstate 5 North Coast Corridor Project - Draft Environmental Impact Report / Environmental Impact Statement

Dear Mr. Amberson:

Thank you for the opportunity to review the latest (June 2010) Draft Environmental Impact Report for the Interstate 5 North Coast Corridor Project as prepared by both the U.S. Department of Transportation Federal Highway Administration and the State of California Department of Transportation County.

The project proposes to widen Interstate 5(I-5) and add High Occupancy Vehicle (HOV) lanes from La Jolla to Oceanside. The EIR separates the project into 22 separate sections between the two cities, however this review only focuses on Sections within the City of Oceanside or Sections 19-22. The intentions of this review are to identify critical areas within the EIR that should be updated in order to comply with CEQA and NEPA. My comments are as follows:

024

1. Section 3.15.1 of the EIR states that the Noise analysis was prepared in accordance with the Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects, August 2006, and that impacts were determined when future noise levels approach the Noise Abatement Criteria (NAC). The EIR seems to do a good job with respect to reviewing Activity Category B areas utilizing the 67 dBA threshold but doesn't review many interior NACs of 52 dBA for sensitive areas such as residential units, hotels, churches etc. The EIR should be updated to include interior analysis within older structures along I-5.

025

2. The noise study should show interior noise measurements for residential areas, hotels, schools etc. These areas should be analyzed per the 2006 traffic analysis noise protocol.

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RESPONSES

024 Per FHWA guidance and the Caltrans Traffic Noise Analysis Protocol, primary consideration is given to exterior areas in identifying noise impacts. In general, a standard 20 decible (dBA) attenuation between exterior and interior noise levels is assumed to be provided by a structure's exterior walls. In situations where there are no exterior activities, or where the exterior activities are far from the roadway or physically shielded in a manner that would prevent an impact on exterior activities, the Activity Category E interior criterion is used as the basis for determining noise impacts. The intent of the project's noise analysis was to cover all applicable interior and exterior sensitive noise receptors. If any pertinent interior noise receptors were overlooked, however, every attempt would be made to include those areas during the final design of the project. If the City of Oceanside is aware of any specific interior areas that were overlooked, please provide those locations to ensure that they are considered during the final project design.

025 Please refer to the response to your Comment 024.

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026 3. The conclusions in the EIR noise section seems to have been generated from a noise report that was finalized in 2007 which is three years old. It seems that the EIR could not have appropriately analyzed planned, designed, and programmed projects adjacent to the freeway. The EIR preparer should contact the City of Oceanside to determine any planned, designed or programmed projects for review. The EIR should be updated to show these areas.

027 4. The noise study was written in 2007 however, data used within the report seems outdated and should be re-taken due to the fact that most of the data was gathered in 2004. 2004 data should not be reported as "existing" as the EIR states. The noise data for the entire EIR should be re-taken.

028 5. After comparing the EIR with the Noise Study, the Noise Study did not consider the residential development at the northeast terminus of Neptune Street. The EIR shows this area but no analysis was conducted. The Noise study for the report did not provide any noise measurements within the development nor were any receptors selected or modeled. The Noise study should be updated and should include new noise data to properly calibrate the noise model as well as add additional receptor areas.

029 6. The site plan within the noise report does not include Neptune way however, the EIR states that Neptune way will be replaced. Traffic along Neptune way is not significant however should be considered and shown in Sheet NO. 57 out of 60 within the noise report.

030 7. The EIR should be updated to identify how the Neptune Way Bridge will be replaced. There would appear be significant access issues to the residential development during construction which may have life safety consequences.

031 8. The noise models identified within the technical noise report utilize Sound 2000 which is a variation of the Sound32 noise model. This analysis procedure is not acceptable for Caltrans' projects as it is considered outdated. The noise modeling within the noise report should be re-done and should utilize the TNM Version 2.5 in order to be consistent with the 2006 Traffic Noise Protocol. Additionally, the TNM2.5 noise model should incorporate the most recent "existing" noise data.

032 9. Noise Receptors selected for analysis within the noise model seem to be placed in areas next to structural features, which does not accurately predict either existing or future noise levels. For example, Receptor 22.13 (Identified as Guest House Hotel) was placed in the corner of two structures, which is shielded from line of sight to the freeway. It is recommended that the noise report add additional receptors to the west of R22.13 with line of sight to the freeway which will present a more accurate representation of the existing conditions in the area. Additionally, it is recommended that the noise study investigate the interior noise levels for this hotel to see if interior noise levels will exceed the NAC of 52 dBA.

RESPONSES

026 Noise measurements were taken at sensitive locations within the project limits to establish baseline conditions, calibrate the future traffic noise model, determine the interior noise levels in classrooms, and determine the drop-off rate from the front to backyard at certain residences.

Future No Build and build alternative traffic noise levels were modeled using projected future LOS C traffic volumes to obtain the worst-case noise scenario; noise levels in 2004 are not considered in modeling the future noise level.

Per standard Caltrans practices, if pertinent parameters change substantially during final project design, the preliminary noise abatement/mitigation design may be changed or eliminated from the final project design. Another decision on noise abatement/ mitigation would be made upon completion of the project design.

027 The baseline for analysis in an environmental document is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The analysis in the EIR/EIS is therefore valid. Please also refer to the response to your Comment 026.

028 As described in EIR/EIS *Section 3.15, Noise*, noise impacts from the proposed project were identified and associated abatement measures were incorporated into the project; please refer to Segment 21 of the project, on pages 3.15-53 through 3.15-55 of the Draft EIR/EIS.

The Noise Study Report shows that noise receptor R21.11, at 712 Neptune Way, was modeled (also see Sheet 57 of the Noise Study Report). It was missing from *Figure 2-2.14am* of the Draft EIR/EIS, but that absence has been corrected in this Final EIR/ EIS (refer to Final EIR/EIS *Figures 2-2.3, Sheets 63* and *64*). The result of noise analysis is shown in *Table 3.15.43*.

029 Neptune Way was shown on Sheet 57 of the Noise Study Report. Please refer to the response to your Comment 028.

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030 Details regarding the provision of access during construction throughout the I-5 corridor will be developed to be responsive to the final design of the Preferred Alternative, if the project is approved. Access would be among the issues addressed in the TMP. Please refer to the response to your Comment 023 regarding the extensive coordination and management undertaken for the TMP.

031 Future noise modeling for the *I-5 NCC Project* utilized the Caltrans highway noise prediction computer model, SOUND2000, Version 3.3. SOUND2000 is based on the highway traffic noise prediction method specified in FHWA-RD-77-108 and was the FHWA-required methodology at the time the analysis was prepared. Consistent with FHWA direction, TNM 2.5 (or later) should be used for current studies, but a re-evaluation noise study for a project originally modeled using Sound 32 or Sound 2000 does not require remodeling. Because final design has not been completed, re-running the noise model to identify subtle noise contour changes that might result by using the TNM modeling would not be helpful. Please also note that use of the TNM model could also trigger use of the 2006 Caltrans Traffic Noise Analysis Protocol, which specifies its use. Because this Protocol also has modified limits for the "reasonable" and "feasible" analyses (please see Topical Response "Soundwall Considerations" for explanation), modeling under the new Protocol could potentially result in the elimination of soundwalls determined to be "feasible" or required for "severely impacted" noise receptors (or noise receptors subject to noise exceeding 75 dBA) under SOUND2000. The decision was therefore made to retain the more conservative modeling and subsequent assessment (i.e., the modeling that would result in the greater number of soundwalls being installed if the project is approved).

032 Per the Code of Federal Regulations, 23 CFR Part 772, 13(b); "In abating traffic noise impacts, a highway agency shall give primary consideration to exterior areas where frequent human use occurs." Noise receptor R22.13 is located at the pool area of the Guest House Hotel, which is considered a frequent human use area and, therefore, was selected for noise monitoring. Accordingly, no

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	032 cont. additional noise receptor locations are considered necessary for this site. The future predicted outdoor noise level at noise receptor R22.13 is 60 dBA. This level is below the noise-abatement criterion (NAC) of “at or approaching” 67 dBA. Per FHWA and Caltrans standards, interior noise measurement levels are not considered here because the outdoor noise measurement levels do not exceed the NAC. Please also refer to the response to your Comment 024 regarding the anticipated standard attenuation provided by structural exterior walls.

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033 The noise report should also add a short-term monitoring location to better calibrate the noise model.

034 10. Figure 2-2.14am within the EIR does not identify R22.14, R22.12, R22.11, R 22.10, ST 22.2. Additionally, on this figure there is reference to R5.1 but is not discussed in the Noise report. Furthermore, Figure 2-2.14ai is missing receptors 19.5, R19.5A, R 19.6 and ST 19.1. The EIR preparer should review the Technical Noise Assessment and update all the Project Features Maps within Chapter 2 of the EIR to make them consistent with the technical noise study.

035 11. The Noise report should look at additional hotel areas such as the Travelodge near Monterey Drive. Receptor 22.12 identified within the noise report looks as if it was placed in the far west corner of the building farthest away from the freeway. It is recommended that the noise report add an additional receptor closer to the freeway, which will more accurately depict existing noise levels.

036 12. The Noise models consistently use a 5 dBA K-factors or prediction reductions due to buildings. It is recommended that the noise models be updated to include additional barriers to represent these structures instead of the 5 dBA reduction assumption. This may have been done to the barrier limitations of the outdated Sound 2000 / Sound 32 noise model. It is recommend that the noise models be updated utilizing TNM 2.5 with structural barriers used instead of K-factors.

037 13. The Noise Report includes many walls to mitigate the future noise increases from the Interstate 5 widening project. It is well documented that noise walls can significantly increase reflective noise levels from the freeway. The EIR should be updated to include analysis of reflective noise from the sound walls. The analysis should identify specific materials that the walls should be made of to limit this reflective noise. Sound absorbing materials should be discussed.

038 14. Noise receptors and short-term noise measurements (for calibration) should be taken at additional residential receptors along Mountain View Avenue. This area should also be considered in a noise wall reflectivity analysis from the 12' high noise wall proposed on the west side of the I-5 by Oceanside Blvd. There is concern that once the wall is built noise levels will raise significantly for these residences.

039 15. The EIR and Technical Noise report did not adequately analyze noise impacts to sensitive avian species with respect to the Fish and Wildlife 60 dBA Leq-h construction noise standards. The EIR needs to be updated to include this analysis.

Thank you for the opportunity to provide the City with comments regarding the proposed Interstate 5 North Coast Corridor Project. If you would like any additional clarification, please call me at 760-855-3389.

RESPONSES

033 As described in the April 2007 Noise Study Report for Interstate 5 North Coast Corridor Widening Project (and summarized in EIR/EIS *Section 3.15*, *Noise*), a total of 80 short-term and 43 long-term noise measurements were taken throughout the I-5 corridor. EIR/EIS *Section 3.15* notes that noise measurements were conducted in conformance with Caltrans and FHWA standards and guidance. All noise measurement locations are shown in the referenced Noise Study Report.

034 Thank you for pointing out this inadvertent omission. Missing noise receptor locations ST19.1, R19.5, R19.5A, and R19.6 have been added to Final EIR/EIS *Figures 2-2.3, Sheet 58,* and missing noise receptor locations ST22.2, R22.10, R22.11, R22.12, and R22.13 have been added to Final EIR/EIS *Figures 2-2.3, Sheets 64* and *65*. Noise receptor R5.1 is evaluated in the discussion of Soundwall S561 on Page 52 of the project Noise Study Report. Updates to the technical studies are not required.

035 As outlined above in the response to your Comment 039, primary consideration for the noise impact evaluation is given to exterior areas where frequent human use occurs. Noise receptor R22.12 represents the second-floor deck area for the Travelodge Motel just north of Monterey Drive, which is considered a frequent human use area. Accordingly, no additional noise receptor locations are considered necessary for this site.

036 Use of the K-factor is unrelated to the noise prediction model. The K-factor is used for calibration (i.e., fine-tuning) of the prediction model to reflect actual site conditions that are not adequately accounted for by the model. Specifically, model calibration is defined as the process of adjusting calculated future noise levels by algebraically adding a calibration constant derived from the difference between measured and calculated noise levels at representative sites. It is not used for the reduction of noise caused by such factors as the presence of buildings.

Please refer to the response to your Comment 031 for information regarding the SOUND2000 and TNM noise models.

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037 Due to the distance that would be present between parallel retaining walls on I-5, reflection effects would be minimal. Per the FHWA Highway Noise Barrier Handbook, a width-to-height ratio between 10:1 to 20:1 would have a maximum barrier insertion loss of 0-3 dB, a range for which the Handbook concludes "at most, degradation is barely perceptible;" and "no action [would be] required in most instances." In the City of Oceanside (and assuming the smallest potential build alternative of 8+4 Buffer, consistent with the Preferred Alternative), the distance between the two walls would be over 200 feet at their closest point and the width-to-height ratio for the two barriers would be approximately 14:1. This falls within the range where degradation would be barely perceptible and no additional action would be required.

038 As described in EIR/EIS *Section 3.15*, *Noise*, potential noise impacts from the *I-5 NCC Project* were identified and abatement measures are incorporated into the project (refer specifically to the discussion of Segment 19). Noise receptor R19.18 (1508 Mountain View Avenue) is located at the Mountain View Avenue residence that is nearest to I-5, and is therefore considered an appropriate and conservative representative of the additional residences on Mountain View Avenue. Regarding reflectivity concerns, please refer to the response to your Comment 037.

039 EIR/EIS *Section 3.21, Threatened and Endangered Species*, addresses construction and operational noise effects on wildlife. This section is based upon several technical reports, which are incorporated into the EIR/EIS by reference, including the *Noise Report for Sensitive Wildlife Receptors within the I-5 North Coast Project*. Please also note that U.S. Fish and Wildlife staff have been closely involved in the review of construction phasing and potential noise minimization and mitigation measures, circulated in the August 2012 Supplemental Draft EIR/EIS, and then refined and incorporated into this Final EIR/EIS. Measures within the Final EIR/EIS are consistent with the USFWS Biological Opinion.

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Brian F. Smith and Associates | Page 4	
Sincerely, Ryan S. Taylor Brian F. Smith and Associates	

OCEANSIDE SEGMENT COASTAL I-5 CORRIDOR
2010 V. 2004 SOUND LEVEL MEASUREMENTS

	A	B	C	D	E	F	G
1	Sample Point	Location	Latitude	Longitude	2010 Leq	Worst Hour Modeled Leq	2004 Leq
2	ST 19.1	1934 Soto St	33° 10.866' N	117° 21.219'W	69.2	NA	70.0
3	ST 19.2	1637 Griffin St	33° 10.894' N	117 ° 21.352 W	69.3	NA	70.0
4	ST 19.3	1501 Valencia	33° 11.050 N	117 ° 21.392 W	69.5	NA	68.8
5	ST 19.4	1326 Selma Drive	33° 11.283' N	117 ° 21.555' W	69.1	NA	X
6	ST 19.5	340 Blue Springs Lane	33° 11.273 N	117° 21.663' W	68.9	NA	68.0
7	ST 20.1	Village North Apts, 825 Vine St	33° 11.578' N	117 ° 21.929' W	68.9	NA	66.9
8	ST 20.2	Ron Ortega Recreation Park, Brooks St	33° 11.879' N	117° 22.074' W	73.7	NA	75.0
9	ST 21.1	Bush St Comm Garden Bush and Wetzel Sts	33° 12.057' N	117° 22.540' W	74.2	NA	73.0
10	ST 22.1	501 San Luis Rey Drive	33 12'28.1"N	117 23' 06.4" W	78.9	NA	80.0
11	ST 22.2	1429 Carmelo, Space #1 Sandy Shores Trailer Pk	33 12' 30.8" N	117 23' 13.9" W	59.1	NA	61.6
12	R20.8	Grant St, No address, see field map for location	33° 11.871' N	117° 22.158' W	63.6	73	NA
13	R21.18	1100 Sportfisher Way Family Recovery Center	33 12.098' N	117° 22.632' W	71.4	76	NA
14	R20.16	460 South Brooks St	33 11.719' N	117 22.030' W	68.1	75	NA

OCEANSIDE SEGMENT COASTAL I-5 CORRIDOR
2010 V. 2004 SOUND LEVEL MEASUREMENTS

	H	I	J	K	L	M	N	O	P	Q
1	2010 Lmin	2004 Lmin	2010 Lmax	2004 Lmax	2010 L10	2004 L10	2010 L50	2004 L50	2010 L90	2004 L90
2	63.1	66.5	69.2	81.0	70.4	71.0	68.0	69.5	65.9	68.5
3	63.9	64.0	76.3	70.5	69.1	71.5	69.1	69.5	66.9	67.5
4	62.4	X	80.3	76.9	71.9	X	69.0	X	67.3	X
5	62.7	X	74.6	X	70.7	X	68.8	X	66.8	X
6	61.0	63.0	75.4	73.0	68.9	70.0	66.8	67.5	64.7	66.0
7	63.3	X	75.6	73.9	70.6	X	68.7	X	66.7	X
8	68.5	71.5	84.2	79.5	75.4	76.0	73.3	75.0	71.4	73.5
9	72.0	X	79.4	77.1	75.3	X	74.2	X	73.1	X
10	69.6	69.5	88.1	86.5	81.2	82.0	78.3	79.5	74.8	76.5
11	61.2	X	79.5	69.6	61.2	X	58.2	X	55.9	X
12	56.2	NA	77.1	NA	65.3	NA	63.2	NA	60.4	NA
13	65.2	NA	87.9	NA	72.9	NA	71.2	NA	69.0	NA
14	61.8	NA	89.1	NA	69.2	NA	67.3	NA	65.4	NA

OCEANSIDE SEGMENT COASTAL I-5 CORRIDOR
2010 V. 2004 SOUND LEVEL MEASUREMENTS

	R
1	Notes
2	
3	
4	
5	
6	
7	
8	The 2004 readings were taken during a baseball game on the ball diamond next to the Sound Level Meter. No games were in progress during our 2010 measurement.
9	
10	
11	The address in the 2004 report is shown on North Hill St. The correct address is on Carmelo
12	
13	Daycare center playground
14	

REGIONAL AND LOCAL AGENCIES – COMMENTS

MOE & Chang Consultants Review of Interstate 5 North Corridor Project DEIR/EIS , US Department of Transportation Federal Highway Administration and State of California Department of Transportation (June 2010)

TABLE 1 – Comments for Section 3.9 Hydrology / Drainage (and Floodplains) and Associated Technical Documents

	No.	SECTION 3.9 HYDROLOGY / DRAINAGE (AND FLOODPLAINS) AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
040	1	Section 9: Buena Vista Lagoon Location Hydraulic Study / Page 9-2	The Buena Vista Lagoon was originally an intermittent tidal system. The lagoon now functions as a freshwater lake.	There have been conceptual plans for restoring tidal functions in the lagoon. Information regarding such proposals should be researched and discussed. Tidal influences on the Buena Vista Lagoon/Creek hydraulics must be analyzed. These elevations will cause a backwater effect on the upstream water surface elevations in the lagoons and watercourses, which will influence the hydraulic analyses. The full range of backwater elevations associated with tidal variations must be considered in the hydraulic analyses to ensure that water surface elevations and flood inundation are not being increased by the project. If increases occur, then mitigation measures must be identified.	Wayne Chang, P.E.
041	2	Section 9: Buena Vista Lagoon Location Hydraulic Study / Page 9-2	Sedimentation could pose a long term threat to the fresh water marsh and open water mosaic that currently exist at the lagoon.	The impact of the project on sediment transport and sedimentation need to be analyzed. The sediment transport impacts must be quantified and discussed to ensure that the project will not adversely affect scour or deposition at or near the project site. Sediment transport impacts are not necessarily localized near the project footprint, but can extend upstream or downstream. Adverse scour could jeopardize the stability of existing utilities or improvements along the watercourses and lagoons. Buried utilities that can be impacted by increased scour must be identified. Adverse deposition can increase water surface elevations and the potential for flood inundation in properties along the rivers.	Wayne Chang, P.E.

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RESPONSES

040 Both salt and freshwater scenarios were reviewed during the completion of Phase 2 studies at Buena Vista Lagoon. These options were summarized in the August 2012 Supplemental Draft EIR/EIS and are incorporated into this Final EIR/EIS. Please refer to Topical Response “Lagoon Evaluations” for information on focused studies completed since the circulation of the Draft EIR/EIS in 2010. Based on those studies, the existing I-5 bridge lengths at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. A 100-year flood event (as well as lesser flood events), combined with a conservative projected sea level rise of approximately 4.5 feet by 2100, were factored into the bridge design. The improved channel and I-5 bridge design defined in the Supplemental Draft EIR/EIS and this Final EIR/EIS would accommodate these flows. The I-5 bridge at Buena Vista Lagoon would also accommodate any of the restoration scenarios under evaluation, with a minimum of one foot of freeboard.

041 Please refer to the response to your Comment 040. Issues of sea level rise, tidal currents, and scour were included in the Phase 2 lagoon studies and were important considerations in refinement of bridge designs, as depicted and explained in the Supplemental Draft EIR/EIS and Final EIR/EIS.

REGIONAL AND LOCAL AGENCIES – COMMENTS

MOE & Chang Consultants Review of Interstate 5 North Corridor Project DEIR/EIS , US Department of Transportation Federal Highway Administration and State of California Department of Transportation (June 2010)

	No.	SECTION 3.9 HYDROLOGY / DRAINAGE (AND FLOODPLAINS) AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
042	3	Section 9: Buena Vista Lagoon Location Hydraulic Study / Page 9-3 and 9-8.	During a 100-year storm event, 8,500 cfs would flow beneath the I-5 bridge.	The June 23, 1994, *Hydrologic Study for Buena Vista Creek Basin*, by Hunsaker & Associates San Diego, Inc. established updated flow rates for Buena Vista Creek, which have been required by the city of Oceanside. For example, the updated 100-year flow rate at El Camino Real is 12,800 cfs, which is significantly higher than the DEIR flow rate obtained from FEMA. The hydraulic analyses and bridge design must be based on the most up-to-date hydrologic information to ensure that the proper flow rates are being utilized.	Wayne Chang, P.E.
043	4	Section 9: Buena Vista Lagoon Location Hydraulic Study / Page 9-6	The proposed replacement bridge would consist of two rows of piers, with sixteen piers in each row.	Pier (and abutment) scour analyses must be performed to determine the local scour. Impacts of local scour on sediment transport or adjacent improvements (utilities, etc.) must be described and mitigation provided. HEC-RAS provides four methods for computing losses through a bridge. A discussion comparing the four methods and rationale for the preferred method must be included in the DEIR to ensure that the proper methodology is being used.	Wayne Chang, P.E.
044	5	Section 9: Buena Vista Lagoon Location Hydraulic Study / Page 9-7	Manning's Roughness Coefficient	Roughness coefficients were assigned based on a single vegetative condition. Analyses need to be performed for the potential range of channel and overbank roughnesses that can occur over time to ensure that all future vegetative and development conditions are considered.	Wayne Chang, P.E.
045	6	Section 9: Buena Vista Lagoon Location Hydraulic Study / Page 9-7	Starting Water Elevation	The downstream water surface elevation was based on a single elevation. Analyses should be performed for the potential range of tidal elevations for the reasons noted in the comment above.	Wayne Chang, P.E.

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RESPONSES

042 The FEMA flow rate of 8,500 cfs was used in lagoon modeling studies. Caltrans is obligated to use the published FEMA base flood flow rate identified in the Flood Insurance Studies. If a local agency uses a higher flow rate based upon an updated hydrology study, then that study must be approved and adopted by FEMA and revised Flood Insurance Rate Maps published. Until this process occurs, the higher flow rates only pertain to local ordinances.

043 Local drainage issues, including the potential for erosion, are addressed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*. As noted in *Section 3.10.4*, *Avoidance, Minimization and/or Mitigation Measures*, the project would be designed with design pollution prevention (DPP) best management practices (BMPs) that are standard technology-based, non-"treatment" controls selected to reduce pollutant discharges to the maximum extent practicable. Design objectives of DPP BMPs are to prevent downstream erosion, to stabilize disturbed soil areas, and to maximize vegetated surfaces consistent with Caltrans policies. These measures would prevent effects on downstream channel stability through changes in the rate and volume of runoff, the sediment load as a result of changes in the land surface, and other hydraulic changes from stream encroachments, crossings or realignment. Damage to project components, such as bridge piers and abutments from issues such as scour and erosion, would not be allowed to occur.

044 Manning's Roughness Coefficients were determined using the Haestad Methods, Floodplain Modeling Using HEC-RAS, first edition, and through field verification. Photographic representations of the various "n" values applied are on page 9.7 of the Location Hydraulic Study. The values adequately address variations in floodplain conditions.

REGIONAL AND LOCAL AGENCIES — COMMENTS

MOE & Chang Consultants Review of Interstate 5 North Corridor Project DEIR/EIS , US Department of Transportation Federal Highway Administration and State of California Department of Transportation (June 2010)

	No.	SECTION 3.9 HYDROLOGY / DRAINAGE (AND FLOODPLAINS) AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
046	7	Section 10: Loma Alta Creek Location Hydraulic Study / Page 10-1	Impacts to the Loma Alta Creek 100-year floodplain from the proposed widening to the Interstate 5	Impacts to the 100-year floodway must be analyzed. FEMA and local agency development regulations are associated with floodway impacts and there are specific conditions that must be met if floodway impacts are requested. The *Location Hydraulic Studies* must demonstrate a tie-in with the upstream and downstream FEMA floodplain and floodways. The FEMA regulations (Title 44, Code of Federal Regulations, Part 65.6) require tie-ins within specified limits. The hydraulic analyses and floodplain/floodway mapping must demonstrate that the proper tie-ins are achieved in accordance with FEMA regulations.	Wayne Chang, P.E.
047	8	Section 10: Loma Alta Creek Location Hydraulic Study / Page 10-6	Existing Floodplain Conditions	This section describes Soledad Canyon and Carmel Valley Creek. Revise section for Loma Alta Creek so that its existing conditions are documented.	Wayne Chang, P.E.
048	9	Section 10: Loma Alta Creek Location Hydraulic Study / Page 10-6	Manning's Roughness Coefficient	Roughness coefficients in the natural portions of the floodplain were assigned based on a single vegetative condition. Analyses need to be performed for the potential range of roughnesses that can occur over time. A low roughness was used to simulate flow in areas with housing such as the mobile home park. The roughness must be increased to reflect the flow obstruction associated with the structures or the structures should be included in the cross-section modeling to ensure an accurate determination of the water surface elevations.	Wayne Chang, P.E.

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RESPONSES

045 Please refer to Topical Response "Lagoon Evaluations" and Final EIR/EIS *Table 2.2.4* and *Section 3.9* for updated information regarding the longer bridge over Buena Vista Lagoon. The longer length and channel modifications are based on updated hydraulic modeling as discussed in the 2012 Buena Vista Lagoon Optimization Study.

046 Loma Alta Creek is addressed in EIR/EIS *Section 3.9, Hydrology/ Drainage (and Floodplains)*, which found that within the Loma Alta Creek floodplain, the widening of the I-5 bridges would not cause a significant increase to the area of the flood boundary or the water surface elevation. The water surface elevation upstream of the proposed widened I-5 bridges would increase 0.04 feet. The floodplain in relation to the project is depicted on *Figure 3-9.11.* The EIR/EIS concluded that within the Loma Alta Creek floodplain, the slight increase to flood water elevations upstream would not be considered significant, and there would be no increased risk to life or property associated with the proposed improvements.

047 Existing conditions for Loma Alta Creek are described in EIR/EIS *Section 3.9.2, Affected Environment*. The EIR/EIS is the summary document prepared for decision makers and the public to use to evaluate environmental impacts. Updates to the technical studies are not required.

048 Manning's Roughness Coefficients were determined using the Haestad Methods, Floodplain Modeling Using HEC-RAS, first edition, and through field verification. Photographic representations of the various n values applied are on pages 10-6 and 10-7 of the Location Hydraulic Study. The values adequately address variations in floodplain conditions.

REGIONAL AND LOCAL AGENCIES — COMMENTS

MOE & Chang Consultants Review of Interstate 5 North Corridor Project DEIR/EIS , US Department of Transportation Federal Highway Administration and State of California Department of Transportation (June 2010)

	No.	SECTION 3.9 HYDROLOGY / DRAINAGE (AND FLOODPLAINS) AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
049	10	Section 10: Loma Alta Creek Location Hydraulic Study / Page 10-7	Discharge	The Garrison basin has been constructed and another detention basin is in the process of being constructed. Based on a conversation with the city of Oceanside, it is unknown when the third basin will be constructed. Recent hydrologic analyses have been performed for the NCTD project. The flow rates used in the hydraulic modeling need to be based on the most up-to-date hydrologic modeling and must also consider the condition with and without the third detention basin.	Wayne Chang, P.E.

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RESPONSES

049 Modeling was conducted for the condition with the Garrison detention basin only. This modeling is deemed appropriately conservative, as additional detention basins upstream would further reduce high flows and the associated increases in water surface elevation.

REGIONAL AND LOCAL AGENCIES — COMMENTS

MOE & Chang Consultants Review of Interstate 5 North Corridor Project DEIR/EIS , US Department of Transportation Federal Highway Administration and State of California Department of Transportation (June 2010)

	No.	SECTION 3.9 HYDROLOGY / DRAINAGE (AND FLOODPLAINS) AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
050	11	Section 10: Loma Alta Creek Location Hydraulic Study / Page 10-7 and 10-9	HEC-RAS Output and Risk Assessment	The results show the project will cause an increase in the 100-year water surface elevation at the upstream side of the Interstate 5 bridge. The increases extend into the existing retail development upstream of Interstate 5. The impacts on the existing development must be identified and mitigation provided. Title 44, Part 60.3(d)(3) of the *Code of Federal Regulations* applies to projects that will occur within a FEMA-mapped floodplain and floodway. The regulation states that the local flood administrator must: Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge [i.e., the 100-year discharge]. This condition must be addressed as well as the requirements if deviations to this condition are sought, regardless of how small. Analyses need to be performed to delineate a revised floodway boundary, if necessary. This will ensure that the proposed project can adequately meet the federally mandated floodplain and floodway regulations.	Wayne Chang, P.E.

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050 Please refer to the response to your Comment 046.

REGIONAL AND LOCAL AGENCIES — COMMENTS

MOE & Chang Consultants Review of Interstate 5 North Corridor Project DEIR/EIS , US Department of Transportation Federal Highway Administration and State of California Department of Transportation (June 2010)

	No.	SECTION 3.9 HYDROLOGY / DRAINAGE (AND FLOODPLAINS) AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
051	12	Section 11: San Luis Rey River Location Hydraulic Study / Page 11-8	Manning's Roughness Coefficient	Roughness coefficients were assigned based on a single vegetative condition. Analyses must be performed for the potential range of channel and overbank roughnesses that can occur over time in order to ensure that the project is adequately designed for all future conditions.	Wayne Chang, P.E.
052	13	Section 11: San Luis Rey River Location Hydraulic Study / Page 11-9	Discharge	The City of Oceanside indicated that the US Army Corps of Engineers recently performed updated hydrologic analyses for the San Luis Rey River. The analyses must be obtained, reviewed, and the hydraulic analyses updated with the newer flow rates, if appropriate. Impacts on the existing levees must be discussed in order to demonstrate that the project will not adversely impact the levees. Mitigation for impacts must be provided.	Wayne Chang, P.E.
053	14	Location Hydraulic Studies – Tech Document	General	Caltrans' bridge hydraulic design criteria is based the 50-year storm or the flood of record (with minimum of 2 feet of freeboard) as well as the 100-year storm. The Location Hydraulic Studies only discuss the 100-year storm. The other Caltrans' required events should also be analyzed and compared to ensure that the proper freeboard is being provided at the bridges and to ensure that Caltrans' criteria is met. Since Interstate 5 is a major transportation corridor, it is critical that adequate freeboard with the factor of safety specified by Caltrans is met.	Wayne Chang, P.E.

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RESPONSES

051 Manning's Roughness Coefficients were determined using the Haestad Methods, Floodplain Modeling Using HEC-RAS, first edition, and through field verification. Photographic representations of the various n values applied are on page 11-8 of the Location Hydraulic Study. The values adequately address variations in floodplain conditions.

052 The EIR/EIS concluded for the San Luis Rey River that the I-5 bridge widening would occur entirely above the 100-year floodplain with only pier walls extending into the 100-year floodplain; thus minimal impacts would occur below the 100-year floodplain elevation. The hydraulic analysis demonstrated that the extension of the pier walls would not prevent the San Luis Rey River from conveying the 100-year storm within the same limits as current conditions allow, both upstream and downstream of the proposed widening. Revised analyses, therefore, are not necessary.

053 Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. This evaluation includes the results of associated hydrologic/hydraulic technical analyses and related consultation with lagoon scientists to determine appropriate bridge and channel dimensions. As described in the detailed lagoon matrices provided in *Section 3.17* of the Final EIR/EIS, all of the I-5 bridge crossings under the proposed project would exhibit adequate (minimum one foot) freeboard under a 100-year flood scenario (and using the conservative assumption of a maximum 4.5-foot sea level rise), except for the Carmel Creek bridge, which would exhibit a flood

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

053 cont. flow deficiency of approximately 0.7 foot of freeboard. Currently, tidal flow does not reach the I-5 bridge over Carmel Creek. If future sea level rise allows for tidal flows to extend upstream to the bridge, it would be minimal and the proposed project would not preclude future implementation of adaptation strategies to ensure continued access across Carmel Creek during a 100-year flood event. Specifically, these strategies could include removing additional sediment from under the bridge, replacing the bridge, and/or other design strategies available at that time. A deficiency of 0.7 foot of freeboard would not result in flooding of all freeway lanes at this crossing, even if all of the conservative assumptions in the associated Federal Emergency Management Agency model occurred. Rather, this 0.7-foot freeboard deficiency represents a temporary build-up of water east of I-5, with freeway access anticipated to be maintained. Please also note that subsequent to lagoon modeling the Statewide assumption for sea level rise was reduced to 3.1 feet. Under that assumption there would be no deficiency at all.

Based on the above discussion regarding freeboard for the I-5 bridge crossings under the 100-year flood and maximum projected sea level rise conditions, adequate freeboard would also be maintained for the 50-year (and other applicable) flood conditions, as the associated flow rates would be lower, or, in the case of the Carmel Creek bridge, the previously described adaptation strategies could be implemented if necessary. Please also refer to Topical Response “Lagoon Evaluations” for additional information on potential bridge design and related effects to coastal lagoons.

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	No.	SECTION 3.9 HYDROLOGY / DRAINAGE (AND FLOODPLAINS) AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
054	15	3.9.1 / page 3.9-1	General	The section is titled "Hydrology/Drainage (and Floodplains)." However, the section focuses on floodplains and does not discuss local drainage impacts, specifically to Oceanside. The widening project will increase the impervious area, which will increase surface flow rates and flow volumes. The impacts and mitigation associated with local storm flows must be addressed. The city of Oceanside has public storm drain systems that can be adversely impacted by additional storm flow contributions from the proposed project. This can lead to greater surcharge and flood inundation along the public facilities. The DEIR must identify the downstream drainage facilities within the city, impacts on the facilities associated with increased runoff from the project, and the appropriate mitigation.	Wayne Chang, P.E.

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RESPONSES

054 As described in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff,* Caltrans continues to comply with CWA Section 402 by implementing the requirements of the Statewide NPDES permit, as well as the NPDES Construction General Permit. The Statewide National Pollutant Discharge Elimination System (NPDES) permit and the approved Storm Water Management Plan (SWMP) consolidated the Caltrans storm water compliance activities under one permit and provided a framework for consistent and effective implementation of storm water management practices on a Statewide basis.

The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting, as well as the Construction General Permit. Post-construction BMPs would be deployed to the MEP given constraints such as limited right-of-way; proximity of sensitive habitat; and public safety concerns. Every effort would be made to emulate pre-project conditions through the implementation of elements such as: (1) detention basins to capture and treat on-site runoff prior to discharge into downstream drainage facilities (with these basins also providing associated flow regulation); (2) design pollution prevention (DPP) BMPs such as preserving existing vegetation and drainage courses/ patterns wherever practical; (3) use of unlined drainage facilities (e.g., bioswales) where practical to provide some flow regulation/ infiltration capacity in addition to water quality "treatment"; and (4) appropriately sized energy dissipation structures at all drainage outlets to reduce flow velocities prior to discharge. Specifically with regard to preliminary detention basin and bioswale locations within the City of Oceanside, please see Final EIR/EIS *Figures 2-2.3, Sheets 56* through *67*. Using the above measures would also help to reduce drainage impacts, although your concerns are noted. The current drainage design is preliminary, given that the I-5

REGIONAL AND LOCAL AGENCIES — COMMENTS

MOE & Chang Consultants Review of Interstate 5 North Corridor Project DEIR/EIS , US Department of Transportation Federal Highway Administration and State of California Department of Transportation (June 2010)

TABLE 2 — Comments for Section 3.10 Water Quality and Storm Water Runoff and Associated Technical Documents

	No.	SECTION 3.10 WATER QUALITY AND STORM WATER RUNOFF AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
055	1	3.10 / General		The DEIR/EIS does not include any discussion of hydromodification impacts. The DEIR/EIS should provide adequate discussion and analysis to demonstrate how the project impacts or does not impact the receiving waters downstream of the projects discharge points. Revise DEIR/EIS as noted above and recirculate for comments	Mikhail Ogawa, P.E.
056	2	3.10 / General		In general, the DEIR/EIS provides background information but no substantive analysis of: (1) impacts from the proposed alternatives, and; (2) mitigation measures. Instead the discussion focuses on Caltrans' existing programs and plans. The supposition is that if these plans and programs are implemented it will adequately mitigate for project impacts. There is no analysis to support this in the document or supporting technical document. The DEIR/EIS should study and provide impacts and proposed mitigation measures, not only discuss in general terms. Revise DEIR/EIS as noted above and recirculate for comments.	Mikhail Ogawa, P.E.

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054 cont. project is in the Project Report/Environmental Document (PR/ED) phase. Caltrans staff will coordinate with the City of Oceanside to identify any potential impacts to the City's storm drain systems and to develop appropriate mitigation, if applicable, when the project moves to the Design phase (Plans, Specifications and Estimate phase).

055 The hydromodification analysis is imperative and would be performed to ensure that downstream flows would not cause erosion or impacts to the ultimate receiving water body in accordance with the renewed NPDES Permit (Order No. 2012-0011-DWQ). Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification and describes measures to avoid or minimize short- and long-term water quality project-related impacts. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting.

056 EIR/EIS *Section 3.10.3* identifies and evaluates potential water quality impacts associated with the implementation of the identified build alternatives and the No Build alternative. Specifically, this includes direct impacts associated with short-term (construction) activities such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related contaminants (e.g., fuels and lubricants), as well as long-term (operational) impacts such as the generation of vehicle-related contaminants (e.g., particulates and metals from break pad wear, and exhaust-generated contaminants such as nitrite). This analysis provides quantified assessments of potential impacts related to existing/ proposed impervious (paved) surfaces, as well as the identification of associated potential pollutant generation and related effects; it also addresses associated indirect impacts such as downstream sediment/contaminant transport (i.e., sedimentation) and the potential discharge of contaminants related to long-term facility operation and maintenance activities such as landscaping (e.g., green waste, pesticides, and herbicides).

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	056 cont. EIR/EIS *Section 3.10.4* identifies appropriate BMPs to address potential project-related water quality concerns, based on approved Caltrans standards, manuals and guidelines (as referenced in the EIR/EIS text), including the SWMP. The SWMP describes the process for conformance to the Caltrans Statewide NPDES Permit issued by the State Water Resources Control Board (SWRCB). The SWMP was approved by the SWRCB and is subject to annual updates and approval by that agency as directed in the Caltrans Statewide NPDES Permit. Conformance with State regulations is mandatory. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting. Among other criteria, the SWMP identifies applicable BMPs related to project elements/phases including maintenance (Category IA), design pollution prevention (Category IB), construction (Category II), and "treatment" (Category III). Caltrans-approved measures are identified for each of these categories in the SWMP and related Caltrans manuals and guidelines, and are listed in *Section 3.10.4* of the EIR/EIS; preliminary project-specific BMPs are identified in the EIR/EIS where possible, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that under the described NPDES/ SWMP process, BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. The analysis also notes that Caltrans is committed to preventing or minimizing impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that project-related water quality impacts would be effectively addressed through the SWMP and related storm water programs (including potential future BMP refinements as noted), thereby ensuring compliance with applicable water quality standards and regulations.

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	No.	SECTION 3.10 WATER QUALITY AND STORM WATER RUNOFF AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
057	3	3.10 / General		Failure to study impacts and mitigation. There is no discussion regarding water quality impacts of increased traffic outside of the I-5 corridor. Increased traffic is a pollutant generating activity and will generate increased amounts of similar pollutants that the use of I-5 generates. Mitigation should be applied for the arterials and local streets that are impacted by the project, both during construction and post-construction. Temporary and permanent water quality impacts will likely include, but not be limited to, increased trash and sediment, oil and grease, heavy metals, organics and other pollutants. Mitigation should include, but not be limited to, treatment control systems designed and implemented for the local and arterial streets that are impacted by the project, both during construction and post-construction. Revise DEIR/EIS as noted above and recirculate for comments.	Mikhail Ogawa, P.E.
058	4	3.10 / General		Many statements should be referenced within the section. Examples include: Developed land use percentages, both existing and future years (page 3.10-3 under individual hydrologic unit discussions) Provide references to supporting documents / studies in DEIR/EIS and recirculate for comments.	Mikhail Ogawa, P.E.

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057 Providing "treatment" control systems for local and arterial streets due to future traffic that would occur with or without the project is beyond the scope of the *I-5 NCC Project*.

058 As noted in EIR/EIS *Section 3.10.2, Affected Environment*, the primary sources of the water quality analysis in *Section 3.10* are the July 2009 Water Quality Report and August 2013 Water Quality Technical Memorandum; separate technical studies prepared for this project. A number of additional data sources were also used to prepare *Section 3.10*, however, including the San Diego Regional Water Quality Control Board Basin Plan (Basin Plan). Specifically, the percentages of current and projected development provided for individual hydrological units within the I-5 corridor were derived from Appendix B-3 of the Basin Plan, as referenced in the first paragraph of EIR/EIS *Section 3.10.2.1, Hydrologic Units.*

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	No.	SECTION 3.10 WATER QUALITY AND STORM WATER RUNOFF AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
059	5	3.10.2.2 / page 3.10-4	Maximum rainfall intensity - The larger the drainage area, the lower the pollutant concentration	This appears to be a typo or misstatement. Should be corrected Revise DEIR/EIS as noted above and recirculate for comments.	Mikhail Ogawa, P.E.
060	6	3.10.2.2 / page 3.10-4	Drainage Areas — The larger the drainage area, pollutants for highways decrease.	It is unclear what this statement means. Pollutant concentrations from highways decrease due to dilution from a larger drainage area? Clarify in DEIR/EIS and recirculate for comments.	Mikhail Ogawa, P.E.
061	7	3.10.2.2 / page 3.10-4	Drainage Areas — The larger the drainage area, pollutants for highways decrease.	It is unclear what this statement means. Pollutant concentrations from highways decrease due to dilution from a larger drainage area? Clarify in DEIR/EIS and recirculate for comments.	Mikhail Ogawa, P.E.

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059 As noted in EIR/EIS *Section 3.10.2.2, Existing Water Quality,* the statement referenced in this comment is based on runoff monitoring and characterization studies conducted by Caltrans at various transportation facilities throughout California. The studies and the link to them on the Caltrans website are provided in this EIR/EIS section. Another factor that will contribute to improved water quality for I-5 runoff is the required installation of new "treatment" BMPs for the project, that will treat runoff to a higher quality, compared to the previously installed BMPs to treat runoff from the existing I-5 hardscape. These new BMPs will likely treat flows from the new pavement as well as some of the existing pavement.

060 This statement reflects a water quality pattern that is apparent from the runoff monitoring and characterization studies conducted by Caltrans. As noted in the Discharge Characterization Study Report cited in *Section 3.10.2.2,* larger drainage areas were generally associated with lower pollutant concentration for some parameters.

061 Please refer to the response to your Comment 060.

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	No.	SECTION 3.10 WATER QUALITY AND STORM WATER RUNOFF AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
062	8	3.10.2.4 / page 3.10-5	As part of Caltrans runoff characterization studies, we identified pollutants that are discharging with a load or a concentration that commonly exceeds allowable standards and which are considered treatable by Caltrans approved treatment BMPs. These pollutants are referred to as Targeted Design Constituents (TDCs), which include sediment, metals (total and dissolved zinc, lead and copper), nitrogen, phosphorus and general metals. Below is a table listing the 303(d) receiving water bodies within the project limits and the TDCs associated with them.	This paragraph and the associated table (Table 3.10.5) only identify TDCs that are the same as the impairments in water bodies adjacent or beneath the project. This method of identifying TDCs that match existing impairments is misleading when discussing project cumulative impacts and potential mitigation for such impacts. The project's cumulative impacts will occur over time and therefore, future impairments would have to be considered. All pollutants that are associated with the project should be addressed in the mitigation (treatment control BMPs) – not only those that match existing water body impairments. Unmitigated pollutant discharges, only because they are not adding to a regulatory impairment now, will have longer lasting impacts in the future. All pollutants must be mitigated. Revise DEIR/EIS to include analysis of all pollutants generated as a result of the project and recirculate for comments	Mikhail Ogawa, P.E.
063	9	3.10.3 / General		TDCs and potential pollutants from project polluting generating activities should be clearly identified as impacts. Revise DEIR/EIS to include this identification and recirculate for comments	Mikhail Ogawa, P.E.

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062 Targeted Design Constituents (TDCs) included in EIR/EIS *Section 3.10.2.4,* provide specific information regarding the potential generation of pollutants from the proposed project that would contribute to receiving waters listed on the Clean Water Act Section 303(d) List of Water Quality Limited Segments. As described in EIR/EIS *Section 3.10.3, Environmental Consequences*, potential pollutants/sources identified for the proposed project include those listed as TDCs in *Section 3.10.2.4* (sediment; total and dissolved zinc, lead and copper; nitrogen; phosphorus and general metals), as well as additional potential pollutants such as vehicle fluids, asphaltic emulsions, joint and curing compounds, solvents and thinners, paint, sandblasting material, landscaping materials, treated lumber, concrete rubble, general litter, nitrite, pesticides; and other metals (dissolved and particulate). The BMPs described in EIR/EIS *Section 3.10.4, Avoidance, Minimization and/or Mitigation Measures*, would address all potential pollutants associated with the proposed project, not just those identified as TDCs. While the identified project BMPs would address current 303(d) listings as noted and may also address future 303(d) listings associated with other project-related pollutants, any attempt to consider "future impairments" would be speculative and is not appropriate for CEQA/NEPA analysis.

As described in EIR/EIS *Section 3.10.1, Regulatory Setting*, the project's implementation would require conformance with a number of regulatory requirements related to water quality concerns, including applicable elements of the CWA, NPDES, RWQCB Basin Plan, and associated Caltrans standards. The described regulatory requirements constitute a regional effort to implement water quality protections through a watershed-based program designed to meet applicable criteria such as

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	062 cont. CWA/NPDES and Basin Plan standards. To this end, these standards require the implementation of applicable water quality measures on a watershed-wide basis and are specifically intended to address both project-specific and cumulative impacts. The project's contribution to water quality effects within the associated watersheds would not be cumulatively considerable based on: the described regional watershed-based approach for water quality issues in existing regulatory standards; the fact that conformance with these requirements would be required for other (cumulative) projects within the associated watershed as well as the proposed project; and the project design features, standard construction practices, and BMPs identified for the build alternatives in *Section 3.10.4* of the EIR/EIS.
	063 Please refer to the response to your Comment 062.

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	No.	SECTION 3.10 WATER QUALITY AND STORM WATER RUNOFF AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
064	10	3.10.3 / General		There is no discussion regarding aerial deposition from pollutant generating activities associated with the project and its effects on water quality. [Section 3.13 does discuss aerially deposited lead but in a completely different context]. There will be pollutant generating activities that create pollutants that are aerially deposited. These pollutants have immediate impacts (directly deposited into receiving waters) and impacts to urban runoff water quality through cumulative build up of pollutants on project surfaces and of other local areas. These impacts should be included in the discussion of Environmental Considerations as well as in the Avoidance, Minimization and/or Mitigation Measures. The analysis of impacts should include identification of specific pollutants, the project sphere of influence (considering winds) and the increased concentrations likely to be found as a result of the alternatives. Revise DEIR/EIS to include analysis of the project's impacts on aerial deposition of pollutants generated by the project recirculate for comments	Mikhail Ogawa, P.E.

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064 EIR/EIS *Section 3.10.3, Environmental Consequences,* lists potential sources of pollutants from construction activities such as clearing and grubbing, grading operations, soil import operations, sandblasting, landscaping and utility excavation. These types of activities could generate pollutants through deposition into water, soil or air. Regardless of the type of deposition, Caltrans is committed to implementing BMPs to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages, as stated in EIR/EIS *Section 3.10.4*, *Avoidance, Minimization, and/or Mitigation Measures*. Implementation of the required programs (tailored to the specific project design that will be developed if the project is approved) will adequately mitigate for project impacts.

Specific to the deposition of compounds related to the combustion of motor fuels, that deposition is based upon the fuel formulation, as well as the efficiency of the vehicle burning the motor fuels. The formulation of motor fuels is regulated exclusively by the California Air Resource Board. Although Caltrans cannot limit the individual vehicles that use its facilities, the long-term and continuing trend is that deposition of compounds related to fuel combustion is anticipated to decrease in the region, even assuming an overall increase of vehicle miles traveled, because of more stringent fuel formulation regulations and increased fleet efficiency regulations, as well as continual monitoring/enforcement through the “Smog Check” program. Similarly, Caltrans is not legally authorized to regulate the components of automotive brake systems, which can result in deposits. It should be noted, however, that in 2010, California Senate Bill 346 was passed into law. That law provides for changes to the California Health and Safety Code to address automotive brake systems. That law, like the regulatory schemes

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064 cont. for motor fuel formulation and fleet efficiency standards, will greatly assist in reducing the emission of materials associated with vehicles using the State highway system at the source—the vehicles themselves.

Beyond the continued regulatory enforcement described above, Caltrans' maintenance operations have included, and will continue to include, sweeping, storm drain inlet maintenance and the full suite of activities provided for in Caltrans' Statewide NPDES Permit. The BMPs associated with Caltrans' storm water program have been found to be equally beneficial to, and directly address, those same compounds that might make their way into receiving waters via direct conveyance as opposed to aerial deposition.

A study by Sabin et al., entitled Dry Deposition and Resuspension of Particle-associated Metals Near a Freeway in Los Angeles, indicated an extremely rapid decrease with distance in the observation of particles greater than six microns in size that were associated with chromium, copper, lead, nickel, and zinc. Initially, it appears that waters of the State that are within approximately 33 feet of the traveled way are not listed as impaired for chromium, copper, lead, nickel, or zinc. Therefore, the fractional deposition that may occur beyond the edge of the right-of-way appears to be less than significant for the project location. Further, it is important to note that in many locations, due to shoulders, slopes, swales and other features, the edge of the travelled way is greater than approximately 33 feet from the edge of the right-of-way. This necessarily implies that, based upon the Sabine, et al. study, the deposition of the vast majority of any entrained or re-entrained metals is occurring within the right-of-way and is not proceeding to adjacent waters. It was also noted that at greater distances, such as approximately 1475 feet, downwind from the freeway, the measurements of three of the five metals were actually lower than those recorded upwind of the freeway (assumed urban background). As such, and even assuming the receiving water is listed as impaired under Section 303(d), it appears that in most instances large particles would be deposited within the State highway right-of-way and that once longer distances are measured, the observance of many of these particles dissipates

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	064 cont. to below urban background levels. Ultimately, the mechanism of conveyance (via storm water wash down or aerial deposition) does not change the fact these compounds are already being addressed by Caltrans' maturing storm water program, as well as through continued regulation by agencies with the legal authority to regulate the source of the compounds.

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	No.	SECTION 3.10 WATER QUALITY AND STORM WATER RUNOFF AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
065	11	3.10.4 / General		This section provides background for methods of mitigation; however it is apparent that the document is written with lacking analysis towards specifics of the project. The general approach of the project proponent is to rely upon existing plans and programs to address both construction impacts and post-construction impacts. There is no demonstration that the existing programs, identified as the Statewide Storm Water Management Plan (SWMP) that Caltrans implements, are effective and therefore cannot be used as mitigation for the proposed impacts. Further analysis of the mitigation measures is warranted – particularly with respect to the construction phase as well as Design Pollution Prevention BMPs and Treatment BMPs. Revise DEIR/EIS to include the analysis of existing programs effectiveness as noted above and recirculate for comments	Mikhail Ogawa, P.E.
066	12	3.10.4 / page 3.10-9	Table 3.10.9	Column headers appear to be mislabeled. The 10+4 alternatives have less disturbed soil than the 8+4 alternatives. Clarify/confirm DEIR/EIS as noted above and recirculate for comments	Mikhail Ogawa, P.E.

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065 Please refer to the response to your Comment 056.

066 The difference in disturbed soil totals was related to construction specifics. Because the 10+4 Barrier alternative would propose more retaining walls than the 8+4 Barrier alternative (to minimize right-of-way and environmental impacts), there would be more grading work done on the 8+4 Barrier alternative, with a greater associated amount of disturbed soil area than the 10+4 Barrier alternative. Following circulation of the Draft EIR/EIS, however, *Table 3.10.9* of that document has been deleted from the Final EIR/EIS. To address potential short term impacts of each of the build alternatives, all disturbed soil areas would be stabilized before the completion of construction with permanent landscaping and/or permanent erosion control.

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	No.	SECTION 3.10 WATER QUALITY AND STORM WATER RUNOFF AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
067	13	3.10.4 / page 3.10-10	Maintenance BMPs	There is no detail provided for what BMP activities would be included and how frequently these would be performed. There is a reference to a Maintenance Staff Guide, but it should be more explicitly described in this DEIR. Revise DEIR/EIS to include explicit maintenance information and recirculate for comments	Mikhail Ogawa, P.E.
068	14	3.10.4 / page 3.10-10	Design Pollution Prevention BMPs	Some analysis is warranted at this time to determine feasibility of implementing these BMPs throughout the project corridor. Additionally, Hydromodification impacts should be considered with specific criteria that triggers the downstream protection of waterways in this DEIR/EIS. This document defers analysis of adequate mitigation. It is feasible to perform the necessary analysis to develop mitigation for the proposed impacts as a part of this document. Revise DEIR/EIS to include analysis of site specific mitigation measures and considerations for hydromodification as a result of the project and recirculate for comments	Mikhail Ogawa, P.E.
069	15	3.10.4 / page 3.10-10	Construction BMPs	There is no mention of Storm Water Pollution Prevention Plans or Water Pollution Control Programs. These should be discussed in the context of development, implementation and maintaining throughout the construction phase of the project. Revise DEIR/EIS to include SWPPP and WPCP discussion and recirculate for comments	Mikhail Ogawa, P.E.

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067 The Maintenance Staff Guide provides references to appropriate permits, objectives of the storm water maintenance program, pollutants of concern at maintenance facilities and activities, incorporation of storm water controls into maintenance operations and activities, storm water program evaluation, and detailed Activity Cut-Sheets, as well as maintenance BMPs. Detailed instructions on how to apply the approved storm water maintenance BMPs to maintain facility operations and highway activities are provided. This information is all available to (and required to be used by) maintenance staff.

068 Caltrans is committed to preventing or minimizing impacts to water quality through the implementation of its plans and programs that are based on years of accomplishing numerous large-scale regional projects. The implementation of the appropriate programs—tailored to the final specific project design detail to be developed if the project is approved—would adequately mitigate for project impacts.

069 The requirements of the SWRCB and RWQCB are discussed in EIR/EIS *Section 3.10.1, Regulatory Setting*. As described in EIR/EIS *Section 3.10.4, Avoidance, Minimization, and/or Mitigation Measures,* the Statewide SWMP describes how Caltrans would comply with the provisions of the NPDES Permit (Order No. 2012-0011-DWQ). Please also refer to the response to your Comment 056.

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	No.	SECTION 3.10 WATER QUALITY AND STORM WATER RUNOFF AND TECHNICAL DOCUMENTS	Caltrans DEIR/EIS Statement	Comment	Commenter
070	16	3.10.4 / page 3.10-10	Construction BMPs	There is no mention of keeping debris and pollutants from entering the receiving waters (creeks and lagoons) during active construction over the waters. The potential BMPs should be identified to mitigate these impacts. Revise DEIR/EIS to include these specific construction BMPs and recirculate for comments	Mikhail Ogawa, P.E.
071	17	3.10.4 / page 3.10-11	Treatment BMPs - When the proposed project proceeds to the design phase, the locations of these treatment BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints or hydraulic capacity	Some preliminary analysis should be conducted to determine the feasibility of implementing the Treatment Control BMPs. Hydraulic and environmental constraints can be analyzed prior to final design. The alternatives each include additional impervious surfaces to be added to the existing infrastructure. Additionally, the general drainage systems are identified and therefore hydraulic needs can be estimated. With hydraulic needs identified, site sizing analysis can be conducted. This document defers analysis of adequate mitigation. It is feasible to perform the necessary analysis to develop mitigation for the proposed impacts as a part of this document. Revise DEIR/EIS to include analysis of site specific mitigation measures and considerations for hydromodification as a result of the project and recirculate for comments	Mikhail Ogawa, P.E.

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070 The focus of EIR/EIS *Section 3.10.4, Avoidance, Minimization, and/or Mitigation Measures,* is on measures that would keep debris and pollutants out of receiving waters during both construction and operation. As noted in this section, the selection of the specific BMPs is an iterative process that begins at the planning stages and is refined during the design phase. Additional information was also provided in the Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS. Please also refer to the response to your Comment 056.

071 EIR/EIS *Section 3.10.3, Environmental Consequences*, discloses that the project has the potential to impact water quality during the construction phase as well as during its operation. BMPs would be evaluated and implemented to address these impacts during the planning and design, construction, and operational phases. EIR/EIS *Section 3.10.4, Avoidance, Minimization, and/or Mitigation Measures,* notes that short-term potential impacts to water quality during the construction phase would be prevented/ minimized through the use of Construction Site BMPs, while the long-term potential impacts during the facility operation and maintenance would be prevented/minimized through the use of DPP BMPs, "treatment" BMPs, and maintenance BMPs. Specific to the proposed expansion of roadway, as detailed in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS, "treatment" provided as part of the I-5 improvements would total approximately 112 percent of new pavement area for the Preferred Alternative. Currently seven percent of existing impervious areas is being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. The commitment to implementing mitigation measures is not deferred, and the analysis and specificity of BMPs have been presented to the level of detail possible at this stage of design.

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Fred Greve, P.E.
Mestre Greve Associates
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Air Quality Comments

	Item #	Section/ Page	Caltrans Statement	City of Oceanside Comment	Author
072	AQ-1	AQA p. 2	Therefore, the proposed project would conform to the SIP, and there would be no regional air quality impact.	Under NEPA this may be an acceptable approach to show conformity. However, the project alternatives do vary considerably. Under CEQA, the impacts and/or benefits of the various alternatives need to be quantified both for construction and operation to determine which alternatives result in the lowest emissions and highest emissions. That is, which alternatives have the greatest impact or benefit?	Fred Greve, MGA
073	AQ-2	AQA p. 19	The SDAPCD does not have quantitative emission limits for construction activities, nor for long term emissions that my result from increase vehicle use.	The SDAPCD (Rule 1501, 20.2(d)) does have significance thresholds that are used for stationary sources. These thresholds have been used to evaluate construction and operational activities for other projects. If a project exceeds these thresholds, then a more detailed analysis is necessary that shows that the project will not cause the ambient air quality standards to be exceeded. The absence of a significance threshold does not eliminate the need to show that the ambient air quality standards are not exceeded for local impacts from construction, traffic on the freeway, and traffic on the arterial roadways. Localized impacts from construction, traffic on the freeway, and traffic on arterial roadways have not been addressed in the EIR/EIS. These impacts must be addressed.	Fred Greve, MGA
074	AQ-3	AQA p 27	Appendix A of the 2030 RTP contains the projects included in the air quality analysis (SANDAG 2004)	Appendix A of the most recent (SANDAG 2007) 2030 RTP does not provide the more detailed descriptions claimed in the AQA. If these descriptions are no longer part of RTP then it puts the whole conformity analysis into question. The project description in the 2006 RTIP simply states, "construct HOV/Managed Lanes." Any parts of the project that go beyond this description would NOT be in conformance with the regional plans, and therefore, may have a significant regional impact. Therefore, any project alternatives that include General Purpose lanes and any project alternatives that include ramp modifications would not be in conformance with the SIP, and a regional air quality impact must be assumed unless a quantitative analysis can show otherwise. It is clear that the 10+4 alternatives include General Purpose Lanes and do not pass the conformity test. All project alternatives include major ramp modifications, and therefore, do not pass the conformity test.	Fred Greve, MGA
075	AQ-4	AQA p 27	Last paragraph	The descriptions of what are included in Appendix A of the 2030 RTP are in conflict for the area between Leucadia Boulevard and Palomar Airport Road. Under the first two descriptions only 4 Managed Lanes are included in the RTP. Under the third description the addition of 4 Managed Lanes and 2 General Purpose Lanes	Fred Greve, MGA

072 Conformity is a federal environmental issue and does not need to be evaluated under CEQA. EIR/EIS *Section 3.14*, *Air Quality*, presents a detailed discussion of impacts based on the Air Quality Analysis prepared for the *I-5 NCC Project.* Construction emissions are assessed against the federal general conformity *de minimis* thresholds, which are used to determine conformity of a federal action with existing air quality plans. Based on appropriate maintenance plan standards, the applicable *de minimis* threshold is 100 tons per year for each criteria pollutant. Based on the construction criteria for combined bridge and roadway implementation, the estimated tons per year of volatile organic compounds (VOCs), nitrogen oxides (NO_X), carbon monoxide (CO), and particulate matter (PM_{10} and $PM_{2.5}$) would be 2.7, 20.7, 21.9, 7.1, and 2.7 tons, respectively. Each of these is so substantially below the threshold of 100 tons that minor differences between the build alternatives would be negligible for purposes of distinguishing between build alternatives. During operations, the different alternatives would provide differing decreases in emission levels—but any build alternative would reduce emissions below existing levels. Measures to reduce construction emissions are, however, presented in EIR/EIS *Section 3.14.4, Avoidance, Minimization, and/or Mitigation Measures*, which is consistent with the requirements of NEPA.

073 Per Caltrans protocol, construction projects typically do not require an emissions analysis if the duration of construction is less than five years. For this project, the duration was determined to be over five years and therefore a construction emissions analysis was performed. Despite the noted time period, however, this would still be considered a temporary emissions source rather than a permanent one.

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	073 cont. As described in this Final EIR/EIS in *Section 3.14*, construction of the *I-5 NCC Project* would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials. Bridge construction modeling assumed a project length of 0.036 miles and an area of 4.3 acres, constructed during a 12-month period. Daily maximum area disturbed was assumed to be 0.9 acres per day, and no soil import or export haul trucks trips would be made. Roadway widening modeling assumed a project length of 1.3 miles and an area of 28 acres, also constructed within a 12-month period. For this scenario, daily maximum area disturbed was assumed to be 4.6 acres per day and 4,000 cubic yards of soil import was assumed per day, resulting in 200 round-trip haul truck trips per day. For the purposes of estimating emissions, construction phasing for both the bridge construction and roadway widening assumed: grading/land clearing within 1.2 months; grading/excavation within 5.4 months; drainage/utilities/ sub-grade within 3.6 months; and paving within 1.8 months. As noted above in response to Comment 072, estimated construction emissions for each of the build alternatives would be substantially below the applicable federal general conformity *de minimis* threshold of 100 tons. A more in depth review of this analysis is provided in Section 5.2 of the project Air Quality Analysis. Furthermore, I-5 is not a stationary source (AQ Table #2), and is not regulated by the San Diego Air Pollution Control District (SDAPCD). Construction emissions are concluded to be temporary and limited to the immediate area, and, therefore, would not adversely affect air quality. Modeling for long-term emissions has been completed in accordance with FHWA guidance on this issue and is consistent with FHWA and Caltrans guidance for joint CEQA/NEPA documents, as delineated within the Caltrans Standard Environmental Reference (SER). Technical experts may disagree and still produce defensible technical analyses and conclusions adequate under CEQA. The FHWA and Caltrans have coordinated to develop templates for the joint CEQA/NEPA documents and supporting technical studies that are prepared by these agencies, to ensure that the documents comply with applicable legislative and regulatory mandates. The studies completed for this EIR/EIS are consistent with those templates.

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	074 The project is undergoing refinement as comments from the public are incorporated and consultations with permitting agencies proceed. The Preferred Alternative is currently reflected in the Revenue Constrained scenario within the recently adopted 2050 RTP. If a different alternative is selected and the project is approved, any discrepancies between descriptions of project features in the Regional Transportation Improvement Program (RTIP), the RTP, and the finalized project will be resolved. The Final EIR/EIS includes discussion of the consistency of the project with the 2050 RTP that was adopted after circulation of the Draft EIR/EIS.

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Air Quality Comments

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075 cont.				would be allowed. The RTIP and RTP project descriptions should accurately identify the project, and the project must be completely consistent with these descriptions for the project to assume conformity and make the assertion that no regional air impacts will occur. The EIS/EIR must document more completely the project description used in the RTP and RTIP using the latest approved versions of the RTP and RTIP and provide more justification that all of the project alternatives are in fact consistent with the RTP and RTIP. Otherwise, none of the project alternatives are in conformance with the SIP and detailed regional assessments would be needed for NEPA compliance.	
076	AQ-5	AQA p 28	"...the proposed project is included in SANDAG's 2006 RTIP..."	The RTIP only calls out for the addition of 4 HOV Managed Lanes from San Diego to Oceanside. The 10+4 Barrier Alternative and 10+4 Buffer Alternative are not consistent with this description. Therefore, these two alternatives cannot show conformity. A regional air quality analysis must be performed for these two alternatives, and if impacts are shown, then mitigation must be provided. Additionally, the ramp modifications, particularly the Direct Access Ramps (DAR) are not shown in the RTIP or RTP and therefore, all the alternatives cannot be shown to conform to the RTP and RTIP. Therefore, all alternatives must conduct a regional air quality analysis and provide mitigation if needed.	Fred Greve, MGA
077	AQ-6	AQA p 28	The CO analysis used EMFAC2002.	EMFAC2002 has been replaced by EMFAC2007 and has been the required emission database for use for several years. The CO analysis is not valid and needs to be redone with EMFAC2007.	Fred Greve, MGA
078	AQ-7	AQA p 29	The CO analysis only examined concentrations along freeway.	Table 5 on page 29 of the AQA shows the areas assessed for potential CO violations. All of the locations are along the freeway. The arterial roadways feeding the freeway have not been assessed. If the freeway capacity increases, then the arterial roadways that feed into the freeway will see increased traffic. Since the capacities of the arterial roadways are not being increased, the Level of Service will likely go down along many of the arterial roadways, and congestion will increase. The increased congestion will lead to higher air pollutant levels. The AQA must examine the air quality impact on arterial roadways feeding into the freeway.	Fred Greve, MGA
079	AQ-8	AQA p 31	"...the project does not require a PM2.5 or PM10 conformity analysis."	The conformity analysis only addresses the regional impacts of PM2.5 and PM10, and it does not address the potential localized impacts. To satisfy CEQA the air contaminant levels of PM2.5 and PM10 adjacent to the freeway and adjacent to the arterial roadways feeding into the freeway must be assessed. PM2.5 and PM10 emissions only vary slightly with changes in speed. PM2.5 and PM10 emissions do	Fred Greve, MGA

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075 Please refer to the response to your Comment 074.

076 Please refer to the response to your Comment 074. Also, please note that the Oceanside Boulevard DAR has been eliminated from the *I-5 NCC Project*.

077 The Air Quality Analysis for the *I-5 NCC Project* was performed using the approved EMFAC. This was the latest analysis software at the time and is still approved for use in this document. The analysis was performed in accordance with the 1997 CO Protocol, which is currently in use today.

078 It is expected that the proposed interchange improvements and ramp widening would benefit the adjacent local streets and intersections. Please refer to the responses to your Comment 071.

079 As noted in EIR/EIS *Section 3.14.3, Environmental Consequences*, Caltrans followed the Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Non-attainment and Maintenance Areas (PM Guidance) published by the U.S. Environmental Protection Agency (USEPA) and FHWA, in conducting the qualitative hot spot analysis. This qualitative PM_{10} and $PM_{2.5}$ hot spot analysis method is deemed sufficient to reasonably evaluate potential project effects. The EIR/EIS concludes that based on screening using USEPA PM Guidance, the proposed project is not a Project of Air Quality Concern because it does not meet the criteria due to relatively low truck Annual Average Daily Traffic (AADT), truck percentage, and increase in truck volumes when comparing the build and No Build alternatives. Analysis for local streets is not needed. Please refer to Topical Response "Air Pollutants."

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079 cont.				not drop dramatically when congestion is relieved. The number of vehicles is more important in determining the resultant concentrations. Since the proposed project will increase travel along I-5 and arterial roadways, it is very likely that concentrations of PM2.5 and PM10 may increase significantly along these roadways. Therefore, an assessment of local impacts from PM2.5 and PM10 is necessary.	
080	AQ-9	AQA p 42	"…no significant construction-related impacts to air quality have been identified…"	The assessment of construction impacts is inadequate. The construction assessment only looks at a small length of road widening and an overpass modification occurring at the same time. This grossly underestimates the amount of construction that could be occurring at any one time. The assessment ASSUMES that no soil import or export would occur; when in fact soil is commonly imported and exported for these types of projects. The section identifies that 4,000 cubic yards per day of base material will be needed, but the emissions from construction trucks hauling 4,000 cubic yards per day of base material were not assessed. This could result in an additional 800 truck trips per day; and the local impact this truck traffic could generate was not assessed. The emissions associated with construction personnel driving to and from work were not assessed. The concentration of construction emissions at residents, hospitals, and schools adjacent to the construction sites were not assessed. Localized impacts should be analyzed using a methodology like the Localized Significance Thresholds (LST) developed by the South Coast Air Quality Management District. No comparison of construction emissions for the various alternatives has been provided. Once all the emissions associated with construction are correctly assessed, the emissions will be above the de minimis thresholds and additional mitigation measures will be required.	Fred Greve, MGA
081	AQ-10	AQ p 43	SDAPCD Rule 51	It should be made clear in the document that compliance with SDAPCD Rule 51 is mandatory, and therefore, it is not a mitigation measure. No mitigation measures have been proposed for construction activities.	Fred Greve, MGA
082	AQ-11	MSAT p6	Table C : Changes in Total Project MSAT Emission Rates	The project will increase air toxic emissions by 4 to 20%. To claim that dispersion modeling cannot be done, that concentrations of air toxics at adjacent residences, schools, and hospitals cannot be projected, and that the potential health impacts of this increase in air toxics cannot be projected is disingenuous. The health impacts for many similar projects have been evaluated. Methodology presented in the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) "Air Toxics Hot Spots Program Risk Assessment	Fred Greve, MGA

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080 Construction emissions are concluded to be temporary and limited to the immediate area where an individual feature is being constructed, and therefore would not adversely affect regional air quality. Refer to the responses to your Comments 072 and 073 regarding construction air quality emissions analysis.

Approximately 6.6 miles of road and bridge construction could occur simultaneously in the region without exceeding the established limit. Constructing 6.6 miles of bridges and roadway widening represents an appropriately conservative estimate of actual construction activities. It is highly unlikely that 6.6 miles of construction would occur at the same time, however, due to the related effects of road closures on I-5 daily traffic. Accordingly, construction activities limited to approximately 6.6 miles of construction of roadway widening and bridge improvements simultaneously in the region would not have a significant impact on air quality. For a more in depth review of this analysis please refer to Section 5.2 of the project Air Quality Analysis technical report.

Similarly, as discussed in the Air Quality Analysis, and consistent with your projection of 4,000 cubic yards per day of base material import, the Road Construction Model version 5.1 includes estimates for load-hauling, worker commute trips, fugitive dust, and off-road construction vehicles. These are incorporated into the emissions estimates contained in Tables 7, 8, and 9.

As demonstrated on Tables 7, 8, and 9 of the Air Quality Analysis, it is unnecessary to provide emissions data for the comparison of alternatives because the analyzed build option (a 10+4 scenario) fell so far below general conformity limits. Given these low

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	080 cont. emissions projections, a localized emissions study was not required. In addition, please note that additional measures to control fugitive dust, PM_{10}, $PM_{2.5}$, and diesel particulate matter consistent with SDAPCD regulations and Caltrans Specifications are included as design features.
	081 Measures provided in EIR/EIS *Section 3.14.4 Avoidance, Minimization, and/or Mitigation Measures,* constitute conformance with Caltrans Standard Specifications and SDAPCD regulations required to minimize emissions of fugitive dust, PM_{10}, and $PM_{2.5}$ during construction, and are not intended to be mitigation measures under CEQA.

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082 cont.				Guidelines-The Air Toxics Hot Spot Program Guidance Manual for Preparation of Health Risk Assessment," and the SCAQMD's "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emission for CEQA Air Quality Analysis" can be modified and then used to determine the increased deaths due to the increase in air toxics.	
083	AQ-12	MSAT p 15	"…it is not possible to make a determination of whether any of the alternatives would have "significant adverse impacts on the human environment."	See comment above regarding methodologies that are available to determine the increase deaths due to the increase in air toxics. More importantly the MSAT study provided shows that an increase in air toxics over the No Build Alternative would occur. At a minimum for the build alternatives, a statement that a significant air impact would occur should be included, and mitigation measures provided to reduce air toxics to a level consistent with the No Build Alternative. Failing to do that, a statement of Unavoidable Adverse Impact needs to be made.	Fred Greve, MGA
084	AQ-13	EIR/EIS, p 4-3	"…an individual project does not generate enough GHG emissions to significantly influence global climate change."	The document uses this statement to justify that the project will not have a significant impact on GHG emissions. This statement originally stated by the Association of Environmental Professionals in March 2007, is now outdated. As directed by SB97, the Natural Resources Agency adopted Amendments to the CEQA Guidelines on December 30, 2009 to address greenhouse gas impacts. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments became effective on March 18, 2010. Additionally, the California Air Resources Board has proposed GHG thresholds that may be appropriate for this project. The significance thresholds for the project's GHG emissions need to be updated and impacts need to be assessed in light of the newer requirements.	Fred Greve, MGA
085	AQ-14	EIR/EIS, p 4-4 and 4-5	"…overall CO2 emission would be reduced."	The analysis in the EIR/EIS does show that the GHG emissions would be reduced for the mainline portion of I-5. The additional traffic occurring on the freeway would be offset by slightly lower CO2 emission rates, which would occur due to less travel at slow speeds. The analysis does not quantify the construction emissions that could offset a large portion of GHG savings that are projected. GHG emissions from construction need to projected and included in the analysis of the project's impact on climate change.	Fred Greve, MGA
086	AQ-15	EIR/EIS, p S-1 and 1-	Northern terminus of project is at	Many highway projects result in a bottleneck at a terminus point. That is, when several lanes due to a widening project narrow done to only a few existing lanes, a	Fred Greve, MGA

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082 As noted under the discussion of mobile source air toxics (MSATs) in the Draft EIR/EIS in *Section 3.14.3,* MSAT modeling was completed in accordance with FHWA guidance on this issue and is consistent with FHWA and Caltrans guidance as required by the Caltrans SER for joint CEQA/NEPA documents. Based on review of Final EIR/EIS *Tables 3.14.11* and *3.14.12*, the source of the 4 to 20 percent increase in emissions in your comment is not understood. The tables demonstrate an average decrease in emissions of 38 and 49 percent for the 8+4 scenarios compared to existing conditions in 2015 and 2030, respectively. This is the correct basis for comparison. Updated analysis conducted in 2013 indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions. The fact that projected build emissions would be so much lower than under existing conditions eliminates the need for additional modeling as future conditions would be improved.

083 Please refer to Topical Response "Air Pollutants" for additional information on potential health effects associated with air pollutants.

The EIR/EIS indicates that: (1) research into the health impacts of MSATs is ongoing, and (2) the FHWA, USEPA, Health Effects Institute, and others are in the process of assessing the risks of various kinds of exposures to pollutants. The methodologies for forecasting health impacts related to MSAT emissions are discussed in detail in *Section 3.14* under the heading *Incomplete or Unavailable Information for Project-Specific MSAT Health Impacts Analysis*. The current Caltrans and FHWA methodology for assessing potential project impacts is to compare the future emissions of the project alternatives (including the no build alternative) to emissions under existing conditions. The analysis shows that all alternatives would have fewer MSAT emissions in

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083 cont. 2030 for every MSAT pollutant, compared to base year (2006) conditions. Thus, none of the alternatives would have an adverse effect compared to existing conditions. The EIR/EIS also provides the information that future MSAT emissions along I-5 would be higher with the build alternatives than with the No Build alternative. This information will be considered by decision makers in selecting among all alternatives, including the No Build. Please also refer to the response to your Comment 082.

084 Quantitative data from the project's air quality and GHG analyses are presented in EIR/EIS *Section 3.4, Air Quality*, and *Chapter 4, California Environmental Quality Act Evaluation*, respectively. These data show that future air quality and GHG emissions would be improved under the preferred refined 8+4 Buffer alternative, as opposed to the No Build alternative, with the Preferred Alternative also providing a more efficient transportation system and greater mobility than the No Build alternative. Additional discussion of GHG impacts is provided in Topical Response "Climate Change."

Please also refer to the updated GHG analysis in *Chapter 4* of the EIR/EIS.

085 Construction emissions of GHGs were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012, and the information has been added to *Section 4.6.4* of this Final EIR/EIS. *Table 4.3, Estimated Annual Construction GHG Emissions*, shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 metric tons (MT) per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG emissions.

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086 cont.		1	Harbor Drive in Oceanside.	bottleneck and corresponding congestion can occur. Such a point may occur at the northern terminus of the project in Oceanside. Additionally, an earlier phase of the project may terminate at Highway 78. The potential for these termination points to result in traffic congestion and air quality impacts needs to be assessed.	
087	AQ-16	EIR/EIS, p S-2	Project will incorporate a Direct Access Ramp (DAR) at Oceanside Boulevard	DARs can be great for efficiently getting vehicles on and off of the freeway, but two potential air quality need to be considered. First, the DAR will likely be squeezed in very close to existing residences and a hotel that currently exist near this interchange. This will bring a high level of traffic much closer to sensitive receptors, and a local air quality impact assessment needs to be conducted. Second, a DAR will increase considerably the traffic that travels along Oceanside Boulevard both east and west of the freeway. Homes and other sensitive receptors are located along Oceanside Boulevard, and a local air quality impact assessment that looks at both CO and particulate concentrations needs to be provided.	Fred Greve, MGA
088	AQ-17	EIR/EIS, p 1-2	Congestion from I-5 spills over to Coast Highway and to El Camino Real	No analysis is presented in the Air Quality Analysis (AQA) of what the air quality impacts or benefits of the I-5 widening will be to Coast Highway and El Camino Real. Clearly the I-5 widening will have a significant effect on the traffic on these roadways, but the resultant impact on air quality is not presented.	Fred Greve, MGA
089	AQ-18	EIR/EIS, p 2-4, and AQA pp 9 to 11	Modifications will be made to the interchanges with Mission Avenue, SR-76, and Harbor Drive	The interchange improvements will increase the traffic flowing in this area. Residences, at least one school, and other sensitive uses are located in the vicinity of these interchanges. First, these improvements will bring a higher level of traffic much closer to sensitive receptors, and a local air quality impact assessment needs to be conducted. Second, the interchange improvements will increase considerably the traffic that travels along roadways both east and west of the freeway. Homes and other sensitive receptors are located along these roadways, and a local air quality impact assessment that looks at both CO and particulate concentrations needs to be provided. Lastly, interchange improvements often involve extensive construction. Since these interchanges are located close to sensitive receptors, a local air quality analysis needs to be provided to determine the impacts during construction.	Fred Greve, MGA

086 Bottlenecks were described in EIR/EIS *Section 1.3.2, Traffic Demand*, and analyzed in *Section 3.6, Traffic and Transportation/ Pedestrian and Bicycle Facilities*. A bottleneck was identified in Oceanside at Oceanside Boulevard in various conditions.

087 The Oceanside Boulevard DAR has been eliminated from the *I-5 NCC Project*.

088 The subject of this EIR/EIS is the I-5 corridor, and not other north-south arterials. The project would not generate traffic; it would accommodate anticipated traffic demand for I-5, based on regional projections and planning. It is expected, however, that the proposed interchange improvements and ramp widening would potentially lower traffic volumes that could otherwise be diverted to (or remain on) nearby parallel arterials if congestion continues to increase on I-5. In addition, please note that the I-5 San Diego North Coast Corridor System Management Plan (CSMP) assessed several options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding managed lanes on I-5, and improving regional arterials, bicycle/pedestrian routes and bus, rail, and vanpools/ carpool services; all of which would improve future air quality over conditions without these improvements. The CSMP shows that the proposed I-5 HOV/Managed Lanes would be anticipated to result in a 10 to 15 percent reduction in vehicle miles traveled (VMT) on Highway 101 (refer to CSMP Figure 8.26).

089 The project would not generate traffic. Please refer to the response to your Comments 078 and 085. Construction emissions are concluded to be temporary and limited to the immediate area where an individual feature is being constructed, and the construction contractor for the project would be required to comply with SDAPCD regulations; therefore, project construction would not adversely affect air quality.

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	Scope and Content of the DEIR / EIS		
090	Overall comment	Inadequate for the purpose of NEPA and CEQA assessment and lacks required components of an environmental document.	Both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) provide recommendations for format and content guidelines (CEQ Sec. 1502.10 and State CEQA Guidelines §§15120-15125). It appears that neither of these procedural and policy driven Acts have been adhered to thus rendering the DEIR/EIS inadequate to satisfy the NEPA and CEQA requirements. • The Summary section is incomplete. • Chapter 1 – Proposed Project is simply dismissive in providing information on a proposed action. Because there is no mention of a "main" project, the conclusion to provide "alternatives" is unsupported. The intention of providing a proposed action is to allow for full disclosure of potentially significant adverse impacts of its proposed project; and only once resource impacts are concluded can an analysis of potential alternatives be derived. • Chapter 2 – Project Alternatives fails to describe each alternative and its potential environmental impacts on resources.
091	Overall comment	Poorly structured document	The resource chapters 3.1 through 3.25 are poorly set up and analyzed rendering the environmental assessment unintelligible and not on par with accepted standards of practice. For example, Chapter 3.1 Land Use is subcategorized; 3.1.1 Existing and Future Land Use; 3.1.2 Consistency with State, Regional and Local Plans and Programs; and 3.1.3. Park and Recreational Facilities. And further broken down by the Affected Environment or Regulatory Setting, and/or Environmental Consequences, and lastly Avoidance, Minimization, and/or Mitigation Measures. The Affected Environment provides a summary of the General Plan and City statistics. The Environmental Consequences states

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090 The EIR/EIS is considered to be both adequate and complete. As the lead agencies under CEQA and NEPA, the EIR/EIS has been prepared in accordance with Caltrans and FHWA standards and protocols for environmental documentation. This environmental document follows the environmental document organization and content required in the Caltrans Standard Environmental Reference (SER), which provides a single, standard reference on compliance with CEQA and NEPA for both local assistance and Caltrans projects. The SER sets forth document content and format, as required by law or regulation, and provides recommended format if not specified by law or regulation. The SER is available at http://www.dot.ca.gov/ser/. The *Executive Summary, Chapter 1,* and *Chapter 2* provide the information required by the SER.

A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before the identification of a Preferred Alternative. This approach allows public and responsible agency feedback to be considered in the identification of a Preferred Alternative and the decision whether to approve the project. This approach is specifically allowed by 40 CFR 1502.14(e), which states, "Identify the agency's Preferred Alternative or alternatives, *if one or more exists*, [emphasis added] in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." *Chapter 2* provides a description of the features of the four build alternatives analyzed at an equal level of detail in the EIR/EIS, the No Build alternative, and alternatives considered but eliminated from further discussion. Please also refer to Topical Response "Corridor Alternatives" for additional discussion about the 20-year process of developing options to relieve congestion in this part of the I-5 corridor. The

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		there are no construction related impacts yet does not provide substantiated analysis to support these conclusions. There is no mention of operational impacts. No discussion of avoidance measures, minimizing plans or mitigation measures, although land use impacts are mentioned to result from "shifting" of land uses from residential to transportation, as well as to open space. Acknowledged short-term impacts are simply dismissed. The DEIR/EIS must be revised to provide for meaningful pubic review while adhering to the regulations of NEPA and CEQA.
Overall comment	Incorporation by Reference	Pursuant to NEPA, the use of Incorporation by Reference is permitted to cut down on bulk of an EIS when it does not impede review by an agency of the public; whereas, incorporated material is to be cited and its content briefly described. As such, the referencing material also needs to be reasonably available (CEQ §1502.21). State CEQA Guidelines §15150(c) states: "Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described." And further, subsection (f) states: "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand." As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the document does not provide citation in the body of the analysis and in many cases said referenced materials have not been made available to the public. The City herby requests any and all technical studies used in the preparation of the DEIR/EIS.

091 cont.

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090 cont. analysis of potential environmental impacts of each alternative on resources is presented in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*.

In compliance with 40 CFR 1502.14(e), the Preferred Alternative also is identified in this Final EIR/EIS. As described above, the Preferred Alternative is a refined 8+4 Buffer alternative, is the smallest of the build alternatives proposed in the EIR/EIS. Additional impact details about the project, based on design refinement following the publication of the Draft EIR/EIS (including community enhancement projects), were included in the Supplemental Draft EIR/EIS, as well as incorporated into this Final EIR/EIS.

091 As stated in CEQA Guidelines Section 15120(a), although EIRs must contain specific information, "the format of the document may be varied." *Chapters 3.1* through *3.25* are organized in accordance with the SER. Construction impacts are assessed for each environmental resource topic. EIR/EIS *Section 3.1.1.3* concludes that overall land use patterns, development trends or proposed land uses would not shift beyond immediately abutting parcels. In terms of land use consistency; therefore, the proposed project would not result in adverse impacts during either project construction or operation.

092 The technical studies that were prepared in support of the EIR/EIS are listed at the beginning of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, and are noted as being incorporated by reference. The technical discussion issues in *Chapter 3* provide the requested summary. This approach is appropriate under both NEPA and CEQA. NEPA instructs agencies to incorporate material into an EIS by reference when the effect will be to reduce

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092 cont.			The DEIR/EIS fails to provide for meaningful public review and comment, and for full disclosure in the decision making process due to the lack of citation (general or otherwise) referencing technical studies. No technical studies have been made available in the DEIR/EIS Appendix, which is considered the standard of practice when preparing an EIS or EIR. In addition, the project website does not list all technical studies stated for use the preparation of the DEIR/EIS. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA. All technical studies prepared for the project, or referenced to be used in the analysis of the DEIR/EIS should be made available to the public either by additional appendices or noticed and posted on the project website.
093	Overall comment	Caltrans Corridor System Management Plan	The Corridor System Management Plan (CSMP) is briefly described in one paragraph within the Summary (page S-1), and again on page 1-11 under Section 1.5 Other I-5 Considerations. However this plan is not stated to be incorporated by reference (CEQ §1502.21 and State CEQA Guidelines §15150(c)), nor does this plan appear to be analyzed in the environmental assessment. It is unclear to the City how a document such as the CSMP can be overlooked when discussing and analyzing potential environmental impacts, as the main purpose of a the *CSMP is to provide one unified concept for managing, operating, improving, and preserving a corridor across all modes and jurisdictions for highest productivity, mobility, reliability, accessibility, safety and preservation outcomes* (page S-1).
094	Overall Comment	Methodology Relied Upon For Environmental Assessment	NEPA requires an EIS to identify the methodologies used and explicit references to scientific and other sources relied upon for conclusion in the document (CEQ 1502.24). The DEIR/EIS fails to state the methodologies used in preparation of the document. For example, field surveys, literature research, and consultation with resource agencies are methodologies generally accepted standards of

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092 cont. bulk and notes that the material must be reasonably available for inspection "within the time allowed for comment." CEQA Guidelines state that appendices to the EIR may be prepared in volumes separate from the basic document, but also note that an EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. CEQA Guidelines Section 15150(f) states when incorporation by reference is "most appropriate" but does not preclude technical studies from being so cited. Where analysis in the EIR/EIS is based on a technical study, that document is cited at the beginning of the section and sufficient information for analysis is presented.

There is no requirement under NEPA or CEQA to cite pages and sections of technical studies. CEQA Guidelines Section 15148 requires citation of all documents used in its preparation, including, "where possible," the page and section number of any technical reports. In most cases, the technical report cited at the beginning of an analysis section is the basis for all of the discussion, so a page by page citation would be cumbersome and ineffective.

All technical studies listed on Draft EIR/EIS page 3.1-1 were available during public review (and are still) on the Caltrans project website and www.keepsandiegomoving.com except for the Historic Property Survey Report and Paleontological Report. It is Caltrans policy to protect historical/paleontological resources by not releasing to the public technical studies that locate such resources. As noted at the beginning of *Section 3.8, Cultural Resources*, the location of archaeological sites is exempt from disclosure to the public by law, to protect sites from looters. The names of certain reports are shortened on the website for presentation purposes.

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	093 CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. There is no requirement that a CSMP be developed prior to the environmental process. Although a corridor must have a CSMP to be eligible for Proposition 1B Corridor Mobility Improvement Account funding, its development may occur simultaneously with project implementation. As noted in the response to your Comment 088, the CSMP assessed several different options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding HOV/Managed Lanes on I-5, and improving regional arterials, bicycle/pedestrian routes and bus, rail, and vanpool/carpool services. These various transportation modes are now preparing project-level CEQA and/or NEPA documentation, as appropriate. This *I-5 NCC Project* EIR/EIS is the project-level document for this segment of I-5 only; as such, it implements a portion of the CSMP and would not conflict with implementation of other CSMP elements.
	094 Details on methodologies for the various environmental issues examined in *Chapter 3* are spelled out where it was considered necessary for understanding by the reader (e.g., in *Section 3.7* as part of the discussion of visual analyses). Where this information was considered more technical in nature (e.g., *Section 3.15*), the reader is referred to the appropriate technical study, as appropriate.

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			practice. The DEIR/EIS should be revised accordingly.
095	Overall Comment	Identification of Potential Impacts, Mitigation Measures, and Residual Impact	In preparing an EIR, the standard accepted practice among EIR preparers is to list each impact and then describe the mitigation measures intended to avoid, minimize, rectify, reduce, eliminate, or compensate for each impact, followed by a brief discussion of the level of significance after implementation of the mitigation measures (the residual impact). The DEIR/EIS fails to identify mitigation measures for each significant environmental effect identified in the EIR (State CEQA Guidelines §15126.4). On this account, the document is fundamentally inadequate and conclusory in nature which precludes meaningful public review and comment.
096	Overall Comment	Level of Significance	Because the DEIR/EIS fails to state the level of significance of a potential impact, both before and after mitigation is implemented, the environmental analysis contained within this document is fundamentally inadequate for the purposes of the California Environmental Quality Act. In addition, the document fails to provide criteria for impact thresholds for which an assessment would be made (State CEQA Guidelines §15064.7). The DEIR/EIS should be revised accordingly.
097	Overall Comment	Avoidance, Minimization, and/or Mitigation Measures	This subheading within the subchapters of Chapter 3.0 for the Human Environment and Biological Environment should be revised in a numbered format or bullet points to clearly outline the mitigation program for the project. As currently written, it is unclear as to what the mitigation actually consists of. In addition, passive language such as "could" and "wherever possible" should be revised to more directive language such as "shall" so that mitigation is enforceable as required by CEQA.
098	Overall Comment	Avoidance, Minimization, and/or Mitigation Measures	This subheading for mitigation measures is required to demonstrate how the measure is "roughly proportional" to the impacts of the project. As the DEIR/EIS is currently written, this component is in adequate for the purposes of CEQA.

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095 The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible through specific, tangible actions that will reduce a physical environmental effect. "Mitigation" for purposes of NEPA is defined in 40 CFR 1508.20 as including avoiding, minimizing, rectifying, reducing, and compensating, and the measures discussed may have been incorporated into the project design/plan. In 40 CFR 1502.14(f) and 40 CFR 1502.16(h), NEPA requires that appropriate mitigation measures be discussed. In contrast, CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. As noted in EIR/EIS *Section 4.1, Determining Significance under CEQA*, there are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. It cannot be inferred, therefore, that measures listed in *Chapter 3* mean impacts are potentially significant under CEQA. *Chapter 4* references the measures in *Chapter 3* where such measures are relied upon to reach a CEQA conclusion regarding significance following mitigation. *Chapter 4* identifies those impacts determined to be significant under CEQA and those that would be less than significant with mitigation, as well as impacts that would remain significant after mitigation.

096 The approach within the EIR/EIS is valid. Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused

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096 cont. CEQA determination discussion as it relates to the *I-5 NCC Project*. Please also refer to the response to your Comment 095 regarding EIR/EIS *Chapter 4.* Environmental topics or resources for which a less than significant effect under CEQA was identified are listed under the heading: *Less than Significant Effects of the Proposed Project*. Resources for which pre-mitigation significant impacts are identified, but which would be mitigated to less than significant levels are discussed under the heading: *Less than Significant Impacts with Mitigation and/or Minimization*. Resources for which impacts would remain significant following implementation of mitigation measures are identified under the heading: *Unavoidable Significant Environmental Effects*. Please also note that CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. *I-5 NCC Project* mitigation proposed in the EIR/EIS and Environmental Commitments Record (ECR) generally would exceed that requested by the City, as mitigation would not be limited to only CEQA significant impacts as required under CEQA. Pursuant to NEPA, mitigation would be provided to reduce many impacts that were not determined to be CEQA significant.

Regarding the evaluation of impacts using criteria thresholds of significance typically employed for CEQA, Caltrans provides guidance on the approach to environmental analysis under CEQA on their Standard Environmental Reference (SER) website at: http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition.

This site explains that "because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established." The SER recognizes that some public agencies have established thresholds of significance for CEQA, but because Caltrans has Statewide jurisdiction and the setting for projects varies so extensively across the State, Caltrans "has not and has no intention to develop thresholds of significance for CEQA." This approach is consistent with CEQA Guidelines Section 15064.7, Thresholds of Significance, which states that each public agency "is encouraged" to develop thresholds of significance, and when adopting thresholds of significance, a Lead Agency "may consider"

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	096 cont. thresholds of significance previously adopted or recommended by other public agencies. The establishment of thresholds, therefore, is discretionary for each agency, depending on its specific needs for its environmental review process. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant, and the EIR/EIS does not need to conduct analysis of traffic or any other issue using them.
	097 The EIR/EIS follows the environmental document organization, content, and format required in the SER. The avoidance, minimization, and/or mitigation measures provided in *Chapter 3*, are consistent with the NEPA requirement to reduce adverse project effects when possible through specific, tangible actions that would reduce a physical environmental effect. These measures are considered to be enforceable. The Environmental Commitments Record in Appendix D identifies responsible staff, timing, and actions for each measure, as well as confirmation of implementation.
	098 Please refer to the response to your Comment 096.

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099	Overall Comment	Residual Impact [Level of Impact after Implementation of Mitigation Measures]	The DEIR/EIS fails to state the level of impact after implementation of *Avoidance, Minimization, and/or Mitigation Measures*. Without determining if a residual impact would occur, the cumulative impact(s) of the project cannot be properly assessed. This is required in determining project impacts for CEQA findings, approval, and statement of overriding considerations. The DEIR/EIS should be revised accordingly.
100	Overall comment	Impacted Parcels Incomplete and missing data	This is a critical component of assessing the project impacts and relevant to the requirements of NEPA and CEQA for full public disclosure. However, only after this information was requested, was the City was provided with a table of impacted parcels. This information must be included in the revised EIR/EIS to support compete public review. The Potential Parcels Impacts table is flawed. The table omits information accounting for a description of the existing land use or zoning. Without this information, an accurate assessment of potential impacts to land use, aesthetics, growth, environmental justice, and recreation cannot be assumed. The table does not offer a complete address in many cases. The table should have a corresponding exhibit clearly labeling each property propose to be acquired by the Caltrans project. In addition, the table is not consistent with the land use impact chapter; whereas this table lists 84 parcels and affected parcels based on temporary construction easements, retaining wall footing easements, slope easements, full parcel acquisition, and partial acquisition, yet does not provide impact assessment of project implementation of these actions. Also, while listing 84 parcels, the table omits information regarding how many of these impacted parcels are in fact multiple family units whereas more than 84 families or businesses will be directly affect by the project Further, this table demonstrates the minimum impact based on the

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099 Please refer to the response to your Comment 096. The EIR/EIS identifies the issues where residual impacts would remain after implementation of avoidance, minimization, and/or mitigation measures. For example, EIR/EIS *Sections 3.7* and *4.4* conclude that the overall visual impact of each mitigated build alternative would remain high. Cumulative impacts are discussed in *Section 3.25.* Additional clarifying information has been provided, including documentation of additional cumulative projects and review of environmental resource health or status. Impact conclusions remain unchanged or were improved based on required mitigation.

100 Specific information regarding the locations of potentially affected homes and businesses is typically not provided in draft Caltrans and FHWA environmental documents and related technical reports due to the potential for subsequent project design changes that may result in modifications to the list of potentially affected properties. In other words, properties initially identified as affected may be eliminated from the list, and properties not initially identified as affected may be added to the list. An estimate of the number of homes and businesses that might be acquired provides necessary information to complete the environmental evaluation relative to potential community effects, as well as providing the basis for any necessary discussion of environmental justice issues under NEPA, while still protecting the privacy of community residents and not overstating potential right-of-way needs.

Actual displacements that may occur are in the process of refinement as the project footprint is being minimized as much as possible. Although updated information has been provided in the Supplemental Draft EIR/EIS and Final EIR/EIS showing a reduction in acquisition requirements, land acquisition needs

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		(narrowest) 8+4 buffer alternative whereas the 10+4 barrier will have the greatest impacts. The table is not mentioned in the Environmental Justice subchapter nor the Land Use Chapter(s). Discussion and analysis of partial and/or full acquisition of single-family homes, multiple-family residents, business and the like should be included in this chapter to review the effects on residents and landowners alike. Where required to do so, mitigation measures should be provided. The City requests a revised table that details the easements & acquisitions for all four scenarios. The easement will include: temporary construction, retaining wall, and slope easements. At a minimum, a revised table in including the 10+4 barrier scenario needs to be provided, so that we may notify our residents and business owners of potential implications from the project, and so that we can fully assess the project impacts on land use, community, growth, and EJ. The omission of this information in the DEIR/EIS clearly demonstrates an inadequate environmental document as key issues/impacts pertaining to land acquisition are neglected. This table should be revised to include this information and included in a re-circulated DEIR/EIS to allow for meaningful public review and comment.
General Comment	DEIR/EIS Cover Page *SAN DIEGO COUNTY, CALIFORNIA* *11 – SD – 5 – KP* *R45.7/R89.1* *(PM R28.4/R55.4)* *EA 235800*	The cover page lists various numbers, including EA 235800. Does this number represent an Environmental Assessment prepared or referenced for the project?
General Comment	Three or four phases of construction and the use of a Project EIR, rather than a	Pursuant to State CEQA Guidelines § 15165: *Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency*

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100 cont. will not be fully defined until after final design of the Preferred Alternative, if the project is approved. Specific information with bearing on potential environmental justice issues was provided as it is required for projects receiving federal funds/federal oversight. CEQA issues that might be affected relative to parcel modifications (e.g., plan to plan analysis of zoning or land use designation) were appropriately completed based on graphics depicting the potential project footprint. Please refer to Topical Response "Property Acquisition" for updated information regarding property acquisition.

101 "EA" on the cover page is the "Expenditure Authorization" identification number for Caltrans project tracking purposes.

102 A program EIR may be chosen by the CEQA Lead Agency if the agency feels that future actions are so uncertain, or unclear, that environmental clearance is not possible. The *I-5 NCC Project* EIR/EIS is a project-specific environmental document, which is the appropriate level of environmental documentation for this project. The level of detail in the description, graphics, and specific technical analysis is sufficient to adequately evaluate the project components in the 27-mile corridor.

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102 cont.		Program EIR or Staged EIR.	*shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.* As designed, the project is planned to be constructed over three (3) phases lasting in duration of ~40 years commencing Phase 1 2012-2020 / Phase 2 2021-2035 / Phase 3 2036-2050 (page 2-13). And yet, the Community Impact Assessment Report [relied upon for chapters 3.1 Land Use, 3.2 Growth, and 3.4 Community Impacts] states: "*Construction of the proposed alternatives would take place in four phases*" (Page 3-1) and is based on segments not predetermined dates. Based on this information, a Program EIR and/or Staged EIR is a more appropriate environmental document to adequately assess the potential impacts associated with the long-term project which also requires various discretionary approval by multiple cities and resource agencies (State CEQA Guidelines Article 11. Types of EIRs).
103	Appendices	Failure to include "Technical Studies" in the DEIR/EIS	The list of "Appendices" in the document should be revised to include all "Technical Studies" that are referenced in the DEIR/EIS on Page 3.3-1. These technical studies are in fact essential to the DEIR/EIS as they are the basis of the background, setting and impact analysis and conclusions of the DEIR/EIS. Incorporating them by reference is inadequate for purpose of full public disclosure.
104	Technical Studies	"Technical Studies"	The "Technical Studies" listed on page 3.1-1 differ from those on the Caltrans project website http://www.dot.ca.gov/dist11/Env docs/I-5NCCTechStudies.html and differ from those listed in the individual Chapter 3 subsections (3.1 through 3.24).

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103 Please refer to the response to your Comment 092.

104 Please refer to the response to your Comment 092.

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105	Technical Studies	"Technical Studies"	Caltrans has added new technical studies to the project website on August 2 and August 6. Adding additional review materials two months after the start of the public review and comment period is unheard of and the public comment period should be extended by two months to allow adequate review time of these newly available technical reference documents. It is unclear if these are intended to be "incorporated by reference" as some of the other studies are? This should be clarified in a recirculated DEIR/EIS.
106	NOP and NOI	NOP and NOI	Caltrans issued the NOP and NOI for the project in 2004. The DEIR/EIS is silent on the base year that is assumed for the description of the environmental setting and the basis for impact determinations.
107	Project Need	Need for project not demonstrated	The project is designed based on outdated SANDAG regional growth and population forecasts which occurred prior to the Smart Growth Initiative and AB 32 which established greenhouse gas emissions reductions targets. In February 2010, SANDAG adopted new growth forecasts through the project build out year 2050. Caltrans must revise and recirculate the DEIR/EIS so that it is in line with slower regional growth rates and associated reduced regional ADT.
108	Project Website DEIR/EIS Page i	Non-functioning website	Page i of the DEIR/EIS states: *Please read this Draft EIR/EIS. This document and the technical studies are available for review at* *http://www.keepsandiegomoving.com/i-5-intro.html* However, this link is not functioning which impedes the public review process.
109	Land Acquisitions and Easements	—	Has the project proponent properly notified the land owners and occupants of the proposed project?
	Table of Contents		
110	Overall comment	Lack of Technical Studies / Incorporated by Reference	On page 3.1-1 of the DEIR/EIS, a list of technical studies "prepared in support of this Draft EIR/EIS" and stated to be incorporated by reference; however, Appendices A-H do not these referenced include technical

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105 As noted in the comment, some technical sources were provided later in the review process. These included Project Report graphics for each of the build alternatives, the biological Natural Resources Study for an I-5 interchange (a separate project with separate utility), the I-5 North Coast Freeway Operations Report, and the Community Enhancement Plan Notebook, among others. These were added to the Caltrans project website and www.keepsandiegomoving.com between August 2 and August 26, 2010. Because public review did not close until November 22, there was ample time to review each of these technical data sources. Technical studies intended to be incorporated by reference are noted as such in the EIR/EIS.

106 Unless specified differently through the identification of a date for baseline data gathering (i.e., vegetation mapping, or traffic counts), the baseline for analysis in the EIR/EIS is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting.

107 Please refer to the response to your Comment 017. Please also refer to Topical Response "Projected Growth" for a discussion of the accommodation of project growth and the effect of the current recession, as well as Topical Response "Climate Change" for information about climate change and GHG emissions. Required analysis of GHG emissions has evolved since the Draft EIR/EIS was released for public review. The Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS, provided analysis of air quality conformity and sea level rise strategies, which relate to GHG emissions.

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110 cont.			studies. Please note: NEPA requires that referencing material be reasonably available (CEQ §1502.21); while CEQA allows for incorporation by reference only when the documents are made available to the public at a public place and is required to state where such place. The DEIR/EIS erroneously omits this information on said page, and within the Reference Chapter. This is a violation of full public disclosure which is intended to provide for meaningful evaluation of the DEIR/EIS. In addition, incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand (State CEQA Guidelines §15150).
	Summary		
111	Overall comment	Summary Requirements	The National Environmental Policy Act (NEPA) requires the Summary section to include major conclusion, areas of controversy, and issues to be resolved. The DEIR/EIS fails to adhere to these basic requirements of NEPA and is rendered deficient. (CEQ Sec. 1502.12)
112	Overall comment	Summary Requirements	The California Environmental Quality Act (CEQA) requires the Summary section to include a brief summary of the proposed actions and consequences (State CEQA Guidelines §15123(a)). This section disregards this requirement. The DEIR/EIS fails to provide a "Proposed Project" or "Proposed Action".
113	Overall comment	Summary Requirements	CEQA requires the Summary section to include each significant effect with proposed mitigation measures (§15123 (b)(1)), Areas of Controversy (§15123 (b)(2)), and Issues to be Resolved, including the choice among alternatives and how to mitigate the significant impacts(§15123)(b)(3)). As written, the DEIR/EIS does not identify these requirements.
114	Overall comment	Lack of Proposed Project	The Summary section lacks a discussion of the Proposed Project, and rather provides four Project Alternatives and a No Project. Pursuant to State

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108 We apologize for any inconvenience. Please utilize the base URL keepsandieogmoving.com to access project documents. Alternatively, the Caltrans project website is available at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCCDraft.html.

109 Please refer to the response to your Comment 100.

110 Please refer to the response to your Comment 092.

111 The *Executive Summary* covers major conclusions in *Section ES.5, Environmental Consequences*, which also summarizes potential mitigation that has been identified to offset impacts associated with the *I-5 NCC Project*. *Table ES.14* clarifies the choice among alternatives by summarizing major potential impacts of the four build alternatives and No Build alternative. These impacts, especially those identified in *Section ES.6, Summary of Significant Impacts Under CEQA After Mitigation*, are the principal areas of controversy. *Section ES.7, Areas of Interest*, provides areas of public interest that have been identified which can be considered controversial. Comments from agencies and municipalities are also described in *Chapter 5, Comments and Coordination*.

112 The proposed alternatives are summarized in *Section ES.3, Proposed Project* of the Final EIR/EIS. A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider project approval and selection of an alternative for final design. Please refer to the response to your Comment 090.

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114 cont.			CEQA Guidelines §15126.6, the EIR must describe a range of alternative to the proposed project which would feasibly attain most of the objectives of the Proposed Project while evaluating the comparative merits of the alternatives. This is a fundamental mistake in the DEIR and must be clarified prior to release of a recirculated DEIR/EIS. As a Cooperating and Responsible Agency, the City finds that this DEIR/EIS does not provide a meaningful public disclosure. Failure to comply with this substantive requirement of NEPA and CEQA renders the DEIR/EIS inadequate for the decision-making process.
115	Overall comment	Baseline Environment	Because the NOI and NOP were circulated six (6) years ago, please clarify the when the baseline of the physical environment was established as it pertains to the NEPA and CEQA analysis.
116	Page S-1	Section S.2 Purpose and Need *The objectives of the project are to:* *• Maintain or improve future traffic levels of service in 2030 over the existing levels of service;* *• Maintain or improve travel times within the corridor;* *• Provide a facility that is compatible with future bus rapid transit and other modal options;* *• Provide consistency with the regional transportation plan, San Diego Regional Transportation Plan;*	The Purpose and Need Statement reflects a build out year of 2030 yet the project will not be complete and fully operational until 2050 assuming funding is secured for the project. Therefore, the project itself would not obtain the basic stated goals and objectives included in the DEIR/EIS. Additionally, as defined, none of the alternatives proposed would attain this primary goal of the project. The preferred project needs to be stated, the goals and objectives re-evaluated, and the DEIR/EIS recirculated for meaningful public review. The alternatives should be developed in response to the need to avoid or substantially lessen one or more significant impacts of the project.

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113 The section is consistent with FHWA and Caltrans guidance as required for joint CEQA/NEPA documents per the Caltrans SER. Please also refer to the response to your Comment 111.

114 A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider project approval and selection of an alternative for final design. A comparison of the alternatives is provided in *Table ES.14*. Please also refer to the response to your Comment 090.

115 Please refer to the response to your Comment 106.

116 The proposed project is needed to accommodate projected traffic conditions in 2050. An August 2012 Supplemental Draft EIR/EIS was prepared and circulated to the public and has been incorporated into the Final EIR/EIS. The supplemental document provided information about project phasing presented and adopted in the 2050 RTP. If the Preferred Alternative is selected, it is expected that the project would be fully implemented by 2035. Please also refer to the response to your Comment 017 regarding traffic projections consistency with the 2050 RTP and Topical Response "Project Lifespan" for more information about how the project would increase the capacity of the subject portion of I-5 through the design year of 2050. The 8+4 Buffer alternative has been refined to reduce project impacts and is addressed in the Final EIR/EIS as the Preferred Alternative.

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116 cont		*Pathways for the Future (2030 RTP) where feasible and in compliance with federal and state regulations;* *• Maintain the facility as an effective link in the national Strategic Highway Network; and* *• Protect and/or enhance the human and natural environment along the I-5 corridor. Project Purpose and Need*	
117	Page S-1	Project Goals and Objectives	In light of SANDAG preparing a new RTP that will soon be complete and will be based on revised 2050 population growth forecasts (adopted by this MPO in February 2010), it is imperative that Caltrans and FHWA coordinate with SANDAG to ensure that any and all regional roadway improvement projects proposed by Caltrans are consistent with regional growth forecasts for travel demand and average daily trip forecasts. Because growth will occur and a slower rate than previously anticipated, the City is concerned that Caltrans is relaying on outdated growth forecasts, which will result in an overbuilt project that substantially exceeds demand based on the new and more current ADT projections. The DEIR/EIS must be revised in light of this new significant information and recirculated pursuant to 2010 State CEQA Guidelines §15088.5.
118	Page S-2	Least Environmentally Damaging Practicable Alternative	The DEIR/EIS fails to identify the "Least Environmentally Damaging Practicable Alternative" as is required by NEPA. CEQA also requires the identification of the Environmentally Superior Alternative (2010 State CEQA Guidelines §15126.6(e)(2). Because the DEIR/EIS fails to comply with this requirement of NEPA and CEQA, the document must be revised and recirculated for meaningful public review.

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117 Please refer to Topical Response "Projected Growth" for information about how the project is accommodating revised growth projections of the 2050 Regional Growth Forecast adopted by SANDAG. Also please refer to Topical Response "Project Lifespan" for information about how Caltrans is planning improvements on an ongoing basis rather than building to ultimate possible need.

118 Concurrence on the Preliminary Least Environmentally Damaging Practicable Alternative (LEDPA) was to be determined after public review of the Draft EIR/EIS. As stated in Final EIR/EIS *Section ES.8, Coordination with Public and Other Agencies*, concurrence on the Preliminary LEDPA Determination and Conceptual Mitigation Plan, leading to identification of the preferred alternative, was completed in 2013. The LEDPA is presented in this Final EIR/EIS, and is the refined 8+4 Buffer alternative. In terms of the Environmentally Superior alternative, by following the requirements of NEPA and evaluating the build alternatives at an equal level of detail, the EIR/EIS identifies the environmentally superior alternative as the build alternative with the smallest footprint and least overall impacts. This alternative has been identified as the Preferred Alternative, which is the refined 8+4 Buffer alternative.

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119	Page S-4 3rd paragraph	NEPA / CEQA Scoping	The DEIR/EIS states scoping meetings were held prior to the circulation of the Notice of Intent (NOI) in January 2004, and circulation the Notice of Preparation (NOP) in October 2004; which is more than six (6) years ago. However, Chapter 5 states that scoping meetings were held in 2001, 2004, and 2006. Please explain this discrepancy. The Summary Chapter must provide detailed information regarding the Scoping Process, Consultation, or Coordination. Please provide the dates, locations, public notices and brief summary from each scoping meeting and the scoping process. Pursuant to State CEQA Guidelines §21083.9, the project proponent is required to provide scoping meetings for projects of statewide, regional, or areawide significance, as well as, notification of scoping meetings to a responsible agency. In addition, SB 947 (Hollingsworth) requires notice of at least one scoping meeting to be provided to transportation planning agencies or public agencies required to be consulted concerning such a project, and will require the project's effect on overpasses, on-ramps, and off-ramps to be included in that consultation.
120	Page S-5	Table S.1 Summary of Major Potential Impacts from Alternatives	This table is inconsistent with regards to the analysis contained within the resource chapters, and at best, utilizes inadequate assessment practices. For example, to state there would be "Minor inconsistencies with city and community plans" to Land Use impacts is inaccurate, as the City of Oceanside alone would be affected by easements and/or land acquisitions totaling 84 parcels [it is assumed many of these parcels are multifamily units, therefore accounting for more than 84 families, individuals or businesses being affected]. This comment refers to back to the DEIR/EIS deficiencies regarding lack of threshold for assessing project impacts, and criteria for defining a potential impact.

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119 Details as to the scoping process, consultation and coordination are not listed in the items identified as Summary elements in CEQA Guidelines Section 15123. *Section 5.1*, *Project Scoping Process,* explains that preliminary public scoping meetings were held in 2001, formal scoping meetings in 2004, and a meeting with city staff and private citizens representing Solana Beach, Encinitas, Carlsbad, and Oceanside to identify possible mitigation and enhancement measures in 2006. Dates and locations of the meetings are provided in the section. There is no requirement to include the notices of the public scoping meetings within the EIR/EIS.

120 *Table ES.14* presents general summary information from each of the technical issue sections in *Chapter 3*. Consistency with land use plans addressed in *Section 3.1.2* is a different issue from relocations discussed in *Section 3.4* and summarized in a different part of *Table ES.14*. Please also refer to the response to your Comment 100. Regarding thresholds for assessing project impacts, please refer to the response to your Comment 096.

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120 cont.			This table should be revised after all comments are responded to, so that it encompasses all potential project impacts, and where new information is provided and leading to the need for a revised and recirculated DEIR/EIS.
121	Page S-7	Table S.2 Permits and Approvals Needed	This table states that a Freeway Agreement for Oceanside Boulevard direct access agreement (DAR) will be required with the City of Oceanside. The DEIR/EIS must also reference City of Oceanside Municipal Code section 2.81 which prohibits the sale or lease of City property used for park and recreational purposes without approval of the voters. Caltrans will need to comply with this code section for land needed in the City's Goat Hill area. In addition, under the National Environmental Policy Act (NEPA) the City of Oceanside is requesting formal designation as a Cooperating Agency (CEQ 1501.6 & 1508.5) and Responsible Agency (15096 & 15381) under CEQA. As such, the project will be required to adhere to federal and State environmental acts, regulations, and guidelines regarding the potential impacts to the City, including its residents, business owners, and visitors.
122	Page S-8	Section S.7 Avoidance, Minimization, and/or Mitigation Measures	The organization of this section and subsequent subsections does not explain which bullet points are mitigation measures and for what impacts are they are intended to offset or avoid. The listed subsection titles (i.e., Relocations and Natural Communities) do not exist in the Table of Contents, while other subsections (i.e., Hydrology and Floodplains) are analyzed and described under different subsection categories throughout the DEIR/EIS. This section must be re-written to describe the specific impact followed by mitigation and/or project design features.
123	Page S-15 1st paragraph	Loma Alta Creek. *Loma Alta Creek is a highly disturbed and constricted creek that flows parallel to Oceanside Boulevard in a developed portion of Oceanside… There may be an opportunity in this*	When, and under what criteria, would this action take place? The DEIR/EIS must be revised to clearly address these impacts and mitigation measures.

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121 The Oceanside Boulevard DAR has been eliminated from the project, so park land is not anticipated to be needed. It is acknowledged that the City of Oceanside is a responsible agency under CEQA. Only federal agencies qualify as "cooperating agencies" under NEPA. Slightly different definitions of "cooperating agencies" and "participating agencies" are applicable to the Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy for Users (SAFETEA-LU), but this project was not subject to SAFETEA-LU requirements because the Notice of Intent was published prior to August 10, 2005. *Table ES.19* in the Final EIR/EIS lists the permits, reviews, and approvals that would be required for project construction and identifies the need for freeway agreements with local jurisdictions in the locations of the proposed DARs. This table has been updated in the Final EIR/EIS to reflect anticipated permit requirements, based on the refined project design, which includes elimination of the Oceanside Boulevard DAR.

122 Draft EIR/EIS *Section S.7, Avoidance, Minimization, and/or Mitigation Measures,* has been eliminated in the Final EIR/EIS, which provides a revised *Executive Summary* where mitigation measures are summarized within the related discussion of potential impacts. Relocations are addressed in *Section 3.4.2,* natural communities in *Section 3.17*, and hydrology and floodplains in *Section 3.9*. These sections appear in the Table of Contents.

123 The potential for enhancement of wetland habitat and water quality would constitute benefits resulting from project mitigation and would not be identified as impacts. Please refer to this Final EIR/EIS for updated information related to biological resources and proposed enhancement activities.

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123 cont.		*portion of the creek to enhance the wetland habitat and water quality before the water empties into the Pacific Ocean.*	
124	Page S-15 2nd paragraph	San Luis Rey River. *The San Luis Rey River near I-5 is a large open water channel with primarily freshwater marsh and arundo scrub along the banks. Two projects proposed for the area, Coast Highway Seismic Retrofit and the Pacific Street Bridge have already proposed restoration of wetlands along the banks of the river through the removal of exotic species and revegetation with natives. Mitigation for impacts at the San Luis Rey River would be completed by debiting credits from the Pilgrim Creek Mitigation Bank.*	What are the potential impacts to the San Luis Rey River? Irrespective of additional projects having an impact on the river, the project will need to provide mitigation to offset or reduce impacts associated with the I-5 project (State CEQA Guidelines §§15021, 15091, 15370, and 15126.4), as well as consider the cumulative effects on the river from the additional projects. Proposed restoration from impacts of another project are not sufficient in addressing the potential impacts of this project, nor do they excuse this project in providing mitigation for additional direct and cumulative impacts to the environment.
125	Page S-16	Section S.8 Other Projects and Considerations	The DEIR/EIS is unclear if the four (4) listed projects are provided as the basis for baseline environmental analysis or cumulative projects.

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124 Potential impacts to the San Luis Rey River are discussed in each technical issue section where appropriate, including but not limited to *Section 3.7, Visual/Aesthetics*, *Section 3.9, Hydrology/ Drainage (and Floodplains)*, *Section 3.10, Water Quality and Storm Water Runoff*, and the biological resources sections. Regarding restoration as mitigation for impacts to the San Luis Rey River, please refer to the response to your Comment 123.

125 These related projects are not a part of the proposed project. They are discussed in the summary in conformance to Caltrans guidance to describe any major actions proposed by other government agencies for the same general area as the proposed project and are part of the environmental setting for the project.

Section 3.25, Cumulative Projects, has been updated in this Final EIR/EIS.

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125 cont.			Please refer to the City's list of related projects which has provided in an attachment to our cover letter for a complete list of projects that must be assessed under the cumulative analysis in the revised DEIR/EIS.
	Chapter 1.0 Proposed Project		
126	Page 1-1 2nd paragraph	*The proposed project improvements include one or two High Occupancy Vehicle (HOV) / Managed Lanes (ML) in each direction, auxiliary lanes where needed, and possibly one general-purpose lane in each direction.*	The DEIR/EIS fails to provide a specified "Proposed Project" or "Proposed Action". It is unclear if this statement is the specific project or a generalization of the four (4) alternatives. This is a fundamental mistake of the DEIR/EIS. As a Cooperating and Responsible Agency, the City finds that this DEIR/EIS does not provide a meaningful public disclosure. Failure to comply with this substantive requirement of NEPA and CEQA renders the DEIR/EIS inadequate for use by the City in its decision-making process.
127	Overall comment	Lack of Intended Uses	The DEIR/EIS fails to provide a statement describing the intended uses of the document (State CEQA Guidelines §15124 (d)).
128	Overall comment	Overuse of Technical Information and Lack of Referenced Material	This chapter provides highly technical information yet omits how such analysis was concluded or from what source may reference. A few examples are the discussions under the headings: Annual Average Daily Use, Weaving Analysis, Weekend Use and HOV Use. Both NEPA and CEQA require an EIS or EIR (respectively) to be written in plain language so that decision makers and the public can readily understand them. (CEQ Sec. 1502.8) (State CEQA Guidelines §15140).
129	Overall comment	Baseline Environment	No description of the baseline environment provided. Both NEPA and CEQA require the description of a baseline and/or affected environment. Without providing a description of the baseline environment, the analysis provided is considered unsubstantiated for the purposes of NEPA and CEQA.
130	Overall comment	Areas of be affected by project construction and project implementation	Although the DEIR/EIS provides a start and stopping point for the major transportation improvements, no project boundary along the west and east sides of Interstate 5 are provided. Changing from an eight (8) lane freeway to a potential 12 or 14 lane freeway has significant implications which can

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126 A single "proposed project" was not identified in the Draft EIR/EIS in order to allow a full exploration of all four build alternatives, including comments from the public, before decision makers consider whether to approve the project and select an alternative for final design. Please refer to the response to your Comment 090.

127 The intended use of the Draft EIR/EIS was provided immediately after the cover page of the document, in *General Information About This Document,* under the following headings: *What's in this document*, *What you should do*, and *What happens next*. This format is in accordance with the Caltrans SER for preparing environmental documents.

128 *Chapter 1* summarizes traffic information that is presented in greater detail, with terminologies defined, in *Section 3.5* of the EIR/EIS. In addition, acronyms used throughout the report are defined at first use in the EIR/EIS and in the Acronym List in the appendix to the EIR/EIS.

129 The specific baseline for each environmental issue is described under the heading *Affected Environment* at the beginning of *Sections 3.1* through *3.22*.

130 Project limits for the 10+4 Buffer alternative were depicted on *Figures 2-2.14a* through *2-2.14ao* of the Draft EIR/EIS, and footprints as identified at the time of the Draft EIR/EIS were provided for public review for each of the proposed build alternatives.

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130 cont.			only be assessed when a physical boundary is provided. In addition no discussion of local roadway impacts is provided. It can be reasonably assumed that with long-term interstate projects, many drivers will elect to drive surface roads to avoid construction routing and delays. This assessment needs to be added into the DEIR/EIS and recirculated.
131	Overall Comment	Scope of Project	The northern terminus of the project is stated to be near [Oceanside] Harbor Drive in Oceanside. However, the DEIR/EIS fails to address each on-ramp, off-ramp, and/or bridge which may be affected within the City of Oceanside, other than mentioning the direct access ramp at Oceanside Boulevard. To assess the full level of potential impacts from project implementation, the DEIR/EIS should be revised to list/discuss all overpasses, bridges and off- and on-ramps, including all improvements to the transportation system within City boundaries.
	Chapter 2.0 Project Alternatives		
132	Overall Comment	Choice of Alternatives	Pursuant to State CEQA Guidelines §15126.6, the lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. Please revise the DEIR/EIS to disclose this information.
133	General Comment	Mass Transit and Alternative Transportation	The DEIR/EIS fails to analyze a mass transit and alternative modes of transportation alternative, and its resultant effects on significant noise, carbon emissions, traffic, and air quality in and around the project area. The City believes this reasonable alternative may accomplish the project objectives and is pertinent to the State's goals regarding Assembly Bill 32 and State Bill 375. Whereas, the State is required by the Governors Order to reduce emissions below 1990 levels, and yet the project alternatives fail to study alternatives that will reduce carbon emissions towards achieving

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130 cont. These alternative designs are still available for review both on www.keepsandiegomoving.com and the Caltrans project website http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html, under project technical reports. The 10+4 Buffer alternative was considered to adequately represent the extent of the project impacts, which would not vary noticeably on maps of the scale that could feasibly be provided within the EIR/EIS. The Supplemental Draft EIR/EIS provided additional information regarding the boundaries of the refined 8+4 Buffer alternative (also called the locally preferred alternative) in the vicinity of the lagoons, and this Final EIR/EIS contains additional information based on project refinement that has occurred since 2010 and Draft EIR/EIS circulation.

Regarding impacts to local roadways, please refer to the response to your Comment 019.

131 EIR/EIS *Chapter 2, Project Alternatives*, describes proposed improvements to interchanges in the City of Oceanside, and lists lane geometry modifications to Oceanside Boulevard, Mission Avenue, SR-76, and Harbor Drive in Draft EIR/EIS *Table 2.1* (now Final EIR/EIS *Table 2.2.2*). Proposed community enhancements in the City of Oceanside are described in *Section 2.3*. Impacts within City boundaries are appropriately evaluated in each technical issue section. In particular, traffic impacts are addressed in *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities* prior to Draft EIR/EIS, and technical studies incorporated by reference. Please also refer to the response to your Comment 019.

132 Information on the alternatives selected for examination in the EIR/EIS is provided in *Section 1.3, Need for the Project*, which explains traffic conditions and other factors that have resulted in current congestion and constraints in the I-5 corridor; *Section 1.4, History and Background*, which documents regional planning efforts from the 1980s forward; *Section 2.1, Project Description*, which further describes the proposed action and the design alternatives; and

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132 cont. *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, which describes freeway alternatives that were rejected due to their inability to provide adequate highway capacity to meet even the year 2020 travel demands within the project limits. This information is deemed adequate to disclose the reasoning for selecting the four build alternatives for detailed study in the EIR/EIS. Please refer to Topical Response "Corridor Alternatives" for additional information about alternatives studied for the North Coast Corridor.

133 The *I-5 NCC Project* is part of the balanced, multimodal transportation network that is planned for the region. As noted in the response to your Comment 088, the I-5 San Diego North Coast CSMP identified a transportation solution that includes double-tracking the rail corridor; adding managed lanes on I-5; and improving regional arterials, bicycle/pedestrian routes, and bus, rail, and vanpools/carpool services. Project-specific evaluations are under way; the *I-5 NCC Project* is the project-specific environmental document for the freeway portion of this larger transportation upgrade effort. Please also refer to Topical Responses "Multimodal System" regarding these overall planning efforts and identification of need for simultaneous improvement to all transportation modes, and "Corridor Alternatives" regarding alternatives screened for the North Coast Corridor, as well as "Rail Preference" and "Mass Transit." The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050.

Because upgrades to each of these transportation modes have already been identified by SANDAG (a composite of transportation and planning agencies) as necessary for overall transportation planning within the North Coast Corridor, the consideration of an additional mass transit or other alternative transportation mode rather than I-5 upgrades would fail to meet purpose and need.

With regard to State goals for emissions addressed in CA AB 32 and CA SB 375, the most severe emissions of carbon dioxide (CO_2) from mobile sources (e.g., automobiles) occur at stop-and-go speeds (0 to 25 miles per hour). As a result, it is expected that

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	133 cont. GHG emissions (and particularly CO_2) would be reduced where a project relieves congestion in high congestion travel corridors. The *I-5 NCC Project* is anticipated to do just that, by enhancing operations and improving travel times through reduction of congestion along the I-5. The SANDAG 2050 RTP is responsive to transportation goals under these plans. The *I-5 NCC Project* is compliant with the 2050 RTP, and is also consistent with these two acts. Please also refer to EIR/EIS *Section 4.6*, *Climate Change*, and *Section 4.6.5,* which specifically addresses CA AB 32 compliance and Caltrans participation on the Governor's Climate Action Team. Please refer to Topical Response "Climate Change" for additional information regarding achievement of the state's goals regarding climate change and GHG.

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			this goal.
134	Overall comment	No preferred project alternative identified	NEPA requires the discussion and analysis of the proposed action and the alternatives in a comparative form. This is the "heart of the environmental impact statement" (CEQ Sec. 1502.12). In this section agencies shall: (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated. (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits. (c) Include reasonable alternatives not within the jurisdiction of the lead agency. (d) Include the alternative of no action. (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference. (f) Include appropriate mitigation measures not already included in the proposed action or alternatives. By providing a comparative analysis, a preferred alternative can be concluded.
135	Overall comment	No preferred project alternative identified	CEQA requires consideration and discussion of alternatives to the proposed project. The identification of an environmentally superior alternative among the other alternatives is required; whereas "The discussion of alternatives shall focus on alternatives to the project or its location which are capable of

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134 *Chapter 3* of the EIR/EIS is a detailed comparative analysis of the four build alternatives and the No Build alternative for all environmental issues. A single "Preferred Alternative" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider whether to approve the project and select an alternative for final design. Please refer to the response to your Comment 090.

135 The EIR/EIS provides detailed descriptions of a range of alternatives in *Chapter 2, Project Alternatives*, including the four Draft EIR/EIS build alternatives, the refined 8+4 Buffer alternative (i.e., the Preferred Alternative), and the No Build alternative. *Chapter 2* also describes the rationale used to select these alternatives for detailed evaluation in the EIR/EIS, including their ability to meet the project objectives as described in *Section 1.2, Purpose for the Project*. *Section 2.6.1, Rejected Build Alternatives*, identifies several additional build alternatives that were rejected and not further evaluated in the EIR/EIS due to their inability to meet the stated project objectives, including the provision of adequate highway capacity to meet the year 2020 travel demands within the project limits. Based on these considerations, the EIR/EIS appropriately identifies a reasonable range of alternatives and is in conformance with applicable criteria identified in Section 15126.6 of the State CEQA Guidelines.

Regarding the identification of an environmentally superior alternative, by following the requirements of NEPA and evaluating four build alternatives at an equal level of detail, the EIR/EIS identifies the environmentally superior alternative as the build alternative with the smallest footprint and least overall impacts. This alternative is the refined 8+4 Buffer alternative, which has also been identified as the Preferred Alternative.

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135 cont.			avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" and "If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives" (State CEQA Guidelines §15126.6).
136	Page 2-1	Right-of-Way	The DEIR/EIS fails to provide a complete listing of properties which may be subject to right-of-way property loss. The DEIR/EIS must be revised to include this impact table to provide information relevant in assessing potential impacts to land use, growth and community impacts, and environmental justice.
137	Page 2-1 and Page 2-5	Utility Reconnections	The DEIR/EIS fails to provide a listing of which utility reconnection would be necessary and level of significance for each disconnection. Page 2-5 lists two streets, yet does not provide enough detail such as on-ramp or off-ramp, or direction. The DEIR/EIS is deficient in providing enough information for an accurate environmental analysis.
138	Figure 2.2-14 m-p	Figures inadequate	The figures included in this chapter of the DEIR/EIS are inadequate for purposes of full public disclosure. The scale of the figures makes it impossible to understand where the take of property would occur. The impact cannot be understood at this scale. The DEIR/EIS must be revised to include larger and better maps so that property owners who are affected by the project can understand the full size and magnitude of the impact.
139	Page 2-1	*This section describes the proposed action [underscore added] and the design alternatives that were developed by a multidisciplinary team to achieve the project purpose and need while avoiding or minimizing environmental impacts.*	This statement is does not accurately reflect this section. Nowhere in this section, nor in the previous section titled "Proposed Project", is there information and description of a "main" or preferred project. Without a Proposed Project or Proposed Action the DEIR/EIS is inadequate to satisfy both NEPA and CEQA requirements for a full disclosure examination of potentially significant impacts.

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136 Please refer to Topical Response "Property Acquisition" for additional information regarding specifics of property acquisition, as well as the response to your Comment 100.

137 Utility relocations are addressed in the EIR/EIS in sufficient detail for the utility providers at this time, including updated information for the Preferred Alternative. During the preliminary design phase, the Caltrans project development team obtains preliminary utility conflict information and uses these data to limit impacts and determine the overall project footprint. From project initiation through construction, Caltrans works closely with affected utility owners to discuss available alternatives in order to resolve any conflicts. Utility owners are consulted during this process, for example, to ensure that necessary utility operations and maintenance activities would remain unimpaired during project construction, as well as to determine whether to relocate, adjust or protect any affected utilities. Final design plans (PS&E phase) would be made available to the appropriate utility owners prior to advertisement of the project; and a pre-construction meeting would be held with the affected utility owners.

138 Please refer to Topical Response "Property Acquisition" for additional information regarding specifics of property acquisition as well as the response to your Comment 100.

139 The "proposed action" is the improvement of I-5 within the North Coast Corridor. A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider whether to approve the project and select an alternative for final design. Please refer to the response to your Comment 090.

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140	Table 2.2	Structure Replacements and Widening	This table does not provide data regarding a Proposed Project or Proposed Action, only five (5) alternatives. Further this table does not provide measurements for widening of height of proposed bridges or design features.
141	Page 2-5	Section 2.2.1 Build Alternatives	This section does not satisfy the requirements of NEPA; whereas, the DEIR/EIS must rigorously explore and objectively evaluate a reasonable range of alternatives along with the proposed action. Reasonable alternatives are those that may be feasibly carried out based on technical, economic, environmental and other factors. An alternative in not infeasible merely because the project proponent does not like it. (CEQ 1502.14)
142	Page 2-8	Community Enhancement Projects	The DEIR/EIS lists nine (9) projects (elsewhere referred to as opportunities) which are *considered "candidates for inclusion" in the project's final design and may or may not all be implemented, as this would be dependent on each local agency agreeing to maintain them in perpetuity*. It is unclear if the enhancement projects are considered a proposed action, included as project alternatives, or future projects subject to future environmental consideration. These project and their actions will need further analysis.
143	Page 2-13	Phased Construction	The phased construction section does not differentiate between any of the project alternatives. It is easily concluded that a variance in timing and cost would occur based on four (4) alternatives. Please update and revise.
144	Page 2-13 1st paragraph	*The current 2030 RTP includes 2 HOV lanes from La Jolla Village Drive to the I-5/I-805 Merge and 4 Managed lanes from I-5/I-805 Merge to Cannon Road to be built by 2014, and 4 Managed lanes from Cannon Road to Vandegrift Blvd. to be built by 2030 [underscore added]. The I-5 NCC Project phasing will be consistent with 2050. RTP*	Project construction in Oceanside is expected to occur from 2014-2030 based on the DEIR/EIS statement. Is this an accurate assumption when Phase 3 is expected in 2036-2050? Please resolve this discrepancy. Where necessary please revise Figures 2-2.3 through 2-2.5. How is the project need and phasing planned to be *consistent* with the 2050 RTP? How is that relevant to the DEIR/EIS

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140 The intent of the referenced table is to summarize the structures that would be replaced or widened, as well as to identify new structures proposed by the project. Preliminary Advanced Planning Studies (APSs) have been prepared for each of the new and proposed structure replacements and widenings. These APSs show preliminary bridge dimensions (elevation and plan view) and are available for review. Please note that preliminary bridge designs have progressed since circulation of the Draft EIR/EIS.

141 *Section 2.2.1, Build Alternatives*, is a description of the alternatives analyzed in EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, which is where the analysis for each resource area is presented. Within each topic, variations in impacts between the build alternatives are specified as appropriate. *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS,* defines potential build alternatives that were not carried forward for full analysis and provides the reason(s) for their elimination.

142 Community enhancement projects are undergoing continual review as coordination with affected municipalities proceeds. The projects listed, including those for the City of Oceanside, were considered to be constructed simultaneously with the *I-5 NCC Project* and were noted in Draft EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, as "candidate" projects for consideration that would be accommodated within the project footprint. Environmental impacts associated with their implementation were addressed as part of the I-5 construction footprint. Additional information regarding community enhancement designs and impacts was provided in the Supplemental Draft EIR/EIS, which was circulated

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142 cont. to the public in August 2012 and is incorporated into this Final EIR/EIS. Consistent with this comment, enhancement information was refined and information was provided specific to impacts associated with each specific community enhancement, as well as minimization and mitigation measures.

143 The phased construction is very similar among all four build alternatives. In essence, the four Draft EIR/EIS build alternatives all included construction of four HOV/Managed Lanes and four DARs (two of the DARs have been eliminated for the refined 8+4 Buffer alternative). Additionally, the project features would be the same for all four alternatives south of Del Mar Heights Road and north of SR-78. The main differences between the four alternatives are essentially the number of general-purpose lanes to be constructed, the type of divider to be constructed between the HOV/Managed Lanes and the general purpose lanes, and the number (and height) of retaining walls to be constructed along the freeway segment from approximately north of Del Mar Heights Road to south of SR-78. The time to construct each of the phases for all build alternatives would be about the same. It has been determined that the refined 8+4 Buffer alternative could be fully implemented by 2035.

144 *Figures 2-4.1a* through *2-4.1c* have been revised in the Final EIR/EIS to reflect current project assumptions as well as a construction completion date of 2035. *Section 2.4* also notes that the *I-5 NCC Project* phasing will be consistent with the 2050 RTP. Please refer to the response to your Comment 121.

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144 cont.		*currently scheduled for adoption in 2011.*	
145	Table 2.3	Permits and Approvals Needed	(see prior comment under the Summary heading) Within this table, the City of Oceanside is stated to approve/permit the Freeway Agreement for Oceanside Boulevard DAR. In addition, the project must comply with City of Oceanside Municipal Code section 2.81 which prohibits the sale or lease of City property used for park and recreational purposes without approval of the voters. Under NEPA, the City is a Cooperating Agency. Under CEQA, the City is a Responsible Agency. This information must be included in this table and included in the revised EIR/EIS.
146	Section 2.2.1 Common Design Features of the Build Alternatives and Table 2.1 Interchange/Ramp Reconfiguration	These two referenced sections provide conflicting information.	In the table, the Oceanside Boulevard Interchange is stated to only affect the southbound ramp; however, the text states direct access ramps would be constructed to accommodate northbound and southbound traffic. Please revise this section and the analysis, and recirculate the DEIR/EIS as required.
147	Page 2-22	Figure 2-2.9 Schematic for 8+4 Buffer Alternative	This figure needs to be revised to demonstrate all on- and off-ramps and bridges within City limit, and which will be affected by project implementation. As currently portrayed, this figure is not accurate and inadequate for the purposes of a complete environmental review.
148	Page 2-62	Figure 2-2.14ai Project Features Map: 10+4 Buffer Alternative	This figure does not display a noise barrier wall north of Cassidy along Soto Street. Is this accurate? If so why is no barrier provided?
149	Page 2-64	Figure 2-2.14ak Project Features Map: 10+4 Buffer Alternative	This figure does not accurately demonstrate the proposed direct access ramp at Oceanside Boulevard. Please revise and recirculate.
150	Page 2-65	Figure 2-2.14al Project Features Map:	Are the proposed modifications, including two signal lights, overcrossing and other unstated improvements, to Mission Avenue analyzed within the

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145 The Oceanside Boulevard DAR has been eliminated from the project.

146 Draft EIR/EIS *Figure 2-2.9* is a schematic with only general information. Please refer to Final EIR/EIS *Figures 2-2.3, Sheets 56* through *67,* for more descriptive and specific graphics showing the corridor affected within the City of Oceanside.

147 As described in EIR/EIS *Section 3.15*, potential noise impacts from the *I-5 NCC Project* were identified, and abatement measures are incorporated into the project. Please refer specifically to the discussion of Segment 19 on pages 3.15-46 through 3.15-50.

148 The location of Soundwall S840 in the EIR/EIS is within the Caltrans right-of-way and along the northbound side of I-5 between Cassidy and California Streets. This soundwall was identified to provide "feasible" noise reduction for 12 single-family residences. Because the estimated construction cost exceeds the "reasonable" total allowance, however, Soundwall S840 was determined not to be "reasonable" to construct, and, therefore, is not depicted on *Figure 2-2.14ai* of the Draft EIR/EIS.

149 The Oceanside Boulevard DAR has been eliminated from the project.

150 Please refer to the response to your Comment 131.

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		10+4 Buffer Alternative	DEIR/EIS? What are the impacts to the local roadways?
151	Page 2-67	Figure 2-2.14an Project Features Map: 10+4 Buffer Alternative	This figure does not appear to provide structures or improvements demonstrating the intermediate access points. Please revise and recirculate.
	Chapter 3.1 Land Use		
152	Overall comment	Lack of impact analysis	The Land Use section does not provide analysis of a proposed project or action, or a thorough analysis of alternatives. Conclusionary statements such as the project consistency findings listed in Table 3.1.1: Project Consistency with Local Plans and Policies as "All four alternatives would be consistent. No Build Alternative would be consistent." are not supported by any sufficient assessment. These deficiencies in the DEIR/EIS do not allow for a meaningful evaluation by the public, responsible Agencies or the decision makers. The errors throughout the DEIR/EIS render the NEPA/CEQA document inadequate for decision makers to determine the significance of impacts and adequacy of mitigation.
153	Overall analysis	Lack of CEQA Thresholds of Significance	The Land Use section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis so that the reader can understand the criteria against which environmental impacts are evaluated. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "...would have a less than significant effect on the environment"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
154	Overall Comment	Oceanside Potential Impacted Parcels Table	The Oceanside Potential Impacted Parcels Table was omitted from the DEIR/EIS and must be included in the revised DEIR/EIS for compete disclosure of impacts. The City will in fact be directly affected by project implementation as the I-5 transects the City in a north/south fashion. In addition, the City is both a Cooperating Agency and Responsible Agency

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151 Structures are indicated by the white boxes on the Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao*, now contained in Appendix K (please see the Legend). A typical detail for the intermediate access points is shown in Final EIR/EIS *Figure 2-2.6a* and *2-2.6b*.

152 Land use impacts have been adequately evaluated and disclosed. The EIR/EIS concludes that the proposed project would not result in adverse impacts to land use, and construction would not cause permanent conflicts with relevant existing plans and programs. This conclusion would apply to any of the build alternatives. The range of alternatives does not necessarily need to result in noticeably different impacts for every resource area; sometimes only a few resources/issues demonstrate substantive differences among the alternatives.

153 Please refer to the response to your Comment 096. The establishment of thresholds is discretionary for each agency as suits their needs in their environmental review process. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant, and the EIR/EIS does not need to be revised to provide them.

154 Please refer to Topical Response "Property Acquisition" for updated information about specifics of property acquisition, as well as the response to your Comment 100. Parcel acquisition information is not mandatory under CEQA. Nevertheless, maps were posted on the Caltrans website and keepsandiegomoving.com, showing the preliminary proposed limits of impact for each alternative. Additional information has been provided in this Final EIR/EIS for the Preferred Alternative, which is a refined 8+4 Buffer alternative, having the smallest footprint of all of the build alternatives.

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154 cont.			(NEPA and CEQA, respectively); and as such, should have been provided with this pertinent information not only for the general acknowledgement of potential impacts to its residents and visitors in assessing potential land use and environmental justice impacts, but as a professional courtesy to effected Cities, as well. This table would be better understood with a usable exhibit to demonstrate the potentially affected parcels based on the various easements and land acquisitions the project is proposing. The scale of the exhibits provided in the DEIR/EIS renders the table useless. This table (and versions of this table for other affected Cities) needs to be included in the land use analysis to correctly asses the impacts of the project on the surrounding land parcels. Without doing so (as is the case presently), the impact analysis is not only inadequate but flawed for the purposes of NEPA and CEQA for full public disclosure. Where required to do so, the project should provide mitigation measures for significant impacts. See comment above regarding this table in the Overall Scope, Content and Organization of the DEIR/EIS section.
155	Page 3.1-4	Figure 3-1.1 Study Area Communities	This figure does not demonstrate all off- and on-ramps within the City.
156	Page 3.1-13 13th paragraph	*There are no proposed/planned projects (representing land use changes) located near the proposed project within Oceanside.*	This statement is incorrect. Proposed and planned projects are only one consideration while land use modifications are another consideration for potential impacts and necessary to assess project impacts as well as cumulative impacts. The DEIR/EIS preparers should have consulted with City of Oceanside staff for a listing of the proposed projects located near I-5. Please see list provided in cover letter which demonstrates active and approved projects within the City boundary.
157	Page 3.1-17	*Though land uses in specific parcels would shift from residential to*	This statement is erroneous. The direct loss of any residential units is a significant adverse environmental impact of the project.

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154 cont. Impacts to properties are evaluated by decision makers when they consider whether to approve the project and select a build alternative. CEQA Guidelines Section 15131(c) specifically notes that "economic, social and particularly housing factors shall be considered by public agencies together with technological and environmental factors…" and that it is not mandatory to include such information in the EIR.

Regarding the City of Oceanside being a cooperating/responsible agency, please refer to the response to your Comment 121.

155 *Figure 3.1-1* is a graphic meant to illustrate the general boundaries of the communities affected.

156 The topic of this section is existing and future land use. The City's list of related projects provided in this letter is noted. The cumulative impacts discussion and *Table 3.25.2* in EIR/EIS *Section 3.25* have been updated.

157 The referenced page is part of EIR/EIS *Section 3.1.1, Existing and Future Land Use*. The loss of an individual structure does not constitute a substantial change to overall land use patterns or planning designations, which is the focus of this section. The loss of residential and business units is addressed with regard to NEPA in EIR/EIS *Section 3.4.2, Relocations and Real Property Acquisition*.

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157 cont.		*transportation, existing land use patterns in the community would not be affected, and no adverse land use impacts are anticipated.*	The modification of existing and/or planned residential land to a non-residential land use is in fact an impact which requires mitigation under CEQA.
158	Page 3.1-18 3rd paragraph 8th paragraph	*As discussed above implementation of the 10+4 with Barrier would result in impacts to residential, commercial, agricultural, undeveloped, recreational, and roadway land uses. Land use patterns, development trends or proposed land uses would not shift outside of the affected parcels displaced.* *The proposed project would not result in adverse impacts to land use. No mitigation measures are required. Caltrans has undertaken efforts to integrate the proposed project with the adjacent and/or adjoining communities. In addition to the www.keepsandiegomoving.com website, Caltrans has been available for*	These two statements are contradictory and must be re-evaluated. Similar statements reflecting differing opinion without substantiated evidence or analysis are found throughout this section. The DEIR/EIS must be re-written and re-circulated for meaningful public review and full disclosure of an informational document.

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158 These two statements are not found to be contradictory. The conclusion of the land use analysis for each alternative is that the project would impact various land uses, but it would not result in shifting of land use patterns, development trends or proposed land uses outside of the affected parcels displaced. *Section 3.1.1.3,* therefore, concludes that the project would not result in adverse impacts to land use under NEPA that would require avoidance, minimization, and/or mitigation measures.

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158 cont.		*community meetings to provide the community information about the proposed project.*	
159	Page 3.1-16 1st paragraph	Section 3.1.1.2 Environmental Consequences *Construction-related impacts would be similar for all four alternatives.*	The statement "Construction-related impacts would be similar for all four alternatives" is not adequate for the purposes of NEPA or CEQA. NEPA requires the detailed analysis of each alternative as required by the project action analysis; whereas CEQA requires sufficient discussion of alternatives to allow for meaningful analysis. Without this information, no comparison of alternatives can be made and no environmentally superior alternative can be identified. No discussion of operational-related impacts is provided. No discussion of construction-related or operational-related impacts to a Proposed Project or Proposed Action is provided. The DEIR/EIS must be revised accordingly.
160	Page 3.1-21	Consistency analysis with State, Regional and Local Plans and Programs	No discussion or assessment of local zoning designations is provided. The DEIR/EIS must be revised accordingly.
161	Page 3.1-22 7th paragraph	Section 3.1.2.2 Environmental Consequences *Construction activities may create conflicts with relevant existing plans and programs by disrupting vehicular and pedestrian access, increasing noise, dust, and harmful emissions, creating visual*	Environmental impacts, whether "short-term" or "long-term", are still environmental impacts particularly in the case of this project where construction would occur over decades. As such, mitigation measures are required to offset or reduce land use impacts. State CEQA Guidelines §15126 requires that an EIR consider all phases of the project when evaluating environmental impacts. As currently written the DEIR/EIS is not adequate for the purpose of full public disclosure and meaningful public review. The DEIR/EIS must be revised accordingly.

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159 The phased construction is very similar among all four build alternatives from a land use perspective. The discussion on page 3.1-16 is general and applies to all four Draft EIR/EIS build alternatives, and now the refined 8+4 Buffer alternative as well, each of which can be considered to be the proposed project as they are addressed at an equal level of detail. A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider whether to approve the project and select an alternative for final design.

The project is considered to be consistent with existing land uses because it is an expansion of the existing freeway corridor; therefore, it does not represent a new land use or a new freeway corridor. Specific parcels that would be obtained for the widening, depending on the alternative, may shift from residential use to freeway transportation use. The EIR/EIS concludes that this would not affect overall land use patterns, so it would not cause adverse land use impacts.

Permanent (or operational) land use impacts are discussed in the remainder of EIR/EIS *Section 3.1.1.2, Environmental Consequences*. Construction impacts and operational impacts in terms of each environmental issue are addressed in each analysis section within *Chapter 3*.

160 Elements considered for land use consistency in accordance with the Caltrans SER include land use plans or programs. Zoning does not fall within this category. Please note, however, that the

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160 cont. analysis of consistency with key goals within the City's General Plan and Local Coastal Program was included in *Section 3.1*. An assessment of local zoning designations is not required.

161 EIR/EIS *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs*, evaluates potential conflicts with relevant existing land use plans and programs. For the purposes of land use plan consistency, the lack of permanent impacts/changes from project construction is considered relevant to the conclusions in this section. Construction-related impacts in terms of other issues are discussed in the corresponding sections in *Chapter 3*. For example, impacts from construction noise are evaluated in *Section 3.15, Noise*; and impacts from construction-related dust and emissions are discussed in *Section 3.14, Air Quality*.

As discussed on page 3.1-16, construction activity along the I-5 North Coast Corridor would occur in phases to minimize disruptions. Land use impacts related to construction activities are considered temporary proximity impacts and are not anticipated to result in permanent impacts to existing land uses along the corridor. The TMP described above would serve to minimize project-related construction disruptions, which would include traffic management strategies designed in coordination with the local communities. Please refer to the response to your Comment 023.

In addition, as stated in *Section 3.14.14* of the EIR/EIS, the project must conform with Caltrans Standard Specifications, including the required location of equipment and materials on site as far away from residential and park users as practical. This will serve to further minimize impacts on the affected communities. As such, short-term construction impacts occurring in phases along the project area would be minimized.

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161 cont.		*impacts, and using parking lots and vacant areas as staging grounds for construction activities. However, any impacts related to these disruptions are considered temporary proximity impacts and are not anticipated to result in permanent conflicts with relevant existing plans and programs.*	
162	Page 3.1-22 5th paragraph	*Implementation of the proposed project would not require acquisitions of any land within Batiquitos Lagoon or Buena Vista Lagoon, nor would it impact any recreational activities at either of the lagoons. Therefore, land use plans pertaining to these specific lagoons were not evaluated for policy consistency since the proposed project would not be affected by any aspects of the management plans.*	The DEIR/EIS fails to provide an analysis to support this statement; when in fact project construction, staging and operations may affect the Buena Vista Lagoon. The DEIR/EIS must be revised accordingly and the project's compliance with the policies and goals of this document analyzed in a recirculated document.
163	Page 3.1-24 8th and 9th paragraph	Consistency with conclusions	The DEIR/EIS acknowledges that "The proposed project would convert residential and commercial land uses to transportation uses..." and that "...impacts would be restricted to isolated parcels along an existing transportation corridor...". In addition, the DEIR/EIS states "Encroachments into adjacent open space at Buena Vista Lagoon and along the San Luis

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162 Buena Vista Lagoon is addressed in EIR/EIS Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f), which states that all improvements associated with the proposed project near Buena Vista Lagoon would take place within the existing Caltrans right-of-way. This is documented in Final EIR/EIS *Figures 2-2.3, Sheets 55* through *57*, as well as Figure 6 of Appendix A. Appendix A also notes that vegetation, wildlife, air quality and visual effects would all remain similar to existing conditions. I-5 widening was not found to substantially impair the ability of the lagoon to function as an ecological preserve; nor would it substantially impair the protected activities, features, or attributes of the lagoon. Additional information about Buena Vista Lagoon from the Supplemental Draft EIR/EIS has also been incorporated into *Chapter 2* and the biological resources sections of *Chapter 3* of this Final EIR/EIS.

163 Regarding Buena Vista Lagoon, please refer to the response to your Comment 162, above. Potential impacts to the San Luis Rey River are discussed in each technical issue section where appropriate. Please refer to the response to your Comment 124. Please also note that information regarding lack of impacts at the community enhancement proposed for the SR-76 underpass and trailhead at the San Luis Rey River was presented in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. No impacts are anticipated to land use, open

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163 cont.			Rey River would be minimized and measures incorporated to avoid indirect effects to water quality"; however this statement omits discussion on land use, open space, or recreational impacts. No assessment is provided, *nor* are any mitigation measures to offset or reduce the impacts to residential land uses, open space, or natural resources. Caltrans provided to the City of Oceanside a table that described by parcel number which properties would be directly affected by the various alternatives. The DEIR/EIS must be recirculated such that it includes this essential information.
164	Page 3.1-24 9th paragraph	*Therefore, the proposed project would be consistent with the City of Oceanside General Plan.*	The analysis in the DEIR/EIS is incomplete and this blanket statement is not accurate and should be deleted from the DEIR/EIS.
165	Table 3.1.1: Project Consistency with Local Plans and Policies	*Project Considerations and Project Consistency*	This table omits any reference to the 84 parcels which will be impacted by the project. This omission alone renders the DEIR/EIS inadequate for the purposed of a full disclosure document. Meaningful public review and subsequent decisionmaking is thwarted due to the lack of analysis of the 84 potential parcel impacts. The City requires discussion of these potential impacts and a meeting with Caltrans District 11 staff in the near term. The single page table provided by Caltrans to the City (and excluded from the DEIR/EIS) identifies 18 full acquisitions and 26 partial property takings which differs from the information provided by Caltrans during the project coordination meetings. In addition it is our understanding that actual acquisitions will not be known until addition design work is competed many years from now. This is a significant change and one that must be revised with the corrected information included in order to provide full disclosure and public review and comment opportunities.
166	Page 3.1-36 Table 3.1.1: Project Consistency	*Caltrans is not a land use planning agency, and therefore has no authority.*	Please resolve the conflict between this statement and the project's intent to modify existing residential land use (among others) to transportation uses.

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163 cont. space or natural resources. Please refer to the response to your Comment 100 and Topical Response "Property Acquisition" for information about specifics of property acquisition.

164 The referenced text statement is adequately supported. Additional text on this page provides documentation for the conclusion. Also, please refer to EIR/EIS *Table 3.1.1* for additional analysis of project consistency with local plans and policies of the City of Oceanside General Plan.

165 EIR/EIS *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs*, evaluates potential conflicts with relevant existing land use plans and programs. Please refer to Topical Response "Property Acquisition" for updated information about specifics of property acquisition. The number of full property acquisitions in Oceanside for the refined 8+4 alternative is now much fewer than the 44 properties indicated in the Draft EIR/EIS. This demonstrates the benefits of waiting to disclose too many property acquisition specifics until the more detailed design information is available.

166 There is no discrepancy. Any changes in land uses to transportation uses would occur through purchase of right-of-way for project purposes, not policy or land use designation changes, such as those carried out by land use agencies like municipalities and counties.

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166 cont.	with Local Plans and Policies	*on land use designation or limiting incompatible land uses adjacent to a highway.*	
167	Page 3.1-36 Table 3.1.1: Project Consistency with Local Plans and Policies	*Caltrans proposes to construct noise barriers at various locations along the I-5 corridor, where feasible and reasonable, to abate for highway traffic noise; the location, height, materials, and other design features are discussed in Section 3-15.3.*	If the increased noise levels are not controlled by noise barriers which *may or may not* be built, then noise impacts would be in fact remain significant and unavoidable. The DEIR/EIS must e revised and recirculated to address these impacts with certainty.
168	Page 3.1-42 3.1.2.3 Avoidance, Minimization, and/or Mitigation Measures heading	*As discussed previously, the PWP/TREP recommends measures to achieve consistency with the CMZA, California Coastal Act, and the LCPs. The TREP/PWP would provide an implementation mechanism to address improvements throughout the corridor as a system that would avoid or offset impacts while focusing on protecting, enhancing, and maintaining coastal resource values, and maximizing public access to coastal resources and recreational facilities.*	No mitigation measures or project design features are listed here. Both NEPA and CEQA require the identification of impacts. CEQA also requires the inclusion of mitigation measures to offset or reduce the impacts. The DEIR/EIS must be revised accordingly to include a discussion of the impacts, mitigation measures, and level of significance after implementation after the mitigation program.
169	Page 3.1-45	*No mitigation measures are*	This section needs to be revised to include the referenced designed

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167 As noted in Final EIR/EIS *Section 4.3.4, Noise*, the noise analysis for NEPA in *Chapter 3* is independent of the noise evaluation for CEQA in *Chapter 4.* As described in *Section 3.15,* soundwalls were evaluated in locations where noise receptors are predicted to experience a noise level at or approaching 67 decibels (dBA) or above. This consideration of abatement under NEPA does not necessarily correspond with a determination of significance and need for mitigation under CEQA. Consequently, soundwalls that may be determined to be not "reasonable" or not "feasible" and are therefore not recommended under NEPA do not necessarily represent a failure to provide mitigation under CEQA. The project includes soundwalls for a number of noise receptors that are not required under a CEQA analysis and noise attenuation has been incorporated into the project in a number of locations. This attenuation would provide effective noise mitigation for a large number of locales and receptors along the *I-5 NCC Project*. In the great majority of cases, the difference between no build and build conditions varies from no change (zero decibels) to an increase of three decibels. This is a level of change not generally heard by the average healthy ear. At the project level, for the 27-mile corridor, noise impacts are not identified as significant under CEQA. As discussed in Chapter 4, however, a small number of segments and 58 individual receptors within the *I-5 NCC Project* area could experience potentially significant noise impacts under CEQA. These individual potential impacts would not comprise a substantial land use conflict with local plans and policies. Please also refer to Topical Response "Soundwall Considerations" for additional discussion.

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168 CEQA requires identification of impacts when an impact is anticipated to occur and requires identification of mitigation when an impact has been identified. The preceding text in *Section 3.1.2.2* indicates that identified inconsistencies with regional plans and programs do not rise to the level of an adverse impact. The referenced text is not intended to be a detailed discussion of mitigation measures. EIR/EIS *Section 3.1.2.3, Avoidance, Minimization, and/or Mitigation Measures,* presents the avoidance and minimization efforts undertaken (and ongoing) as part of the project.

Reference to the Project Work Plan/Transportation and Regional Enhancement Program (PWP/TREP) is included because that document—separate from the EIR/EIS but important to project permitting—is the document that will allow the Coastal Commission to confirm the project's anticipated consistency with the Coastal Zone Management Act (CZMA). The specific mitigation and enhancement measures identified in the that document are identified as part of the project Resource Enhancement and Mitigation Program (REMP) and comprise a substantial part of the PWP/TREP, which addresses all impacts and proposed mitigation for the *I-5 NCC Project*, the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail projects, and local agency projects listed in that document. Details as to avoidance, minimization, and mitigation in that plan are found in the topic specific resource areas for biological resources, in *Section(s) 3.17* through *3.22*. These measures have been updated since the circulation of the Draft EIR/EIS, primarily based on new design measures incorporated into the refined 8+4 Buffer alternative (Preferred Alternative), and measures required within the Biological Opinion for the project that was issued by the U.S. Fish and Wildlife Service.

169 EIR/EIS *Section 3.1.3.4, Avoidance, Minimization, and/or Mitigation Measures,* concludes that, consistent with the more detailed discussion of these facilities in Appendix A, adverse impacts would not occur to these park and recreational facilities because the very small direct footprint impacts would not adversely affect their function. No mitigation measures are therefore required. The additional text explains that although no mitigation is required, Caltrans design staff are continuing to evaluate ways to minimize

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169 cont.	6th paragraph	*required. However, the proposed project has been designed to minimize impacts, where possible, by reducing the amount of right-of-way and limiting the grading footprint to minimize impacts to natural resources while still meeting project objectives.*	features. The use of the term "where possible" suggests the potential impacts may in fact not be mitigated; which results in a significant impact. The determination that the project will not significantly impact land use is flawed on this basis and must be revised to incorporate State CEQA definition of a significant land use impact.
	Chapter 3.2 Growth		
170	Overall comment	Lack of impact analysis	The Growth section does not provide analysis [or criteria to use used for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirulated.
171	Overall analysis	Lack of CEQA Thresholds of Significance	The Growth section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "...would have a less than significant effect on the environment"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
172	Page 3.2-2 Environmental Consequences	*Build Alternatives*	This section does not provide a thorough analysis of the project alternatives as required by NEPA. Rather this section lumps the discussion under the subheading "Build Alternatives" instead of discussing the potential impacts on each of the four (4) alternatives. This analysis is inadequate for the purpose of a meaningful environmental evaluation and must be rewritten.

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169 cont. the minor effect. Please also note that Center City Golf Course would no longer be impacted as the Oceanside Boulevard DAR has been removed from the project.

170 *Section 3.2, Growth*, provides an analysis of whether the proposed project would result in otherwise unforeseen direct, indirect, or secondary growth, or would otherwise influence growth. Remaining developable area and population growth projections were evaluated to determine the influence of the project on growth. The remaining developable land within the study area totals approximately seven percent, and approximately half of that is slated for residential projects. It was determined that the potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends. Because this growth is anticipated to occur with or without the project, the project is not considered growth inducing. Because I-5 improvements would not affect projected growth, it is not possible to differentiate between alternatives on this issue. No adverse effects associated with growth would be anticipated with implementation of any of the alternatives.

171 Please refer to the response to your Comment 096.

172 Please refer to the response to your Comment 170.

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173	Page 3.2-3 Avoidance, Minimization, and/or Mitigation Measures	As discussed above, growth within the project area would most likely occur without the proposed project or under any of the project alternatives.	The DEIR/EIS lacks analysis of a "proposed project" as one has not yet been defined by Caltrans. The DEIR/EIS must be revised and to identify which alternative Caltrans prefers.
	Chapter 3.3 Farmlands / Agricultural Lands		
174	Overall comment	Lack of impact analysis	The Farmlands/Agricultural Lands section does not provide analysis [or criteria to use used for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and must be recirculated to allow full public disclosure and review of project impacts.
175	Overall analysis	Lack of CEQA Thresholds of Significance	The Farmlands/Agricultural Lands section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "...would have a less than significant effect on the environment"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
	Chapter 3.4 Community Impacts		

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173 Please refer to the response to your Comment 090. The refined 8+4 Buffer alternative was identified in the Supplemental Draft EIR/EIS as the locally preferred alternative. It has been incorporated into this Final EIR/EIS, and has been identified as the Preferred Alternative for implementation, if the project is approved. As noted above, the refined 8+4 Buffer alternative is the smallest of the build alternatives proposed in the EIR/EIS.

174 As stated in EIR/EIS *Section 3.3, Farmlands/Agricultural Lands*, NEPA and the Farmland Protection Policy Act (FPPA) require federal agencies, such as FHWA (and Caltrans by extension for this project), to coordinate with the Natural Resources Conservation Service (NRCS) if their activities may irreversibly convert farmland. The assessment of potential impacts to farmland is completed on form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Projects, which rates impacts based on several criteria and a point scale from zero to 260. The form reflects coordination with NRCS, which administers the FPPA, and was included in Appendix E of the Draft EIR/EIS. *Table 3.3.1* presents the Farmland Conversion Impact Rating for each alternative. As noted in EIR/EIS *Section 3.3.2, Affected Environment*, the entire northeast corner of Oceanside is designated for agricultural uses. This area would not be affected by the *I-5 NCC Project*. There are no designated agricultural lands in the study area within the City of Oceanside. The analysis in *Section 3.3* is adequate.

175 Please refer to the response to your Comment 096.

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176	Overall comment	Lack of impact analysis	The Community Impacts section does not provide analysis [or criteria to use used for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and must be recirculated.
177	Overall analysis	Lack of CEQA Thresholds of Significance	The Community Impacts section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis in a recirculated DEIR/EIS. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "...would have a less than significant effect on the environment"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
178	Page 3.4-3	3.4.1.3 Environmental Consequences	This section provides discussion on construction-related impacts for the 10+4 Barrier Alternative by City, then discusses the other alternatives without any reference to a City. At best, this section is unorganized and inadequate for the purpose of analyzing potential impacts. The section (and for other resource areas as well) omits analysis for operational impacts.
179	Page 3.4.3 11th paragraph	3.4.3.1 Environmental Consequences *Construction-related impacts to communities in the vicinity of the proposed project would potentially include periodic vehicular and pedestrian access*	The DEIR/EIS correctly identifies environmental impacts to various aspects of the community yet does not provide mitigation or other measures to reduce or offset the impacts. This section must be revised to describe mitigation intended to minimize impact (State CEQA Guidelines §15126.4). In addition, construction impacts from a 30+ year project cannot be considered "temporary". Please delete this statement, and all statements similar to this in the DEIR/EIS, re-assess and recirculate.

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176 EIR/EIS *Section 3.4, Community Impacts,* adequately addresses the impacts of each alternative under this environmental issue. The potential for relocation based on availability of like properties is reviewed in *Section 3.4.2.3*, with additional aid described where relocation may be difficult in *Section 3.4.2.4.* Regarding criteria for the analysis, please refer to the response to your Comment 096.

177 Please refer to the response to your Comment 096. Please also note that the removal of individual homes or businesses is generally identified under CEQA as an economic impact, which is generally not considered a CEQA environmental impact.

178 EIR/EIS Section 3.4.1, *Community Character and Cohesion*, is organized in accordance with the SER. Impacts are similar among the alternatives, with the exceptions noted in the discussion of each alternative. The discussion by each alternative relates to operational (permanent) impacts. Construction impacts, which would be the same for each alternative for this topic, were discussed in the single paragraph under that heading on page 3.4-3 of the Draft EIR/EIS.

179 It is assumed that this comment is related to page 3.4-3, *Section 3.4.1.3, Environmental Consequences,* of *Community Impacts*. Measures proposed to be incorporated into the project design to minimize potential impacts to the community during construction of the proposed project are provided in EIR/EIS *Section 3.4.1.4, Avoidance, Minimization, and/or Mitigation Measures,* under the heading *Construction-related Measures*.

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179 cont.		*disruptions, increased noise, dust generation, reduced visual quality, and economic impacts. … Any disruptions and impacts related to construction activities would be temporary.*	
180	Page 3.4-5 4th paragraph	*Most of the community enhancement features, if implemented, would occur in areas with high minority populations….*	This statement is under the heading Environmental Consequences. However, this statement follows the discussion of possible community features which have not been determined as a part of the project. More accurately this section should discuss the potential environmental consequences stemming from project implementation [as suggested in the heading]. Please revise to include this analysis. Further, the use of the term "if implemented" renders these statements subjective which provide no bearing on the environmental analysis. These statements must be deleted as they are uncertain outcomes of the project.
181	Page 3.4-5 5th paragraph	*The proposed project would also impact a portion of the Center City Golf Course, an 18-hole public golf course, but would not affect any of the activities, features, or attributes of the facility.*	Please clarify what the impact will be to the Center City Golf Course, and include the discussion under Section 3.1.3. Park and Recreational Facilities, as well.
182	Page 3.4-6 6th paragraph	3.4.1.4 Avoidance, Minimization, and/or Mitigation Measures *The following measures would help to minimize impacts to communities*	"Noting" traffic impacts in a TMP does not constitute actual mitigation measures because "noting" an impact does not have an actual effect on reducing or minimizing an impact. It is also unclear what this mitigation measure is intend to minimize in the first place. CEQA requires a nexus between the impact and mitigation (State CEQA Guidelines §§15041(a) and 15126.4).

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180 As noted in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, the features represent possible community enhancement opportunities that would be constructed simultaneously with the *I-5 NCC Project*. Also as noted in EIR/EIS *Section 2.3*, these "candidate" projects for consideration tended to be trails, park and ride enhancements, streetscape enhancements, etc. These projects were folded into the overall project footprint during impact evaluation and generally would not result in additional impacts beyond those identified for the project. The specific impacts for primary impact categories (e.g., land use, biology) were provided in the Supplemental Draft EIR/EIS and have been incorporated into this Final EIR/EIS.

The term "if implemented" is appropriate disclosure. These features are considered "candidates for inclusion" in the project's final design and may or may not all be implemented, as this would be dependent on each local agency agreeing to maintain them in perpetuity.

181 The proposed project as described in the Draft EIR/EIS would have required the use of 0.89 acre of the 70-acre golf course property for the construction of the DAR connecting Oceanside Boulevard with future HOV/Managed Lanes. The impacted land is located downhill from the golf course and would not have affected play at any of the holes of this golf course. Based on the elimination of the Oceanside Boulevard DAR from the project, the Center City Golf Course would no longer be impacted by the project.

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182 cont.		*during construction activities:* *• Traffic impacts around schools would be noted in the Traffic Management Plan.*	
183	Page 3.4-8	Table 3.4.1: Relocation Associated with the 10+4 with Barrier Alternative	This table is inconsistent with the Potential Parcels Impacts table provided to the City. The table in the DEIR/EIS states 44 residential units and 3 businesses will be relocated; whereas the "Potential Impacted Parcels" table just recently provided to the City [half way into the review period] demonstrates 44 partial and full land acquisitions but does not state if they are multi-family, single-family or businesses. These deficiencies in the DEIR/EIS and project materials render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirculated.
184	Pages 3.4-9 1st paragraph 2nd paragraph	3.4.2.3 Environmental Consequences *The 10+4 with Barrier Alternative would displace 13 single-family and 31 multi-family units in Oceanside. Nine of the single-family units are located in South Oceanside, with 3 single-family units and 31 multi-family units located in Townsite, and one single-*	The DEIR/EIS identifies impacts from project implementation making relocation necessary for the occupants of 44 residential units and 3 businesses. The reader is then referred to additional documents to review details of the displacements of Oceanside residents. The DEIR/EIS should be re-written to include the summary of the additional reports, in addition to acknowledgement of a significant and adverse land use impact to relocating 44 residential units and 3 businesses. In addition, the "Potential Impacted Parcels" table provided by Caltrans to the City is essential to understanding the impact analysis and should have been contained in the DEIR/EIS. The DEIR/EIS must be revised to include the corrected information and recirculated to allow full disclosure and public review.

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182 Specifics in the TMP cannot be developed until there is project approval, selection of an alternative, and final design, so detailed construction activities and phasing are known. The statement that traffic impacts around schools would be noted is meant to convey the requirement for these areas to receive special attention in the development of TMP measures. Please also see the response to your Comment 023 for information regarding typical TMP measures.

183 Please refer to Topical Response "Property Acquisitions" for information about specifics of property acquisition, as well as the response to your Comment 165.

184 Please refer to Topical Response "Property Acquisitions" for information about specifics of property acquisition, as well as the response to your Comment 100.

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184 cont.		*family unit in East Side Capistrano.* *Three businesses in Loma Alta would require relocation within Oceanside.* *While adequate relocation opportunities exist for two of these sites, it may be difficult to identify an appropriate relocation site for a specialty sports business….* *Therefore, relocation impacts are not anticipated to be adverse.*	
	Chapter 3.7 Visual and Aesthetics		
185	Overall comment	Lack of impact analysis	The Visual/Aesthesis section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirculated.
186	Overall analysis	Lack of CEQA Thresholds of Significance	The Visual/Aesthesis section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which

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185 Visual effects of the project have been adequately addressed in EIR/EIS *Section 3.7, Visual/Aesthetics,* and the Visual Impact Assessment revised April 2009. The approach to the analysis of the alternatives is explained on page 3.7-16 of the Draft EIR/EIS. Differences in freeway width between the proposed build alternatives would be relatively minor in most locations, and proposed freeway features expected to affect visual resources such as noise walls would be the same or similar. The analysis methodology follows federal guidance as discussed in EIR/EIS *Section 3.7.3, Environmental Consequences*. The criteria to be used in the analysis were identified in the Draft EIR/EIS under the headings Assessment Method and Definition of Visual Impact Levels. The Draft EIR/EIS analysis included 38 photos of existing resources and 18 visual simulations to aid readers of the document in understanding projected visual effects of project implementation.

186 Please refer to the response to your Comment 096 regarding lack of thresholds. Please note that the fact that an impact is identified in *Chapter 3* does not lead directly to identification of a significant impact under CEQA in *Chapter 4*. An impact identified under

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186 cont.			resource areas "*...would have a less than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
187	General Comment	Additional analysis required	Without providing conceptual drawing demonstrating the proposed noise walls along the I-5, a complete assessment of impacts cannot be achieved. Please provide visual simulations of the noise walls at the drivers' eye level for the Oceanside segment for analysis of significant view impacts to the coastal views and views noted in the Oceanside General Plan.
188	Page 3.7-2	Figure 3-7.1: Landscape Units Map (not to scale)	This table should be revised to include "to scale" measurements. There should be an accompanying geographic description of the various landscape units. On this figure some landscape units appear larger in spatial size, what is the reasoning for that?
189	Pages 3.7-10 - 3.7-11	Criteria for vividness, intactness, and unity	The use of the term "moderate" and "moderately high" are undefined as these terms relates to the assessment criteria of vividness, intactness, and unity. Please revise to include a scale or some other means to assess these criteria.
190	Pages 3.7-10 - 3.7-11	The viewshed boundaries are not stated.	Please define the boundaries of the various viewsheds referenced to be in or around the City of Oceanside (i.e., Buena Vista Lagoon, Loma Alta Creek, Oceanside Gateway, and San Luis River).
191	Page 3.7-15 4th paragraph	*Specific goals and policies contained in the general plans of other cities in the corridor reflect the community values expressed above.*	Please state the various City's goals and objectives for aesthetic sand viewscapes, and assess for project consistency.
192	Page 3.17-16	Figure 3-7.41: Key View Map	It appears Key Views #14, 15, 16 and 17 are relevant to the City of Oceanside. However the discussion for Key View 14 (page 3.7-13) appears to be the same discussion and photos depicted for Key View 12 in the City of Carlsbad, please reconcile. Similarly, Key View 15 while demonstrated to be within or near the City on the figure provides an assessment of viewscapes with Carlsbad.

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186 cont. NEPA, with associated avoidance, minimization, and mitigation measures pursuant to NEPA, may be beneficial, or adverse, but less than significant under CEQA.

187 Draft EIR/EIS visual simulations included *Key View #14 – I-5 at Carlsbad Village Drive; Key View #16 – I-5 at Oceanside Boulevard DAR; and Key View #17 – Mission Avenue Interchange.* While not all of these views are within the Oceanside segment of I-5, these views are representative of anticipated noise walls along the I-5 corridor. Deletion of the Oceanside Boulevard DAR resulted in deletion of the simulation associated with this feature from the Final EIR/EIS. Visual impacts at the locations of walls that would block views were concluded to be moderately high and high. At Mission Avenue, however, the project would enhance the viewshed and was determined to have no visual impact. A new simulation of I-5 in the vicinity of California Street has been added (*Figure 3-7.102*). Additional simulations of the Buena Vista Lagoon bridge (*Figures 3-7.80* and *3-7.96*) and toward I-5 along the San Luis Rey River (*Figure 3-7.100*) are also provided in this Final EIR/EIS. Both demonstrate the minimal visual effect of I-5 improvements over these water views.

188 As described in *Section 3.7.2, Affected Environment*, a landscape unit can be thought of as an outdoor room that exhibits a distinct visual character, and will often correspond to a place or district that is commonly known among local viewers. They provide context for the reader as well as the base condition against which project change is evaluated. Providing a precise "to scale" map that defines the exact boundaries is not necessary to accomplish the analysis. The discussions that follow *Figure 3-7.1* describe each landscape unit in words and pictorially. The reason some of the landscape units are depicted as larger than others is that the extent to which relatively uniform or common attributes are located in proximity to each other varies in geographic area (i.e., can be larger or smaller in size).

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189 These terms are defined in detail in the FHWA guidance document, Visual Impact Assessment for Highway Projects referenced in the Visual Impact Assessment revised April 2009 and available through the Caltrans Standard Environmental Reference home page at www.dot.ca.gov/ser/downloads/visual/FHWAVisualImpactAssmt.pdf.

As an example, very high vividness indicates a high level of memorability, and unity/intactness would have no man-made development, encroachments, or undesirable eyesores. Low vividness would be "forgettable" in nature and unity/intactness could have a high degree of man-made development or many visually inconsistent elements "encroaching" into the view. The FHWA guidance document presents photographs that illustrate these concepts and terms.

190 A viewshed is defined as all the surface areas visible from an observer's viewpoint. The Project Viewshed Map in the Visual Impact Assessment illustrates the general boundaries of the viewsheds and locations where distant views are available from the freeway (and where the freeway can be seen from distant view locations).

191 Sufficient summary information from the local planning documents is provided in *Section 3.7* to document that views within the North Coast Corridor are valued by the local communities. This policy information was factored into the conclusion that the project would substantially lower visual quality within the corridor.

192 Key View #14, *I-5 at Carlsbad Village Drive,* was discussed on page 3.7-31 of the Draft EIR/EIS. Although the photos are labeled "northbound," the discussion properly describes the view as southbound between Tamarack Avenue and Carlsbad Village Drive. The discussion is similar but not the same as for Key View #12, which is northbound and for which the proposed soundwall is noted as blocking high quality views of Holiday Park and Carlsbad Village. Key View #15 is of Pine Street in Carlsbad, south of Carlsbad Village Drive. Key View #16 is of I-5 at Oceanside Boulevard DAR, but this proposed facility has been eliminated from the project. Key View #17 is of the Mission

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192 cont.			Please clarify and re-assess potential aesthetic impacts.
193	Page 3.7-33	*Key View 16* *Change to Visual Quality/Character* *The change would be incompatible with the visual character of the adjacent surroundings.* *Resulting Visual Impact* *Change to visual quality and character would be high. Viewer response would be high. The visual impact would be high.* [emphasis added]	This City agrees with these statements which constitute significant adverse aesthetic impacts. Based on the DEIR/EIS conclusion, please explain how the Summary chapter concludes: *"Visual character of the corridor would become substantially more urban. Visual quality would be lowered substantially. One ocean view would be lost."* Summary Chapter Table S.1; Summary of Major Potential Impacts by Alternative. The DEIR/EIS should be revised accordingly. Proper acknowledgement of potential impacts would have revealed the need for more appropriate mitigation, and for examination of alternatives to avoid or reduce affected areas.
194	Page 3.7-33	*Key View #16* *Proposed Project Features* *Retaining walls up to 12.2 m (40 ft) in height in cut sections of the roadway would be located near the existing right-of-way and additional space at the base of the walls for landscaping would not be available. A noise wall 3.6 m (12 ft) in height would be located at the top of the*	Key View #16 in Oceanside would result in a 52 foot high wall and would significantly affect residents, local street users, and freeway travelers. This sentence should be revised to acknowledge this severe impact and the DEIR/EIS should be recirculated for public review to allow disclosure of this new significant adverse environmental impact.

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192 cont. Avenue Interchange, which is described correctly, although the photos were mislabeled as I-5 at Oceanside Boulevard DAR. The labeling has been corrected in this Final EIR/EIS. Because the proposed DAR at Oceanside has been eliminated, there is no longer a need for a focused simulation at this location.

193 *Table S.1* in the Draft EIR/EIS presented a generalized description of impacts. This information is provided in Final EIR/EIS *Table ES.14*. EIR/EIS *Sections 3.7 and 4.4.1, Visual/ Aesthetics*, conclude impacts to views remain high under NEPA after implementation of mitigation measures, and impacts that range from moderate visual impact to high visual impact are considered significant under CEQA. Both of these conditions are appropriately summarized as lowering visual quality substantially.

194 The Oceanside Boulevard DAR has been eliminated from the project and this key view no longer applies. Please refer to the discussion of the new Oceanside Boulevard Interchange view in this Final EIR/EIS.

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194 cont.		*retaining wall on the southbound side of the freeway.*	
195	Page 3.7-35	Key View #17 – Mission Avenue Interchange Summary of Visual Impacts *… a number of interchange/operations/adjacent projects would move forward independently from the I-5 NCC Project as described in Chapter 2.*	If this in fact is the case, please explain why Key View #17 - Mission Avenue Interchange is included in the DEIR/EIS analysis.
196	Page 3.7-35 1st paragraph	*Loss of Existing Views and Creation of a "Tunnel Effect"* *…In addition, the sense of enclosure created by the walls would be similar to the travel experience one now encounters in large urban areas to the north, thereby diminishing the region's unique visual identity.*	The City agrees that portions of the project will result in a 'tunneling effect'. This sentence should be revised to acknowledge this severe impact and the DEIR/EIS should be recirculated for public review to allow disclosure of this new significant adverse environmental impact.
197	Page 3.7-33	Figure 3-7.78: Visual Impact Summary Map	This figure is not consistent with the Figure 3-7.41: Key View Map or Figure 3-7.1: Landscape Units Map (not to scale). Whereas the assessment of impacts does not accurately portray the loss of ocean views, loss of view to resource, and impact to resource in addition to loss of desirable view (thus recreating the "tunnel vision"), and impact of the addition of large structures and walls. The DEIR/EIS should be revised accordingly. Proper

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195 The key view is included because the *I-5 NCC Project* proposes to reconfigure the interchange to eliminate the two existing free-flow freeway ramps located on the south side of Mission Avenue, as depicted in the photo simulation.

196 As demonstrated by your quote, this is not a "new" impact, but was disclosed in the Draft EIR/EIS. Visual impacts have been consistently recognized as high. Please also refer to the response to your Comment 193.

197 *Figure 3-7.78* was a generalized summary of results discussed in the text of the Draft EIR/EIS. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS). Visual impacts have been consistently recognized as high. Please refer to the response to your Comment 193.

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197 cont.			acknowledgement of potential impacts would have revealed the need for more appropriate mitigation, and for examination of alternatives to avoid or reduce affected areas.
198	Page 3.7-35 9th paragraph	*At some freeway interchanges, the project may include new visual elements that would be incompatible with existing visual character.*	This sentence should be revised to acknowledge this severe impact and the DEIR/EIS should be recirculated for public review to allow disclosure of this new significant adverse environmental impact.
199	Page 3.7-36	Figure 3-7.78: Visual Impact Summary Map	This figure, while not to scale, states there will be *scenic resource impacts from loss of ocean view, loss of view to resource, and impacts to resource,* as well as, *freeway viewer impacts from loss of desirable view, larger walls or structures, and loss of mature trees* to the areas with the City boundary. In conflicting analysis the DEIR/EIS concludes in the Summary Chapter: *Visual character of the corridor would become substantially more urban. Visual quality would be lowered substantially. One ocean view would be lost.* This statement does not address the conclusions in the Visual and Aesthetics Chapter or the Figure referenced. The DEIR/EIS should be revised to acknowledge this severe impact and the DEIR/EIS should be recirculated for public review to allow disclosure of this new significant adverse environmental impact.
200	Page 3.7-37 7th paragraph	*The overall visual impact of each mitigated build alternative would remain high.*	A Statement Of Overriding Considerations will be required for this project impacts to visual resources / aesthetics (State CEQA Guidelines §15093).
201	Overall comments	3.7.4 Avoidance, Minimization, and/or Mitigation Measures	Deferred mitigation is strictly prohibited in CEQA (consisting of adhering to the following design requirements in consultation with the District 11 Landscape Architect (DLA), and corridor design guidelines would be developed under the direction of the DLA) and Summary page S-9 whereas it states; "*Since the project has not yet been designed, specific visual mitigation measures cannot be proposed at this time*".

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198 The paragraph referenced is specifically discussing impacts at community entry points and particular types of features such as maintenance vehicle roads, rock rip-rap slopes, concrete headwalls, standpipes, and chain link fencing that could be added at these interchanges. No recirculation is necessary.

199 Please refer to the response to your Comment 193.

200 A Statement of Overriding Considerations will be prepared, as required under CEQA, to address impacts to visual resources that are concluded to be significant and unmitigable in EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects.*

201 EIR/EIS *Section 3.7.4, Avoidance, Minimization, and/or Mitigation Measures,* explains that because the project has not completed final design, specific visual mitigation measures cannot be proposed at this time. The EIR/EIS also states that alternative mitigation measures may be necessary in each viewshed as project designs are developed and mitigation design guidelines are applied, that the overall visual impact of each mitigated build alternative would remain high under NEPA, and that impacts to Visual/Aesthetics would remain significant under CEQA after implementation of the mitigation identified in *Chapter 3* and in the Design Guidelines: I-5 NCC Project, which are available on the Caltrans website and keepsandiegomoving.com.

The locations of proposed walls and associated aesthetic improvements have been identified to the level of detail possible at this stage of design, and recommended walls are depicted on Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*. Caltrans

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201 cont. has committed to analyzing the visual effects of specific project features, synthesizing applicable mitigation measures from the EIR/EIS and the Design Guidelines: I-5 NCC Project, applying those requirements to actual design features in specific locations, and submitting proposals to the project design team during project design and construction, after project approval and selection of an alternative. This commitment does not indicate mitigation measures are being deferred.

Because the project design process is ongoing and will not (and cannot) be completed prior to final environmental review, identification of mitigation is necessarily "generic and illustrative." This does not mean that identified mitigation measures are not valid or applicable, but rather that precise site-specific characteristics will not (and cannot) be identified until additional design detail is available. Identified mitigation measures are based on extensive Caltrans experience with similar projects. Whether or not a particular mitigation measure is applicable or likely to completely mitigate the identified impact can be projected with a relatively high level of certainty fairly early in the process (e.g., at the time of Draft EIR/EIS circulation). For example, the identification of replacement and/or additional landscaping per Caltrans standards is a valid mitigation measure, even though it is not practical to develop precise site-specific design details at this time. In other words, details such as the exact type and numbers of plants, location, and height of proposed landscaping may vary with design factors; including grading parameters (e.g., manufactured slope dimensions), the nature/extent of proposed facilities (including whether or not soundwalls are ultimately approved by the shielded property owners), the nature and quality of associated visual resources, physical planting limitations, and irrigation requirements. Consistent with this phased approach, this Final EIR/EIS contains the Design Guidelines: I-5 NCC Project, which provides additional specificity over that provided in the Draft EIR/EIS.

All mitigation specified within the EIR/EIS is considered to be enforceable; extensive measures for visual effects are included in Appendix D, Environmental Commitments Record. Terms such as "if at all possible" allow for some flexibility based on final design

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201 cont.			Please list out the requirements and state whether or not they are intended to offset or reduce potential impacts. Please provide a list indicting the locations of all proposed retaining walls, sound barrier walls, mechanically stabilized earth walls, safety railing, landscaping, surface treatments, and overcrossing and undercrossing abutments. This information must be included in a revised DEIR/EIS that is recirculated for public review and comment. As comments previously, use of the terms "should" and "if at all possible" are not enforceable mitigation measures. As such, the language should be revised.
	Chapter 3.8 Cultural Resources		
202	Overall comment	Lack of impact analysis	The Cultural Resources section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirulated.
203	Overall analysis	Lack of CEQA Thresholds of Significance	The Cultural Resources section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "*...would have a less than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).

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201 cont. parameters and agreements with affected responsible agencies. The EIR/EIS discloses that mitigation measures that require regular maintenance and are located outside Caltrans right-of-way such as trees planted along local streets or measures that require the installation of non-standard equipment within the right-of-way, such as pedestrian bridge lighting, can be implemented only if the responsible local government would be willing to maintain them in perpetuity.

202 The effects of the project on archaeological sites and built environment resources over 50 years old have been adequately addressed in EIR/EIS *Section 3.8, Cultural Resources,* and the technical studies listed in *Section 3.8.2, Affected Environment*. The basis for analysis is explained in *Section 3.8.1, Regulatory Setting*. Effects to cultural resources would apply equally to all the build alternatives, as noted in *Section 3.8.3, Environmental Consequences*; therefore, the alternatives are not discussed separately, as is done for some other issues. Please also refer to the response to your Comment 096.

203 Please refer to the response to your Comment 096.

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204	Page S-4 2nd paragraph	*Significant Irreversible Environmental Changes: The following resources would be converted: wetlands, sensitive species and natural communities, farmlands, homes, floodplain, cultural resources, and visual resources.*	The Summary chapter states Cultural Resources will be "converted", but does not provide corresponding analysis to support this conclusion. The loss or impact to two (2) archeological resources is in fact significant for the purpose of NEPA and CEQA analysis. The DEIR/EIS should be revised to acknowledge this severe impact and the DEIR/EIS should be recirculated for public review to allow disclosure of this new significant adverse environmental impact.
205	Page S-10 4th paragraph	*Built Environment Resources* *For the two NRHP/CRHR eligible historic properties identified within the Built Environment APE, 510-514 La Costa Avenue and 767 Orpheus Avenue, project design changes were made that avoided adverse effects to the resources by reducing impacts to an absolute minimum. Therefore no mitigation measures are required.*	The DEIR/EIS states there will be adverse impacts to two (2) historic properties (in Carlsbad and Encinitas) [CA-SDI-12670 and CA-SDI-17928 to be impacted]. The conclusion that "no mitigation measures are required" is not supported by analysis in the DEIR/EIS. Further, on the same page, mitigation measures are referred to. This discrepancy within the DEIR/EIS needs to be resolved and the DEIR/EIS must be revised accordingly.
206	Page 3.8-1	*Cultural resource reports prepared for the project to date:* *Historic Property Survey Reports (HPSR):* *• (Original) HPSR (March 2007)*	These studies have not been made available for general public review as of 11/1/10. The studies are not included with the DEIR/EIS nor are they available on the project website. These reports should be made with any confidential or sensitive information removed. CEQA requires full disclosure of public record (State CEQA Guidelines §15150) and these documents have been incorporated by reference into the

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204 The *Executive Summary* does not contain an analysis. Please refer to EIR/EIS *Section 3.8.3, Environmental Consequences*, for detailed information about cultural resources effects. The two archaeological resources mentioned in this comment would not be lost. The EIR/EIS notes that proposed soundwall locations would impact a very small portion of each site, and impacts to cultural resources in these locations would be mitigated through retrieval of any encountered archaeological materials from the affected site areas, and then analyzing, documenting, and curating the archaeological materials. Significance is not concluded within *Section 3.8.3,* because this section was prepared to satisfy NEPA.

205 The *Executive Summary* does not contain an analysis. Please refer to EIR/EIS *Section 3.8.3, Environmental Consequences*, for detailed information about cultural resources effects. Regarding archaeological sites CA-SDI-12670 and CA-SDI-17928, please refer to the response to your Comment 204.

Regarding the eligible historic properties mentioned in this comment, the discussion under Built Environment Resources notes that small right-of-way sliver acquisitions at the perimeter of the two historic properties are required to construct the project and/or build a soundwall, and these acquisitions would not affect any of the qualities that make these properties important, as no buildings, landscaping, or other contributing features would be impacted.

There is no discrepancy and the EIR/EIS does not need to be revised.

206 Please refer to the response to your Comment 092.

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206 cont.		• *First Supplemental HPSR (May 2008)* • *Second Supplemental HPSR (May 2008)* • *Archaeological Survey Reports (ASRs [Original] ASR (2002)* • *Supplemental ASR (December 2006)* • *Second Addendum ASR (July 2008)* • *Third Addendum ASR (July 2008)* *Historic Resource Evaluation Reports (HRER) for historic structures:* • *[Original] HRER (July 2005)* • *First Addendum HRER (August 2006)*	DEIR/EIS. NEPA requires that the appendix contain material prepared in connection with the EIS (CEQ §1502.18).
207	Page 3.8-2 3rd paragraph	*Three architectural resources are eligible for the NRHP/CRHR: 767 Orpheus Avenue, 636 Leucadia Boulevard, and 510-514 La Costa Avenue…*	This statement conflicts with the Summary chapter findings. Please revise the DEIR/EIS accordingly.
208	Page 3.8-3 6th paragraph	*Adverse effects would result from soundwall construction, should they be built.*	The DEIR/EIS acknowledges adverse impacts to cultural resources but disregards measures to offset or reduce impacts. Proper acknowledgment of potential impacts would have revealed the need for mitigation.
209	Page 3.8-3	*None of the three built*	As stated in earlier comments regarding cultural resources, the DEIR/EIS

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207 Three historical resources are eligible for the National Register of Historic Places / California Register of Historic Resources (NRHP/CRHR), but two are located within the Area of Potential Effect (APE). These are the two resources mentioned in the *Executive Summary*. There is no conflict. Please also note that one of the resources that was located in the APE at the time the Draft EIR/EIS was circulated has since been removed from the APE through design refinement.

208 No measures to reduce impacts to the two eligible archaeological resources sites have been disregarded. The EIR/EIS notes that proposed soundwall locations would only impact a very small portion of each site, and that through retrieval of the information from the affected site areas, i.e., data recovery, and then analyzing, documenting, and curating the archaeological materials, impacts to the resources would be mitigated.

209 Three historical resources are eligible for the NRHP/CRHR, but two were located within the APE at the time of Draft EIR/EIS circulation. Please also refer to the responses to Comments 202 through 208.

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209 cont.	9th paragraph	*environment resources determined eligible within the APE would be adversely affected by the undertaking.*	goes back and forth in regards to 2 or 3 impacted areas. This discrepancy needs to be corrected. In addition, this statement conflicts with the above statement (same page, 6th paragraph) whereas adverse impacts are concluded. The analysis should be revised to disclose potential cultural resource impacts and to reflect necessary mitigation. Where required, mitigation measures should be clearly laid out and in proportion to the adverse impact.
210	Page 3.8-4 1st and 2nd paragraph	*Additional efforts to avoid causing indirect impacts to eligible archaeological sites would include archaeological and Native American monitoring and establishment of ESAs around the sites. ESAs would be marked on the construction contract Plans, and would be called out in the contract Specifications…*	The City recognizes these items are intended to offset or reduce potential impacts; and therefore, these efforts are designed to avoid impacts which are in fact mitigation measures. The DEIR/EIS should be re-written to acknowledge these statements. For example, if these "additional efforts" are not implemented, what would the impact be? In addition, various discussions pertaining to cultural resources stating there is no mitigation will need to be revised for consistency. See State CEQA Guidelines §§15126.4 & 15380 and CEQ §1508.20.
	Chapter 3.17 Natural Communities		
211	Overall comment	Lack of impact analysis	The Natural Communities section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirulated.
212	Overall analysis	Lack of CEQA Thresholds of Significance	The Natural Communities section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be

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210 The measures discussed in EIR/EIS *Section 3.8.4, Avoidance, Minimization, and/or Mitigation Measures,* would be incorporated into the project and are therefore properly identified, pursuant to NEPA, as features that would avoid impacts. The assurance that these measures would be incorporated into the project is also documented in Appendix D, Environmental Commitments Record.

211 The effects of the project on natural communities have been adequately addressed in EIR/EIS *Section 3.17, Natural Communities* and the primary Natural Environment Study (NES) and other studies referenced in *Section 3.17.2, Affected Environment*, as well as the Supplemental Draft EIR/EIS circulated to the public in August 2012 (and incorporated into this Final EIR/EIS). Because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint of the 10+4 Barrier alternative is the only alternative shown in the graphics, but the build alternatives are discussed separately in the text in EIR/EIS *Section 3.17.2, Environmental Consequences*. Additional information regarding lagoon impacts and the impacts of the refined 8+4 Buffer alternative (LPA) was also provided in the Supplemental Draft EIR/EIS and is incorporated into this Final EIR/EIS. Please also refer to the response to your Comment 096.

212 Please refer to the response to your Comment 096.

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212 cont.			revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "*...would have a less than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
213	General Comment	–	Due to the large geographic scope of the project, the analysis should be revised to provide specific information on particular areas separated by communities or another designation.
214	Page 3.17-1 4th paragraph	*A total of 30 plant communities, with eight occurring in both disturbed and undisturbed condition, were identified within the Study Area.*	No analysis is provided for the 30 plant communities identified. While the DEIR/EIS provides Tables 3.17-1 and 3.17-2 (permanent and temporary impacts) listing the communities and acreage impacted, there is no corresponding assessment to determine the level of impact. As currently written, the potential impacts from project implementation are not clearly identified. The DEIR/EIS should be revised accordingly.
215	Page 3.17-6 4th paragraph	*Temporary construction impacts to sensitive upland communities would be 0.04 ha (0.1 ac) Baccharis scrub, 0.07 ha (0.18 ac) of disturbed Baccharis scrub, 1.22 ha (3.02 ac) of CSS, 4.68 ha (11.55 ac) of disturbed CSS, 0.29 ha (0.72 ac) of maritime succulent scrub, 0.02 ha (0.05 ac) native grassland, 5.16 ha (12.75 ac) of nonnative grassland, 0.12 ha (0.29 ac) of southern maritime chaparral, and*	This project is expected to be under construction for some 38 years (2012-2050) and cannot be concluded to result in temporary construction impacts to biological resources. The DEIR/EIS should be revised accordingly. Proper acknowledgement of potential impacts would have revealed the need for more appropriate mitigation, and for examination of alternatives to avoid or reduce affected areas.

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213 Please refer to the response to your Comment 211.

214 The analysis of the impacts to the various plant communities is provided in *Section 3.17.2*. Please also refer to the response to Comment 211.

215 Although the entire project will take many years to be fully implemented, construction at any one location will be of much shorter duration and can be concluded to be temporary. As each segment of construction is completed, temporarily disturbed plant communities will be restored.

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215 cont.		*0.75 ha (1.86 ac) of disturbed southern maritime chaparral habitat (Table 3.17-2). Temporary impacts proposed for the 10+4 with Barrier include 1.47 ha (3.64 ac) of open water and 1.37 ha (3.37 ac) of southern coastal salt marsh (Table 3.17.2).*	
216	Page 3.17-9	Avoidance, Minimization and/or Mitigation Measures	The five (5) listed conservation measures (presumably mitigation measures) are insufficiently linked to the impacts to upland and wetland communities from project implementation. Tables 3.17-1 and 3.17-2 list other communities having impacted acreage. Furthermore, the last bullet point (#5) states that "All temporary impact areas would be revegetated and restored to pre-existing conditions"; however, this language is vague in determining precise locations (no exhibit demonstrating the areas is provided), or when this conservation measure would occur. The DEIR/EIS should be revised accordingly.
217	Page 3.17-9 2nd paragraph	*Although impacts to the lagoons cannot be avoided, there are ongoing studies of the hydrology in the lagoons and methods to enhance water flow under the bridges that would be used during the bridge design.*	The Lead Agency will need to prepare a Statement of Overriding Considerations (CEQA) based on these environmental consequences. This should be clarified in Chapter 3.24 Irreversible and Irretrievable Effects within the DEIR/EIS. As a Responsible Agency, the City of Oceanside would have to make findings for elements of the project under its jurisdiction and supporting the Statement of Overriding Considerations. However the DEIR/EIS is does not provide the City with adequate analysis to support the conclusions reached by the Caltrans at this time.
218	Page 3.17-10 through Page 3.17-23	Maps of the vegetation communities overlaid on 2003 aerial are provided in	The use of aerial maps dated back to 2003 is inadequate for the purposes of an environmental review seven (7) years later. These figures should be updated to reflect the current habitat and re-circulated with corresponding

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216 The locations that would be revegetated are the places where the final footprint of the Preferred Alternative, if the project is approved, would temporarily impact natural communities. *Figures 3-17.1a* through *3-17.1n* indicate these locations to the level of detail possible at this stage of project development. Several of the communities listed in *Table 3.17.1* and *Table 3.17.2,* including bare ground, developed, and ornamental, would not require revegetation, as they are not considered sensitive communities. Impacts to sensitive natural communities for each build alternative are discussed in *Section 3.17.2, Environmental Consequences*. The measures listed in *Section 3.17.3, Avoidance, Minimization, and/or Mitigation Measures* apply to those impacts. In addition, this section notes that conservation measures for species and compensatory mitigation for the project are discussed in *Sections 3.19, Plant Species*; *3.20*, *Animal Species*; and *3.21, Threatened and Endangered Species*.

Please also refer to Topical Response "Lagoon Evaluations" for discussion of additional studies about impacts to lagoons and associated avoidance, minimization and mitigation measures, which were provided in the Supplemental Draft EIR/EIS and have been incorporated into the Final EIR/EIS. The Final EIR/EIS has also been updated to reflect available information to date regarding mitigation agreements with resource agencies. Such agreements will continue to evolve through the permitting process.

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217 Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*. An impact that is described in *Chapter 3* as one that cannot be avoided is not necessarily a significant unavoidable impact under CEQA. CEQA significance conclusions are provided in *Chapter 4*.

Biological resources discussed in *Chapter 3* of the Draft EIR/EIS as being subject to impacts that could not be avoided (for example on pages 3.17-9, 3.18-3, and 3.21-7) are also listed for CEQA purposes in EIR/EIS *Section 4.3, Less than Significant Impacts with Mitigation and/or Minimization.* These impacts are considered to be reduced to below a level of CEQA significance through the conservation measures, compensatory mitigation, and participation in regionally important restoration projects, as described in *Chapter 3* of the EIR/EIS and referenced in *Chapter 4.* Please also refer to the response to your Comment 216.

The City's position regarding alternatives that result in unavoidable effects is acknowledged. Please note that the CEQA conclusions reached in *Chapter 4* are based on the analysis contained in both *Chapters 3 and 4*. Substantial additional information regarding lagoon impacts and mitigation was circulated in a Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS.

218 The baseline for analysis in an environmental document is what exists at the time the NOP is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The biological resources measures and evolving permit conditions are structured to address conditions at the time of construction and ensure adequate mitigation for actual resources impacts. Surveys will be completed as needed immediately prior to initiation of each

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218 cont.		*Figures 3-17.1a to 3-17.1m*	analyses. In addition, the chapter states various biological reports were prepared "in support of this section" for the years 2004, 2006, and 2007. Please explain how the 2003 date was to determining to be the appropriate date of figures.
219	General comment	–	It is unclear why the discussion of potential impacts to wetlands is divided into Chapters 3.17 Natural Communities and Chapter 3.18 Wetlands. When the tables and figure in this chapter include wetlands communities. EIRs and EISs are required to be informational documents designed to evaluate and disclose potential environmental impacts. At the same time, these documents should be organized and written in a manner that will be meaningful and useful to decision makers and to the public. As currently written, the DEIR/EIS fails to do so for the numerous reasons stated herein.
220	General comment	Residual impacts	With implementation of the mitigation measures, what is the level of significance of the potential impacts? Without determining if a residual impact would occur, the cumulative impact(s) of the project cannot be properly assessed. The DEIR/EIS should be revised accordingly.
	Chapter 3.18 Wetlands and Other Waters		
221	Overall comment	Lack of impact analysis	The Wetlands and Other Waters section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirculated.
222	Overall analysis	Lack of CEQA Thresholds of Significance	The Wetlands and Other Waters Communities section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.

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218 cont. construction phase to identify the latest conditions for resources that must be protected during construction. It is not practical or effective to continually update maps and surveys. Additional available data has also been added to the Final EIR/EIS, however, based on the lagoon studies as described in Topical Response "Lagoon Evaluations." This additional data and analysis was also provided in the Supplemental Draft EIR/EIS, which was circulated in August 2012.

219 The organization for discussion of biological resources is set by the SER. The annotated EIR/EIS outline states that the Biological Environment section of the EIR/EIS is broken down into the following subsections:

- Natural Communities
- Wetlands and Other Waters
- Plant Species
- Animal Species
- Threatened and Endangered Species
- Invasive Species

This information is also provided at the beginning of the *Biological Environment* section of the EIR/EIS, to guide the reader.

220 Biological resources impacts are identified in EIR/EIS *Section 4.3, Less than Significant Impacts with Mitigation and/or Minimization.* These impacts are considered to be reduced to below a level of CEQA significance through the conservation measures, compensatory mitigation, and participation in regionally important restoration projects described in the respective sections of the EIR/EIS. This information has been expanded to include the

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220 cont. information provided in the Supplemental Draft EIR/EIS, and the latest available information regarding the evolving permit conditions for the project.

221 The effects of the project on wetlands and other waters have been adequately addressed in EIR/EIS *Section 3.18, Wetlands and Other Waters* and the primary NES and other studies referenced in *Section 3.17.2, Affected Environment*. As discussed for *Section 3.17, Natural Communities*, because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint of the 10+4 with Barrier is the only alternative shown in the graphics, but the build alternatives are discussed separately in the text in EIR/EIS *Section 3.18.3, Environmental Consequences*. Please also refer to Topical Response "Lagoon Evaluations" regarding additional lagoon evaluations. Additional lagoon studies were completed and substantial additional information regarding lagoon impacts and mitigation was provided in the Supplemental Draft EIR/EIS and is incorporated into the Final EIR/EIS. This includes additional information regarding the impacts of the refined 8+4 Buffer alternative, or LPA, which has also been determined to be the Preferred Alternative. Please also refer to the response to your Comment 096.

222 Please refer to the response to your Comment 096.

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222 cont.			It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "*...would have a less than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
223	Page 3.18-3 4th paragraph	*There is no way to avoid impacts to the wetlands entirely and still meet the purpose and need for the project.*	A Statement Of Overriding Considerations will be required for this project impact (State CEQA Guidelines §15093).
224	Page 3.18-4	3.18.4 Avoidance, Minimization and/or Mitigation Measures	A project of this magnitude (spanning 27 miles in length and varying widths, over the duration of 38 years) requires definitive mitigation measures for the potential impacts to wetlands areas. Pursuant to State CEQA Guidelines §15126.4, the conservation measures need to state whether they are in fact proposed by the lead agency (as project design features) or expected to reduce adverse impacts if required as conditions of approving the project. Statements such as "Appropriate BMPs" are not sufficient for assessing the level of suitability for mitigation. It is unclear how the fuel of construction vehicles is connected to wetlands impacts; as nowhere in the chapter it is declared as a potential impact to wetlands. Also, "studies underway" (listed as conservation measure #5) is considered deferred mitigation whereas it is unclear how this action is provided to offset or reduce impacts, and will likely require performance standards. CEQA requires mitigation measures be enforceable and roughly proportional. Elsewhere in the chapter (page 3.18-1 1st paragraph) states acknowledgement of conceptual mitigation plans based on the MOU with various resource agencies, as well as a Streambed Alteration Agreement. This information needs to be added to the list of mitigation measures to ensure compliance. The DEIR/EIS should be revised accordingly.

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223 Please refer to the response to your Comment 217.

224 The measures include a requirement for fueling of construction equipment to occur at a designated area away from drainages/ lagoons and associated plant communities to preclude adverse water quality impacts that could result from an accidental spill. Water quality and biological resources mitigation requirements were stated generally within the Draft EIR/EIS, because the specific requirements are being negotiated through required permit processes with the resources agencies responsible for regulating biological resources and water quality impacts. These permit processes are ongoing and updated information is provided in the Final EIR/EIS. Please also refer to the response to your Comment 040 and Topical Response "Lagoon Evaluations." Many of the referenced "studies underway" have been completed and the results were summarized in a Supplemental Draft EIR/EIS that was circulated to the public in August 2012. This additional information has also been incorporated into the Final EIR/EIS.

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225	Pages 3.18-5 through 3.18-12	Figures 3-18.1a through 3-18.1h	These figures should be revised to be consistent with all biological chapter figures.
	Chapter 3.19 Plant Species		
226	Overall comment	Lack of impact analysis	The Plant Species section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirulated.
227	Overall analysis	Lack of CEQA Thresholds of Significance	The Plant Species section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "*...would have a loss than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
228	Page 3.19-1	3.19.1 Regulatory Setting	Please provide data regarding the federal and State regulatory requirements rather than listing where they can be found.
229	Page 3.19-1 4th paragraph	*Sensitive plant species with the potential to occur in the Study Area, but that were not observed are described in the NES.*	Which NES it being referenced? 2004 or 2007? The 2004 NES study was not included with the DEIR/EIS Appendix. Only after several requests were made was the 2004 NES made available electronically on August 26, 2010; which was half way into the public review period, and may be considered an attempt to reduce or limit public comment, a violation of both NEPA and CEQA. http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html
230	Overall comment	Inadequate figures	As stated in previous comments regarding the biological subchapters, please provide revised figures with the same baseline date for consistent analysis. [This subchapter references studies from 2004 and 2007, and the

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225 The figures referenced in this comment show only U.S. Army Corps of Engineers (USACE) jurisdictional waters, which do not exist throughout the biological study area of the project. These figures therefore are not the same as other biological chapter figures.

226 The effects of the project on plant species have been adequately addressed in EIR/EIS *Section 3.19, Plant Species,* and the primary NES and Manchester Avenue NES referenced in *Section 3.19.2, Affected Environment*. As discussed for *Section 3.17, Natural Communities*, because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint, associated with the 10+4 Barrier alternative is the only alternative shown in the graphics, but impacts of the build alternatives are tabulated separately in *Table 3.19.1* in EIR/EIS *Section 3.19.3, Environmental Consequences*. Please also refer to the response to your Comment 096.

227 Please refer to the response to your Comment 096.

228 An exhaustive listing of data regarding federal and State regulatory requirements in the EIR/EIS is not necessary or appropriate. For this reason, the sources have been provided for those readers who may be interested in accessing more detailed information.

229 The primary NES for the *I-5 NCC Project* (2007), referenced here, is listed with other technical studies on the project website. The Manchester Avenue/I-5 Interchange NES (2004) was added to the website on August 26, 2010. The public review period was extended to November 2010, which allowed adequate time for review of all documents related to the project.

230 Please refer to the response to your Comment 218.

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230 cont.			NOP/NOI were released in 2004, yet it is unclear which date was used in determining the baseline environment]
231	Page 3.19-1	3.19.2 Affected Environment	Under this heading, the DEIR/EIS lists 11 sensitive plant species observed within the Study Area, however Table 3.19.1: Sensitive Plant Species Impacted by Each Alternative does not include each of these sensitive plant species. As such, the section needs to be revised for consistency within the analysis. As written, this section is adequate for disclosing potential impacts.
232	Page 3.19-2 6th paragraph	*The majority of these species could potentially be salvaged or mitigated by planting in an offsite preserve.*	It is unclear whether or not this action will be included as part of the project mitigation to offset or reduce the impacts to the Del Mar sand aster, coastal scrub oak, Orcutt's pincushion, sea dahlia, wart-stemmed ceanothus, coast barrel cactus, southern tarplant, and torrey pine would be impacted by each of the alternatives. No mention of this statement is listed under the 3.19.4 Avoidance, Minimization and/or Mitigation Measures section, and use of the term "could" leads the reader to believe the project may or may not comply with such as statement. Passive language such as "could" and "wherever possible" should be revised to more directive language so that mitigation is enforceable, as required by CEQA. The DEIR/EIS should be revised accordingly.
233	Page 3.19-2	3.19.4 Avoidance, Minimization and/or Mitigation Measures	Please define the term "to the extent practical". If it is determined that this mitigation is not "practical" what other measures will be implemented to offset or reduce project impacts to sensitive plant species?
	Chapter 3.20 Animal Species		
234	Overall comment	Lack of impact analysis	The Animal Species section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirulated.

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231 Only the eight sensitive plant species that are not federally listed and that would be impacted by the project are listed in *Table 3.19.1*. Del Mar manzanita, a federally listed species that is also on the graphics, is discussed in EIR/EIS *Section 3.21, Threatened and Endangered Species*.

232 EIR/EIS *Section 3.19.4, Avoidance, Minimization, and/or Mitigation Measures* notes that seed would be collected or plants would be salvaged to the extent practicable in the impact areas.

233 The term "to the extent practical" acknowledges the unknowns typical in biological resources mitigation when proposing collection and salvaging of existing plants. Caltrans is currently in negotiations with resource agencies that have jurisdiction to determine the details of an appropriate mitigation strategy for biological resources. The latest information regarding these evolving permit agreements is provided in the Final EIR/EIS.

234 The effects of the project on animal species have been adequately addressed in EIR/EIS *Section 3.20, Animal Species,* and the primary NES and other studies referenced in *Section 3.20.2, Affected Environment*. As discussed for *Section 3.17, Natural Communities*, because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint, associated with the 10+4 Barrier alternative, is the only alternative shown in the graphics, and impacts of all of the build alternatives on animal species are considered to be similar in EIR/EIS *Section 3.20.3, Environmental Consequences*. Please also refer to the response to your Comment 096.

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235	Overall analysis	Lack of CEQA Thresholds of Significance	The Animal Species section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"...would have a less than significant effect on the environment"*; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
236	Page 3.20-2	Table 3.20.1: Sensitive Animal Species Observed within the Study Area	The DEIR/EIS lists 21 sensitive animal species observed in the Study Area (Table 3.20.1), but fails to discuss how the project may potentially impact the species. Please revise accordingly.
237	Page 3.20-3	3.20.4 Avoidance, Minimization and/or Mitigation Measures *The lagoons are important stop over, resting, and foraging habitats for birds migrating along the Pacific flyway. To minimize impacts to migratory birds, construction would not occur in more than two lagoons at any one time.*	Is this mitigation consistent with the federal Migratory Bird Treaty Act? Please clarify in the revised DEIR/EIS if the resource agencies were consulted regarding the appropriateness of the listed mitigation measures.
	Chapter 3.21 Threatened and Endangered Species		
238	Overall comment	Lack of impact analysis	The Threatened and Endangered Species section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public,

RESPONSES

235 Please refer to the response to your Comment 096.

236 Sensitive animal species that are considered to be potentially impacted are discussed in EIR/EIS *Section 3.20.3, Environmental Consequences*.

237 Caltrans is currently in negotiations with resource agencies that have jurisdiction to determine the details of an appropriate mitigation strategy for biological resources, including impacts to migrating birds. The latest available information regarding the evolving resource agency permit requirements for the project has been incorporated into this Final EIR/EIS.

238 The effects of the project on threatened and endangered species have been adequately addressed in EIR/EIS *Section 3.21, Threatened and Endangered Species,* and the primary NES and other studies referenced in *Section 3.21.2, Affected Environment*. As discussed for *Section 3.17, Natural Communities*, because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint, associated with the 10+4 Barrier alternative is the only alternative shown in the graphics, but the build alternatives are discussed separately in the text in EIR/EIS *Section 3.21.3, Environmental Consequences*. Please also refer to the response to your Comment 096.

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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
238 cont.			Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirulated.
239	Overall analysis	Lack of CEQA Thresholds of Significance	The Threatened and Endangered Species section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "*...would have a less than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
240	Page 3.21-1 3rd paragraph	3.21.2 Affected Environment *The section below discusses listed threatened and endangered species observed within the Study Area.*	The DEIR/EIS provides a listing of 18 threatened and/or endangered plant and animal species following this statement. However, the brief discussion of the species is not consistent and should be modified to reflect the survey findings as well as state which biological study is being referenced (i.e., Critical habitat for the least Bell's vireo and the California gnatcatcher occurs within the Study Area within Oceanside). Accuracy in the DEIR/EIS is crucial to assesses potential biological impacts and to provide for mitigation, as necessary. The DEIR/EIS should be revised accordingly.
241	Page 3.21-4 3rd paragraph	*Critical habitat for the California gnatcatcher occurs within coastal sage scrub around San Elijo Lagoon, Batiquitos Lagoon, Lawrence Canyon, and near the Center City Golf Course in Oceanside.*	No further discussion or analysis is provided. What are the potential impacts? If there are impacts, what design features or mitigation will be implemented? The DEIR/EIS should be revised accordingly. Proper acknowledgement of potential impacts would have revealed the need for appropriate mitigation, and for examination of alternatives to avoid or reduce affected areas.
242	Page 3.21-4 5th patagraph	*Construction noise and activities may affect birds*	What are the mitigation measures to offset or reduce these identified impacts?

RESPONSES

239 Please refer to the response to your Comment 096.

240 It is not clear from this comment what inconsistencies are in the discussion in *Section 3.21*. The reports upon which *Section 3.21* is based are listed at the beginning of *Section 3.21.2*. As described in the NES, a series of surveys for plant and animal species was conducted in the biological study area for the project, with each survey conducted according to the survey protocols established by the U.S. Fish and Wildlife Service.

241 The discussion referenced is part of the description of affected environment. Impacts to critical habitat are discussed in EIR/EIS *Section 3.21.3, Environmental Consequences*.

242 Measures listed in EIR/EIS *Section 3.21.4, Avoidance, Minimization, and/or Mitigation Measures*, that are related to construction impacts include completion of all pile driving near the lagoons outside the bird breeding season (February 15 through August 31) to minimize construction noise impacts to bird species around the lagoons, and shielding of night lighting for construction to direct it away from Environmentally Sensitive Areas (ESAs). A full listing of construction-period mitigation measures is provided in the Environmental Commitments Record (Appendix D) of this Final EIR/EIS.

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242 cont.		*nesting at these sites ([referencing] California least terns, western snowy plovers, and brown pelicans were all identified…). In addition, night lighting due to construction related activities may result in potential adverse effects on breeding behaviors of sensitive species.*	
243	Page 3.21-4 6th paragraph	*Conservation measures are proposed below to minimize any temporary impacts to steelhead trout during construction.*	This chapter needs to be revised to include mitigation measures to the steelhead trout. The first bullet point under 3.21.4 Avoidance, Minimization, and/or Mitigation Measures describes that "a channel large enough for fish movement will be kept open…"; however it is unclear is this is reasonable mitigation for the steelhead trout. In addition, the statement "large enough" is too vague to assess the appropriateness of this mitigation measure. In preparing an EIR, the standard and accepted practice among EIR preparers is to list each impact and then describe the mitigation measures intended to avoid, minimize, rectify, reduce, eliminate, or compensate for each impact, followed by the level of impact after implementation of the mitigation measures. The DEIR/EIS fails to identify mitigation measures for each significant environmental effect identified in the EIR. State CEQA Guidelines §15126.4)
244	Page 3.21-5 1st paragraph	*Long term increases in noise levels from the completed project may affect wildlife species and, therefore, could be considered an indirect*	Noise impacts to wildlife species as a result of project implementation is a direct impact, not an indirect effect as stated. Please revise accordingly. In addition, what is the significance of impacts to wildlife species? CEQA require analysis of potential impacts on all phases of the proposed action/project; including planning, acquisition, development and operation

RESPONSES

243 Caltrans continues to coordinate with NOAA Fisheries and California Department of Fish and Wildlife (CDFW; previously California Department of Fish and Game) on appropriate measures for trout and any other fish species. The permitting agencies will judge the appropriateness and effectiveness of all project measures through their decisions to grant permits and set permit conditions. Updated information from these negotiations was provided in the Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS. Regarding the format and content of the EIR/EIS and determination of significance, please refer to the responses to your Comments 090, 095, and 096.

NMFS concurred that the project may affect, but is not likely to adversely affect, steelhead trout or their habitat with incorporation of the appropriate design features and avoidance, minimization, and/or mitigation measures, which include new measures incorporated into *Section 3.21.4* of the Final EIR/EIS. As stated there:

- Prior to initiation of construction in those locations, Caltrans would submit a plan to the USFWS for maintaining a channel for fish and/or rail movement in the San Luis Rey River and each of the lagoons.

- In-water construction activities at the San Luis Rey River would take place outside of the steelhead migration

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243 cont. window when steelhead adults and juveniles are expected to be using the lower reach of the San Luis Rey River.

- Silt curtains, coffer dams, and/or other barriers would be used to prevent steelhead from entering the construction zone and prevent sedimentation and debris from entering the river. These structures would be installed in such a way as to allow movement of steelhead through the project area, should the species be present, but would be removed upon project completion.

- Best management practices would be implemented during construction to minimize impacts on steelhead and aquatic habitat in the San Luis Rey River. These include sediment control measures to minimize erosion and impacts to water quality, measures to prevent debris and fresh concrete from entering the river channel, and fueling and maintenance of heavy machinery in areas away from the river channel and sensitive habitats.

244 Noise impacts to animal species are considered to be indirect because these impacts do not directly "take" the animal or its habitat. Regardless of being identified as direct or indirect, noise impacts during project construction and operation are discussed in EIR/EIS *Section 3.21.3, Environmental Consequences*, *Noise Effects on Wildlife*. Regarding conclusions of significance, please refer to the responses to your Comments 095 and 096. As stated in *Chapter 4*, for the purposes of CEQA, impacts to wildlife species fall under the category of "less than significant impacts with mitigation and/or minimization." Thus, the potentially significant impacts to wildlife species would be mitigated via the measures listed in *Sections 3.20.4* and *3.21.4*. The term "significance" has a different connotation in the CEQA guidance. Under NEPA, the EIS must discuss the severity of the impact. This does not mean that the word "significant" must be used.

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244 cont.		*affect to sensitive wildlife species.*	(State CEQA Guidelines §15126). NEPA requires discussion of direct and indirect effects as well as their significance (CEQ §1502.16 (a-b)).
245	Page 3.21-7 6th paragraph	Assessment regarding impact to Del Mar Manzanita	The DEIR/EIS states the project would result in impacts to the Del Mar Manzanita. However, it is unclear if this referenced paragraph is in fact mitigation, and if so, how and when it will be implemented. Also please state where the locations of the impacted Del Mar Manzanita.
246	Page 3-21.9	*Buena Vista Lagoon* *Loma Alta Creek* *San Luis Rey River*	Project related impacts will need to have roughly proportional mitigation measures. The statement that *Two projects proposed for the area, Coast Highway Seismic Retrofit and the recently completed Pacific Street Bridge have already proposed restoration of the wetlands along the banks of* the [San Luis] *river through exotic removal and revegetation with natives...*, is irrelevant for this project in so much that that this project cannot assume mitigation for another project and "piggyback" on it. If no feasible mitigation can be provided or exists for resource impacts, then the DEIR/EIS should disclose this information.
247	Page 3.21-13	Figure 3-21.1d Critical Habitat	This figure demonstrates the critical habitat along the San Luis Rey River in Oceanside which includes the critical habitat for Least Bell's Vireo, Southwestern Willow Flycatcher, and the California gnatcatcher. What is the level of impact? What draft mitigation plans have been designed? Which resource agencies have been consulted?
248	Overall comment	Lack of Figures	This chapter omits critical habitat maps for the Buena Vista Lagoon and Loma Alta Creek in Oceanside, which is inconsistent with the analysis in the chapter. The DEIR/EIS will need to be revised to include critical habitat figures for the Buena Vista Lagoon, Loma Alta Creek, and other water bodies within the Study Area.

RESPONSES

245 The measure to salvage affected Del Mar manzanita plants and place them in a compensatory mitigation site for the project is one of many avoidance, minimization, and/or mitigation measures proposed to reduce potential impacts. This measure is included in Appendix D – Environmental Commitments Record, which will eventually record implementation information such as responsible branch/staff, timing, and actions taken. Please also refer to the response to your Comment 233.

The locations of Del Mar manzanita are shown in the figures illustrating sensitive plant locations, *Figure 3-19.1a* through *Figure 3-19.1f*.

246 Caltrans is currently in negotiations with resource agencies that have jurisdiction to determine the details of an appropriate mitigation strategy. Updated information regarding these evolving strategies and requirements is provided in the Final EIR/EIS. These actions illustrate Caltrans' commitment to fully address impacts of this regional project. Measures will satisfy the requirements of the resource agencies or the necessary permits to implement the project will not be approved. Caltrans is not relying on any other projects to provide mitigation for the *I-5 NCC Project*. Please refer to Topical Response "Lagoon Evaluations" for discussion of additional studies about impacts to lagoons, which were made available to the public in conjunction with the circulation of the Supplemental Draft EIR/EIS in August 2012. This additional information has also been incorporated into the Final EIR/EIS.

247 EIR/EIS *Section 3.21.3*, *Environmental Consequences* discusses impacts to critical habitat. Regarding the project mitigation strategy, please refer to the response to your Comment 246. Agency coordination is discussed in EIR/EIS *Chapter 5, Comments and Coordination*.

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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
	Chapter 3.22 Invasive Species		
249	Overall comment	Lack of impact analysis	The Invasive Species section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and recirculated.
250	Overall analysis	Lack of CEQA Thresholds of Significance	The Invasive Species section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "*...would have a less than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that there would be impacts (i.e., the Land Use section).
251	General Comment	*Lack of any figures*	This chapter should be revised to include figures demonstrating invasive species. Other than the statement *African veldt grass has become a dominant species on the cut slope of I-5 between Del Mar Heights Road and Birmingham Drive*, the reader is left to wonder where the other species of invasive species are located.
252	Page 3.22-1 4th paragraph	*If minimization measures listed below and partnerships are formed, the growth of invasive species may be reduced.*	With project implementation, what will happen if minimization measures listed below and partnerships are not formed?
253	Page 3.22-1 5th paragraph	*Through careful handling of the soil and equipment that works the soil, the invasive plants currently within the*	Please clarify whether these statements are mitigation measures intended to offset impacts to Invasive Species and to control for further growth/spread. If they are in fact mitigation measures, please state so, and reword the passive language to "shall" rather than "can". Provide

RESPONSES

248 The figures illustrate where critical habitat for the least Bell's vireo, southwestern willow flycatcher, tidewater goby, and the California gnatcatcher occurs within the Study Area. Critical habitat for these threatened and endangered species does not occur in other water bodies within the Study Area.

249 The invasive species impacts of the project have been adequately addressed in EIR/EIS *Section 3.22, Invasive Species.* Although construction can provide opportunities for invasive species to spread, the project also offers the opportunity to control some of the invasive species on the slopes of the project area. Since invasive species do not require protection, the discussion of impacts is more general than in other biological resources sections. Please also refer to the response to your Comment 096.

250 Please refer to the response to your Comment 096.

251 Invasive species are broadly dispersed and are not considered to be an environmental resource requiring mapping and protection. Graphics illustrating their location are not needed for the environmental analysis.

252 Regardless of partnerships that may further reduce the growth of invasive species, Caltrans will conform with Executive Order 13112 requiring federal agencies to combat the introduction or spread of invasive species, and implement the measures discussed in EIR/EIS *Section 3.22.4, Avoidance, Minimization, and/or Mitigation Measures*.

253 The statements in EIR/EIS *Section 3.22.4, Avoidance, Minimization, and/or Mitigation Measures* are intended to be incorporated into the project to reduce, minimize or avoid potential impacts caused by invasive species, as opposed to reducing impacts to such species. Invasive species are not considered to be an environmental resource requiring protection. The statements are included in Appendix D – Environmental Commitments Record. Caltrans is currently in negotiations with resource agencies that

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	impact area can be removed. Revegetation of the slopes would require maintenance to keep the weed species from reinvading the new slopes. Partnerships would be required with the lagoon foundations and landowners to simultaneously work to eradicate similar invasive species outside of the impact areas……	performance standards to verify compliance with mitigation, and to assure the mitigation is in fact working as designed.
Chapter 3.23 Short Term Uses and Long Term Productivity		
General comment	–	This 4 paragraph analysis fails to fully describe the short term and long term impacts as stated throughout the DEIR/EIS. So-called "short-term" impacts of the project will occur over a 38 year construction schedule. Arguably, these are long-term impacts and should be re-characterized as such in a revised and recirculated DEIR/EIS.
Page 3.24-1 1st paragraph	*Implementation of build alternatives would result in attainment of short-term and long-term transportation and economic objectives at the expense of some long-term social, aesthetic, biological, noise, and other land use impacts.*	Cultural resource impacts should be added to the list of long-term transportation objectives.
Page 3.24-1	*The local short-term*	This statement is unclear and unsupported by facts.

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RESPONSES

253 cont. have jurisdiction to determine the details of an appropriate strategy to avoid, minimize and/or mitigate impacts related to invasive species, and more definitive mitigation requirements will continue to be incorporated as permit terms become available.

254 This section meets NEPA and CEQA requirements and provides the content recommended in the Caltrans EIR/EIS Annotated Outline in the SER. It is typical for this section of an environmental document to rely on the preceding topical impact analyses and to list types of impacts and benefits and discuss the balance between these. As such, short-term impacts associated with construction (which would be temporary in any given location) and long-term impacts are evaluated in detail in the preceding sections of the EIR/EIS.

255 The list of long-term impacts in this sentence provides examples and was not meant to be all inclusive.

256 The referenced statement in the EIR/EIS is consistent with the content recommended in the Caltrans EIR/EIS Annotated Outline in the SER. Long-term productivity in the region is related to improvement of the transportation network, which meets the purpose and need of the project and supports the planned growth of the region and associated economic benefits. Substantial support for this statement is provided in the *Purpose and Need* section of the environmental document.

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256 cont.	2nd paragraph	*impacts and use of resources by the proposed project is consistent with maintenance and enhancement of long-term productivity for the local area and the county.*	
257	Page 3.24-1 4th paragraph	*Short-term losses associated with the proposed project could include economic losses experienced by businesses affected by relocation; construction impacts such as noise, and motorized and non-motorized traffic delays or detours.*	Also to be included in this list of short-term losses are: relocation and land use impacts to local residents and business owners from the easements and land acquisitions; environmental justice, biological impacts to wetlands, animal and plant species, and aesthetics.
258	Page 3.24-1 5th paragraph	*Long term losses associated with the proposed project include an insignificant loss of plant and wildlife resources, a permanent visual impact to the surrounding communities, energy use, fuel use, and use of construction materials including concrete, steel and asphalt.*	Also to be included in this list of long-term losses are: cultural resources; aesthetics (viewscapes), land use, growth and community impacts, and environmental justice. The statement "*insignificant loss of plant and wildlife resources*" does not accurately portray the biological impacts to threatened and endangered species, special species, and wetlands (see Biological Environment section of the DEIR/EIS). Please strike the word "insignificant" and revise to state that impacts would be significant and adverse in a revised and recirculated DEIR/EIS.
	Chapter 3.24 Irreversible and Irretrievable Effects		

RESPONSES

257 "Short-term," in this case, is interpreted to mean temporary. The losses listed in this comment generally do not qualify as short-term temporary losses, but rather as long-term losses that would endure until and unless a decision were made to remove the proposed use and replace it with some of the identified lost uses, or some other use. Temporary aesthetic losses could occur during construction, and this paragraph already lists construction related impacts as a loss and gives several examples, which are not intended or expected to be exhaustive.

258 Caltrans has added the need for relocations to the listing of long-term losses in this section of the EIR/EIS. Land use and aesthetics losses were already listed. These issues are also discussed and evaluated in the preceding topical sections of the environmental document. Economic growth is listed as a benefit. No long-term losses are anticipated with respect to cultural resources and environmental justice. The term "insignificant" will be deleted. Biological impacts are considered to be mitigated to less than significant impacts, but it is more appropriate within this combined CEQA/NEPA document to reserve such conclusions for *Chapter 4*.

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259	General comment		CEQA requires discussion of Significant Irreversible Environmental Changes Which Would be Caused by the Proposed Project Should it be Implemented (State CEQA Guidelines §15126(c)). However, another mandated topic *Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented* has been omitted from the DEIR/EIS. As such, please address this topic and recirculate the DEIR/EIS accordingly to allow a meaningful opportunity for the public to review and project comments on this regionally-significant and long-term construction project.
260	Page 3.24-1 3rd paragraph	*Additionally, large amounts of labor and natural resources are used in the making of construction materials. These materials are generally not retrievable. However, they are not in short supply and their use would not have an adverse effect upon continued availability of these resources.*	It is unclear what natural resources are being referenced here. Biological? Geological? Aggregates? Please clarify. What are the secondary impacts? What irreversible damages are anticipated with project implementation? These effects need to be better described in a revised and recirculated DEIR/EIS.
	Chapter 5.0 Comments and Coordination		
261	Page 5-1 1st paragraph	Early and continuing coordination….	The DEIR/EIS states that Project coordination in the form of Project Development Team (PDT) meetings were initiated in 2000 but fails to list the specific meeting dates. It appears that the last meeting occurred in 2007. No additional formal coordination meetings appear to have been held with Responsible Agencies in the three years leading up to the release of the DEIR/EIS in June 2010. This total lack of communication and coordination

RESPONSES

259 This topic is addressed in EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects*. This section discloses that impacts to Community Cohesion (for the two barrier alternatives) and Visual/Aesthetics would remain significant after implementation of the mitigation that is identified in *Chapter 3*.

260 The reference to "…natural resources are used in the making of construction materials" is referring to resources such as raw materials (e.g., metals and wood used for concrete reinforcing steel, forms and scaffolding), packaging materials (e.g., paper and plastic), and the commitment of land and energy resources (e.g., fossil fuels and electricity) required to produce these materials.

This section of the environmental document is required to disclose that such additional secondary resource commitments are required to implement the project, but is not required to complete a full environmental impact assessment of such resource extraction and manufacturing activities. To do so would be highly speculative and far beyond the scope of this environmental document. Any potential "secondary impacts" associated with the production of the resources noted above (e.g., aggregate quarries, other mining, timber harvesting/processing, and product manufacturing) would be addressed via the local, State, and federal regulatory environmental requirements associated with those activities, including assessment of any new proposed facilities via specific environmental evaluations conducted for the proposed operations. Because these types of activities, projects and actions are not part of the proposed project, associated potential impacts are not specifically addressed in the project EIR/EIS. That is, it is not possible to address these types of remote effects, as the exact nature, location and extent of activities necessary to produce such resources are not known (and cannot be determined) at this time.

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261 cont.			denied all parties with an opportunity to get current data and updated information that could have improved the overall scope and content of the DEIR/EIS. Caltrans and FHWA have failed to adequately coordinate with affected agencies and the public denying the decision makers and their constituencies with an adequate opportunity to review the project description and alternatives and provide meaningful comments on the proposed action being considered by Caltrans and FHWA. As noted previously a six year lag between scoping and NOP and release of the DEIR/EIS compromises the entire CEQA and NEPA process by failing to keep potentially affected agencies and parties informed and involved in the project development and environmental review process. The lead agencies must issue a new NOP and NOI and recirculate a revised EIR/EIS.
262	Page 5-1 2nd paragraph	*In 2001, Caltrans held preliminary public scoping meetings...*	The City of Oceanside is not included on this list. Please explain.
263	Page 5-1	5.1 Project Scoping Process *Formal Scoping meetings were held from January 7, to March 2, 2004.*	The DEIR /EIS states that the NOP was not filed with the County Clerk or the State until October 20, 2004. Therefore, all of the formal scoping meetings occurred outside of the formal CEQA process and prior to the release of the NOP. Because this is a project of region-wide significance, as defined by CEQA §15206, at least one formal scoping meeting is required pursuant to CEQA §15081 (c)(1) after the NOP has been prepared and issued for public review. Caltrans and the FHWA have failed to follow this basic and fundamental procedural requirement of CEQA and therefore must issue a new NOP and conduct at least one formal public scoping meeting prior to recirculating the DEIR/EIS.
264	Page 5-1	NOP was sent to the County Clerk	It is not clear if the NOP was ever sent to the State Clearinghouse as required by CEQA . No SCH number was assigned to the project. Please provide documentation that the NOP was filed with the State Clearinghouse or issue a new NOP and re-initate the CEQA review process for the project.
265	Pages 5-1 & 5-2	Formal scoping meetings and additional public outreach meetings listed	The six public scoping meetings held January - March 2004 and listed on page 5-1 is repeated again on page 5-2. It is unclear if these are the same six meetings and they were scoping meetings or additional public outreach meetings.

RESPONSES

261 Communication and coordination regarding the *I-5 NCC Project* has been sufficient. As documented in EIR/EIS *Chapter 5, Comments and Coordination,* there were four preliminary scoping meetings, six formal scoping meetings, seven outreach meetings with city staff and private citizens to identify possible mitigation and enhancement measures, and nineteen NEPA/404 meetings, as documented in *Table 5.1*. In addition, as noted in *Section 5.5, Additional Consultation and Coordination with Public Agencies*, since 2007, SANDAG and Caltrans in coordination with the Coastal Commission staff have met bi-monthly to advance the PWP/TREP. Please also refer to the response to your Comment 123. It is not unusual for a highway project of this length to take several years following scoping and alternatives screening, to develop design concepts and complete the technical studies and draft environmental document. Reissuance of the NOI and NOP is not necessary.

262 The referenced list notes a preliminary public scoping meeting was held on June 21, 2001 in the City of Oceanside.

263 CEQA Guidelines Section 15082(c)(1) states that a scoping meeting held pursuant to NEPA in the city or county within which the project is located satisfies the requirement for holding at least one scoping meeting for projects of Statewide, regional or areawide significance. There is no requirement for the meeting to be held after the NOP has been prepared. As documented in EIR/EIS *Chapter 5, Comments and Coordination,* there were four preliminary scoping meetings in 2001, and six formal scoping meetings in 2004, all but one of which were held after the NOI was published in the Federal Register in accordance with NEPA.

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	264 EIR/EIS page iii, upper right corner displays the State Clearinghouse Number as SCH # 20044101076. EIR/EIS *Chapter 7, Distribution List*, lists the Director of State Clearinghouse Office of Planning & Research as receiving a hard copy of the document.
	265 The six referenced meetings served both purposes.

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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
266	Page 5-1	NOP and NOI comment letters have been received	Although the DEIR/EIS states that 10 NOP comment letters, and 2 NOI comment letters were received by Caltrans and FHWA, the DEIR/EIS fails to include copies of the letters. Instead, the DEIR/EIS includes federal agency letters responding to a request for concurrence on project need. Though not strictly required, failure to include the NOP and NOI comment letters in the DEIR/EIS prevents interested parties in reviewing the comments of other agencies and determining if expressed concerns were addressed by the lead agencies in the CEQA/NEPA document. Therefore, we request that all comment letters received by Caltrans and FHWA on the NOP and NOI be made available for public review as soon as practicable.
267	Page 5-2 4th paragraph	NEPA Cooperating Agency *An agency may request to be designated as a cooperating agency.*	The City of Oceanside requests designation as a Cooperating Agency under NEPA.
	Technical Studies Incorporated by Reference into the DEIR / EIS		
268	DEIR/EIS Web Link	http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html	As commented previously, the technical studies were not included with the distribution of the DEIR/EIS. Some of the technical studies have since been located on the referenced web link. Since then, additional technical studies have been added to the project website on 8/6/10, 8/6/10, and 8/26/10 which is well into the public review period, which may or may not thwart the public review process. These technical studies are in fact essential to the DEIR/EIS as they are the basis of the background, setting and impact analysis and conclusions of the DEIR/EIS. Incorporating them by reference is inadequate for purpose of full public disclosure. Additionally, it appears that Caltrans has not made available for public review all documents incorporated by reference as required by CEQA Guidelines Section 15150.
269	Overall Comment	Technical Studies	The majority of technical studies are said to have been incorporated by reference into the DEIR/EIS. As of 9.20.10 none of the cultural resource

RESPONSES

266 All comments were considered in preparing the Draft EIR/EIS. According to CEQA Guidelines Section 15375, the purpose of the NOP is to solicit guidance from various agencies as to the scope and content of the environmental information to be included in the EIR. There is no requirement to provide detailed responses to comments or questions sent by the agencies, or to include the comments on the NOP in the environmental document. Comments received are summarized in *Chapter 5, Comments and Coordination*, as permitted by CEQA guidelines Section 15084(c). *Chapter 5* also summarizes the multiple meetings that have been held as part of the public outreach for the project.

267 Only federal agencies qualify as "cooperating agencies" under NEPA. Slightly different definitions of "cooperating agencies" and "participating agencies" are applicable to SAFETEA-LU, but this project is not subject to SAFETEA-LU requirements because the Notice of Intent was published prior to August 10, 2005.

268 The documents that are incorporated by reference and relied upon in the environmental analysis are listed at the beginning of *Chapter 3,* and then listed in the beginning of the analyses of each topical issue section. Other documents used in the preparation of the EIR/EIS (but not incorporated by reference) are also cited and listed in the *References* section of the EIR/EIS. Please also refer to the responses to your Comments 092 and 105.

269 Please refer to the responses to your Comments 092 and 105. The Location Hydraulic Studies are listed as Floodplain Studies on the Caltrans website at http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html. All studies currently on the website were also available during circulation of the Supplemental Draft EIR/EIS.

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		studies have been published for review: • Historic Property Survey Reports (HPSR) [Original] HPSR (March 2007) • First Supplemental HPSR (May 2008) • Second Supplemental HPSR (May 2008) • Archaeological Survey Reports (ASRs [Original] ASR (2002) • Supplemental ASR (December 2006) • Second Addendum ASR (July 2008) • Third Addendum ASR (July 2008) • Historic Resource Evaluation Reports (HRER) for Historic Structures - [Original] HRER (July 2005) • Historic Resource Evaluation Reports - First Addendum HRER (August 2006) • Paleontological Resources Assessment (July 2007) DEIR/EIS technical study incorporated by reference (Page 3.1-1), but not posted on the project website and not yet requested as of 9.20.10. • Location Hydraulic Studies (February 2008 and 2009) Pursuant to NEPA and CEQA, an EIS/EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public.
Draft Relocation Impact Report (October 2007, revised May 2010)		
Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150).

269 cont.

270

270 Please refer to the responses to your Comments 092 and 268.

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270 cont.			As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
271	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
272	Overall Comment	Outdated Data in Tables	Use of housing data (regarding location, pricing, and availability) going back more than three (3) years ago is inadequate for assessing significant impacts on the human environment, physical environment, and land use. Such tables should be updated to provide current data and re-assessed. The tables which incorporate US Census information may be exempt unless more recent data can be provided. Example: Table 6 uses data supplied from Craigslist, Backpage, and MLS dated 2007.
273	Page 1 3rd paragraph	*...there are several displacements that may pose some difficulties in finding adequate relocation options.*	The City of Oceanside firmly agrees with this statement. This statement is not accurately portrayed in the findings of the study or mentioned within the analysis of the DEIR/ EIS.
274	Page 5 1st bullet point under Alignment A	*Two HOV lanes would operate in each direction and would be separated from the general purpose lanes by a 1-to-4-foot*	This statement is inconsistent with the DEIR/EIS and should be revised accordingly.

RESPONSES

271 New information was circulated within a Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS as appropriate.

272 Please refer to the response to your Comment 027.

273 Actual displacements that may occur are in the process of refinement as the project footprint is being minimized as much as possible. Land acquisition needs will not be fully defined until after final design of the Preferred Alternative, if the project is approved. Please refer to Topical Response "Property Acquisition" for information about reducing right-of-way needs and updated property acquisition information.

The EIR/EIS is the summary document prepared for the use of decision makers and the public to evaluate environmental impacts and may in some cases contain updated or new information that was not available at the time that the technical study was prepared. This Final EIR/EIS contains the most current available information regarding potential relocations.

Please note that per standard Caltrans procedures, a Final Relocation Impact Statement was completed in September 2013. Caltrans has addressed all potential displacements associated with the project and the availability of replacement properties. If a build alternative is approved, Caltrans will coordinate directly with

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274 cont.		*buffer.*	
275	Page 7	Basis of Findings	No mention of Oceanside, Encinitas, or Solana Beach City planning documents or references were "*...used as the basis of the finding for this report*" As such, the study should be rewritten to incorporate the City's land use planning and housing documents, as well as the Cities of Oceanside and Encinitas. In addition, the study should include review and project assessment with the San Diego Association of Governments (SANDAG) planning and housing documents, among others.
276	Page 7 1st paragraph	*The proposed project traverses six municipalities, beginning with Oceanside at the northern end of the proposed project, and ending with the City of San Diego at the project's southern terminus. However, relocation impacts are only likely to occur in Oceanside, Carlsbad, Encinitas, and Solana Beach…*	See above comment regarding the Basis of Findings. Use of the term "only" should be removed as impacts are stated to occur to four (4) out of six (6) communities, which is considered significant, as more than 66% of the affected communities will be significantly impacted by the project.
277	Page 9 1st paragraph	*Land uses within Oceanside surrounding the proposed project are primarily a mixture of singlefamily and multi-family residential areas, as well as general and community commercial centers, open space, and light industrial uses. The*	Is the intent of this paragraph to state that these land uses will be impacted? Please also disclose all potential impacts to business owners, business customers, offices, students, staff, and facility resulting from the direct relocation activities. Please provide an exhibit that demonstrates the impacted lands.

RESPONSES

273 cont. the owners of properties to be acquired. Acquisition of the parcels would not occur until Phase 3, in the 2030 to 2035 time frame. Any special needs associated with specific displaced property owners and tenants will also be determined at that time.

274 Please refer to the response to your Comment 273.

275 The requested information is not required to be included in the Draft Relocation Impact Report. The City of Oceanside General Plan was evaluated in EIR/EIS *Section 3.1.2, Consistency with State, Regional, and Local Plans and Programs*. Regarding changes to the technical report, please refer to the response to your Comment 273.

276 Please refer to the response to your Comment 273.

277 Please refer to the response to your Comment 273. The EIR/EIS depicts land uses in the City of Oceanside in *Figures 3-1.8* and *3-1.9*, and evaluates impacts to businesses in *Section 3.4*. Land use impact information for the refined 8+4 Buffer alternative is provided in this Final EIR/EIS as well.

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277 cont.		*majority of the land surrounding the proposed project is developed and urban in nature*	
278	Page 11 Table 4	Housing Types Table	The two (2) most populated housing types will be directly impacted by the project. Please explain how this is not considered a significant impact. What criterion was used in the study analysis? This determination needs to be carried into the DEIR/EIS for full disclosure of impacts and sufficiently analyzed to access the impacts to residents, business owners and staff, and visitors for the land relocation.
279	Page 12	Displacement Units by Alignment in Oceanside Table	This table is flawed by lack of data and by design; and should be revised to include both partial and full land acquisitions. This table is not consistent with the Potential Parcel Impacts Table provided to the City [which is also not included in the DEIR/EIS] which listed some 84 parcels to be impacted. This table only states 47 units. This information needs to be clarified and potentially undated in the DEIR/EIS. It is reasonably concluded that the entire report is flawed based on the total count of 47 impacted units rather than 84 impacted parcels which may or may not include more than one unit on each parcel.
280	Page 17	Type of Residential Displacements by Alignment in Oceanside Table *note: *Relocation of personal property only should be counted separately and noted whether the items would be moved to the*	The "note" on this table is not clearly understood. Please explain.

RESPONSES

278 Impacts of relocations are discussed in EIR/EIS *Section 3.4.2, Relocations and Real Property Acquisition,* including the impacts of the Preferred Alternative. Please also see Topical Response "Property Acquisitions" for updated information on the number and type of properties anticipated to be acquired. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and Title 49 Code of Federal Regulations (CFR) Part 24 serve as the basis for related policies and procedures of Caltrans. All displacements would be in accordance with Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act. Impacts would not be substantial under NEPA or significant under CEQA.

279 Please refer to the response to your Comment 273. The project designs are continually being refined to accommodate additional engineering information, respond to evolving regulatory agency requirements and minimize impacts. Additional information has been included in the Supplemental Draft EIR/EIS and Final EIR/EIS regarding the parcel acquisitions needed to implement the refined 8+4 Buffer alternative, which is the Preferred Alternative. With the selection of a Preferred Alternative and refinement of the project design, the requirements for partial and full parcel acquisition will continue to be refined.

280 The note typically refers to the relocation of renters' personal property. No revisions will be made at this time to the Draft Relocation Impact Report. Please refer to the response to your Comment 273.

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280 cont.		*remainder or to a separate site.*	
281	Page 19	Relocation Resources	Please disclose identified "replacement neighborhood" properties by address, street name, and/or exhibit. Without full disclosure, impacts cannot be fully understood or assessed.
282	Page 19 #2	*Since the relocation neighborhoods selected are the jurisdictions in which the displaces are currently located, the relocation area would be comparable in terms of amenities, public utilities, and accessibility to public services, transportation, and shopping.*	The study states Oceanside is an impacted jurisdiction. The City agrees. What evidence is this statement based on?
283	Page 19 #3	*The relocation resources are affordable to the majority of residential displacees given the use of replacement housing payments as needed to assist displaced persons/households.*	What evidence is this statement based on? Please define "affordable". Please define "majority". What happens if replacement housing payments are not available, what will be the anticipated outcome?
284	Page 19 #3	Missing data	Please revise this paragraph/section to include impacts to Oceanside.
285	Page 20 #4	*There are public projects in the area that would displace other families or make additional housing unavailable concurrently with the subject project. The widening of State*	What are the cumulative impacts? It can reasonably assumed Oceanside would incur greater impacts. Please assess cumulative impacts from displacement.

RESPONSES

281 Please refer to the response to your Comments 273 and 279. The future locations for relocations would be determined in consultation with actual displacees based on the final project designs and are not a topic for the Final EIR/EIS.

282 The statement means there are similar neighborhoods for displacees to relocate to within the city in which they currently live. Please refer to the response to your Comment 273.

283 The statement means that displacees would be provided with replacement housing payments to make up differences between their resources and what would be needed to achieve successful relocation. Please refer to the response to your Comment 273.

284 Impacts to the City of Oceanside are accurately presented in the EIR/EIS. Please refer to the response to your Comment 273.

285 Cumulative impacts are addressed in EIR/EIS *Section 3.25, Cumulative Impacts*. Please refer to the response to your Comment 273.

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285 cont.		*Route (SR 76) beginning in Oceanside and proceeding eastward through Bonsall may result in the displacement of existing residences, commercial businesses, and a golf course. The ultimate number of impacts and type of impacts would depend on which alternative is selected.*	
286	Page 21 #9	*A field office would not be required for this project as the estimated impacts are in various communities.*	How was this conclusion made? Field office for what types of activities?
287	Page 23 3rd paragraph	*All four alignments would displace an 8-bedroom SFR in Oceanside. A review of available replacement housing did not find any 8-bedroom SFRs in Oceanside or any of the other relocation neighborhoods. Three 8-bedroom SFRs were found in Rancho Santa Fe, but the value of these homes far exceeded the value of the 8-bedroom SFR in Oceanside. Consequently, it is possible that Caltrans may need to utilize the*	How will the project proponent resolve this adverse impact? Has this statement been added to the DEIR/EIS for assessment under CEQA & NEPA?

RESPONSES

286 Field office typically refers to a central temporary facility for coordination with displacees, in cases where a large number of displacees are impacted within a relatively compact area.

287 Please refer to the response to your Comment 273.

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287 cont.		*State's relocation program or LRH options, including LRH payments, to relocate displacees from this 8-bedroom SFR.*	
288	Page 25 #1	Number Of Businesses Directly Impacted By The Project	Please provide a table broken down by City, similar to previous tables. Oceanside would incur impacts to existing and future probable commercial land uses, light industrial land uses, office land uses, and educational land uses. This table should be revised to reflect this information, and as stated in other parts of the study (see Page 9, 4th paragraph, etc…).
289	Page 26 #4	*There are three to five businesses impacted by the project that are assumed to be minority owned.*	Where are these businesses? This number may not be accurate based on the information contained under Section 3.2 Business and Nonprofit, please check for consistency. Environmental Justice impacts should be considered in the report.
290	Page 26 #5	Number of Different Type of Facilities	This data is not consistent with page 9, 4th paragraph listing out commercial, industrial, office, educational, and open space land uses.
291	Page 27 #1	Housing Stock	What is the date and source of these statistics? Should it be updated to reflect current housing trends? Why or why not?
292	Page 27 #3	Decent, Safe, and Sanitary (DS&S)	Please define.
293	Page 31 #2.a.	Replacement site requirements	How will the project proponent resolve this adverse impact? The information contained under this heading does not address what the requirements for replacement site are. Please revise this analysis.
294	Page 33 #2	*The replacement neighborhood is homogeneous to the displacement area.*	This statement should be revised to state: *The replacement neighborhood will be required to be homogeneous to the displacement area.*

RESPONSES

288 Please refer to the response to your Comment 273.

289 The most recent information is contained in *Section 3.4* of the Final EIR/EIS; please also refer to the response to Comment 273. Environmental justice issues are discussed in EIR/EIS *Section 3.4.3, Environmental Justice*. A minority-owned business being impacted may not necessarily mean that disproportionately high and adverse effects would occur on the health or environment of minority and low-income populations.

290 Please refer to the response to your Comment 273.

291 Please refer to the responses to your Comments 027 and 273. Updating the Draft Relocation Impact Report to reflect current housing trends is not essential for the purposes of the EIR/EIS. A Final Relocation Impact Statement identifying anticipated availability of replacement parcels was prepared in September 2013.

292 Decent Safe and Sanitary is a common term that means a dwelling that meets applicable housing and occupancy codes.

293 Please refer to the response to your Comments 273 and 284.

294 The revision proposed by this comment is not consistent with the intent of the cited statement. Please also refer to the response to Comment 273.

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295	Page 33 #4	Condition of units being displaced	What criteria was used to support this conclusion?
296	Page 34 1st Table (Oceanside)	Missing data	Please complete this table rather that stating "See Table 6" Median Housing Value can be located utilizing various resources, please complete this section, as was done for the Replacement Area.
297	Page 37	Adequate Resources	This information for availability, funds, staffing, and time is not supported by any evidence. Please state the source of material and disclose the criteria used to support this conclusion. In addition, this information is not consistent with Table 6.
298	Page 37 1st & 2nd paragraphs	*Relocation resources for each displacee are not limited to the community in which they are currently located.* *These jurisdictions were selected because relocating displacees within the communities in which they currently reside would reduce the hardship associated with relocation, including community cohesion, commute times, etc.*	These statements are conflicting. This section will need to be revised to support the criteria used in developing these statements, and re-assessed to include the discussion of displacing persons, families, and businesses should adequate resources not be available.
299	Page 38	Market Availability	Please update this section for relevancy in the current housing market.
300	Page 39	*This project would not significantly impact the local housing stock for the community except as outlined below...* (Oceanside and Carlsbad to be impacted)	The City agrees with this statement. Please carry this conclusion into the DEIR/EIS. Where necessary add mitigation. Revise and recirculate the DEIR/EIS as required under CEQA and NEPA.

RESPONSES

295 The assessment of the condition of units with the potential to be displaced was made by technical professionals who prepared the report applying standard practices and Caltrans and FHWA requirements. Factors involved in the assessment include age and the observed appearance during the field reconnaissance. Information will be updated and refined during preparation of the Final Relocation Impact Report prior to the initiation of property acquisition.

296 Table 6 contains extensive data that would not fit in the table on the cited page. The analysis is deemed sufficient with Median Housing Values taken from the 2000 census. Please also refer to the response to Comment 273.

297 The availability of staffing, etc., is based on Caltrans' knowledge of internal resources and reflects the commitment to assist any displacees when final right-of-way needs are established. It is provided by the Caltrans right-of-way staff who are responsible for providing the relocation services. It is not clear from this comment in what way the information is inconsistent with Table 6. Please also refer to the response to Comment 273.

298 There is no conflict between the two cited statements. Displacees may find relocation resources outside of their current community, but Caltrans has found that relocating displacees within their current communities reduces hardship.

299 Please refer to the response to your Comment 273.

300 Impacts to housing are addressed in EIR/EIS *Section 3.4.2, Relocations and Real Property Acquisition*. Please also refer to the response to your Comment 273.

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	Community Impact Assessment (October 2007, Addendum May 2010)		
301	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
302	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions stemming from responding to comments on the technical studies or new project features, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
303	Page 1-10	Area of Direct Impacts v Area of Secondary Impacts	The report provides one study area (Area of Direct Impacts) based on Caltrans Standard Environmental Reference (SER) Environmental Handbook, Volume 4: Community Impact Assessment (CIA Handbook) which is outlined as 0.5 miles extending parallel to the centerline of the existing I-5 right-of-way. Further, study then provides an Area of Secondary Impacts, equivalent to 54 square miles which essentially encompasses the entire "study area" and outlines on Figure 1-2 Study Area and Regional Land Use. However, the study fails to provide a consistent analysis for the Area of Secondary Impacts, and generally discusses impacts based on close proximity of the project, rather than the entire study area. Based on these fatal flaws, the study should be re-written to address this comment (and others below), and incorporated into a revised and

RESPONSES

301 Please refer to the responses to your Comments 092 and 268.

302 Please refer to the response to your Comment 271.

303 It is standard practice in community impact analysis to primarily focus on direct impacts that would occur to property and people closest to the project, particularly those within the project footprint, but to also provide background environmental setting information and more generally discuss indirect and cumulative impacts that may occur within a larger study area. This is not a "fatal flaw." The CIA follows the required FHWA and Caltrans template for this study and contains the required information. Please refer to the response to your Comment 273.

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303			recirculated DEIR/EIS to allow for meaningful public review and to aid the decision makers.
304	Page 1-13 3rd paragraph	Methodology used to assess the project impacts based on "*...the study area consists of an area of direct impacts (within 1.0 mile of the I-5 corridor) and a wider area of secondary and cumulative impacts.*	See above comment regarding various "study areas". As mentioned under the Methodology section, the study should be rewritten to include a full analysis broken down by each study area and project phase to allow for full disclosure of potential environmental impacts. Where required, mitigation measures (recommendations) should be provided to offset or reduce these impacts.
305	Page 2-121 2nd paragraph	The total land area of Oceanside within the study area is 10.88 square miles, or 25.8 percent of the total land of Oceanside.	Please revise the inconsistencies within the report. Table 1-1 Study Area Jurisdiction and Census Tracts states 6 square miles, 13 percent. With discrepancies relating to such basic data, it is reasonably concluded that the entire study is flawed and need to be reassessed, where these conclusion are carried over in the DEIR/EIS, revisions are necessary. As currently written, it is unclear if the report based its analysis on 25.8 percent of Oceanside's total land or 13 percent.
306	Page 2-121 9th paragraph	*There are five freeway interchanges in Oceanside...*	There are additional interchanges within the City boundary that are not addressed here (i.e., Cassidy and California Street) but yet are included in Figure 2.6-15. Please revise the study.
307	Page 3-6 6th paragraph	Construction related impacts ... construction of a DAR at Oceanside Boulevard could interrupt circulation on Oceanside Boulevard, as well as other roads in the vicinity of the construction,	This potential impact need to be carried into the DEIR/EIS and assessed for impacts to local roadways.

RESPONSES

304 Please refer to the responses to your comments 273 and 303.

305 Analysis of project impacts focuses primarily on the immediate vicinity of the project alternatives' impact footprints. General description about the City is not essential to the analysis. Please refer to the responses to your Comments 273 and 303.

306 Please refer to the response to your Comment 273.

307 The Oceanside Boulevard DAR has been eliminated from the project.

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307 cont.		particularly those that serve the City Center Golf Course. These disruptions *could affect local and regional travel patterns depending on the LOS experienced during peak periods.*	
308	Page 3-1 3rd paragraph	*Construction of the proposed alternatives would take place in four phases.*	This is inconsistent with the DEIR/EIS. What is the estimated time span for each of the four phases? Without providing a timeframe for construction impact how were impacts assessed? (Please note: while construction impacts are usually considered short term, a 38 year project does not constitute short-term construction impacts) How will project impacts be addressed if the duration of the project lingers. Will another Community Impact Assessment report be prepared? What mitigation measures and performance standards have been proposed to manage the timing of the project? Responses to these questions should be incorporated into the DEIR/EIS as appropriate to assess environmental impacts under NEPA and CEQA.
309	Page 3-6 6th paragraph	*Various locations within Oceanside could experience temporary disruptions to existing travel patterns, primarily along I-5, during construction activities due to lane restrictions, lane closures, or temporary detours.*	Please define temporary in days/months/years. Is the use of the term "temporary" accurate in describing and assessing project impacts to the City? Please revise this statement to read: *Various locations within Oceanside* ***will*** ~~*could*~~ *experience* ~~*temporary*~~ *disruptions to existing travel patterns, primarily on I-5, during construction activities due to lane restrictions, lane closures, or temporary detours.*
310	Page 3-38 2nd paragraph	*Implementation of the proposed project would*	What are the operational impacts of the increased ADT on the northbound and southbound I-5 corridor and at the interchanges?

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308 There are three major construction phases in the EIR/EIS, as described in *Section 2.4, Phased Construction*. The construction phasing and time span will evolve as the project is refined based on the Preferred Alternative, if the project is approved. Although the implementation duration for the entire project spans many years, construction at any particular location would be of a much shorter duration. Analysis in the EIR/EIS that may be affected by construction phasing is considered to be adequately conservative to identify impacts. Refinement of project design and construction concepts would focus on reducing the extent, duration, and severity of impacts, consistent with the mandates of NEPA and CEQA; therefore it is not likely that a new Community Impact Assessment would be required. Many factors will determine the timing and duration of project construction phases, including the final design/phasing and the availability of funding. If the project is approved, Caltrans is also legislatively mandated to coordinate improvements at lagoon crossings with the construction of the LOSSAN double-track crossings where it is practical to do so and would serve to minimize impacts to the lagoons. The latest available information regarding project phasing has been included in the Final EIR/EIS.

309 Construction activity along the I-5 North Coast corridor would occur in phases in order to minimize disruptions. There are three proposed construction stages. During each phase, construction activities may disrupt vehicular and pedestrian access; however, any impacts related to these disruptions are considered temporary proximity impacts as they are not anticipated to result in permanent

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	309 cont. impacts. The term "temporary" therefore cannot be defined in specific days/months/years. A TMP would be implemented throughout the duration of construction activities that would be made available to the public. The TMP would further serve to minimize project-related construction disruptions and would include traffic mitigation strategies designed in coordination with the local communities. The suggested revision is not appropriate. Until the project is approved and detailed construction/phasing information and the TMP become available, such impacts are not definite.
	310 Operational impacts of increased ADT in the future are addressed in EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities* and in the technical studies related to traffic.

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310 cont.		*result in increased vehicular capacity, and therefore higher ADT volumes on the northbound and southbound I-5 corridor and at interchanges.*	Where is this analysis carried over into the DEIR/EIS?
311	Page 3-38 8th paragraph	*Additionally, the proposed project would consist of the expansion of an existing established freeway corridor and would be consistent with existing land uses.*	Project implementation would modify existing and planned residential land uses and commercial land uses to transportation land uses. This proposed change is not consistent, nor is it supported by any City planning or zoning document. Significant adverse impacts will occur to land use, community impacts, and growth regarding community impacts; in addition to impacts on air quality, noise, aesthetics, biological, cultural, hazards, environmental justice, soils, public services, safety, traffic/transportation, recreational use, educational centers, utility resources, and quality of life. This statement should be deleted from the study as the conclusion is not supported by evidence.
312	Page 3-37	Section 3.2.6	This section omits the analysis of several community related subjects such as schools and daycare centers, recreational centers and parks, trails, pedestrian and bicycle paths, growth impacts, increasing urbanization or isolation, and community cohesion.
313	Page 3-39	Table 3.2-10 Consistency with the Oceanside General Plan	This table is fundamentally flawed. The analysis of project consistency with the City's General Plan is absurd, as best. To make the claim that the project "would not alter the existing community character" is unreasonable and unjustified. This table does not include all goals relating to the community. Where this analysis was carried into the DEIR/EIS, considerable revision to- or deletion of the table should occur.
314	Page 3-40	*Property values in*	Please describe these impacts. What mitigation measures or

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311 The referenced statement is regarding the specific impact of land use change for properties that are acquired within the final project footprint and should not be extrapolated to all environmental issues. Analyses regarding the various issues cited are documented in the appropriate sections of the EIR/EIS within *Chapters 3* and *4*.

312 The cited issues are addressed in various other sections of the CIA, as well as the appropriate sections of the EIR/EIS.

313 *Table 3.1.1* in the EIR/EIS compares project consistency with local plans and policies, including the Oceanside General Plan. For the purposes of this analysis, the proposed widening of an existing freeway within the City of Oceanside is considered to be generally consistent with the existing character of a freeway and abutting freeway land uses. The Oceanside DAR has been eliminated from the project, resulting in a reduction of community impacts in the City of Oceanside. It is not clear from this comment which of the City's goals that are relevant to the proposed project are believed by the City to be missing.

314 Please refer to Topical Response "Property Valuation" for information on positive and adverse effects of highway-widening projects. No mitigation is required.

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314 cont.	7th paragraph	*Oceanside could be affected by displaced businesses and residences, changes in the visual environment, improved access to community facilities and other residential areas, and nearby community enhancement projects.*	recommendations does the study provide?
315	Page 3-40 10th paragraph	*When viewing the proposed project along the entire I-5 North Coast Corridor and the improvements to the region as a whole, property values would most likely improve.*	Based on what evidence? Consider deleting this statement or provide evidence to support this conclusionary statement.
316	Page 4-1	Chapter 4.0 Community Cohesion	Although this chapter acknowledges several adverse impacts to neighbor cohesion, what are the impacts to the City as a whole community?
317	Page 4-16 6th paragraph	*Community cohesion for those residents of Oceanside in areas that exhibit traits of elevated community cohesion, specifically those high minority areas in the northern part of the study area, could be affected by changes to existing access and circulation, growth, changes in quality of life, and increasing urbanization and isolation.*	This is a significant adverse impact to the City of Oceanside, and should be acknowledged.

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315 Please refer to Topical Response "Property Valuation" for information on positive and adverse effects of highway-widening projects.

316 Community cohesion is addressed in EIR/EIS *Section 3.4.1, Community Character and Cohesion*. The EIR/EIS did not conclude that the proposed widening of an existing freeway would have substantial adverse community cohesion impacts in the City of Oceanside, particularly with the implementation of the proposed community enhancements. The *I-5 NCC Project* does not affect the entire City of Oceanside, with respect to community cohesion.

317 The statement that Oceanside residents could be affected refers to a mix of positive and negative effects, which are not considered to result in a substantial adverse community cohesion impact. For example, improved access, circulation, and community enhancements are anticipated to improve quality of life for many residents. Please also refer to the response to your Comment 316.

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318	Page 5-1	Table 5.1 Cumulative Impacts	This table does not accurately portray the City's project list, nor does this table provide a date of when said projects were planned, or underway. This table differs from the cumulative project table used in the DEIR/EIS. Further, the References section does not cite any such list or correspondence with City Staff. Please contact the City's Planning Department for an up-to-date list of cumulative projects. Re-assess the proposed project with the cumulative projects and revise both the study and DEIR/EIS. Where required to do so, incorporate mitigation measures intended to offset or reduce impacts.
319	Page 5-5 4th paragraph	*The Oceanside projects listed in Table 5-1 could result in a cumulative change in travel patterns and increase in population…*	The City acknowledges the project would have significant adverse cumulative impact.
320	Page 6-5 4th paragraph	*With 17 block groups exhibiting total minority percentages meaningfully greater than that of the general population or over 50 percent, the study area within Oceanside is considered to contain minority populations that would be of potential Environmental Justice concern.*	The City acknowledges the project would have significant adverse impacts to Environmental Justice and would disproportionately affect certain minority and income level groups. These impacts will need to be disclosed and analyzed further in the DEIR/EIS.
321	Page 6-18	Section 6.6 Mitigation	The Environmental Justice mitigation measures will need to be included for all communities impacted, including the City of Oceanside. The use of passive language "should" will need to be replaced with "shall" to

RESPONSES

318 The EIR/EIS has identified reasonably foreseeable projects as the basis of the cumulative analysis for the entire regional project. *Table 3.25.1* in Draft EIR/EIS *Section 3.25, Cumulative Impacts,* summarized those projects within the cumulative study area that were determined at the time the EIR/EIS was prepared, to have the potential to result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. Additional clarification is provided in Final EIR/EIS *Section 3.25*. Documentation of additional projects has been added to *Table 3.25.2* and review of environmental resource health or status were added in text and to *Table 3.25* to provide the reader with clarification regarding the basis for conclusions reached in the Draft EIR/EIS. As detailed in *Section 3.25*, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative effects remain as stated. Please also refer to the response to your Comment 273.

319 The referenced paragraph in the Community Impact Assessment does not conclude that the project would have a significant adverse cumulative impact. Conclusions regarding cumulative impacts are provided in EIR/EIS *Section 3.25*.

320 The referenced sentence in the Community Impact Assessment identifies the existence of populations who would be subject to environmental justice impacts. It is not a conclusion as to whether such impacts would occur. The EIR/EIS conclusions regarding environmental justice impacts are provided in EIR/EIS *Section 3.4.3, Environmental Justice*.

321 The measures cited are suggested for the mitigation of potential environmental justice impacts in northern Carlsbad associated with the 10+4 Barrier and 8+4 Barrier alternatives, and do not apply to Oceanside. As noted in EIR/EIS *Section 3.4.1.3, Environmental*

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321 cont.			insure compliance with mitigation strategies. If it is not changed, and the mitigation not complied with, what are the residual impacts? These mitigation measures are not included in the DEIR/EIS; although the DEIR/EIS states that the report is incorporated by reference.
322	Page 8-2	Section 8.2 Mitigation Measures	Mitigation measures previously referenced in the study are not included here. Please explain. The mitigation measures needs to be carried into the DEIR/EIS for full disclosure of land use impacts, community impacts, and growth impacts.
	Community Enhancement Plan and Project Notebook (January 2008)		
323	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
324	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
325	Page 157	Figure 146	This exhibit does not accurately portray the city boundary. Please provide an accurate aerial exhibit and revise the analysis as necessary.
326	Page 159	Figure 148	The figure is broken down in Groups A-H, none of which include the SR76 interchange or Oceanside Harbor Drive interchange.

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321 cont. *Consequences*, overall, the project is anticipated to improve existing community character and cohesion by incorporating various design features into the project. Additionally, community enhancement features, if implemented, would further improve and facilitate connectivity between communities east and west of I-5 that were bisected when I-5 was originally constructed. These statements apply to Oceanside.

322 Suggestions in the Community Impact Assessment are the basis for the selected measures provided in the EIR/EIS, which govern. Proposed community enhancements which have been incorporated into the proposed project, replace the mitigation measures identified in the Community Impact Assessment.

323 Please refer to the responses to your Comments 092 and 268.

324 Please refer to the response to your Comment 271.

325 This graphic is conceptual and the boundary approximates the City boundary at the time this study was prepared. Any minor differences are not germane to the information portrayed by this graphic.

326 Please refer to the responses to your Comments 273 and 325.

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326 cont.			Please revise accordingly.
	Visual Impact Assessment (April 2009)		
327	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
328	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
329	Page 82-83	Project Alternative Exhibits	These pages provide a conceptual rendering for each of the project configurations: 8+4 with buffer, 8+4 with barrier, 10+ with buffer, and 10+4 with barrier. However, these exhibits are seriously flawed; whereas, the number of lanes portrayed does not match the title, and in some cases varies for northbound versus southbound traffic.

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327 Please refer to the responses to your Comments 092 and 268.

328 Please refer to the response to your Comment 271.

329 The project alternative labeling refers to the general number of main lanes and HOV/Managed Lanes in a typical cross section. While this labeling is used to easily distinguish between the various build alternatives, as described under the heading *Proposed Project Features* on page 4 of the Visual Impact Assessment, the proposed cross section varies based on factors including the need for auxiliary lanes in specific locations. In some locations, this would result in differing numbers of northbound versus southbound lanes. The number of lanes that would occur in specific locations are detailed in EIR/EIS *Section 2.2, Alternatives,* and the accompanying graphics. For example, where the existing I-5 segment contains four or more general purpose lanes in each direction, the only change to through lanes would be an addition of HOV/Managed Lanes in each direction. If there is already one HOV lane available, only one additional HOV/Managed Lane would be provided. This is considered the minimum amount of potential improvement. Where the existing facility currently contains six north- or southbound through lanes, however, an

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329 cont.			To accurately assess the potential visual impacts and to provide an "after" photo, these rendering should be revised to reflect the actual scope of the project.
330	Page 155	Conceptual renderings.	Are these renderings to scale? Please revise these renderings to scale if not already done so. The "before" and "after" image of Key View #16 I-5 at Oceanside Boulevard DAR do not appear to accurately portray the effect the project impacts as the added lanes are not provided in a realistic view.
331	Pages 157	Key View # 16 I-5 at Oceanside Boulevard DAR	The City agrees with the assessment that the proposed 52 foot retaining wall / noise wall would adversely impact viewer sensitivity, visual quality, and community character, and that the residual impact would be a high visual impact. Please carry this analysis over into the DEIR/EIS and evaluate under NEPA and CEQA for project level impacts.
332	Page 161	Key View #17 Mission Avenue at I-5 in Oceanside	How will the view from the freeway be changed? It is unclear how the assessment which concluded "moderately high" to "high" for quality and sensitivity resulted in "no impact". Please explain.
333	Page 167	*Mission Avenue in Oceanside (Key View #17) may be reconfigured to provide high volume pedestrian routes…*	Please clarify this statement. The assessment for this Key View assumes this overpass will be modified. What is the impact is this is not completed? What will be the deciding factor whether or not this interchange will be modified?
334	Page 168 1st paragraph	*Since views such as these are pleasant surprises to first-time travelers, it is questionable whether those viewers would know to expend the effort to peer through the barrier surface and experience that moment of discovery. For*	This statement does not support the decision to not use transparent barrier walls.

RESPONSES

329 cont. additional two HOV/Managed Lanes would still be added in each direction. Between the I-5/I-805 merge and SR-56, the existing facility contains up to seven general purpose lanes and one HOV lane in each direction. The *I-5 NCC Project* would add an additional HOV/Managed Lane both north- and southbound in this area. Please also see discussion of (non-through) auxiliary lanes in the EIR/EIS.

330 Please refer to the response to your Comment 325. Conceptual renderings are typically not to scale. The Oceanside Boulevard DAR has been eliminated from the project.

331 The Oceanside Boulevard DAR has been eliminated from the project.

332 Visual impacts of Mission Avenue at I-5 are addressed in EIR/EIS *Section 3.7, Visual/Aesthetics*. At this location, the interchange would be reconfigured to eliminate the two existing free-flow freeway ramps located on the south side of Mission Avenue, which would allow construction of a continuous sidewalk crossing the freeway. Change to visual character would likely be seen as positive, and therefore the project would enhance the viewshed and would not have an adverse visual impact.

333 The reconfiguration of this interchange is included in the project. If the overpass is not modified the condition would be the No Build alternative and there would be no impact.

334 The EIR/EIS addresses transparent barrier walls in *Section 3.7.3, Environmental Consequences*, and explains that the use of transparent panels in noise walls adjacent to freeway lanes would not necessarily preserve existing scenic views due to the reduction in transparency that would likely occur due to surface reflectivity,

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334 cont.		*these reasons, noise barriers with transparent material would not avoid or mitigate the loss of scenic views from the freeway.*	
335	Page 171 1st paragraph	*Caltrans and the FHWA mandate that a qualitative/aesthetic approach should be taken to mitigate for visual quality loss in the project area.*	How will this be accomplished? Please be specific.
336	Page 171 2nd paragraph	*Visual mitigation for adverse project impacts addressed in the previous section would consist of adhering to the following design requirements in consultation with the District 11 Landscape Architect (DLA).*	Following of design requirements is not mitigation, nor does it necessary lessen the adverse impacts. See CEQA Guidelines §§15370 and 15126.4.
337	Overall comment	Mitigation Measures	Have these measures been effective in other projects? Why or why not? [Noise wall planting pockets, noise wall landscape buffers, landscape noise berms, vertical concrete safety barriers, transparent noise walls, architectural detailing, etc].
338	Overall comment	Visual Assessment graphs	Please include these graphs in the DEIR/EIS to provide a visual assessment of the adverse aesthetics impacts of project implementation. Please provide corresponding text to assess these graphics in the technical study and DEIR/EIS.

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334 cont. soiled or scratched surfaces, image distortion, substantial support latticework, and current Caltrans maintenance practices. For these and other reasons listed in the technical study, noise barriers with transparent material would not be considered as a viable method to avoid or mitigate the loss of scenic views from the freeway.

335 EIR/EIS *Section 3.7.4* addresses a number of design features that would be employed as applicable to address visual concerns. The height and design of retaining walls and soundwalls, community enhancements, and Design Guidelines: I-5 NCC Project (see Appendix L) have undergone refinement during the environmental process as described in the Final EIR/EIS, and will continue to be refined as design proceeds on the Preferred Alternative if the project is approved. Please refer to Topical Response "Visual/ Community Effects" for additional information regarding visual effects of the project that are recognized as remaining high, as stated in the EIR/EIS.

336 Design measures can serve to avoid, minimize, or mitigate adverse visual effects, regardless of whether they are identified as "mitigation measures" as defined by CEQA. EIR/EIS *Section 3.7.4* addresses a number of design features that would be employed to address visual concerns. These measures have been developed based on the long history of experience that Caltrans has with such installations. The height and design of retaining walls and soundwalls, community enhancements, and the Design Guidelines: I-5 NCC Project have undergone refinement during the environmental process, as described in the Final EIR/EIS, and will continue to be refined as design proceeds on the Preferred Alternative, if the project is approved. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project, which would remain high, as stated in the EIR/EIS.

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	Natural Environment Study (NES) (June 2008)		
339	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
340	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
341	Page iii	CEQA review for CESA compliance	The summary of the report omits any discussion pertaining to CEQA or the California Environmental Species Act (CESA). Please revise the study to include this discussion as it applied to the project. What resource agencies will be required to participate in the CEQA review process and to ensure mitigation requirements for impacts to sensitive species and habitat will be carried out? What preliminary management plans and mitigation programs are underway? The City requests to be included in the review of resource management plan and mitigation programs which may affect the lands within the City boundary including the planned Buena Vista lagoon restoration project.
342	Overall comment	Worker Environmental Awareness Program(s)	What types of Worker Environmental Awareness Program(s) have been or will be incorporated in the project design to ensure that project construction

RESPONSES

337 Please refer to the response to your Comment 336.

338 The availability of the graphs in the Visual Impact Assessment is sufficient, as the technical study has been incorporated by reference into the EIR/EIS.

339 Please refer to the responses to your Comments 092 and 268.

340 Please refer to the response to your Comment 123.

341 The reviewing resource agencies are the same for CEQA and NEPA. The request of the City of Oceanside to be included in review of resource management plans and mitigation programs is noted. Please also refer to the response to your Comment 123.

342 These kinds of details are not available at this level of design and will be developed as the mitigation program is refined. Please refer to the response to your Comment 123.

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342 cont.			and operation occur within a framework of safeguarding environmentally sensitive resources?
343	Page 3	*Based on the review of species with the potential to occur within the Study Area and the initial habitat assessment, protocol surveys for the following species were completed.* • *Coastal California gnatcatcher (Poliioptila californica californica)* • *Light-footed clapper rail (Rallus longirostris levipes)* • *Least Bell's vireo (Vireo bellii pusillus)* • *Pacific pocket mouse (Perognathus longimembris pacificus)*	These surveys have not been included in the appendices. The City requests these surveys be made available for public review.
344	Page 3	Section 2.1 Studies Required	This section omits discussion of: • California least tern (*Sterna antillarum browni*) • Western snowy plover (*Charadrius alexandrinus nivosus*) • Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*) Please revise to include these discussions, as mentioned on page 3.
345	Page 13	2.7. Limitations That May Influence Results	Because the project is be constructed over several phases and out to the year 2050, the City does not accept this statement.

RESPONSES

343 Results of the surveys are adequately presented in the figures and tables and text of the NES and summarized in the EIR/EIS. The survey reports were produced for the purpose of reporting to the U.S. Fish and Wildlife Service as required pursuant to the permits to survey for these species, which are issued by that agency, and are not a required element of the NES.

344 Although the general discussion of these species was not included in the NES, impacts to Del Mar manzanita, California least tern and Western snowy plover are correctly discussed in EIR/EIS *Section 3.21, Threatened and Endangered Species*. Sensitive plant locations, including Del Mar manzanita, are illustrated in the figures in EIR/EIS *Section 3.19, Plant Species*.

345 Sufficient surveys to establish baseline have been conducted. The statement referenced in this comment refers to continuing surveys. Surveys will also be completed as needed immediately prior to construction of each phase to identify the latest conditions for resources that must be protected during construction. Please also note that construction is expected to occur intermittently through 2035; not 2050 as stated in this comment.

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345 cont.		*Due to the large, complex nature of this project, all surveys cannot be completed for all species every year until the project is constructed.*	Studies are required to determine the baseline physical environment; and therefore studies post-construction would not provide an accurate biological setting.
346	Page 79	4.12 Mitigation	The list of avoidance and minimization measures should be carried over into the DEIR/EIS. For example, the full discussion pertaining to avoiding potential impacts to the endangered Del Mar Manzanita is not found in the DEIR/EIS. In preparing an EIR/EIS, the standard of practice is to incorporate all technical study recommendations and mitigation measures into the document to reduce or offset potential impacts.
347	Page 80	*A qualified biologist will be made available for both the pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, and monitor ongoing work. The biologist shall be familiar with the habitats, plants, and wildlife of the Project area, and maintain communications with the resident engineer, to ensure that issues relating to biological resources are appropriately and lawfully managed.*	The technical study refers to this statement as a conservation measure intended to minimize impacts to sensitive habitats and species during construction. In addition to reviewing grading plans, the qualified biologist should work with the project design team to educate on-site workers for potential biological issues. What types of compliance strategies will be employed to ensure adherence to the mitigation measure and to verify the measures are in fact appropriate? Will the biological monitor be on-site every day of construction? How many biological monitors will be employed to manage the 27 mile project boundary? What is the expected residual impact after implementation of the states conservation measure?

RESPONSES

346 The Draft EIR/EIS identified that the Del Mar manzanita would potentially be temporarily impacted, and indicated that it may be possible to refine the temporary impact area of the project during final design to avoid these endangered plants. Since the plants grow along a brow ditch that will likely need to be replaced, however, the plants would likely be impacted. If the plants cannot be avoided, EIR/EIS *Section 3.21, Threatened and Endangered Species* noted that they would likely be salvaged and placed in a compensatory mitigation site for the project. The specific mitigation measures for Del Mar manzanita are being determined in consultation with USFWS, as part of the Section 7 Consultation for the project. Six individual plants will be impacted by the refined 8+4 Buffer alternative, which is the Preferred Alternative. The latest refined mitigation measures for this species are provided in *Section 3.21* of the Final EIR/EIS.

347 Please refer to the response to your Comment 123, as well as the updated biological mitigation measures within the Final EIR/EIS (reflecting the latest agreements with the resources agencies) and the Environmental Commitments Record, provided in the Final EIR/EIS. Additional details will continue to be developed throughout the detailed project design phase.

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347 cont.			The City suggests the biological mitigation program be rewritten to include performance standards.
348	Page 80	*A channel large enough for fish passage will be kept open throughout construction within the San Luis Rey River and all of the lagoons.*	Please define "large enough".
349	Page 81	Compensatory Mitigation Measures	The City requests to be involved in the consultation of and adoption of the compensatory mitigation program for biological impacts. We recommend the resource agencies implement mitigation ratios appropriate to the level of impact.
350	Page 85	*Buena Vista Lagoon* *Caltrans is currently working with the CDFG and the BVTAC to identify these parcels and is looking into purchasing them. This mitigation would help the overall health of the lagoons and coastal systems without large acres of creation.* *Caltrans has been meeting with the owners of a 3.9 acre parcel in the western basin, west of highway 1 where a resort has been proposed. Purchase of this parcel would be key to*	What will be the determining factor whether or not this happens? If Caltrans to not able to purchase these properties what other methods of mitigation will be employed? If this is proposed mitigation is not implemented, what will occur in its place? Deferred mitigation is prohibited under CEQA.

RESPONSES

348 Please refer to the response to your Comments 123 and 243.

349 As is appropriate for this project, the compensatory mitigation program was developed in consultation with the resource agencies having permit jurisdiction over the project. This includes the identification of appropriate mitigation ratios.

350 Please refer to Topical Response "Lagoon Evaluations" for information about continuing lagoon studies. Substantial additional information regarding mitigation plans was circulated in a Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS, along with the latest permit requirements specified by the resources agencies.

REGIONAL AND LOCAL AGENCIES – COMMENTS

City of Oceanside - Comments on the Interstate 5 North Coast Corridor Project DEIR/EIS
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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
350 cont.		*limiting additional development adjacent to the lagoon.*	
351	General comment	Revegetation Plan	What types of Revegetation Plans are under consideration/consultation with the various resource agencies?
	Noise Report for Sensitive Wildlife Receptors within the I-5 North Coast Project (Appendix F to the NES)		
352	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
353	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
354	Page 1 2nd paragraph	*This noise report has been prepared to provide preliminary noise contour data to analyze potential project-related noise effects to biological resources located within the study area.*	This noise report fails to address the potential noise impacts from construction including the many types of equipment expected to be used within the study area and construction vehicles, and solely focuses on traffic considerations (existing versus estimated future conditions).
355	Page 6	*Noise Report for Sensitive*	Although referenced, this report is not included as an appendix and should

RESPONSES

351 Please refer to the responses to your Comments 123 and 350.

352 Please refer to the responses to your Comments 092 and 268.

353 Please refer to the response to your Comment 271.

354 While the Noise Report attached to the project NES does not include a quantified evaluation of potential construction-related noise impacts, it does note in Section 4.5 that "[t]he periodic, point-source noise impacts typically associated with construction activities would result in short-term effects to wildlife species." These potential effects are addressed in *Section 3.21, Threatened and Endangered Species*, of the Final EIR/EIS, through mitigation measures that require pile driving to occur outside the bird breeding season and mitigation monitoring during construction by a qualified biologist. Additional measures have been added to the Final EIR/EIS, pursuant to the Biological Opinion issued the U.S. Fish and Wildlife Service. Each of these measures is included in the Environmental Commitments Record (Appendix D) of this Final EIR/EIS.

355 As indicated in this comment, the noted report is identified as a cited reference in Appendix F of the NES prepared for the project.

REGIONAL AND LOCAL AGENCIES – COMMENTS

City of Oceanside - Comments on the Interstate 5 North Coast Corridor Project DEIR/EIS
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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
355 cont.	2nd paragraph	*Wildlife Receptors within the Manchester Avenue Interstate 5 Interchange Project* (Manchester Report) (Department 2003)	be made available for public review to allow for full public disclosure.
356	Page 10 2nd paragraph	Section 6 ANALYTICAL CRITERIA AND IMPACT METHODOLOGY *No noise thresholds were used to determine the potential for effects of noise on special status bird species.*	How were potential impacts for effects of noise on special status bird species determined? This information needs to be included in a revised report.
357	Overall comment	Scope of project: The project will cross six (6) lagoons.	Page 1-11 of the DEIR/EIS states: "I-5 also crosses six lagoons – San Dieguito, San Elijo, Batiquitos, Agua Hedionda, Buena Vista and Los Peñasquitos Lagoon." Yet not all lagoons crossed by the Project are discussed in the *Noise Report for Sensitive Wildlife Receptors within the I-5 North Coast Project*. Please explain or revise.
	I-5 Lagoons Marine Resource Investigation (June 2006) (Appendix C to the NES)		
358	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public.

RESPONSES

355 cont. This cited report was not prepared for the I-5 project, however, and was therefore not included as an appendix to the NES or other project studies. The full reference for this cited report is included in Section 9, References, of Appendix F to the NES as follows – 2003 Noise Report for Sensitive Wildlife Receptors within the Manchester Avenue/Interstate 5 Interchange Project. This report was specifically about the Manchester Interchange and not widening the I-5.

356 The referenced statement is on Page 10 of NES Appendix F, which goes on to note that there is no single standard or threshold for determining significant noise effects on all bird species. It goes on to state that prior studies that have indicated a possible noise effects threshold for certain species of songbirds have not been scientifically shown to be valid for those species. Therefore, the analysis was based on a comparison of existing ambient noise levels within the study area with the predicted post-project noise levels in the vicinity of the proposed bridge crossings over the five coastal lagoons along the I-5 corridor in San Diego County.

As indicated in this text and shown in Tables 2 and 3 of NES Appendix F, existing noise levels were measured and modeled for a number of noise receptor sites at the coastal lagoons (Table 2). The highest levels were then compared to modeled future (with project) noise levels at the same locations (Table 3). The relative differences in the existing and future noise levels were then used to assess potential noise-related impacts to sensitive avian species in each lagoon, along with site-specific considerations such as the documented locations of target species relative to the freeway corridor, the existing noise levels versus the amount of additional noise energy associated with project-related noise increases, and the effects of noise shielding conditions such as topographic features.

REGIONAL AND LOCAL AGENCIES — COMMENTS	RESPONSES
	357 Noise effects on wildlife are addressed in EIR/EIS *Section 3.21.3, Environmental Consequences*. Updated information from more recent lagoon studies was included in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS. Please also refer to the response to your Comment 273.
	358 Please refer to the responses to your Comments 092 and 268.

REGIONAL AND LOCAL AGENCIES – COMMENTS

City of Oceanside - Comments on the Interstate 5 North Coast Corridor Project DEIR/EIS
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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
358 cont.			The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
359	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
360	Overall comment	Scope of Project	Page 1-11 of the DEIR/EIS states: "I-5 also crosses six lagoons – San Dieguito, San Elijo, Batiquitos, Agua Hedionda, Buena Vista and Los Peñasquitos Lagoon." It is unclear why this report only covers the San Elijo, Batiquitos, and Agua Hedionda lagoons.
	I-5 Widening Project Pacific Pocket Mouse Habitat Analysis &Trapping Program San Diego County, CA. (June 2003) *(Appendix B to the NES)*		
361	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
362	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
	Limited Phase II Environment Site Assessment, I-5 Expansion Birmingham to Vandegrift Boulevard (October 2006)		

RESPONSES

359 Please refer to the response to your Comment 271.

360 Not all lagoon studies were completed at the time of the technical report preparation. Updated information from more recent lagoon studies was included in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS. Please also refer to the response to your Comment 273.

361 Please refer to the responses to your Comments 092 and 268.

362 Please refer to the response to your Comment 271.

REGIONAL AND LOCAL AGENCIES – COMMENTS

City of Oceanside - Comments on the Interstate 5 North Coast Corridor Project DEIR/EIS
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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
363	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
364	Pages 1-3 and 29	Executive Summary and Recommendations	The City assumes all recommendations of the Phase II Environmental Site Assessment report will be adopted within the DEIR/EIS, including but not limited to a site specific health and safety plan, a soils management plan, exported soils will be required to adhere to state requirements, and construction dewatering effluent treated prior to discharge as per the NPDES and/or sewer discharge permit.
	Manchester Avenue/Interstate 5 Interchange Project NES Report (January 2004)		
365	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the

RESPONSES

363 Please refer to the responses to your Comments 092 and 268.

364 EIR/EIS *Section 3.13, Hazardous Waste/Materials*, addresses recommendations for the issues listed in this comment. Required compliance with applicable waste management regulations in the design and implementation of the proposed project will ensure that the project would not result in an adverse effect with respect to this issue.

365 Please refer to the responses to your Comments 092 and 268.

REGIONAL AND LOCAL AGENCIES – COMMENTS

City of Oceanside - Comments on the Interstate 5 North Coast Corridor Project DEIR/EIS
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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
365 cont.			requirements of NEPA and CEQA.
366	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
367	Overall Comment	Availability of this Technical Study.	Public review for the DEIR/EIS commenced 7/12/10. This study was made available for public review 8/26/10 via http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html more than 44 days after the DEIR/EIS release date. This is direct NEPA and CEQA violation, as it thwarts full disclosure for public review and meaningful assessment for the public and decision makers.
368	Overall Comment	Cover page	EA 24140K is referenced on the cover page. Please make available this Environmental Assessment for public review and comment, as it may be relevant to the project.
369	Page iv	Table S-2 Special Status Species Impact Matrix	Has this impact matrix been carried into the DEIR/EIS for disclosure and analysis of potential impacts?
370	Page iv	Table S-2 Special Status Species Impact Matrix	This table lists 16 special status species with suitable habitat area and summary of impacts. Unfortunately, in many instances the "Maximum Compensatory Mitigation Amount or Area" column states N/A, in other places the response is "To be determined through discussions with the resource agencies". The response N/A is not adequate to meet the requirements of CEQA; whereas, CEQA requires mitigation measures intended to offset or reduce impacts. The response "To be determined through discussions with the resource agencies" should be revised to include *draft* mitigation program details for the terrestrial resources based on standard resource agency protocols for the special status species. Please recalculate this column and revise the study. As it applied to the analysis carried into the DEIR/EIS, please revise and recirculate the DEIR/EIS.

RESPONSES

366 Please refer to the response to your Comment 271.

367 This NES for the Manchester Avenue / Interstate 5 Interchange was prepared by other parties for the City of Encinitas. Analysis in the EIR/EIS was partially based on this project NES which was provided to the public on the Caltrans website on August 26, 2010. Adequate time was provided in the extended review period (ending November 22) for the public to access this special technical study.

368 "EA" in this instance is reference to a Caltrans Expenditure Authorization project tracking number and not an environmental assessment.

369 The Manchester Avenue NES is useful as background information for the EIR/EIS, particularly with regard to existing conditions. However, the impact calculations and mitigation within that document would not be directly applicable to the proposed project. If the project is approved, the specific impacts and measures to be incorporated into the project will be based on the Preferred Alternative and the specific permit conditions imposed by the resources agencies. Please refer to the response to your Comment 123.

370 Impacts to the species referenced in the Manchester Avenue / Interstate 5 NES that would be caused by the *I-5 NCC Project* have been addressed in the EIR/EIS. Please also refer to the responses to your Comments 273, 367, and 369.

REGIONAL AND LOCAL AGENCIES — COMMENTS

City of Oceanside - Comments on the Interstate 5 North Coast Corridor Project DEIR/EIS
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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
371	Overall Comment	Biological Mitigation	The following Chapters of the DEIR/EIS list this technical study as incorporated by reference: 3.19 Plant Species, 3.20 Animal Species, 3.21 Threatened and Endangered Species. However, because this study was prepared for another project and for the City of Encinitas as the CEQA Lead Agency, will the mitigation measures included in this study be included in the DEIR/EIS? Why or why not?
	Paleontological Resource Assessment, I-5 NCC Project, Caltrans District 11, San Diego County, California		
372	Overall Comment	The City of Oceanside (Cooperating Agency / Responsible Agency)	Report not yet made available as of 11/1/10. As a Cooperating Agency under NEPA and Responsible Agency under CEQA, the Paleontological Resource Assessment report should be made available for professional peer review and to access the project for impacts to paleontological resources. If required to do so by law, the sensitive location information can be blacked-out to protect the paleontological resource.
	Historic Property Survey Reports (HPSR)[Original] (March 2007) First Supplemental HPSR (May 2008) and Supplemental HPSR (May 2008)		
373	Overall comment	Incorporated by Reference	Reports not yet made available to the public as of 11/1/10. This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
374	Overall Comment	The City of Oceanside (Cooperating Agency /	As a Cooperating Agency under NEPA and Responsible Agency under CEQA, the Historic Property Survey Reports should be made available for

RESPONSES

371 Please refer to the response to your Comment 369.

372 Please refer to the responses to your Comments 092 and 121.

373 Please refer to the responses to your Comments 092 and 268.

374 Please refer to the responses to your Comments 092 and 121.

REGIONAL AND LOCAL AGENCIES – COMMENTS

City of Oceanside – Comments on the Interstate 5 North Coast Corridor Project DEIR/EIS
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	DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
374 cont.		Responsible Agency)	professional peer review and to access the project for impacts to cultural resources.
	Historic Resource Evaluation Reports (HRER) for Historic Structures [Original] HRER (July 2005), First Addendum HRER (August 2006)		
375	Overall comment	Incorporated by Reference	Reports not yet made available to the public as of 11/1/10. This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
376	Overall Comment	The City of Oceanside (Cooperating Agency / Responsible Agency)	As a Cooperating Agency under NEPA and Responsible Agency under CEQA, the Historic Resource Evaluation Reports should be made available for professional peer review and to access the project for impacts to cultural resources.
	Archaeological Survey Reports (ASRs [Original] ASR (2002), Supplemental ASR (December 2006), Second Addendum ASR (July 2008), and Third Addendum ASR (July 2008)		
377	Overall comment	Incorporated by Reference	Report not yet made available to the public as of 11/1/10. This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no

RESPONSES

375 Please refer to the responses to your Comments 092 and 268.

376 Please refer to the responses to your Comments 092 and 121.

377 Please refer to the responses to your Comments 092 and 268.

REGIONAL AND LOCAL AGENCIES — COMMENTS

City of Oceanside - Comments on the Interstate 5 North Coast Corridor Project DEIR/EIS
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DEIR / EIS Reference Section	Interstate 5 North Coast Corridor Project DEIR/EIS Text	City of Oceanside Comment on DEIR/EIS
		relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS should be revised to include citation referencing as per the requirements of NEPA and CEQA.
Overall Comment	The City of Oceanside (Cooperating Agency / Responsible Agency)	As a Cooperating Agency under NEPA and Responsible Agency under CEQA, the Archaeological Survey Reports should be made available for professional peer review and to access the project for impacts to archeological resources.

377 cont.

378

RESPONSES

378 Please refer to the responses to your Comments 092 and 121.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES

EXHIBIT 2

MISCELLANEOUS PUBLIC COMMENTS

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: Joan Beckman Address: 1017 Alberta Ave Ocsd, CA

Comments:

The root of the problem is the refusal to convert existing lanes to HOV. We must overturn the lawsuit or whatever Caltrans uses to avoid changing existing lanes to HOV. All freeways must have the #1 lane designated HOV by decree. For every freeway of 3 lanes or more the #1 lane must be HOV statewide. For all freeways of 4 or more lanes, the #1 and #2 lanes must be HOV statewide. This should be done by law regardless of signage.

379

RESPONSES

379 Thank you for your comments regarding the use of existing freeway lanes to accommodate High Occupancy Vehicle (HOV)/Managed Lanes. They are part of the public record. Reassignment of existing general purpose lanes for HOV/Managed Lanes would not meet the overall purpose of the project to maintain or improve the existing and future traffic operations of the I-5 in order to improve the safe and efficient regional movement of people and goods for the planning design year of 2050. The existing I-5 corridor currently experiences severe congestion during peak hours. Although the planned regional transportation network is moving toward a more multimodal system with more modal choices and less reliance on single-occupant vehicles, traffic projections contained in the I-5 San Diego North Coast Corridor System Management Plan indicate that vehicle miles traveled on I-5 will increase approximately 29 percent over the next 30 years. The Draft EIR/EIS addressed two alternatives that contained elements of your suggestion. The 8+2 alternative would have added one HOV/Managed Lane in each direction, and the 10+2 HOV alternative would have added one general purpose lane plus one HOV/Managed Lane in each direction. As described in *Section 2.5, Alternatives Considered but Eliminated from Further Discussion*, each of these scenarios failed to carry the projected amount of traffic. Thus, retention of only the existing number of lanes on I-5, regardless of whether they are general purpose or HOV/Managed Lanes, would not provide adequate highway capacity for existing and future demands. This section has been updated in the Final EIR/EIS (please refer to *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*).

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: Joan Beckman Address: 1017 Alberta Ave Ocsd, CA

Comments:

380 The true cost of any I-5 freeway expansion must be considered. Beyond noise + views, the land is valuable. Each acre must be valued at the highest (hotel, etc) value NOT the lowest (ie condemed)

381 Airpollution is measured in the

382 lives of children. Views lost impact all tourist and resident uses.

383 Noise is a medical ~~cos~~ and safety cost as people are more stressed.

384 Analyses must put a high price/cost on all this.

RESPONSES

380 With regard to land values of properties required for the project, an appraisal will be performed to determine the fair market value and an offer of just compensation will be made to the property owner. Please refer to Topical Response "Acquisition Valuation" for additional details.

381 With respect to air pollution, the project is anticipated to result in improvements to air quality when compared to existing conditions. Please refer to Topical Response "Air Pollutants" for discussion of the project's consistency with air quality regulations and anticipated decrease in emitted pollutants with project implementation, as well as to EIR/EIS *Section 3.14, Air Quality,* for more detail.

382 Please refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.

383 As discussed in *Section 3.15, Noise*, of the EIR/EIS, although project-related decibel (dBA) increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer dBA over no build conditions, and changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: Joan Bullock Address: 1800 Bayberry Dr, Oceanside

Comments: We need to change the mode of transportation from Auto to that of mass transit. Increasing the size of I5 is not in our best interest. The I5 widening is a waste of money. Lets put the money toward possible transportation choices. How can we change transportation funds for freeways to building mass transit?

385

RESPONSES

383 cont. Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figure 2-2.3, Sheets 1* through *67* and *Section 3.15.4*). The use of such noise abatement has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise analysis and soundwall determinations.

384 The EIR/EIS provides an analysis of each of the issues identified by your comments, as described in the preceding responses, as well as other environmental and socioeconomic issues. Decision makers will weigh the environmental, social, and economic "costs and benefits" of the project alternatives in determining whether or not to approve the project and which alternative to select. This will include consideration of: (1) noise and air quality (including associated health), visual, property acquisition and other impacts; (2) consistency and compatibility with long-term land use and transportation planning for the region; and (3) financial feasibility and prudence of the alternatives, among other factors.

385 Thank you for your comments, which are part of the public record. Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All of the elements (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

REGIONAL AND LOCAL AGENCIES – COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: Athena Capsis Address: 1873 N. Vulcan ave
acapsis@cox.ne

Comments:

386 There is no doubt in my mind I-5 expansion should not happen.

387 Is this ultimately decided by Sandag? so we need to influence our local reps at in Sandag. So we need a critical ~~so the mass~~ mass of people to be sure the officials vote correctly?

RESPONSES

386 Thank you for your comments, including your preference for the No Build alternative, which are part of the public record.

387 The decision regarding selection of a project alternative (including No Build) will be made by Caltrans and the Federal Highway Administration.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: Don Christiansen Address: 3715 Longview Drive Carlsbad

Comments: Thank you for

388 taking the initiative to have this timely and important meeting.

389 More Effective Mass Transit!!

RESPONSES

388 Thank you for your comments, which are part of the public record. You may wish to also refer to EIR/EIS *Chapter 5, Comments and Coordination*, regarding the extensive public outreach process undertaken for the project.

389 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All of the elements (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding ongoing plans and improvements to mass transit.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: NEIL DUCKER Address: 1446 MORENO ST

Comments:

390 I HAVE BEEN LOOKING FORWARD TO A "SOUND ABATEMENT WALL" FOR 12 YEARS. I HAD NO IDEA OF THE IMPACT ON MYSELF AND MY NEIGHBORS.

391 ADDING ALL THESE LANES IS NOT THE ANSWER. I WOULD SUGGEST ADDING 2/4 (2 EA WAY) LANES WITH RAPID TRANSIT SIMILAR TO BART (BAY AREA RAPID TRANSIT) LIGHT RAIL!

392 IN THE BAY AREA. WHAT CAL TRANS IS PROPOSING WILL DESTROY THE QUALITY OF LIFE ON THE NORTH COUNTY COASTLINE.

RESPONSES

390 Thank you for your comments, which are part of the public record. With regard to noise in the vicinity of Moreno Street, consistent with your comment, Soundwall S845 was evaluated in that area. Based on the assessment of "reasonable" and "feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol, the wall is preliminarily evaluated as being both "reasonable" and "feasible." It is, therefore, preliminarily recommended for construction. For more information regarding general soundwall evaluation and location analysis in accordance with the Caltrans Traffic Noise Analysis Protocol, please refer to Topical Response "Soundwall Considerations."

391 With regard to alternative modes of transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All of the elements (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation. Please also refer to Topical Response "Corridor Alternatives" regarding the full suite of alternatives previously evaluated for the corridor, including light rail. Light rail is not currently being pursued in lieu of I-5 improvements but may be part of future improvements to North Coast Corridor transportation.

392 Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County quality of life and why those effects are not expected to result in a substantial adverse overall impact in the communities

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	392 cont. already crossed by this highway. In addition, please note that Caltrans has worked with the City of Oceanside to develop a number of potential enhancement projects, including: (1) a Pocket Park and Pedestrian Path at California Street; (2) Oceanside Boulevard Streetscape Enhancement; (3) Division Street Bicycle/ Pedestrian Enhancements; (4) Mission Avenue Bicycle/Pedestrian Enhancements; (5) Bush Street Bicycle/Pedestrian Enhancements and Community Gardens; (6) Community Open Space Park and Gardens; (7) State Route (SR-) 76 Underpass New Parking and Trailhead; (8) Pedestrian Underpass Improvements north of San Luis Rey River; (9) Harbor Drive/Camp Pendleton Pedestrian and Bicycle Enhancements; and (10) the I-5 North Coast Bike Trail. Because the project generally would improve recreational facilities and would enhance access within the community, the implementation of new project features is not expected to have an overall adverse effect on quality of life of North County coastline residents.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

* We already voted on yes for high speed rail - invest in rail. *

Name: Heidi Franczyk Address: 810 Leonard O'side 92054

393 Comments: We do not support this project for many reasons. Oceanside has a lot of potential to be a transit hub. We need to put these resources towards rail systems, walkability and planning of city centers around these systems (T.O.D.!!!)

394 This plan of widening the 5 will only create more toxic CO2 gas and smog in our community. It is not good for health, business, quality of life or the well being of our community.

RESPONSES

393 Thank you for your comments, including your preference for the No Build alternative, which are part of the public record.

With regard to high-speed rail, although of anticipated benefit to the region, it is not expected to substantially affect North Coast Corridor travel time. The northern-most San Diego County stop is projected to be Escondido, followed by downtown San Diego. The coastal cities would be bypassed by this rail line. This travel mode would be expected to divert some longer-range travelers from I-5, but it would not divert a significant number of the peak hour commuters from I-5, and therefore would not be expected to improve the peak hour freeway level of service in the North Coast corridor.

Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All of the elements (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes. Caltrans has worked with the City of Oceanside to identify a number of potential community enhancement projects (along Oceanside Boulevard, Division Street, Mission Avenue, Bush Street, and Harbor Drive) that would improve walkability. Land use planning is not within the purview of Caltrans; such planning would be the responsibility of the City of Oceanside.

394 The project is anticipated to result in improvements to air quality when compared to existing conditions. Please refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and anticipated decrease in emitted pollutants with project implementation, as well as to EIR/EIS *Section 3.14, Air Quality,* for more detail.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Dear Mr Jack Feller:

395 I am a very concerned resident and homeowner of the Oceanside Community. I am aware of the Interstate 5 North Coast Corridor Project Draft Environmental Report/Environmental Impact Statement. Last month I attended an informational meeting. Please take a stand against this horrific project!

I have several questions regarding this plan.

396 How will this effect coastal marine life due to the freeway's very close proximity to coastal lagoons, rivers and surf? How much run off from oil and debris will be added to our ocean? How will we clean this increased pollution from our beaches and ocean waters?

397 How will this increase of air pollution affect our children's health attending the neighboring schools of Oceanside High School, South Oceanside Elementary, and Laurel Elementary? Two of these schools have athletic field backed up against the freeway as it is. How will you inform parents of this increased health hazard from the neighboring freeway? What will be the cost of increased cases of bronchial issues and asthma caused by the air pollution?

398 Why is CalTrans not increasing railway service on existing railway running north south along the coastal corridor? Why doesn't the Coaster train run on Sunday? Why on Saturday is rail service greatly restricted? Weekends are the time when traffic is consistently the worst and this is the time when train services are greatly deficient.

399 Will this actually increase people's use of cars for transpiration from Oceanside to San Diego due to the quicker travel time? Will more people choose to live in North County and work in San Diego due to this freeway construction? Wouldn't this actually increase traffic?

400 I look forward to all of your responses. I am very concerned and hope the cost of this project is truly evaluated before it is begun.

Sincerely,

Heidi Franczyk

2

RESPONSES

395 As noted in the response to your Comment 393, your preference for the No Build alternative is part of the public record.

396 Potential impacts to biological resources at the six coastal lagoons and/or associated waterways within the I-5 corridor are evaluated under the *Biological Environment* heading of the EIR/EIS. Based on those analyses, project impacts—including those to coastal marine life—would be avoided, minimized, and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts, including habitat preservation, restoration, and/or acquisition. Please also refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since the circulation of the Draft EIR/EIS in 2010, as well as, the importance of the Transportation Resource and Enhancement Program. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale.

With regard to water quality concerns, EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, identifies and evaluates potential water quality impacts associated with the implementation of the identified build and No Build alternatives. Specifically, these include direct impacts associated with short-term (construction) activities, such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related pollutants (e.g., fuels and lubricants), as well as long-term (operational) impacts, such as the generation of vehicle-related pollutants (e.g., particulates and metals from break pad wear and exhaust-generated pollutants such as nitrite). This analysis provides quantified assessments of potential impacts related to existing and proposed paved surfaces, as well as the identification of associated potential pollutant generation and related effects. The analysis also addresses associated indirect impacts, such as downstream sediment and pollutant transport (i.e., sedimentation), and the potential

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

396 cont. discharge of pollutants related to long-term facility operation and maintenance activities such as landscaping (e.g., green waste and pesticides and herbicides).

Section 3.10 also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to these project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved, preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

397 Regarding potential air-quality-related health effects, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor (as described in EIR/EIS *Section 3.14, Air Quality)*. This would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Accordingly, potential health risk impacts associated with traffic congestion also would be improved over existing conditions. As described in EIR/EIS *Section 3.14.3*, the mobile source air toxics (MSAT) analysis conducted for the proposed alternatives indicated that there would be an approximately 49 percent decrease in 2030 MSAT emissions over base year conditions (2006). Please also refer to Topical Response "Air Pollutants" for the discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with the project's implementation.

REGIONAL AND LOCAL AGENCIES — COMMENTS

810 Leonard Ave.

Oceanside, CA 92054

heidifranczyk@hotmail.com

RESPONSES

398 Please refer to the response to your Comment 393 with regard to planned rail improvements. Regarding the current Coaster schedule, please note that because potential modifications to Coaster services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District (NCTD), which has jurisdiction over Coaster service.

399 With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. Given the amount of projected population growth in the San Diego region, the project would not be able to eliminate congestion on I-5, but, as indicated above and depicted on *Tables 3.6.2* through *3.6.4* (Final EIR/EIS *Table 3.6.3*), is intended to manage its increase. Specific to the potential for the project to result in increased traffic as a result of I-5 providing improved transportation times over nearby north-south arterials (referred to as “induced” or “latent” demand), information was provided in the Supplemental Draft EIR/EIS and is incorporated into this Final EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response “Projected Growth” for additional information regarding the project’s accommodation of anticipated and latent traffic.

400 Please refer to the responses to your individual comments, which are provided above. Decision makers will evaluate project costs and impacts relative to anticipated benefits in selecting an alternative (including the No Build).

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: ANTHONY INTRIERI Address: 1102 S. MYERS ST OCEANSIDE, CA 92054

401 Comments: Thank you for the clear explanation of the process of this project - what the EIR means and how to ask questions.

402 A project like this might be needed, but it must have a minimal impact on as few homeowners as possible.

Thank you for this meeting

RESPONSES

401 Thank you for your interest in the project.

402 Your comment requesting that the project impact as few homeowners as possible is part of the public record. Caltrans strives to avoid, minimize, and/or mitigate impacts to properties that abut proposed highway improvements. Please refer to Topical Response "Property Acquisition" regarding specifics of property acquisition.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: Carol Kissin Address: 5162 Prado Ct. Oceanside

403 Comments: How long will it take to implement the proposed widening? By the time it is implemented, will it still solve the traffic problem? If not, will CalTrans

404 then propose another widening project? How many times do we have to do this before you admit that it doesn't solve anything?

405 You're talking about taking people's homes and negatively impacting our delicate lagoon ecosystems, as well as our beautiful surroundings. That's an awful lot of damage for a temporary fix.

RESPONSES

403 Thank you for your comments, which are part of the public record. If the project is approved, proposed improvements are anticipated to be implemented in phases between 2015 and 2035. Details regarding project phasing are provided in EIR/EIS *Section 2.4, Phased Construction*.

404 While the proposed project would not eliminate congestion, it would result in substantially less congestion than what would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Growth will continue in the region and put pressure on the transportation services available within the North Coast Corridor. With regard to your question on improvement timing, project phasing proposes the construction of improvements based on availability of funding combined with installation consistent with need. The improvements included within the *I-5 NCC Project* are designed to accommodate future transportation but, at some point, additional improvements to the overall transportation system will likely be required to meet the continued growth in the region. Please refer to Topical Response "Project Lifespan" for additional information regarding the planning time frame for the proposed project and why road improvements require ongoing upgrades.

405 Caltrans strives to avoid, minimize, and/or mitigate impacts to properties and sensitive resources that abut proposed highway improvements. Given the need to make improvements to an existing facility within a constrained corridor, however, avoidance is not always possible. Please refer to Topical Response "Property Acquisition" regarding specifics of property acquisition, Topical Response "Lagoon Effects" with regard to effects on lagoon ecosystems, and Topical Response "Visual/Community Effects" with regard to visual effects. Please refer to the response to your Comment 404 with regard to the anticipated lifespan of project improvements.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: ORA LEE KLEMME **Address:** 602 S. NEVADA ST O'SIDE

406 **Comments:** why was there no input from Caltrans at this meeting?

407 I would like to see taxpayers' funds spent on mass transit / public transportation rather than paving over much more of beautiful southern California's coastal region. We need foresight, creativity + imagination rather than "business as usual". I say No to freeway expansion.

408 "you don't build your way out of congestion"

RESPONSES

406 Thank you for your interest in the project. The subject meeting was conducted by the City of Oceanside. Public meetings were held regarding the project, including a meeting in Oceanside on September 9, 2010. Please also refer to EIR/EIS *Chapter 5, Comments and Coordination*, regarding the extensive public outreach process undertaken for the project.

407 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All of the elements (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes, as well as Topical Response "Corridor Alternatives" regarding the full suite of transportation improvements considered for the North Coast Corridor.

408 Your preference for the No Build alternative is part of the public record. Regarding potential concerns associated with ongoing congestion along I-5, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. While the proposed project would not eliminate congestion, it would result in substantially less congestion than what would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: PAUL NEVANS Address: 2014 MOUNTAIN VISTA WAY OCEANSIDE 92054

409 Comments: WE KNOW FROM THE EXPERIENCE THE I-15 AND 805 CORRIDOR NEIGHBORHOODS HAD THAT ONCE A FREEWAY EXPANSION OR EXTENSION IS OFFICIALLY IN THE PIPELINE THAT THE INVESTMENT IN THE AREA STOPS - NEIGHBORHOODS ~~DETER~~ FALL INTO RUIN, AREAS ARE IN LIMBO UNTIL AFTER THE CONSTRUCTION IS OVER BUT CALTRANS NEVER GETS THE JOB DONE ON TIME. WE ARE LOOKING AT 20 TO 30 TO 50 YEARS OF STAGNATION AND BLIGHT! FOR WHAT? A MONSTER FLOOD OF TRAFFIC!

RESPONSES

409 Thank you for your comments, which are part of the public record. Substantial adverse impacts to property values and community investment are not anticipated from the project's implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value. A number of community enhancements have been identified in association with the project that also would be expected to enhance the adjoining neighborhoods through improvement of recreational and alternative transportation facilities. Please also refer to Topical Response "Visual/Community Effects" regarding the anticipated effects of project implementation on the adjacent communities. With regard to project results—the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips.

REGIONAL AND LOCAL AGENCIES — COMMENTS

Caltrans North Coast Corridor DEIR/DEIS
Public Meeting Comment Card
City of Oceanside, Thursday, September 30th 2010

Name: Pat Wallace Address: 1901 Bush St. Apt 101 92058

Comments: I very much oppose this widening of I-5 because

410 1) It's useless - more traffic by the time it's built & terrible during the building.

411 2) Environment results are very bad: air & noise

412 3) Ridiculous to give up present beauty of ocean

413 4) Walls bad for business.

414 5) Public Transportation is sensible for future.

RESPONSES

410 Thank you for your comments, including your preference for the No Build alternative, which are part of the public record. Regarding potential concerns associated with ongoing congestion along I-5, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The use of HOV/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. The EIR/EIS indicates that the proposed project would not eliminate congestion. Nonetheless, the project would result in substantially less congestion than what would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic.

With regard to traffic during construction, the project Traffic Management Plan (TMP), as outlined in EIR/EIS *Section 3.6.4.1*, *Traffic and Transportation*, would take into consideration the needs and safety of all anticipated users during construction activities. As part of developing the TMP, various Caltrans functional unit staff would review the construction staging plans to evaluate the safety needs of bicyclists, pedestrians, vehicular users, and construction workers. The TMP would include a Public Awareness Program to distribute information such as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please also refer to Topical Response "Construction Traffic."

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	411 The project is anticipated to result in improvements to air quality when compared to existing conditions. Please refer to Topical Response "Air Pollutants" for the discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation, as well as to EIR/EIS *Section 3.14, Air Quality,* for more detail. As discussed in *Section 3.15, Noise*, of the EIR/EIS, although project-related decibel (dBA) increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer dBA over no build conditions, and changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater) and where abatement is "feasible," "reasonable," and approved by property owners. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67* and *Section 3.15.4*). The use of such noise abatement has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise analysis and soundwall determinations. 412 With regard to your concern for ocean views, efforts to retain these desirable views for residents on the east side of the freeway at elevated locations may include the use of transparent materials for soundwalls (refer to EIR/EIS *Figure 3-7.122*). Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor and enters the surrounding community.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	413 With regard to the effects of walls on business, soundwalls are intended to attenuate noise and would be subject to property owner approval (refer to Topical Response "Soundwall Considerations" for details). If the commenter is referring to retaining walls, they are proposed in lieu of extended slopes, which would result in increased property impacts and, depending on the location, potentially the need for relocation of additional businesses. As a result, it is not anticipated that either type of wall proposed in association with the project would be "bad for business."
	414 Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All of the elements (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to public transportation.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
EXHIBIT 3 **STAFF COMMENTS**	

REGIONAL AND LOCAL AGENCIES — COMMENTS

John Amberson

From: Curtis M. Jackson
Sent: Thursday, October 14, 2010 4:22 PM
To: John Amberson
Cc: Jane McVey
Subject: Comments on I-5 Widening Impact on Center City Golf Course

John,

Here are my comments on the impact of the I-5 widening on Center City Golf Course.

415 Per page 2-64, **Figure 2-2.14ak Projects Features Map: 10+4 Buffer Alternative**(Oceanside Blvd. to Mission Avenue), of the DEIR for the I-5 widening, there will be significant impact to Center City Golf Course. With the current layout of the golf course, it would be near impossible to move or relocate impacted holes as there is no additional space on the facility. If any holes were eliminated, a complete redesign of the course will be required.

The proposed Direct Access Ramp ("DAR") would take .89 acres of land away from the golf course on the southwest corner of the premises. With the DAR using State Street as the on-ramp, at least three golf holes would be directly impacted. The end of State tree Drive is directly adjacent to the putting-green of hole #2, and the tee boxes of hole #3 and hole #5. Overall hole #5 would be completely eliminated, and the other two holes would need major modifications that the site potentially could not accommodate. Additionally, with the DAR so close to the course, large netting, similar to what is located on a driving range, would at a minimum be needed parallel to the DAR.

Curtis M. Jackson
Property Agent
City of Oceanside
(760) 435-5163
(760) 435-5169
cjackson@ci.oceanside.ca.us

RESPONSES

415 Thank you for your comments, which are part of the public record.

As noted in your comment, the potential impacts to the Center City Golf Course would have resulted from the Oceanside Boulevard Direct Access Ramp (DAR). Details regarding the project footprint continue to be developed in coordination with local jurisdictions in response to comments received on the Draft EIR/EIS. Among the changes made in project design is the elimination of the Oceanside Boulevard DAR from the *I-5 NCC Project*. As a result, no golf course impacts are anticipated.

REGIONAL AND LOCAL AGENCIES – COMMENTS

Comments from City Staff

416 • There is a lack of alternatives that were studied in Oceanside. The study only considers an 8 + 4 Buffer Alternative in Oceanside. Additional alternatives need to be studied such as an 8 + 2, 10 + 2, and with more consideration given to transit.

417 • City code section 2.81 prohibits the sale or lease of city property used for park and recreational purposes without approval of the voters. Any property takes intended for these types of uses will need to get voter approval.

418 • The study does not adequately address how traffic will be mitigated for and the impacts it will have on local city streets (i.e. Vista Way between I-5 and Coast Highway). Additional traffic studies need to be performed to study the impacts and mitigation required on impacted city streets.

419 • The study does not adequately address how traffic will be mitigated for during construction. Construction on the I-5 in Oceanside will take years to complete and traffic will need to be addressed on how it will be impacted and handled (most importantly on local city streets) during the construction phase.

420 • The location of the DAR at Oceanside Boulevard may not be in the best interest of the City. Additional studies need to be performed to justify this location and/or perhaps considering another location in its place such as a DAR connecting directly to Camp Pendleton.

421 • The study recommends the removal of the eastbound Vista Way to northbound I-5 loop ramp. Is the removal required because of the r-o-w required for the I-5 expansion, or because of the limited weave length for eastbound traffic on Vista Way with eastbound SR-78 coming from southbound I-5? If the reasoning is because of the weave length, it may be in the City's best interest to determine if the southbound I-5 to eastbound SR-78 flyover is going to be built. This will virtually remove the weave conflict issue and hence allow for the loop ramp to remain intact. Further discussion needs to take place concerning this issue before a recommendation can be made. Additionally, the study makes no mention of how the number of trips displaced is going to be mitigated for with the closure of the loop ramp.

422 • Maintaining the visual corridor towards the ocean remains a priority for the City. Specific mitigation measures such as soundwalls will need to be carefully considered, and when required, applied in such a manner that minimal impact is realized to the visual corridor.

423 • The study recommends a pedestrian underpass improvement at the San Luis Rey River. It does not seem that a pedestrian overpass was considered as a possible alternative. A pedestrian overpass needs to be studied and compared with the underpass to determine which crossing fits best with the community enhancements for this neighborhood.

RESPONSES

416 Thank you for your comments, which are part of the public record.

The process of identifying the build alternatives is addressed in detail in EIR/EIS *Section 1.4*, *History and Background*. The EIR/EIS addresses the four build alternatives and the No Build alternative throughout the 27-mile I-5 corridor, extending to Vandegrift Boulevard at the City's northern border. EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, includes the Freeway/HOV (8+2) alternative and Freeway Expansion/HOV (10+2) alternative and discusses the reasons such alternatives would not meet the purpose and need for the project and, consequently, were not carried through as build alternatives. Please also refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives screened for the North Coast Corridor.

With regard to transit, the *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All of the elements (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

417 This information is noted. The only park and recreation area in the City of Oceanside for which sale or lease was considered in the Draft EIR/EIS was the Center City Golf Course. Potential need for right-of-way was associated with the Oceanside Boulevard Direct Access Ramp (DAR). That facility is now eliminated from the proposed project.

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

418 While EIR/EIS *Section 3.6.3.1, Traffic and Transportation*, is focused on freeway operations in concert with the proposed project facilities, the alternative analyses include the applicable discussion of effects to ramp meters and local intersections. Specifically, the evaluation of proposed interchange improvements includes descriptions of ramp operations and proposed modifications at associated interchanges, including capacity, turning, and metering (refer to Final EIR/EIS *Table 3.6.11*). Although local intersections outside of the I-5 corridor are not part of the proposed project and are thus not evaluated directly, the Draft EIR/EIS noted on page 3.6-8 that "Caltrans is also working with local cities to improve intersections under their control."

Several traffic technical studies focused on local streets. Technical Report No. 6, Freeway Interchange Operations Report; presents the results of the roadway segment analysis conducted for the adjacent local arterial system along the *I-5 NCC Project*, including local arterials and intersections within the City of Oceanside such as SR-78 / Vista Way, Oceanside Boulevard, Mission Avenue, and Harbor Drive. Chapter 3.0, Operations Analysis, of this technical report presents the operations analysis results for each of the project scenarios. Included in these analyses are surface street intersection capacities, peak hour delays, level of service (LOS), and average daily trips (ADT). Section 4.2, Summary of Project-Related Impacts of the same report, includes traffic operations at intersections, ramps, and arterial roadways due to increased travel demands.

In addition, Technical Report No. 7, Direct Access Ramp/Local Circulation System Operations Report, addresses scenarios with and without DARs, including local streets affected by the proposed Oceanside Boulevard DAR (which has since been eliminated from the *I-5 NCC Project)*. Specifically, Tables 3.1 and 3.3 provide information on the reported delay, LOS, and Roadway Segment Capacity analysis. These technical reports were prepared in support of the EIR/EIS, are incorporated by reference herein, and can be accessed at:

http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic6.pdf
http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic7.pdf

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419 EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*, evaluates potential project-related traffic impacts, including effects to existing vehicular and pedestrian traffic patterns and access. Identified avoidance, minimization, and mitigation measures in this analysis include the implementation of a Traffic Management Plan (TMP) during (and potentially after) construction.

Following project approval, a TMP would be prepared specifically for use during construction of the proposed project. The TMP would minimize activity-related traffic delay and accidents through the effective application of traditional traffic handling practices. All TMPs share the common goal of congestion relief during the project activity period through efforts including traffic flow management and balancing traffic demand with highway capacity through the project area and/or the entire corridor. Please refer to Topical Response "Construction Traffic."

Caltrans would work closely with the City to minimize potential impacts to traffic and pedestrian access during the construction phase of the project. The described measures are considered to adequately and appropriately address construction-related traffic/access effects, ensure public safety, and provide conformance with the Oceanside General Plan. The comprehensive TMP would be developed after the selection of a Preferred Alternative if the project is approved. Schools will receive special attention in the measures incorporated into the comprehensive TMP, including the provision of crossing guards/flaggers, if necessary. More information regarding the TMP can be found in Section 3.1, Construction-Related Impacts, of the *I-5 NCC Project* Final Community Impact Assessment (CIA).

420 The Oceanside Boulevard DAR is no longer included as part of the proposed *I-5 NCC Project*. This change was reflected in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS.

421 The existing ramp has low traffic volumes (approximately 400 ADT). With the elimination of the northbound on-ramp, and use of the existing right-of-way from the ramp area for the addition

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421 cont. of HOV/Managed Lanes, impacts to Buena Vista Lagoon would be minimized. Traffic would enter I-5 northbound at California Street.

EIR/EIS *Section 2.2.4, No Build Alternative* notes that a number of projects related to interchanges, operations, and adjacent projects would potentially move forward separately from the *I-5 NCC Project* and would be analyzed in separate environmental documents. The list of those projects includes I-5 / SR-78 Interchange Improvements. Comments related to the design of flyover ramps, etc. will be responded to when that project is out for review.

422 Please note that specific to the loss of ocean views, impacts from the project to views of the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically the most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. As depicted on Final EIR/EIS *Figures 3-7.111* and *3-7.112* in schematic format, ocean views were identified within the City of Oceanside, but none of those views would be lost. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS). Additionally, where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. Please refer to Topical Response "Visual/ Community Effects" for more information regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the anticipated less than substantial nature of project effects as the viewer leaves the I-5 corridor.

423 The current design is the result of detailed and focused City and community coordination undertaken on the SR-76 enhancements design in 2005 through 2006 and represents the consensus of City and public comments, as well as engineering input received on the design. EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, lists features that represent possible community enhancement opportunities that would be constructed simultaneously with the *I-5 NCC Project*.

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	423 cont. These features are considered "candidates for inclusion" in the project's final design and may or may not all be implemented, as implementation would be dependent on each local agency approving the enhancement and completing agreements to maintain them in perpetuity. Staff's request for a pedestrian overpass to be considered at the San Luis Rey River in addition to an underpass is noted. Details regarding proposed community enhancements continue to be developed in coordination with local jurisdictions in response to comments received on the Draft EIR/EIS. Final design details would be developed with the agreements, and projects that are not mutually acceptable would not be included in the final *I-5 NCC Project* that is constructed, assuming it is approved by decision makers.

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THE CITY OF SAN DIEGO

November 22, 2010

California Department of Transportation
Attn: Shay Lynn Harrison
4050 Taylor Street, MS-242
San Diego, CA 92110

VIA EMAIL TO: I-5_NCC_EIR_EIS@dot.ca.gov

Subject: **CITY OF SAN DIEGO COMMENTS ON THE INTERSTATE 5 NORTH COAST CORRIDOR PROJECT DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT**

01 The City of San Diego ("City") has received and reviewed the Draft EIR/EIS for the above referenced project and appreciates this opportunity to provide comments to the California Department of Transportation ("Caltrans"). In response to the EIR/EIS, multiple departments at the City have identified the following issues.

City Planning and Community Investment Department – Long Range Planning: Contacts – Lesley Henegar (619.235.5208) and Tait Galloway (619.533-4550)

City of San Diego General Plan - General Comments

02 The City of San Diego's *Progress Guide and General Plan* is discussed in the Draft EIR for Interstate 5 North Coast Corridor Project (DEIR) (on page 3.1-20). The DEIR discusses a draft that was circulated in 2006. The discussion should be updated, to refer to the current General Plan which was adopted in 2008.

The DEIR states (on page 3.1-23) that the City of San Diego General Plan is currently in draft form. Since the DEIR was recently issued, it would be correct to state that the City of San Diego General Plan was adopted in 2008. Please revise this statement.

City of San Diego General Plan - Mobility Element

03 The DEIR states (on page 3.1-23) that "The Mobility Element of the San Diego General Plan explicitly outlines an increase in capacity and a reduction in congestion along the freeway system as a primary goal. Additionally, applicable community plans within San Diego reflect this larger goal of the provision of a transportation system that provides convenient linkages to the rest of the metropolitan region." Please explain how the proposed project would be "generally consistent with the city and community plans and policies established for the City of San Diego."

DIVERSITY

Development Services
1222 First Avenue, MS 501 • San Diego, CA 92101-4155
Tel (619) 446-5460

RESPONSES

Responses to Cecilia Gallardo, AICP, Assistant Deputy Director, Development Services Department, City of San Diego

01 Thank you for your comments, which are part of the public record.

02 The baseline for analysis in an environmental document is what exists at the time the notice of preparation is published, in conformance with California Environmental Quality Act (CEQA) Guidelines Section 15125: Environmental Setting. The analysis in the EIR/EIS is therefore valid. The Final EIR/EIS notes that an updated City of San Diego General Plan was adopted in 2008.

03 As stated in EIR/EIS *Section 3.1*, *Land Use*, applicable community plans within San Diego reflect the larger goal of providing a transportation system with convenient linkages to the rest of the metropolitan region. The referenced EIR/EIS discussion also states that a reduction in congestion along the freeway system is a primary goal outlined in the Mobility Element of the San Diego General Plan (as referenced in your letter). The proposed HOV/ Managed Lanes would improve mobility (reduce congestion) along the I-5 North Coast Corridor within the City of San Diego limits and beyond. The proposed HOV/Managed Lanes could also potentially facilitate future Bus Rapid Transit (BRT) along the

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03 cont. I-5 corridor and encourage carpool usage. Meeting multimodal transportation corridor needs is the purpose of the proposed Direct Access Ramp (DAR) at Voigt Drive (near the University of California San Diego [UCSD] campus), and the proposed enhanced park and ride facility at Sorrento Valley Road/Carmel Valley Road west of I-5.

In addition, the project proposes construction of community enhancement projects (such as bicycle and pedestrian trails) that, if implemented, would improve the project interface with adjacent communities. These projects would enhance the local communities by incorporating context sensitive design, with proposed community enhancement projects in the City of San Diego including (1) Carmel Valley Bicycle/Pedestrian trail connection; (2) Enhanced Park and Ride at Carmel Valley Road; (3) Old Sorrento Valley Road Bicycle/Pedestrian Enhanced Trail Connections from Carmel Valley Road to Carmel Mountain Road; (4) Bicycle/Pedestrian Enhanced Trail and Bridge on the west side of I-5 at San Dieguito Lagoon; (5) Pedestrian Overpass Connection north of Del Mar Heights Road; and (6) the I-5 North Coast Bike Trail in the City of San Diego, intended to provide a non-vehicular alternative along the entire I-5 project corridor. Details on these proposed enhancements are provided on *Table ES.13* and in *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects.*

Section 3.1 of the EIR/EIS also provides a more detailed listing of relevant goals and policies of specific community plans and the proposed project's consistency with those policies (refer to *Table 3.1.1*). Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation (including mass transit and multimodal options).

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04 The General Plan's Mobility Element outlines the City's strategy to improve mobility through the development of a balanced, multi-modal transportation network. The Mobility Element establishes many goals and policies. One goal is to put transit first. The goal states "an attractive and convenient transit system that is the first choice of travel for many of the trips made in the City." The discussion states that "a primary strategy of the General Plan is to reduce dependence on the automobile in order to achieve multiple and inter-related goals including: increasing mobility, preserving and enhancing neighborhood character, improving air quality, reducing storm water runoff, reducing paved surfaces, and fostering compact development and a more walkable city. Expanding transit services is an essential component of this strategy."

The General Plan also discusses the Regional Transportation Plan (RTP). It states "Under this vision, transit and land use will be tightly linked, with transit stations integrated into walkable, transit-oriented neighborhoods and centers."

05 The Mobility Element of the General Plan lists as the goals "A street and freeway system that balances the needs of multiple users of the public right-of-way. It also states "Safe and efficient street design that minimizes environmental and neighborhood impacts." Additionally, the Mobility Element also has a policy (page ME-24, ME-C.6.) that calls for the location and design of improvements to existing facilities to respect the natural environment and scenic character of the area traversed. The design of freeways should improve the visual aspects of roadways. Slopes should be contoured and blend with the natural topography. Landscaping should be employed to enhance or screen views. The I-5 corridor acts as a gateway to San Diego with many scenic vistas of the coastline, canyons and other open spaces. What impacts will the proposed sound walls and loss of vegetation have on this corridor but also at areas that open up to scenic views? Please provide detailed information about how the proposed project is consistent with the City's General Plan Policies in the Mobility Element of the General Plan, specifically ME-C.6.a-n.

City of San Diego General Plan - Conservation Element

06 The General Plan's Conservation Element has established goals and policies regarding air quality. The General Plan recommends as a goal that "Regional air quality which meet state and federal standards" and "Reduction in greenhouse gas emissions effecting climate change". The discussion in the General Plan states that "motor vehicles and other fossil-fuel burning vehicles are responsible for nearly 80 percent of the air pollution emissions in the San Diego region."

07 "The Mobility Element contains policies designed to promote walking, bicycling, transit use, and car pooling to help achieve transportation and environmental goals." Please discuss how the proposed project meets these goals and policies of the General Plan.

Torrey Pines Community Plan

08 The Torrey Pines Community Plan is discussed (on page 3.1-20 in the DEIR). The DEIR cites some of the Goals stated in the Torrey Pines Community Plan. It should also mention the section that addresses State Route 56/I-5/I-805 Widening Projects (on pages 58-9 of the Torrey Pines Community Plan). This section in particular discusses that "visual impact from retaining walls

RESPONSES

04 The *I-5 NCC Project* is part of a balanced, multimodal transportation network that will help accomplish the goals of the City of San Diego's General Plan Mobility Element. The project is only one element of a multi-agency, multimodal improvement effort for North County Corridor transportation. All of the elements (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvement in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Response "Multimodal System" for a discussion of how the project and related planning fit within the regional transit system and the Regional Transportation Plan (RTP).

05 EIR/EIS *Section 3.7, Visual/Aesthetics*, analyzes the visual impact of each build alternative and indicates that the impact would be high. Please refer to Topical Response "Visual/Community Effects" for a discussion of project visual effects. Views along the corridor would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development. These views would be similar to the existing view conditions. The overall design of the freeway modifications respects natural environment, scenic character, and community character to the extent practicable within the corridor that is determined by the existing location of I-5. Please note that additional simulations of views to San Dieguito Lagoon, as well as north of Del Mar Heights Road are provided in *Figures 3-7.82, 3-7.84*, and *3-7.98*. Specific measures identified to address visual concerns include landscaping, berms, and textural facades on walls as well as use of transparent soundwall materials in applicable locations, with a focus on providing measures that are consistent with the character of the adjacent community landscape. This focus is consistent with City of San Diego General Plan Mobility Element policy ME-C.6.

06 EIR/EIS *Sections 3.14*, *Air Quality*, and *4.6*, *Climate Change*, provide detailed information regarding air pollutants and

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

06 cont. greenhouse gases (GHG). The project is anticipated to result in improvements to air quality when compared to existing conditions. Please refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and anticipated decrease in emitted pollutants with project implementation.

By relieving congestion in a high-congestion travel corridor, the proposed project would result in decreased GHG emissions. Please refer to Topical Response "Climate Change" for additional discussion of the climate change issue. These potential beneficial effects of the project would be consistent with the City of San Diego General Plan Conservation Element air quality related goals.

07 As stated above in the response to your Comment 03, the project proposes construction of community enhancement projects (such as bicycle and pedestrian trails) intended to promote walking and bicycle use. The primary goal of these proposed enhancements is to provide an interconnected network of trails along the I-5 corridor.

Proposed project features, such as the HOV/Managed Lanes, DAR at Voigt Drive (near UCSD), and park and ride facilities, would encourage carpooling along the I-5 North Coast Corridor. In addition, the HOV/Managed Lanes would also potentially accommodate BRT service, thereby enhancing opportunities for mass transit use. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation (including mass transit and multimodal options). As stated in the response to your Comment 04, the *I-5 NCC Project* is part of a balanced, multimodal transportation network. The proposed use of HOV/Managed Lanes is intended to provide incentive for I-5 users to carpool, and to establish a reliable option for carpoolers to reach their destination in a timely manner. Specifically, HOV lanes have been shown to provide an important commuting option, encourage ridesharing and, as stated in EIR/EIS *Section 1.3.5*, *Managed Lanes*, provide additional highway capacity within a constrained corridor while minimizing impacts to the environment and surrounding communities. Combined, these project design features would help accomplish the goals of the City of San Diego's General Plan Mobility Element.

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08 cont. will be mitigated by incorporating crib walls where feasible, special wall treatment utilizing texture, color and design elements, and new bridges with slender aesthetically pleasing design." Also include: "A detailed erosion control plan has been prepared. This plan includes immediately seeding new slopes and other abatement measures. Due to the sensitivity of Los Penasquitos Lagoon, every reasonable precaution will be taken to protect watershed flow into the lagoon to avoid or minimize muddying and silting, before, during and after construction." 09

The following are specific goals or policies within the Torrey Pines Community Plan that address the proposed project. They are as follows:

10 Page 46, Goal 7. Provide a transportation system that encourages the use of mass transit, rather than building and/or widening roads and freeways. Please explain how the proposed project is consistent with the Torrey Pines Community Plan given the stated goal.

11 Page 58, Visual Impacts. As part of the State Route 56/I-5/I-805 Widening Projects description, the community plan states "Visual impacts include permanent landform changes as a result of new cut slopes, fill slopes, bridge structures, traffic movement, and retaining walls. Newly planted slopes will be compatible with surrounding landforms." Please confirm that the visual impacts of the proposed new slopes will be below a level of significance, and for erosion control measures.

12 Page 118, Visual Resources. The community plan on page 118, states "The State Coastal Act states that the scenic and visual qualities of the coastal areas shall be considered and protected as a resource of public importance. The Torrey Pines Community Planning Area possesses many highly scenic open space areas and dramatic vistas." Please explain how the proposed project will protect these resources.

13 Del Mar Heights Road The community plan on page 44 designates Del Mar Heights Road as a four lane major. Please explain how the EIR is consistent with the community plan for Del Mar Heights Road.

14 Page 45, of the Torrey Pines Community Plan states as one of the Goals: 3. "Provide a system of bikeways and pedestrian facilities that will encourage bicycling and walking as a means of transportation." Also Goal: 7. "Provide a transportation system that encourages the use of mass transit, rather than building and/or widening roads and freeways." Please discuss and evaluate how the proposed project is consistent with these community plan goals. Please evaluate whether the proposed bridge crossing from Torrey Pines to Carmel Valley Community Plan areas is located in the best possible location to promote this goal.

15 Page 46, of the Torrey Pines Community Plan states as one of the Policies: 11: "The construction of new roads or improvements to existing roads adjacent to open space areas shall mitigate impacts through the restoration and enhancement of the open space system to the maximum extent feasible." Also Policy: 5. "Provide improvements to the road

RESPONSES

08 Please refer to Topical Response "Visual/Community Effects" for discussion of visual effects of the project and proposed mitigation measures. EIR/EIS *Section 3.7*, *Visual/Aesthetics*, describes landscaping and other enhancements that are proposed to avoid, minimize, and mitigate visual impacts, including use of articulated or textural facades on retaining walls, which would be consistent with the referenced section of the Torrey Pines Community Plan.

09 EIR/EIS *Section 3.10*, *Water Quality and Storm Water Runoff*, includes an assessment of potential impacts related to erosion and related effects to receiving waters, including Los Peñasquitos Lagoon. This section also describes avoidance, minimization, and mitigation measures to address identified impacts, including erosion and sediment transport. Specifically, erosion and sediment control measures approved by Caltrans as part of its approved Storm Water Management Plan (SWMP), which was developed pursuant to associated regulatory requirements, would be implemented as part of the proposed project. Implementation of the identified measures as part of, and in conformance with, Caltrans and related requirements would be consistent with the described goals of the Torrey Pines Community Plan.

10 The *I-5 NCC Project* is part of a balanced, multimodal transportation network that will help accomplish the referenced goal of the Torrey Pines Community Plan. Please refer to Topical Response "Multimodal System" for a discussion of how the project and related planning fit within the regional transit system. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs.

11 Please refer to Topical Responses "Visual/Community Effects" for discussion of visual effects of the project and proposed mitigation measures. Avoidance, minimization, and mitigation measures identified include the incorporation of terraced designs for applicable walls to accommodate associated landscape screening. EIR/EIS

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11 cont. *Section 3.7*, *Visual/Aesthetics*, concludes that implementation of the measures would partially mitigate adverse effects of the project for all build alternatives. The overall visual impact of each mitigated build alternative, however, would remain high. Visual impacts of the project therefore would not be mitigated to below a level of significance. As noted in response to your Comment 09, implementation of erosion control measures would be consistent with the described goals of the Torrey Pines Community Plan.

12 Please refer to Topical Response "Visual/Community Effects" for discussion of visual effects of the project and proposed mitigation measures. Consistency with the California Coastal Act is addressed in detail in *Table 3.1.1* of EIR/EIS *Section 3.1*, *Land Use*. The project would be consistent with some key goals and inconsistent with others. As noted in the EIR/EIS, the San Diego Association of Governments (SANDAG) and Caltrans have prepared a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) in coordination with California Coastal Commission staff to recommend measures that will achieve consistency with relevant coastal regulations, including the California Coastal Act.

13 No major modifications would be made to Del Mar Heights Road from the *I-5 NCC Project*. Accordingly, the lane configuration along Del Mar Heights Road within the interchange area and vicinity would remain the same. It should be noted, however, that there is a separate project (I-5/State Route [SR-] 56 Interchange Project) that proposes changes to Del Mar Heights Road.

14 A number of community enhancement features are identified within the project corridor (see *Table ES.13* and *Section 2.3*) that would create and/or improve pedestrian and bicycle corridors and connections. These features would be consistent with Goal 3 of the Torrey Pines Community Plan. For example, as noted in Section 2.1, City of San Diego, of the I-5 North Coast Regional and Community Enhancement Plan (incorporated by reference to the EIR/EIS), a trail connection would be constructed under the I-5 freeway structures from the existing trail along Los Peñasquitos Lagoon to the existing Carmel Valley trail. This connection would

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	14 cont. provide a critical link among three regional trail systems, as well as the proposed Carmel Valley park and ride trailhead. This proposed trail connection would include the following features: • Installation of signs and striping for the Class 1 facility • Construction of a non-motorized undercrossing at I-5 to link Old Sorrento Valley Road with the SR-56 bike path • Use of native plants only for revegetation • Fencing to prevent trail users from accessing sensitive habitat and to accommodate nighttime wildlife movement and flood events • Signs to identify sensitive habitat and describe prohibitions regarding night use and pets on trails, as applicable and consistent with current lagoon practices, and to prevent impacts to wildlife using the corridor The I-5 North Coast Community Enhancement Plan presents detailed information about this and other proposed community enhancement projects along the project that are intended to encourage bicycling and walking as means of transportation. This document can be found at the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSComm08.pdf. Please refer to Topical Response “Multimodal System” for a discussion of how the project fits within the regional transit system and 2050 RTP to encourage the use of mass transit, consistent with Goal 7 of the Torrey Pines Community Plan. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. The project does not propose a bridge crossing from Torrey Pines to the Carmel Valley community. The proposed trail connection under I-5 / I-805 is in a location that would provide connectivity to other regional trail facilities, as described above.

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15 cont. network that will facilitate traffic circulation without negatively impacting adjacent open space areas and residential neighborhoods." Please discuss and evaluate how the proposed project is consistent with these community plan policies.

Torrey Hills Community Plan

16 The Torrey Hills Community Plan discussion (on page 3.1-20 in the DEIR) accurately reflects the Plan Vision for the community, to "develop the community with land uses that complement surrounding developing areas and maximize mobility opportunities; that reflect the variety of landforms characterizing the community; that protect and enhance important wildlife habitats; and that provide for a high-quality urban form reflective of the area's unique location and natural attributes."

17 The following are specific goals or policies within the Torrey Hills Community Plan that address the proposed project. They are as follows:

Page 52, Goals, no. 3, "Provide a transportation system that maximizes the opportunities for public transit." of the community plan

The Public Transportation discussion (in the community plan on page 52) discusses that the Metropolitan Transit District Board (MTDB) considered a northerly extension of a LRT line that would run immediately east of I-5 along the western edge of Torrey Hills. This extension is designated as a possible future rail extension in MTDB's Rail Transit Plan. The DEIR should include these goals and policies along with an analysis and evaluation of how the DEIR is consistent or not with the Torrey Hills Community Plan.

Property Acquisition

18 Please explain for what purpose Caltrans will use the properties itemized in the list of partial acquisition and full acquisition for the City of San Diego. There appears to be only one full property acquisition within the City of San Diego, located in the Carmel Valley Community Plan area. The remainder of the partial lot acquisitions appears to be directly adjacent to I-5 and appear to be in open space designations. If the land uses are to be other than what they are currently designated for this should be indicated. An analysis should be conducted and a determination made as to whether or not a community plan amendment will be required to amend the city and state jurisdictional line. A discussion of these issues should be included in the DEIR as well.

University Community Plan

19 The proposed project runs through the University Community Planning area beginning at La Jolla Village Drive and extending north to the northern boundary of the community just south of the I-5/I-805 merge. The University Community Plan's Open Space and Recreation Element provides goals and proposals for open space preservation and trail connections throughout the plan's designated open space areas.

RESPONSES

15 *Table 3.1.1* of the EIR/EIS recognizes potential inconsistencies with key goals of the Torrey Pines Community Plan. While every effort would be made to minimize impacts to open space areas, any unavoidable impacts to such areas would be addressed in concert with those of other North Coast Corridor projects through a single mitigation effort. This effort would include preservation, enhancement, and restoration. Compilation of all North Coast Corridor projects into a single mitigation and enhancement effort ensures that the best overall options for mitigation of that total effect are being evaluated. Addressing impacts on this corridor-wide basis would provide greater regional benefit than mitigating on an individual project basis as these projects independently move forward over the next few decades. Impacts at Overlook Park (east of I-5 in the Peñasquitos watershed), would be mitigated at the property known as the Dean mitigation site. The Dean mitigation site is a 23.1-acre parcel immediately adjacent to (north of) the Crest Canyon Open Space Park and Overlook Park. The majority of the Dean mitigation site would be restored to native upland habitat.

It is Caltrans' intention to avoid, minimize, and/or mitigate impacts to properties (including open space and residential neighborhoods) that abut an existing highway system during improvements to that highway. Because an existing facility is being improved, however, avoidance is not always possible. As described in EIR/EIS *Section 3.4, Community Impacts*, the proposed project has been designed to minimize impacts, where possible, by acquiring reduced amounts of right-of-way and limiting the grading footprint in order to minimize impacts to adjacent properties while still meeting project objectives.

16 *Table 3.1.1* of the EIR/EIS concluded the project would be consistent with key goals of the Torrey Hills Community Plan.

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	17 The proposed HOV/Managed Lanes would potentially accommodate BRT service, thereby enhancing opportunities for mass transit use. Please refer to Topical Response "Multimodal System" for a discussion of how the project fits within regional plans to encourage the use of mass transit, consistent with Goal 3 of the Torrey Hills Community Plan. While extension of rail through Torrey Hills is not included in the 2050 RTP, the proposed project would not preclude such an extension in the future.
	18 As stated in EIR/EIS *Section 3.1.1.2*, (under the discussion of *City of San Diego)*, the proposed project would potentially affect some of the open space areas located directly adjacent to the freeway. These areas would be used for freeway right-of-way. These impacts would not result in large land use pattern shifts, however, because the affected areas are preserved as open space and are not ideal for development due to terrain and resource restrictions. The land use plans contained in the Torrey Pines, Torrey Hills, and University Community Plans are schematic in nature, depicting I-5 as a single line on a map or a conceptual outline and so these plans may not need to be revised. Improvements to existing freeways typically do not trigger formal plan amendments, and Caltrans is not required to process local plan amendments. Local jurisdictions may choose to alter the depiction of I-5 in their plans as a result of the proposed project, at their discretion; this decision would be outside of Caltrans' jurisdiction. As noted above in the response to your Comment 15, unavoidable impacts to open space areas, such as those at Overlook Park (east of I-5), would be mitigated at the property known as the Dean mitigation site, a 23.1-acre parcel located immediately north of the Crest Canyon Open Space Park and Overlook Park. The Dean mitigation site would be restored to native upland habitat.

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19 cont.

Specifically, Section IV (4) – Sorrento Valley – Soledad Canyon Open Space. This open space system includes 1) the Torrey Pines State Reserve, east of North Torrey Pines Road, 2) slopes with a 25 percent or greater gradient on the edge of the Torrey Pines Science Park, Campus Point and adjacent properties, 3) the branch canyon adjacent to Intestate 5 and penetrating the UCSD campus, and 4) the slopes on the south side of the AT&SF Railroad right-of0way, 5) Torrey Pines Science Center. The specific goals include:

A. These areas should be retained in an open and natural state and should either be preserved as natural open space easements or deeded to the City of San Diego for open space.
B. Any disturbance of the hillsides should be mitigated by contour grading and revegetation with native species.
C. Steep hillsides facing the canyons should be preserved by establishing open space easements in conjunction with new development.

The open space areas indentified above are depicted in Figure 37 of the University Community Plan.
Page 3.1-20, University Community Plan; this section states that no relevant goals from this community plan were identified for the proposed project. As outlined above, there are relevant goals within this community plan which may be impacted by the proposed project. Please include these as relevant goals indentified for the proposed project for this community plan and how the proposed project would implement these goals. The University Community Plan can be accessed via the Internet at:
http://www.sandiego.gov/planning/community/profiles/university/plan.shtml

20

Mira Mesa Community Plan

The Draft ED did not include the Mira Mesa community planning area as a community that the proposed project traverses through nor analyze relevant polices from the Mira Mesa Community Plan. The proposed project traverses the Mira Mesa Community Planning area's eastern boundary which extends north from the AT&SF railroad to Sorrento Valley Road. Please include the Mira Mesa Community Planning area and Mira Mesa Community Plan as one of the relevant policy documents identified for the proposed project.

During the last update of the Mira Mesa Community Plan, the goals and policies of the North City Local Coastal Program were incorporated into the community plan. The Coastal Commission certified the Mira Mesa Community Plan and Local Coastal Program on November 18, 1993.
Please include the applicable goals and proposals which may be affected by the proposed project in the Draft ED. These can be found in the Mira Mesa Community Plan's Sensitive Resources and Open Space System Element. The Mira Mesa Community Plan can accessed via the internet at: http://www.sandiego.gov/planning/community/profiles/miramesa/plan.shtml

The main goals are located on page 25 of the Sensitive Resources & Open Space System Element and the applicable proposals are located on pages 33 and 34.

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19 The goals of the University Community Plan are evaluated in EIR/EIS *Table 3.1.1*. The project is disclosed to be potentially inconsistent with key goals of the Open Space and Recreation Element. The referenced text has been corrected.

20 The land use study area included communities that are crossed by or immediately adjacent to I-5. The western boundary of the Mira Mesa Community Planning Area is located along I-805 south of the merge with I-5. This community planning area was therefore deemed to be outside of the land use study area for the proposed project.

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I-5 Managed Lanes

21 It is our understanding that the purpose of a corridor system management plan (CSMP) is to provide one unified concept for managing, operating, improving, and preserving a corridor across all modes and jurisdictions for highest productivity, mobility, reliability, accessibility, safety and preservation outcomes. It is also our understanding that the project's purpose and need statement addresses the need to provide a facility that is compatible with future bus rapid transit and other modal options. The project alternatives primarily focus on adding additional HOV and general purpose lanes with the purpose of increasing capacity. The project alternatives do not appear to meet the purpose of the CSMP or the project's purpose and need statement related to transit.

22 While the City understands that the HOV lanes can be used by BRT, the DEIR/DEIS does not identify BRT station facilities including platform locations and station and HOV parking.

23 The DEIR/DEIS does not consider any options that include improving Coaster commuter rail options between Oceanside and Downtown San Diego beyond those considered in the Final Program EIR/EIS for LOSSAN corridor that was released in September 2007.

To reduce visual and noise impacts associated with the proposed alternatives and greenhouse gas emissions, it is the City's recommendation that additional alternatives be included that focus on improving transit service including commuter rail and BRT.

24 The EIR/EIS should consider an alternative DAR location at either Del Mar Heights Road or Carmel Valley Road to support the existing Carmel Valley residential and employment center.

Development Services Department, Transportation Review: Contact - Victoria Huffman (619.446.5396)

25 1. The DEIR/DEIS indicates the project would have a less than significant effect on Traffic & Transportation under the California Environmental Quality Act. Additional information is needed to support this conclusion, as detailed in these comments.

26 2. The significance thresholds listed on Page 70 -71 of the *City of San Diego's Significance Determination Thresholds, January 2007* should be used to evaluate the significance of project traffic impacts on facilities in the City of San Diego.

27 3. The document should provide tables and text for roadway segments, intersections and metered freeway on-ramps clearly showing whether the project has significant impacts to City roadway facilities based on *City of San Diego's Significance Determination Thresholds, January 2007*.

28 4. Comparison between Near Term (Opening Day) without Project and Near Term (Opening Day) with Project should be provided to determine the project's direct impacts.

RESPONSES

21 The I-5 San Diego North Coast Corridor System Management Plan (CSMP) assessed several different options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding managed lanes on I-5, and improving regional arterials, bicycle and pedestrian routes, and bus, rail, vanpool and carpool services. These various transportation modes are now preparing project-level CEQA and/or National Environmental Policy Act (NEPA) documentation, as appropriate. This EIR/EIS is the project-level document for this segment of I-5 only. Project elements providing compatibility with future Bus Rapid Transit (BRT) and other modal options include provision of park and ride and DAR facilities that would not only provide current benefit but also be compatible with future BRT uses, as well as incorporation of bike lanes and pedestrian trails to support non-motorized travel. The project also would not conflict with Los Angeles-San Diego-San Luis Obispo (LOSSAN) improvements built along parallel but separate and generally somewhat distant rights-of-way.

Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 RTP to encourage the use of mass transit and provide compatibility with BRT lines. Also refer to Topical Response "Transportation Funding" for additional discussion regarding allocation of funding to various transportation modes.

22 The project would support future BRT in the North Coast Corridor by allowing direct access through the DARs to the HOV/Managed Lanes, thus eliminating the need for buses to access the HOV/Managed Lanes through the general purpose lanes. The project proposes construction of multimodal DAR facilities at Manchester Avenue (including the proposed San Elijo Multi-use Facility) and Voigt Drive, which would support and facilitate future BRT service.

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	22 cont. As described in EIR/EIS *Section 3.6.2*, *Affected Environment* (under the discussion of *Park and Ride Lots*), a park and ride lot works not only with HOV/Managed Lanes users, but can also work with other transit options when the site is served by transit (such as BRT). There are six park and ride lots along the project corridor: Sorrento Valley Road (at Carmel Valley Road west of I-5), Birmingham (off Villa Cardiff Drive) in Encinitas, Calle Magdalena in Encinitas, La Costa in Carlsbad, Moreno Street in Oceanside, and Maxson Street in Oceanside. The project proposes an enhanced park and ride facility at Sorrento Valley Road/Carmel Valley Road west of I-5.
	23 Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 RTP that includes various multimodal features. Topical Response "Rail Preference" specifically discusses the LOSSAN corridor. Also refer to Topical Response "Transportation Funding" for additional discussion regarding allocation of funding to various transportation modes.
	24 EIR/EIS *Section 1.3.7*, *Other I-5 Projects* (under the discussion of *Del Mar Fairgrounds*), makes reference to the 2008 Master Plan for the Del Mar Fairgrounds and Horsepark. The EIR/EIS discussion indicates that future projects for the Horsepark remain conceptual in nature and would be subject to further evaluation at a later date. The EIR/EIS also states that a DAR at Via de la Valle (north of Del Mar Heights Road) may be analyzed in conjunction with the anticipated traffic impacts from the Del Mar Fairgrounds projects. It should also be noted that a DAR at Carmel Valley Road was considered as early as 2003, although it was determined that the feasibility to construct this DAR was low due to the proximity of the I-5 / SR-56 Interchange.
	25 Impacts of the project on traffic are evaluated in EIR/EIS *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities,* which summarizes analysis and presents tables of delay, congestion, and levels of service. Please also refer to responses to Comments 26 through 36, below.

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26 As reported in Technical Report No. 3, Traffic Analysis Methodologies and Standards (July 2004), a uniform set of methodologies and standards was established for *the I-5 NCC Project* traffic operational assessments. The adopted approach is consistent with the procedures detailed in Appendix D (Traffic Impact Studies Guidelines) of SANDAG's 2002 Congestion Management Program Update (January 2003), which were prepared under the direction of the San Diego Traffic Engineers' Council (SANTEC) and the Institute of Transportation Engineers (ITE – California Border Section).

The methodologies used for the operational evaluations included:

- Ramp intersection capacity analysis using the Intersecting Lane Vehicles (ILV) methodology
- Intersection operational analysis using the Highway Capacity Manual (HCM) 2000 Level of Service (LOS) methodology via SYNCHRO
- Ramp metering analysis using Congestion Management Program (CMP) methodologies, and
- Roadway segment analysis using the Average Daily Traffic (ADT) Arterial Capacity Analysis methodology presented in the CMP guidelines.

Since the proposed freeway improvements would potentially have an effect on local arterials of seven jurisdictions (San Diego, Del Mar, Encinitas, Solana Beach, Carlsbad, Oceanside, and Camp Pendleton), for consistency purposes the same uniform set of methodologies was used for the adjacent arterials and intersections in all jurisdictions.

27 Technical Report No. 6, Freeway Interchanges Operations Report (August 2007), and Technical Report No. 7, Direct Access Ramps/ Local Circulation System Operations Report (August 2007), both incorporated into the EIR/EIS, provide tables and text for roadway segments, intersections, and ramp meter delays using the Traffic Impact Study Guidelines described above in the response to your Comment 25.

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29 5. Comparison between Horizon Year without Project and Horizon Year with DAR should be provided to determine the project's cumulative impacts with the construction of the Voigt DAR rather than comparing Horizon Year with Project without DAR to Horizon Year with Project with DAR as was done in Technical Report #7, "Direct Access Ramps/Local Circulation System Operations Report."

30 6. Intersection analysis for intersections along the I-5 freeway corridor's adjacent arterial network within the City of San Diego should be provided to determine if the proposed project has any significant impacts to City intersections. Effects of queuing between closely spaced intersections should be included in this analysis. Mitigation should be provided for any such impacts.

31 7. Technical Report #7 states that intersection level of service and delay shown in the tables does not account for the effects of on-ramp traffic backing up into the upstream intersection. This should be accounted for in all appropriate analyses.

32 8. The information presented in the DEIR/DEIS's technical study, "A Summary of Traffic Reports November 2008," suggests the 10+4 with DAR project alternative would have cumulative impacts at the following intersections within the City of San Diego:

- Genesee Ave/I-5 NB Ramps
- Sorrento Valley Road/Sorrento Valley Blvd.
- Del Mar Heights Road/I-5 NB Ramps
- Roselle Street/I-5 SB on ramp
- Roselle Street/I-5 NB on ramp
- Roselle Street/Sorrento Valley Boulevard
- Carmel Mountain Road/I-5 Bypass SB Ramps

These impacts should be acknowledged in the DEIR/DEIS and mitigation proposed.

33 9. The information presented in the DEIR/DEIS's technical study, "A Summary of Traffic Reports November 2008," suggests the 8+4 project with DAR alternative would have cumulative impacts at the following intersections:

- Genesee Ave/I-5 NB Ramps
- Genesee Ave/I-5 SB Ramps
- Roselle Street/I-5 SB on ramp
- Roselle Street/I-5 NB on ramp
- Carmel Mountain Road/I-5 Bypass SB Ramps

These impacts should be acknowledged in the DEIR/DEIS and mitigation proposed.

34 10. The information presented in the DEIR/DEIS's technical study, "A Summary of Traffic Reports November 2008," indicates the 10+4 with DAR and 8 + 4 project alternatives would

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28 Technical Report No. 6 (referenced in the preceding response), provides a comparison between the Year 2030 No Build Alternative and the Year 2030 Build Alternatives (10+4 and 8+4) to determine the project's direct impacts. In addition, the same report presents results for the Existing and Year 2015 (10+4 with DAR) scenarios.

29 A comparison of the Year 2030 No Build Alternative and the Year 2030 10+4 and 8+4 with DAR alternatives is provided in Technical Report No. 6 (as referenced above in response to your Comment 27) for the following analyses:

- ILV Ramp Intersection Analyses (a.m. and p.m.)
- Intersection Peak Hour Delay and Level of Service (a.m. and p.m.)
- Peak Hour Ramp Meter Delay (a.m. and p.m.)
- Arterial Roadway Segment Capacity Analysis

30 Technical Report No. 6 (referenced above in response to your Comment 27) provides intersection capacity analyses tables for the freeway ramp intersections and additional adjacent intersections to identify traffic operational improvements or impacts. Six ramp intersections in the City of San Diego are analyzed with ILV methodology: La Jolla Village Drive, Genesee Avenue, Carmel Mountain Road, Carmel Valley Road, Del Mar Heights Road, and Via de la Valle. Results compiled in Table 3.2 (a.m. peak hour) and Table 3.3 (p.m. peak hour) for the Year 2030 10+4 with DAR and 8+4 with DAR scenarios reflect the future condition for the build alternatives that would include the DAR at Voigt Drive in the City of San Diego. In these conditions in the a.m. peak hour, Genesee Avenue / I-5 northbound ramps would be over capacity for both scenarios. No other ramp intersections would be over capacity for the 8+4 with DAR scenario, but Carmel Mountain Road / I-5 southbound ramps and Del Mar Heights Road / I-5 northbound ramps would be over capacity for the 10+4 with DAR scenario. The other ramp intersections in the City of San Diego would be at or under capacity in these future conditions. In the p.m. peak 2030

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30 cont. condition for these build alternatives, northbound and southbound I-5 ramps at Genesee Avenue and Carmel Mountain Road would be over capacity but the other I-5 ramp intersections in the City of San Diego would be at or under capacity.

Intersection peak hour delay and level of service analysis results are presented in Technical Report No. 6 Table 3.4 (a.m. peak hour) and Table 3.5 (p.m. peak hour) for the same six intersections plus Roselle Street / I-5 ramps, Roselle Street / Sorrento Valley Boulevard intersection, and Sorrento Valley Road / Sorrento Valley Boulevard intersection. Intersections that are projected to operate at LOS E or F in the Year 2030 No Build scenario but would have an added delay of greater than two seconds under a build alternative Year 2030 scenario are highlighted in red in the tables. In the 2030 a.m. peak, this result would occur in the City of San Diego for both the 10+4 with DAR and 8+4 with DAR alternatives at Roselle Street / I-5 ramp intersections, which are stop sign controlled, but not at any other locations for the 8+4 with DAR alternative. This result also would occur for the 10+4 with DAR alternative at Genesee Avenue / I-5 northbound ramps, Sorrento Valley Road / Sorrento Valley Boulevard intersection, and Del Mar Heights Road / I-5 northbound ramps. In the 2030 p.m. peak for the 8+4 with DAR alternative, this result would occur in the City of San Diego at the Roselle Street / I-5 ramps, Genesee Avenue / I-5 southbound ramps, and Carmel Mountain Road / I-5 southbound ramps. For the 10+4 with DAR alternative, this result would occur in the City of San Diego at Roselle Street / I-5 ramps, Roselle Street / Sorrento Valley Boulevard intersection, Sorrento Valley Road / Sorrento Valley Boulevard intersection, and Carmel Mountain Road / I-5 southbound ramps. Other intersections in the City of San Diego are projected to either operate above LOS E, or have reduced delay if they would operate at LOS E or F.

Technical Report No. 7 (referenced above in response to your Comment 27), describes the fact that the SYNCHRO program is particularly useful in modeling the flow of traffic through a network of intersections, while accounting for the impacts of adjacent intersection operations. This is beneficial in analyzing closely spaced signalized intersections where traffic flow is affected by signal coordination and/or vehicle spillback from the adjacent

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30 cont. intersections. Because these characteristics are prevalent at the I-5 interchange intersections, as well as the adjacent nearby surface street intersections, the SYNCHRO software was determined to be appropriate for this study.

Although the results of the analysis of the effects of queuing between closely spaced intersections were not explicitly included in the reports, the backup SYNCHRO files are available for review.

31 Per the discussion in Technical Report No. 6 (referenced above in response to your Comment 27), ramp-metering analyses were conducted using the procedures detailed in Appendix D (*Traffic Impact Studies Guidelines*) of the SANDAG 2002 Congestion Management Program Update (January 2003) the guidelines were prepared under the direction of the SANTEC and ITE – California Border Section.

Under future Year 2015 and 2030 conditions, all freeway interchange on-ramps within the project study area would be metered. Using the Congestion Management Program (CMP) method for estimating ramp meter delay, Tables 3.7 and 3.8 of Technical Report No. 6 show calculated ramp delays for the Existing, Year 2015/2030 Build, and Year 2030 No-Build scenarios under a.m. and p.m. peak hour conditions, respectively. Delay values are shown in the following four groups:

- Less than 5 minutes – indicates minimal queuing potential
- 5-15 minutes – indicates moderate queuing potential wherein a queue would begin to build on the ramp
- 15-25 minutes – indicates significant queuing potential wherein a queue would begin to exceed the ramp storage length
- More than 25 minutes – indicates very significant queuing potential with possible diversion of traffic

In addition, theoretical ramp queue lengths were calculated and compared to available ramp storage. Tables 3.7 and 3.8 also display the ramp locations where the calculated ramp queue lengths were estimated to exceed available ramp storage under the various traffic scenarios.

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32 In several of the above locations (a.m. and p.m. conditions), the delay due to the Year 2030 8+4 with DAR alternative would be smaller than or equal to the delay due to the Year 2030 No Build or Year 2030 10+4 with DAR alternatives. Following circulation of the Draft EIR/EIS, extensive public outreach and consideration of input from the community and resource agencies, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

It should also be noted that the project proposes to widen key freeway interchange on-ramps to improve ramp intersection operations. The ramps to be widened include the Roselle Street Southbound on-ramp, the Genesee Avenue to northbound I-5 on-ramp, and the Del Mar Heights Road to northbound I-5 on-ramp. In addition, the project proposes lane geometry improvements at the terminus of the Del Mar Heights Road northbound off-ramp that include adding a second left-turn lane. The above-mentioned improvements would benefit intersections such as the Genesee Avenue/northbound ramps, Del Mar Heights Road/I-5 northbound ramps, and Roselle Street/I-5 southbound on-ramp. These proposed improvements can be found in Technical Report No. 6 (referenced above in response to your Comment 27). The proposed interchange/ramp reconfiguration improvements are also provided in *Table 2.1*, *Interchange/Ramp Reconfiguration*, of the EIR/EIS.

Caltrans has determined that “Roselle Street/I-5 northbound on ramp” should read “Roselle Street/I-5 northbound off ramp.” That is, there is no northbound entrance ramp from Roselle Street, although there is a northbound exit ramp to Roselle Street.

33 Please refer to the response to your previous Comment No. 32.

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34 cont. have significant cumulative impacts at the ramp meter at eastbound Via de la Valle to southbound I-5 in the p.m. peak hour. This impact should be acknowledged in the DEIR/DEIS and mitigation proposed.

35 11. The information presented in the DEIR/DEIS's technical study, "A Summary of Traffic Reports November 2008," suggests the 8+4 with DAR project alternative would have a significant cumulative impact to the roadway segment of Via de la Valle between I-5 and San Andres Drive. This impact should be acknowledged in the DEIR/DEIS and mitigation proposed.

36 12. Capacity analysis for Voigt Drive should be provided to show whether the proposed DAR has a significant impact to Voigt Drive and whether the proposed widening of Voigt Drive to four lanes would provide sufficient roadway capacity to mitigate any significant impacts.

Development Services Department, Environmental Analysis Section: Contact – Martha Blake (619.446.5375)

37 The DEIR/DEIS has identified a number of significant impacts that would result from the implementation of any of the 'project' scenarios. A number of significant impacts would result from the proposed project. Generally the City would like the document to rely on the City of San Diego's Significance Determination Thresholds for impacts within the City's boundaries. The Thresholds can be found online at: www.sandiego.gov/development-services/news/pdf/sdtceqa.pdf

In addition to specific issues identified by other city reviewers, EAS staff has the following concerns.

Biological Resources

38 Impacts to biological resources (per the DEIR/DEIS, "Natural Communities" and "Wetlands") should be quantified for each jurisdiction in order to assess the specific impacts to resources within the City of San Diego boundaries. Currently impacts areas are identified on the maps, but the tables quantifying the impacts do so on a corridor-wide basis. Mitigation for impacts within the City of San Diego should be provided to the maximum extent feasible in the City, preferably within the same geographic area (such as the same watershed) where the impacts occur, and should be provided, at a minimum, in accordance with the mitigation ratios established by the City of San Diego Biology Guidelines (July 2002).

39 The technical report (*Natural Environmental Study, June 2008)* that provides the basis for the natural communities/wetlands/biological resource impacts indicate that the majority of the surveys were conducted more than three years ago. These surveys should be updated given the lengthy period of time that has passed. The City of San Diego Guidelines for Conducting Biological Surveys (July 2002, p. 6) states that "if surveys for state or federally-listed sensitive or MSCP-covered species are completed more than 24 months before [an] application is submitted, then the surveys should be updated as appropriate". City Staff is concerned that, given the length of time between the surveys and the publication of the NES (2008) and the draft

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34 The project proposes widening (lane additions) to both the westbound Via de la Valle to southbound I-5, and the eastbound Via de la Valle to southbound I-5 on-ramps, per Table 4.2, Summary of I-5 North Coast Corridor Ramp Storage Improvements, in Technical Report No. 6, referenced above in response to your Comment 27.

35 Technical Report No. 6 (referenced above in response to your Comment 27) provides arterial roadway capacities and the projected daily traffic volumes in 2015 and 2030 for 125 individual roadway segments. Utilizing the respective roadway capacities and the forecast ADT, roadway segments were identified as being over or under capacity. The roadway segment of Via de la Valle from I-5 to San Andreas Drive is shown in Table 3.9 as being under capacity in all future conditions (including No Build), except for the 8+4 with DAR alternative in 2030. This segment was identified as over capacity because ADT in this scenario is projected to be 35,500, which is above the capacity of 35,000 ADT for a four-lane Major roadway. These results are also presented in Table 5.1 of the technical study (A Summary of Traffic Reports) referenced in this comment. This study states that several of the north/south arterial segments would have less traffic and would operate under capacity when compared to the No Build scenario, and that the east/west arterials would experience a mixture of improved operations and impacted operations. These conclusions are not suggestions that there would be significant cumulative impacts at any impacted location, however, and mitigation measures outside of Caltrans jurisdiction for local street issues are not proposed. Within Caltrans jurisdiction, proposed project features include widening of Via de la Valle within the I-5 / Via de la Valle Interchange area.

36 Technical Report No. 7 (referenced above in response to your Comment 27) provides capacity analyses associated with the implementation of the Voigt DAR. These include analyses of peak hour intersection level of service and delay results for intersections

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36 cont. near and along Voigt Drive, with comparisons of Year 2030 with and without the DAR scenarios.

It should be noted that Technical Report No. 7 recommends improvements at the Gilman Drive/Voigt Drive intersection to mitigate the identified impacts due to the DARs. Specifically, the proposed improvements at the Gilman Drive/Voigt Drive intersection include signalizing the intersection, as well as providing two westbound left-turn lanes and a single eastbound left-turn lane.

As shown on Sheets 2 and 3 of Exhibits A1, A2, A3, and A4 of the Draft Project Report, Voigt Drive would be widened to four lanes (two in each direction). The segment of Campus Point Drive south of Voigt Drive (north of Medical Center Drive) would be realigned and reconnected perpendicular to Voigt Drive, and turning lanes would be added to and from Campus Point Drive.

Caltrans is coordinating with UCSD on these proposed modifications along Voigt and Campus Point drives.

37 Since the proposed freeway improvements would potentially have an effect on local arterials of seven jurisdictions (San Diego, Del Mar, Encinitas, Solana Beach, Carlsbad, Oceanside, and Camp Pendleton), for consistency purposes the same uniform set of methodologies and significance thresholds were applied for analysis of impacts under CEQA.

38 The *I-5 NCC Project* is regionwide and could affect seven jurisdictions (San Diego, Del Mar, Encinitas, Solana Beach, Carlsbad, Oceanside, and Camp Pendleton). As discussed in EIR/EIS *Section 3.17*, *Natural Communities*, compensatory mitigation measures would be used to mitigate for unavoidable impacts to biological resources. As described in detail in EIR/EIS *Section 3.17*, proposed project avoidance, minimization, mitigation, and enhancement features (the project Resource Enhancement and Mitigation Program, or REMP) comprise a substantial part of the TREP presented with the PWP and developed to support future permitting by the California Coastal Commission if the project is approved. The PWP/TREP addresses all impacts and proposed

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39 cont. document (2010), changes have occurred in the natural communities that are not reflected in the draft document.

Noise

40 The DEIR/DEIS identifies that a severe noise impact would occur when "predicted exterior noise levels equal or exceed 75dBA-Leq(h) or are 30 dB or more above existing noise levels" (p. S-12). This is inconsistent with both the City of San Diego Significance Thresholds and with the City's General Plan Noise Element. The General Plan has no exterior uses that are compatible with noise levels exceeding 75 dBA (Table NE-3 of the City's General Plan). For single-residential uses, mobile homes, senior housing, and a number of institutional uses such as hospitals, child care, kindergarten through grade 12, and libraries are 'conditionally compatible' with exterior noise levels of 60 – 65 dBA; while multiple units and mixed-use commercial/residential are 'conditionally compatible' with exterior noise levels of 60 – 70 dBA. Most commercial and office uses are 'conditionally compatible' with exterior noise levels of 65 – 75 dBA.

41 Staff notes that Caltrans considers an increase of 30 dB or more being the level at which severe noise impacts would result. At what level is the increase a significant or substantial impact requiring identification of mitigation? The healthy human ear notices a difference of 3 dB or more (as noted in the Noise Technical Report, p. 5), and "a change of 10 dB is perceived as being twice or half as loud". So a change of 30 dB in existing noise volumes is truly a severe impact.

42 The Noise section, 3-15.3 identifies the areas where noise mitigation would be required, and notes if that mitigation is feasible and reasonable per Caltrans. Not all of the identified measures are determined to be reasonable, yet Table S.1 does not identify any significant unmitigated impacts due to noise. That table states that for noise, impacts are "Not Substantial with Abatement". Please revise the Noise discussion to identify any additional impacts related to noise in accordance with the above information, and clearly identify if the project will result in significant impacts related to noise that will not be mitigated. Please note the City considers any increase in dB above the General Plan (GP) noise levels to be potentially significant, even if the existing noise level already exceeds the GP compatible levels.

Pedestrian and Bicycle Facilities

43 The DEIR/DEIS (p. S-9) states that "during construction…the work can act as both a physical and psychological barrier to pedestrians and bicycle users" and that "access may be restricted or severed entirely" but that "temporary access would be provided where possible". Voigt Drive provides a much-used connection from parking facilities and residential uses on the east side of Interstate 5 to the University of California, San Diego campus facilities, primarily located on the west side of I-5. Will this connection for vehicles, pedestrians, and cyclists be restricted or severed should the Voigt Drive DAR be selected? If so, for how long would the impacts last? Any restriction or severing of this access should be provided with some mitigation during the construction phase. If no such mitigation is feasible, the document should analyze what will

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38 cont. mitigation for the *I-5 NCC Project*, the LOSSAN projects, and local agency projects listed in that document. Compilation of all North Coast Corridor projects into a single mitigation and enhancement effort ensures that the most accurate assessment of total potential impacts is being made and that the best overall options for mitigation of that total effect are being evaluated. The proposed approach to mitigate impacts to natural resources from corridor-wide transportation development in advance of construction would result in greater regional benefits to coastal resources than if only ratio-based, project- and site-specific mitigation were employed. Mitigation planning is being developed on a watershed basis to address the resources impacted and not necessarily on municipal boundaries.

39 Caltrans policy governs this environmental document, and the biological surveys are deemed adequate. The EIR/EIS provides for updates to surveys of particularly sensitive communities and species prior to project construction to ensure that potential impacts are appropriately avoided, minimized, and/or mitigated.

40 Noise study and preliminary noise abatement decisions in *Chapter 3* are based on Title 23, Code of Federal Regulations, Part 772 of the FHWA standards, and the Caltrans Traffic Noise Analysis Protocol (Protocol). Under these regulations, noise abatement measures must be considered when future predicted noise levels with the project "approach or exceed" the Noise Abatement Criteria (NAC) or when the predicted noise levels with the project substantially exceed existing noise levels. It is recognized that these thresholds may not be consistent with thresholds of individual municipalities the freeway is crossing.

The discussion of "severe" noise impacts in the Summary is related to evaluating when unusual and extraordinary abatement measures must be considered. As discussed in EIR/EIS *Section 3.15*, *Noise*, identification of "severe" traffic noise impacts means that Caltrans must consider "unusual and extraordinary" abatement measures, such as constructing noise barriers even though the estimated construction cost exceeds the "reasonableness" allowance, or providing interior abatement in residential units. Unusual and extraordinary abatement proposed on a federal-aid project is

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	40 cont. subject to approval by the FHWA on a case-by-case basis. This is not the same as an assessment of noise impacts under CEQA or NEPA. As discussed in EIR/EIS *Section 3.15*, a noise impact occurs when the future noise level with the project results in a substantial increase in noise level or when the future noise level with the project approaches or exceeds the NAC for a particular land use. One-decibel hourly average (dBA L_{eq} [h]) within the NAC is considered "approaching," and a 12-dBA increase is considered "substantial." NAC values are presented in *Table 3.15.1*, and range from 57 dBA L_{eq}(h) to 72 dBA L_{eq}(h). As shown in EIR/EIS *Tables 3.15.3, 3.15.5, 3.15.7,* and *3.15.9*, for Segments 1 through 5, increases in noise levels between existing and future with-project conditions within the City of San Diego would range from one to six dB; noise increases in the range from one to three dB are generally not detected by the normal healthy human ear. A total of 61 receptors would experience a 3 or fewer dB increase (or actually improve over existing conditions), and 21 receptors would experience increases below 4 and 6 dB (16 receptors would experience a 4 dB increase, 4 receptors would experience a 5 dB increase, and 1 receptor would experience a 6 dB increase). At the project level, for the 27-mile corridor, noise impacts are not identified as significant under CEQA. As discussed in *Chapter 4*, however, a small number of segments and 58 individual receptors within the *I-5 NCC Project* area could experience potentially significant noise impacts under CEQA. Receptors identified as experiencing potentially significant noise impacts under CEQA are identified in *Table 4.1* of the Final EIR/EIS. Additional, non-CEQA related abatement is also recommended at other locations where "feasible" and "reasonable," according to federal protocols. This attenuation would provide effective noise mitigation for a large number of locales and receptors along the *I-5 NCC Project*, and is over and above CEQA mitigation requirements.
	41 Please refer to the response to your Comment 40. As discussed in EIR/EIS *Section 3.15*, *Noise*, the situation of "severe" traffic noise impacts means that Caltrans must consider "unusual and extraordinary" abatement measures. This is different from the evaluation of noise impacts in general, which applies the NAC values presented in EIR/EIS *Table 3.15.1*.

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43 cont happen with this displaced access, including traffic increases at other access points to the University. The document should also demonstrate how safe pedestrian and bicycle access would be provided post-construction, given the increase levels of traffic anticipated to use the Voigt Drive with the proposed DAR.

Voigt Drive DAR

44 In addition to the issues note above, City Staff notes that p. 2-3 of the DEIR/DEIS would provide access to "Qualcaomm". This should be revised to Qualcomm. This section also notes that this DAR would provide access to coastal views. Given the location of this DAR and the geography of the area, with the elevations to the west higher than Voigt Drive, this view access seems incorrect. If the DAR is expected to provide vehicles with another way to access the coastal community for viewing opportunities, this access would be indirect as it would force vehicles through and/or around the UCSD campus before reaching the coast, while the Genesee Avenue or La Jolla Village Drive exits provide more direct access to the coastal areas.

Environmental Services Department: Contact – Lisa Wood (858.573.1236)

45 The draft EIR/EIS does not address solid waste management. Solid waste management is a public service, and solid waste generation contributes to greenhouse gas production. This project would produce significant amounts of construction waste. The impacts associated with the management, transportation, processing, and disposal of this waste should be addressed.

The CEQA Environmental Checklist included in this document located in appendix G section XVII Utilities and Service Systems identifies items F and G concerning landfill capacity and compliance with federal, state, and local statutes regarding solid waste as "No Impact." No rationale for this analysis is provided.

San Diego Police Department, Northwestern Division: Contact – Ted Parker (858.523.7049)

46 The SDPD has concerns regarding the proposed pedestrian bridge that would be located north of Del Mar Heights Road. The following suggests several ways to make the bridge safe for the public. They deal with the bridge location, design, and use. Some measures to prevent other crimes are also suggested.

Even if the bridge can be made safe to the public, it provides criminals with an additional path in and out of the connected neighborhoods. The possible effects of this to the residents and the personal safety risks to the public must be weighed against the benefits to them in determining whether the bridge should be built. We have no way of measuring these effects or risks, and have not attempted to determine who would use the bridge, what benefits the bridge would provide to the connected neighborhoods, or other negative effects such as the increased pedestrian traffic in the affected areas. The latter should be done by the planning boards on both sides of I-5. You should also consider the alternative of improving pedestrian and bicycle paths

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42 Project-wide, 93 percent of sensitive receptors along the route are expected to experience a difference of 3 or fewer dBAs in noise levels between future conditions without and with the project (a less than discernible change for the normal healthy human ear). Of the 7 percent that would experience a greater increase in noise, project design provides attenuation for 85 percent of them. Less than one percent of modeled receptors would be able to hear an increase in future noise levels associated with I-5 but would not receive attenuation. The receptors projected to experience CEQA-significant noise increases are identified on *Table 4.1* of *Chapter 4, California Environmental Quality Act Evaluation*. None of those receptors are located within the City of San Diego. No significant and unmitigated impacts would occur for I-5 segments within the City of San Diego. Please refer to *Section 4.3.4* of *Chapter 4* for additional explanation. Regarding thresholds for determining noise impacts, please refer to the response to your Comment 40.

43 As stated in *Section 3.4.1, Community Character and Cohesion*, of the EIR/EIS, a Traffic Management Plan (TMP) will be prepared to minimize impacts during construction activities. Traffic delays and closures would be minimized through the use of various traffic handling practices, including components for pedestrians, bicyclists, and motor vehicle users. Specific elements for pedestrian and bicycle traffic would include the use of signs, as appropriate, to provide notices of bike and pedestrian closures, detours and other pertinent information. More information regarding the TMP can be found in Section 3.1, Construction-Related Impacts, of the I-5 North Coast Corridor Final Community Impact Assessment Report (CIA, with this report incorporated by reference into the EIR/EIS). Caltrans will continue to work closely with UCSD to minimize impacts to vehicles, pedestrians, and bicyclists at campus facilities during the construction phase of the project. To this end, the TMP would be a living document subject to change as required by project circumstances. Please also refer to Topical Response "Construction Traffic."

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along Del Mar Heights Rd., or building a pedestrian/bicycle bridge over the I-5 on- and off-ramps there.

Pedestrian bridges and their approaches are potential entrapment spots. A person on the bridge has nowhere to run if threatened by another person(s) on the bridge or its approaches. And a person on the bridge cannot be seen or heard by anyone else if threatened. People driving on I-5 should be watching the road and not looking up at the bridge, especially at night. And the freeway noise level will block out anyone calling or whistling for help. This paper suggests several ways to make the bridge safe for the public. They deal with the bridge location, design, and use. Some measures to prevent other crimes are also suggested.

PERSONAL SAFETY MEASURES IN BRIDGE LOCATION

Bridges should be located where their approaches are clearly visible to people in the area. A good example of this it the pedestrian bridge over Del Mar Heights Rd. just east of El Camino Real. People entering, leaving, and on the bridge can be seen by people in vehicles on these streets as well as people on the sidewalks.

046 cont. The proposed location of the I-5 bridge does not meet this criterion. The eastern approach is down a narrow walled path between a single-family home at 3353 Lower Ridge Rd. and the East Bluff Condos. People on it can only be seen from the entrance to this path. The western approach is at the northeast corner of the parking lot of the Del Mar Hills Elementary School at 14085 Mango Dr. It can't be seen at all from the street.

PERSONAL SAFETY MEASURES IN BRIDGE DESIGN

Clear Bridge Approaches

The bridge approaches should be cleared of all vegetation. All bushes along the path from Lower Ridge Rd. should be removed on the east side. A square that extends to rear wall of Bella Del Mar Apartments should be cleared on the west side.

Paint the curb red in front of the bridge approach on Lower Ridge Rd. to prohibit parking that would block views of the approach from the street.

Fencing around Bridge Approaches

Fencing should be installed on the sides of the approaches to secure those areas. It should be at least 8-feet high with a 1-inch mesh. CALTRANS has used this fencing for freeway abutment-protector cages. This fencing is especially important on the west side where transients live in the bushes behind the apartments and shopping center south of the bridge site. Gates in the fencing should be provided if access to the paths extending north and south of the approaches is needed.

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44 The error in spelling "Qualcomm" has been corrected in the Final EIR/EIS. The reference to improving access to coastal areas has been removed.

45 Project impacts to solid waste are addressed in EIR/EIS *Section 3.5, Utilities and Emergency Services*. As noted in that section, the project would not affect any landfill services and would comply with all applicable solid waste regulations. Also, as noted in EIR/EIS *Section 3.16, Energy*, project efforts to minimize energy consumption during construction would include recycling of materials and use of recycled materials (e.g., asphalt and concrete roadway materials).

46 The input from the San Diego Police Department on ways to make the proposed pedestrian bridge located north of Del Mar Heights Road safer is appreciated. Caltrans will coordinate with the City of San Diego to address the City's needs in regards to personal safety measures in bridge locations as designs are refined following consideration of the environmental document for approval and selection of an alternative by decision makers.

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PERSONAL SAFETY MEASURES IN BRIDGE USE

Nighttime Curfew

Prohibit use at night. Add a section to the San Diego Municipal Code (SDMC) that states the following: It is unlawful for any person to be on the bridge or its approaches from sunset to sunrise. And post signs for this. Note that there is a precedent for this in SDMC Sec. 63.0120(b) which states that "It is unlawful for any person to be on the Spruce Street Pedestrian Bridge from 10:00 p.m. until 6:00 a.m."

If this ordinance and the signs don't work, install gates that would be locked at night. This will require that a City worker to lock them at night and unlock them in the morning.

Another reason for a nighttime curfew is to keep the area around the approaches quiet at night so the residents who live next to them won't have their sleep disturbed.

Signs

Post NO LOITERING signs on the approaches to the bridge. Cite SDMC Sec. 52.30.2 for this. Also post a sign suggesting that people do not cross the bridge alone.

Emergency Phone Kiosks

046 cont.

Install emergency phone kiosks on the bridge approaches for persons to use to contact 911. The kiosks should have a light that will begin to flash when 911 is called. They should also be equipped with a GPS locator to aid SDPD officers in locating the caller.

Emergency Use of Cell Phones

Need to determine whether 911 dispatchers can hear callers over the freeway traffic noise.

Emergency Communications

The Public Safety Geofile Coordinator in the San Diego Fire Department's Communications Response Planning Division must be contacted about planning to enable emergency providers to know the location of the caller. Laura Brenner is the current Coordinator; her phone number is (858) 573-1325. This might involve the following:

- Call the bridge a "walkway" to be consistent with the terminology in the San Diego Graphic Information System (SanGIS).
- Install signposts at the bridge approaches telling people that in reporting an emergency they should give the dispatcher the name of the walkway, which would be on the sign, and the side of the freeway, which would be east or west.
- The dispatcher would have the coordinates of each signpost and be able to direct emergency vehicles to it.

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OTHER CRIME PREVENTION MEASURES

Signs

Post signs to prohibit smoking, littering, use of alcoholic beverages, skateboarding, etc.

Trash Cans

Locate can on the bridge approaches and empty them regularly.

Bollards on Bridge Approaches

46 cont.

Bollards should be installed to prevent motor vehicles, including motor cycles, from going on the bridge.

Graffiti Prevention

Use graffiti-resistant paint or an anti-graffiti coating on any bridge elements that could be tagged. (The San Diego Park and Recreation Dept. specifies the use of VandlGuard Ten, a non-sacrificial anti-graffiti coating in a three-coat system by Rainguard International, or the equivalent on park furnishings and buildings.) Minimize the use of large surfaces that provide a canvas for graffiti.

Lights

Install vandal-proof lights and mount them beyond a vandal's reach.

Please contact the appropriate above-named individual(s) if you have any questions on the submitted comments. The City respectfully requests that you please address the above comments in the EIR.

Sincerely,

Cecilia Gallardo, AICP
Assistant Deputy Director
Development Services Department

cc: Victoria Huffman, Associate Traffic Engineer, Development Services Department
Lesley Henegar, Senior Planner, City Planning and Community Investment Department
Tait Galloway, Senior Planner, City Planning and Community Investment Department
Lisa Wood, Senior Planner, Environmental Services Department

REGIONAL AND LOCAL AGENCIES – COMMENTS

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Ted Parker, San Diego Police Department, Northwestern Division
Martha Blake, Senior Planner, Development Services Department

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CITY OF SOLANA BEACH
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November 19, 2010

Ms. Shay Lynn Harrison
Environmental Analysis Branch Chief
California Department of Transportation B District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Re: Interstate 5 North Coast Corridor Project
Draft Environmental Impact Report/Environmental Impact Statement

Dear Ms. Harrison:

01 This letter and the enclosed attachments contain the comments of the City of Solana Beach (City) on the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the Interstate 5 North Coast Corridor Project (Project). Please include this information in the record of proceedings for the Project.

02 The City is a Coordinating Agency under the National Environmental Protection Act (NEPA), 42 U.S.C. section 4321, *et seq.*, and its guidelines, 40 Code of Federal Regulations, section 15000, *et seq.*, and a Responsible Agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000, *et seq.*, and its guidelines (CEQA Guidelines), 14 California Code of Regulations, section 15000, *et seq.* As such, the City takes its responsibility to participate in the environmental review of the Project very seriously. To date, however, it does not appear that the California Department of Transportation (Caltrans), as Lead Agency for the Project, takes the City's concerns seriously. Although the City provided a written response to the Notice of Preparation (NOP), dated December 10, 2004, Caltrans did not address many of the City's concerns in the DEIR/EIS. Accordingly, the City has enclosed a copy of its NOP letter as Attachment 1 and hereby requests that Caltrans provide a meaningful response to each of the issues and alternatives identified therein.

03 The DEIR/EIS indicates the Project would have significant construction impacts on residents of the City and surrounding communities for the next thirty-eight years, as well as significant operational impacts that would permanently affect the physical environment and quality of life in the region. Among other things, the enormous commitment of physical and financial resources required by the Project will dramatically limit the region's ability to develop and implement the mass transit and other transportation alternatives needed to achieve California's goals for

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Responses to David Ott, City Manager, City of Solana Beach

01 Thank you for your comments, which are part of the public record. They will be included when the project is considered for approval or denial by decision makers.

02 Caltrans acknowledges the important role of the City of Solana Beach and all affected jurisdictions in the environmental process for this project and appreciates the responses to the Notice of Preparation (NOP) that were received. All comments were considered in preparing the Draft EIR/EIS. According to CEQA Guidelines Section 15375, the purpose of the NOP is to solicit guidance from various agencies as to the scope and content of the environmental information to be included in the EIR. There is no requirement to provide detailed responses to comments or questions sent by the agencies, or to include the comments on the NOP in the environmental document. Comments received are summarized in *Chapter 5, Comments and Coordination*, as permitted by CEQA guidelines Section 15084(c). *Chapter 5* also summarizes the multiple meetings that have been held as part of the public outreach for the project.

03 If approved, the project would be completed by 2035, or within the next 22-year period. Within that time frame, construction phasing

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03 cont. reducing greenhouse gas (GHG) emissions to combat global climate change.

04 The nature and extent of the Project's significant environmental effects have compelled the City to devote considerable resources to its review of the DEIR/EIS. The City's comments on the adequacy and completeness of the DEIR/EIS are set forth in this letter and in the Comment Matrix which is enclosed as Attachment 2. The specific environmental issues identified in the Comment Matrix were prepared by staff from the City's planning, building safety, public safety, public works and engineering departments, and by experts retained by the City in the fields of traffic and transportation, biological resources, noise, air quality, climate change, hydrology and water quality, economics, and the legal requirements of NEPA and CEQA. The curriculum vitae of these experts, which establish their qualifications, experience and expertise to comment on their respective subjects, are enclosed as Attachment 3. (*Sierra Club v. California Dept. Of Forestry & Fire Protection* (2007) 150 Cal.App.4th 370, 382 [comments by qualified experts constitute substantial evidence that EIR is inadequate].)

05 After careful review, the City has concluded that the DEIR/EIS fails to fulfill NEPA's and CEQA's fundamental objective of informing the public and the decision makers of the potential significant environmental effects of the Project. The defects and omissions identified below and in the enclosed Comment Matrix (Attachment 2) make clear that the DEIR/EIS is inadequate and incomplete and fails to comply with many of NEPA's and CEQA's most important requirements. Accordingly, the City requests that Caltrans revise the DEIR/EIS to remedy these deficiencies and recirculate the revised DEIR/EIS for public review and comment.

Executive Summary

1. Project Description

06 The description of the Project is ambiguous and unstable because it fails to identify a proposed project and instead identifies four possible "build" alternatives. This approach is contrary to NEPA, which considers the project description to be "the heart of the EIS" and requires the EIS to analyze a proposed project *and* alternatives. (40 CFR §§1502.14, 1502.16(d).) It also is contrary to CEQA, which considers an accurate, stable and fixed project description to be the *sine qua non* of a legally sufficient EIR. (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 655-656.) The DEIR/EIS' consideration of four alternatives, without identifying which is the proposed project, results in an ambiguous and unstable project description which precludes informed public participation. (*Ibid.*) Although the multiple "build" alternatives give Caltrans several options from which to choose, they prevent the public and responsible agencies from knowing which alternative is the "proposed project" to which they should devote substantive attention. Accordingly, please identify which alternative is the proposed "project" and recirculate the revised project description for public review and comment.

07 The failure to identify a proposed project may be due to the fact that the design of the Project has not reached a point that allows meaningful environmental review. In the City's experience, environmental review of a project is premature unless project is at the 30% design stage. In a

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03 cont. in any one area is anticipated to occur within two to three years, with landscape projects taking a little longer. Project operational effects are addressed throughout *Chapters 3* and *4* of the EIR/EIS. Please refer to those chapters, as well as to Topical Response "Visual/Community Effects."

The *I-5 NCC Project* is part of a balanced, multimodal regional transportation network. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project and related planning fit within the regional transit system and San Diego Association of Governments' (SANDAG) 2050 Regional Transportation Plan (RTP).

Regarding greenhouse gas (GHG) emissions, as stated in EIR/EIS *Section 4.6, Climate Change*, Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing GHG emission reduction and climate change. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels, and approximately 40 percent of all human-made GHG emissions are from transportation (see Climate Action Program at Caltrans [December 2006]), Caltrans has created and is implementing the Climate Action Program. This document can be found at: http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf. The 2050 RTP incorporates the preferred 8+4 Buffer alternative in the revenue constrained scenario, and the associated EIR provides a regional analysis of GHG emissions. With implementation of planned countywide multimodal improvements, including the proposed project, and SANDAG's Sustainable Communities Strategies (SCS), in compliance with California Senate Bill (CA SB) 375, the 2050 RTP analysis shows that the region would achieve the State-imposed goal to reduce GHG emissions to 1990 levels by 2020. Please also refer to Topical Response "Climate Change" for additional information regarding GHG and climate change.

04 The comments regarding the City's efforts in reviewing the Draft EIR/EIS are noted.

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	05 Please refer to the detailed responses below to the City's specific comments on the Draft EIR/EIS. Please also note that additional information was circulated to the public in a Supplemental Draft EIR/EIS in August 2012.
	06 EIR/EIS *Chapter 2, Project Alternatives*, is not "ambiguous and unstable" and 40 CFR 1502.14 does not require identification of a proposed project in the draft environmental document. The EIR/EIS rigorously explores and objectively evaluates the "reasonable alternatives," as required by 40 CFR 1502.14(a). The process of identifying the build alternatives addressed in detail in the EIR/EIS is discussed in *Section 1.4, History and Background*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor. A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before having decision makers consider whether to approve the project and select an alternative for final design. This approach is specifically allowed by 40 CFT 1502.14(e), which states, "Identify the agency's preferred alternative or alternatives, *if one or more exists*, [emphasis added] in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This refined alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Public input regarding the alternatives will be considered at this time. Additional details about the project, including the refined 8+4 Buffer alternative and proposed community enhancements that have been refined based on public comment and coordination between Caltrans and various affected municipalities, were provided in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS.

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07 cont. presentation to City staff on September 8, 2010, Caltrans' representatives acknowledged that the Project is only at 10%. Both CEQA and NEPA require environmental review to begin only "at that stage in the development of an action when . . . the effects can be meaningfully evaluated.@ (40 CFR §' 1508.23; 14 CCR § 15004(b).) The DEIR/EIS confirms that environmental review of the Project is premature, with a number of critical studies not yet complete, the analysis of

08 several significant impacts deferred, and many mitigation measures in only the early stages of formulation. (*See, e.g.*, DEIR/EIS, pp. 3.10-8 [water quality/ stormwater runoff], 3.13-3 [hazardous materials], 3.17-9 [wetlands], 3.21-8 [lagoon hydrology and bridge design], 3.21-7 [endangered species mitigation].)

09 The project description also is inconsistent with important state laws and policies such as AB 32 and SB 375, which seek to reduce greenhouse gas emissions by reducing vehicle miles traveled and by increasing the use of mass transit. An independent report prepared for the San Diego Association of Governments (SANDAG) recommended against the proposed expansion of freeway lanes because of the adverse impact it would have on regional efforts to promote the "Smart Growth" concepts. (*See* Independent Transit Planning Review Services, December 2006 Final Report [Independent Transit Review], pp. ES-5, 3-32, 6-16 ["Smart Growth efforts will likely be weakened by managed lanes' alleviation of congestion and its encouragement of auto-oriented growth away from transit corridors"].) The Independent Transit Review also provided expert opinion that an increase in freeway lane miles will increase auto trips and therefore GHG emissions. The DEIR/EIS' analysis also erroneously focuses on the short-term results of freeway expansion projects and ignores the long-term horizon. There is a large body of research and expert opinion indicating that, in areas where population is increasing, the addition of freeway lanes causes more vehicle trips, decentralized development, and only a temporary reduction in congestion which over time returns to previous levels. The DEIR/EIS is deficient because it does not analyze whether the increase in freeway lanes will make it easier for people to continue driving alone and, therefore, will interfere with achieving state and regional goals for increasing the use of mass transit. Please address this issue and provide facts, data or other evidence in support of the conclusions reached.

2. Analysis of Potential Significant Environmental Impacts

10 The DEIR/EIS is fundamentally inadequate because it fails to comply with CEQA's basic requirement to identify the criteria by which an impact is determined to be either significant or less than significant. (14 CCR §§ 15064-15064.7.) The DEIR/EIS fails to identify thresholds of significance for nearly every impact area. Throughout Chapter 3, the DEIR/EIS identifies potential impacts and then asserts they are not "adverse," without identifying the criteria used to determine whether or not the impacts will be significant. In addition, in one of the few impact areas where significance criteria were identified, the description of the significance criteria is rendered incomplete and unintelligible by the apparent omission of certain words. (*See* DEIR/EIS, p. 4-1 [noise].) Please revise the DEIR/EIS to state the thresholds of significance for each impact area evaluated in Chapters 3 and 4.

11 The DEIR/EIS also fails to comply with CEQA because it does not state whether or not impacts

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07 The EIR/EIS has been prepared in compliance with 40 CFR 1502.5, which states that a document "shall be prepared early enough so that it can serve practically as an important contribution to the decision-making process...." The timing of the EIR/EIS also complies with 40 CFR 1502.5(a), which states, "For projects directly undertaken by Federal agencies the environmental impact statement shall be prepared at the feasibility analysis (go-no go) stage and may be supplemented at a later stage if necessary."

08 Caltrans is satisfied that critical studies have been completed and that impacts have been adequately addressed.

Page 3.10-8 of the Draft EIR/EIS disclosed that the project has the potential to impact water quality during the construction phase, as well as during its operation. The aspect of the project that is not specified is the exact design of best management practices (BMPs), which are dependent on the alternative selected and details that would be developed during final design if the project is approved. Such BMPs and the required results of the BMPs are mandated by law, which guarantees that mitigation will occur.

Page 3.13-3 of the Draft EIR/EIS noted that further hazardous waste investigation may be necessary on individual parcels to be acquired. This is standard practice for hazardous waste investigations because on-site testing for parcels that do not need to be acquired would be a waste of public funding. Sufficient evaluation has been conducted to identify major issues and properties that would be prudent to avoid.

Page 3.17-9 of the Draft EIR/EIS noted that although impacts to the lagoons could be avoided, there were ongoing studies of the hydrology in the lagoons and methods to enhance water flow under the bridges that would be used during the bridge design. Please refer to Topical Response "Lagoon Evaluations" for additional information about the refinement of project design that was based on additional studies about lagoons. The new information was presented in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS.

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	08 cont. Page 3.21-8 of the Draft EIR/EIS similarly noted that Caltrans is funding a study to optimize the I-5 bridges for water exchange on either side of I-5. Please refer to Topical Response "Lagoon Evaluations" and the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS, for additional information about lagoon hydrology and bridge design. Page 3.21-7 of the Draft EIR/EIS noted that possible mitigation ratios and compensatory mitigation had not yet been agreed upon by the resource agencies at this time. This is typical for the environmental process, as approved environmental documents are needed before the permitting agencies such as U.S. Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers, and California Department of Fish and Wildlife (previously the California Department of Fish and Game) will negotiate mitigation measures, mitigation ratios, and permitting conditions. The agency consultations for the project will focus on the alternative that is selected, if the project is approved by decision makers, and final development of regional lagoon mitigation plans under way, as discussed in the EIR/EIS. Please refer to Topical Response "Lagoon Evaluations" for additional discussion about mitigation for lagoon impacts. Additional information was also provided within the Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS.
	09 Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 RTP to encourage the use of mass transit and provide compatibility with Bus Rapid Transit (BRT) lines. Also refer to Topical Response "Transportation Funding" for additional discussion regarding the authority of Caltrans and its focus on upgrading the State highway system in the most beneficial way. Please refer to Topical Response "Climate Change" for additional information regarding climate change and greenhouse gas emissions, and to the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS, for enhanced discussion of potential effects of global warming and related sea level rise.

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	10 Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation,* in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project.* Regarding the evaluation of impacts under CEQA in *Chapter 4* of the EIR/EIS, Caltrans provides guidance on the approach to environmental analysis under CEQA on their Standard Environmental Reference (SER) website at: http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition This site explains that "because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established." The SER recognizes that some public agencies have established thresholds of significance for CEQA, but because Caltrans has Statewide jurisdiction and the setting for projects varies so extensively across the State, Caltrans "has not and has no intention to develop thresholds of significance for CEQA." This approach is consistent with CEQA Guidelines Section 15064.7, Thresholds of Significance, which states that each public agency "is encouraged" to develop thresholds of significance, and when adopting thresholds of significance, a lead agency "may consider" thresholds of significance previously adopted or recommended by other public agencies. The establishment of thresholds is therefore discretionary for each agency, depending on their specific needs for their environmental review process. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant, and the EIR/EIS does not need to be revised to provide them.

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	10 cont. Project specific analysis has been conducted for every issue addressed in the EIR/EIS to properly identify significant and unmitigable impacts under CEQA, which are discussed in *Chapter 4* and supported by the analyses in *Chapters 3 and 4*.

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11 cont. are "significant." Chapter 3 of the DEIR/EIS identifies certain impacts as "adverse," but not as "significant." Because a project's impacts may be adverse or beneficial (14 CCR § 15064(c)), CEQA requires an EIR to identify "significant" adverse impacts. (14 CCR §§ 15126.2(a), 15143, 15063(a), 15064.) The determination of significance must be based to the extent possible on scientific and factual data and on substantial evidence in the record. (14 CCR § 15064(b), (f).) The DEIR/EIS fails to state the significance criteria for each impact area, fails to make a significance determination, and fails to provide any scientific and factual data on which the determination is based. Even where an impact is determined to be less than significant, an EIR must explain the reasons for that conclusion. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111-1112.) A conclusion that an impact is not significant, without supporting information or explanatory analysis, is insufficient. (*Berkeley Keep Jets Over The Bay Comm. v. Board of Port Commrs.* (2001) 91 Cal.App.4th 1344, 1370.) As a result of these deficiencies, the DEIR/EIS is fundamentally inadequate and must be revised and recirculated.

12 Chapter 4 of the DEIR/EIS, which purports to address CEQA compliance, does not obviate this defect. Chapter 4 provides only a list of impact areas and a conclusion regarding significance, and refers the reader back to Chapter 3 for the supporting analysis. However, the list of "Less than Significant Effects of the Proposed Project" on p. 4-1 is completely inconsistent with the discussion of "Environmental Consequences" and the proposed "Avoidance, Minimization and/or Mitigation Measures" in the related sections of Chapter 3. With the exception of "floodplains" and "parks and recreational facilities" impacts, the DEIR/EIS identified potential impacts and recommended avoidance, minimization and/or mitigation measures for every impact area listed in Section 4.2. The list of "Unavoidable Significant Environmental Effects" on p. 4-2

13 also is inconsistent with the discussion of "Environmental Consequences" and the proposed "Avoidance, Minimization and/or Mitigation Measures" in the related sections in Chapter 3 and omits the following impacts which Chapter 3 indicates are unavoidable: Wetlands (DEIR/EIS, pp. 3.17-9, 3.18-3), Threatened and Endangered Species (DEIR/EIS, p. 3.21-7), cumulative impacts to Visual/Aesthetics Resources (DEIR/EIS, p. 3.25-9), and cumulative impacts to Wetlands and other waters (DEIR/EIS, p. 3.25-9). Chapter 4 also fails to identify the unmitigated significant project and cumulative impacts to Noise which will occur where the required mitigation (noise walls) is "not recommended" in Chapter 3 due to cost. As a result, Chapter 4 fails to comply with CEQA's basic requirements regarding the identification and analysis of significant impacts.

14 NEPA and CEQA require the analysis of potential impacts to be "reasonably thorough." (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142.) However, the DEIR/EIS provides only a superficial analysis of potential impacts in some of the most important resource areas. For example, despite the increasing statewide concern regarding the consumption and conservation of energy resources, the DEIR/EIS provides only two pages of conclusory statements regarding the potential energy impacts of a 27-mile freeway expansion project that will take 38 years to complete. (*See* DEIR/EIS, pp. 3.16-1, 2.)

15 The DEIR/EIS is inadequate because it fails to quantify extent of the Project's potential impacts. For example, the discussions of potential impacts to land use (p. 3.1-42 [consistency with

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11 Please refer to the response to your Comment 10.

12 The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible through specific, tangible actions that will reduce a physical environmental effect. "Mitigation" for purposes of NEPA is defined in 40 CFR 1508.20 as including avoiding, minimizing, rectifying, reducing, and compensating, and the measures discussed may have been incorporated into the project design. In 40 CFR 1502.14(f) and 40 CFR 1502.16(h), NEPA requires that appropriate mitigation measures be discussed. In contrast, CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. As noted in EIR/EIS *Section 4.1, Determining Significance under CEQA*, there are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. It cannot be inferred, therefore, that measures listed in *Chapter 3* mean impacts are potentially significant under CEQA.

13 Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation,* in this EIR/EIS for a focused CEQA determination discussion as it relates to the

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13 cont. *I-5 NCC Project.* An impact that is described in *Chapter 3* as one that cannot be avoided is not necessarily a significant impact under CEQA. CEQA significance conclusions are provided in *Chapter 4.* EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects,* discusses (for the purposes of CEQA) impacts that can be mitigated but not reduced to a level of insignificance, in accordance with CEQA Guidelines Section 15126.2(b). Impacts to Community Cohesion under the 10+4 Barrier alternative and Visual/Aesthetics for all build alternatives are identified as remaining significant after mitigation. In *Chapter 3*, impacts that cannot be avoided are those that would occur because there is not a way to change the project such that the resources would not be affected. In *Chapter 3*, this does not mean that there is no compensatory mitigation for the impacts, however, or that the impacts would be substantial under NEPA, or that when evaluated under CEQA, the impact would not be mitigable to below a level of significance.

Biological resources discussed in the Draft EIR/EIS as subject to impacts that could not be avoided (for example on pages 3.17-9, 3.18-3, and 3.21-7) are identified in EIR/EIS *Section 4.3, Less than Significant Impacts with Mitigation and/or Minimization.* These impacts are considered to be reduced to below a level of CEQA significance through the conservation measures, compensatory mitigation, and participation in regionally important restoration projects described in the respective sections of *Chapters 3 and 4* of the EIR/EIS.

As noted in Final EIR/EIS *Section 4.3.4*, the noise analysis for NEPA in *Chapter 3* is independent of the noise evaluation for CEQA in *Chapter 4.* The identification of need for consideration of abatement under NEPA does not necessarily correspond with a determination of significance and need for mitigation under CEQA. FHWA and Caltrans guidelines for NEPA noise analysis indicate that impacts are assessed relative to defined noise abatement criteria (NAC) levels. Noise abatement that is proposed under these FHWA and Caltrans guidelines would only be implemented if it is demonstrated to be both “feasible” and “reasonable.” On the other hand, under CEQA, the assessment entails evaluating the setting of the noise impact and then how large or perceptible the noise increase would be in the given area. Key considerations

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	13 cont. include the uniqueness of the setting, the sensitivity of surrounding noise receptors, the magnitude of the noise increase, the number of noise receptors affected and the absolute noise level. If a proposed project is determined to have a significant noise impact under CEQA, then CEQA dictates that mitigation measures must be incorporated into the project unless such measures are not "feasible." Because the basis for NEPA abatement and CEQA mitigation differ, soundwalls that may be determined to be not "reasonable" or not "feasible" and therefore not recommended under NEPA do not necessarily represent a failure to provide mitigation under CEQA. As stated in Final EIR/EIS *Section 4.3.4*, most changes range from one to three dBA, a range that is generally not detected by the normal healthy human ear. At the project level, for the 27-mile corridor, noise impacts are not identified as significant under CEQA. As discussed in *Chapter 4,* however, a small number of segments and 58 individual receptors within the *I-5 NCC Project* area could experience potentially significant noise impacts under CEQA. Additional, non-CEQA-related abatement is also recommended at other locations where "feasible" and "reasonable," according to federal protocols. This attenuation would provide effective noise mitigation for a large number of locales and receptors along the *I-5 NCC Project*, and is over and above CEQA mitigation requirements. Segments 6 and 7 are located within the City of Solana Beach (see *Section 3.15* of this Final EIR/EIS). Potentially significant impacts under CEQA were identified for Segment 6 on *Table 4.1* in *Chapter 4, California Environmental Quality Act Evaluation* (Receptors R6.4 through R6.7). These receptors would receive a soundwall, S603, as described in *Sections 3.15* and *4.3.4*. No unmitigated significant noise impact would occur. Please also refer to Topical Response "Soundwall Considerations" for additional discussion of this topic.

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	14 Caltrans is satisfied that impacts related to energy have been adequately addressed. Project features are likely to improve traffic conditions, and thus reduce energy consumption, in addition to providing multimodal choices for travelers, thereby offsetting energy consumption during construction. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for a discussion of how the project fits within the regional transit system and 2050 RTP.

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15 cont. applicable plans]), hazardous waste/materials (p. 3.13-2, 3), construction noise (p. 3.15-57), energy (p. 3.16-1, 2), and wetlands (pp. 3.17-9, 3.18-3) deal only in generalities and fail to quantify the extent of the anticipated impacts. Similarly, the failure to quantify the anticipated increase in GHG emissions from traffic in excess of 55 mph and the GHG emissions anticipated to result from 38 years of construction activities renders the analysis of Climate Change deficient. (DEIR/EIS, pp. 4-3 - 4-5.) Without such specific information, the public and the decision makers cannot assess the severity of potential impacts or the adequacy and effectiveness of proposed mitigation measures.

16 The DEIR/EIS also fails to identify and discuss the nature and extent of construction impacts in any resource area and improperly characterizes construction impacts as "short-term" and "temporary" even though they are expected to occur over a period of 38 years, in three successive phases of 8-14 years each. (*See* DEIR/EIS, p. 2-13.) This approach violates NEPA and CEQA, which explicitly provide that "[s]ignificance cannot be avoided by terming an action temporary." (40 CFR 1508.27(b)(7).) The DEIR/EIS must be revised to evaluate the nature, extent and significance of potential construction impacts in all resource areas.

17 The superficiality of the DEIR/EIS' environmental review apparently is due, at least in part, to an improper use of "incorporation by reference" for the technical studies relied on in the analysis of project impacts. Both NEPA and CEQA provide that technical information which is prepared in connection with an environmental impact statement or report, and which substantiates the analysis of environmental impacts, must be included as an *appendix* to the EIR/EIS. (40 CFR § 1502.18; CEQA Guidelines § 15147.) Incorporation by reference, on the other hand, should be used for "long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand." (14 CCR § 15150(f); 40 CFR § 1502.21.)

18 The DEIR/EIS' improper use of "incorporation by reference" has impeded public participation in four ways. First, all of the documents incorporated by reference and referenced in the DEIR/EIS were not made available to the public as required by CEQA Guidelines sections 15088(c)(5) and 15150(b). Some of the technical studies were not made available on Caltrans' website or at the libraries designated in the DEIR/EIS and others were added to Caltrans' website after the DEIR/EIS was made available for public review. There also are discrepancies between the lists of studies in the EIR and on the website. A list of the technical studies that were not made available for public review is enclosed as Attachment 4. Second, the DEIR/EIS fails to
19 summarize or describe the data or information from the incorporated studies and to describe the relationship between the incorporated part of the referenced studies and the EIR. (14 CCR § 15150(c).) Third, the DEIR/EIS fails to comply with the requirement to provide citations to the
20 pages and sections of the technical studies that support the conclusions in the DEIR/EIS. (40 CFR § 1502.24; 14 CCR § 15148.) Fourth, the DEIR/EIS refers the public to a website for
21 information regarding the analysis of potential significant impacts that should be contained in the EIR itself. (*See, e.g.*, DEIR/EIS, p. 3.15-57 [construction noise].) As a result, the DEIR/EIS violates both NEPA and CEQA by providing numerous conclusory statements regarding project impacts, with no citation to the data incorporated by reference, forcing the public to sift through the incorporated documents to find data that is key to the analysis of significant impacts. (*San*

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15 Caltrans is satisfied that impacts have been adequately evaluated and disclosed, regardless of the level of quantification, which is considered to be appropriate for each environmental issue. Regarding climate change, required analysis of GHG emissions has evolved since the Draft EIR/EIS was released for public review. The Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS, provided an analysis of air quality conformity and sea level rise strategies, which relate to GHG emissions. Please also refer to Topical Response "Climate Change" for additional information regarding GHG and climate change.

16 The *I-5 NCC Project* is regional and construction is anticipated to be phased over a number of years so that construction is consistent with the need. The construction duration for each of the three major phases would be lengthy compared to smaller and more localized types of projects; however, construction activities in any given location would last much less time than each overall phase and would not be permanent. The "action" referred to in 40 CFR 1508.27(b)(7) is the whole project, which has been acknowledged to result in potentially significant impacts under CEQA and NEPA by virtue of an EIR/EIS being prepared. A 38-year time frame for project completion does not mean that construction would be continuous over this period. As discussed in *Section 2.4, Phased Construction*, of this Final EIR/EIS, it is now anticipated that all construction would be completed by 2035. Within the approximately 20-year-build period, construction phasing would be dependent on a number of factors, including greatest need, completion of required designs for each phase, environmental considerations (e.g., breeding seasons) and availability of construction funding. General elements identified by construction decade (improvements, enhancements, and biological mitigation) are depicted on Final EIR/EIS *Figures 2-4.1a* through *2-4.1c*.

17 The technical studies that were prepared in support of the EIR/EIS are listed at the beginning of *Chapter 3* and are noted as being incorporated by reference. This approach is acceptable under both NEPA and CEQA. NEPA instructs agencies to incorporate material into an EIS by reference when the effect will be to reduce bulk, and notes that the material must be reasonably available

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17 cont. for inspection "within the time allowed for comment." CEQA Guidelines state that appendices to the EIR may be prepared in volumes separate from the basic document, but also note that an EIR may incorporate by reference all or portions of another document that is a matter of public record or is generally available to the public. CEQA Guidelines Section 15150(f) states when incorporation by reference is "most appropriate" but does not preclude technical studies from being so cited. Where analysis in the EIR/EIS is based on a technical study, that document is cited at the beginning of the section, but if a technical study is used repeatedly, for example, the Community Impact Assessment, the name may be abbreviated (for example, CIA) in subsequent sections.

18 All technical studies listed at the front of EIR/EIS *Chapter 3* are on the Caltrans project website except for the Historic Property Survey Report and Paleontological Report. It is Caltrans policy to protect historical and paleontological resources by not releasing to the public technical studies that locate such resources. Qualified personnel can request these studies from Caltrans. As noted at the beginning of *Section 3.8, Cultural Resources*, the location of archaeological sites is exempt from disclosure to the public by law, to protect sites from looters. The names of certain reports are shortened on the website for presentation purposes. As noted in the comment, some technical sources were provided later in the review process. These included Project Report graphics for each of the build alternatives, the biological Natural Resources Study for an I-5 interchange (a separate project with separate utility), the I-5 North Coast Freeway Operations Report, and the Community Enhancement Plan Notebook, among others. These were added to the Caltrans project website and www.keepsandiegomoving.com between August 2 and August 26. Electronic copies of project supporting reports were posted online along with the Draft EIR/EIS and can be accessed at the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html. Because public review did not close until November 22, well beyond the minimum review time required, there was ample time to review each of these technical data sources. Caltrans regrets that one of the libraries did not contain all cited sources. As the City had

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	18 cont. access to data via the above noted websites, however, the lack of these hard copies is not considered to have precluded access to information.
	19 Where analysis in the EIR/EIS is based on a technical study, that document is cited and sufficient information for analysis is presented.
	20 There is no requirement under NEPA or CEQA to cite pages and sections of technical studies. The subject of 40 CFR 1502.24 is scientific methodology, and CEQA Guidelines Section 15148 requires citation of all documents used in its preparation, including, "where possible," the page and section number of any technical reports. In most cases, the technical report cited at the beginning of an analysis section is the basis for all of the discussion, so a page-by-page citation would be cumbersome and ineffective.

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21 cont. *Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 659.)	21 The website referenced on Draft EIR/EIS page 3.15-57 contained information on typical noise levels associated with construction activities that would be expected in the project area; it does not present a specific analysis of project impacts.
22 The DEIR/EIS also is inadequate because the analysis and conclusions regarding potential impacts are not supported by facts, data or other substantial evidence. NEPA and CEQA require a lead agency to explicitly reference the scientific and other sources which support the discussions, analyses and conclusions in an EIS. (40 CFR § 1502.24; *Te-Moak Tribe of Western Shoshone of Nevada v. U.S. Dept of Interior* (9th Cir 2010) 608 F.3d 592; 14 CCR § 15147; *Joy Road Area Forest and Watershed Assn. v. California Dept. Of Forestry* (2006) 142 Cal.App.4th 656.) The discussion of virtually every potential environmental impact consists of only conclusory statements which are not supported by any scientific data or other facts. A typical example of the complete lack of factual support for the conclusions in the DEIR/EIS is found in the discussion of energy impacts, which concludes "the proposed project would likely cause no net increase in energy consumption" but provides absolutely no facts or other data in support of the conclusion. (DEIR/EIS, p. 3.16-2.)	22 Impacts related to energy have been adequately addressed and the conclusions are adequately supported by the analysis. Please refer to the response to your Comment 14.
23 The DEIR/EIS is inadequate because the baseline conditions and other data on which it relies are outdated. The courts have made clear that accurate scientific data is essential and an EIS cannot rely on stale scientific evidence. (*Seattle Audubon Society v. ESPY* (9th Cir. 1993) 998 F.2d 699; *City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142.) The DEIR/EIS appears to base the environmental analysis and conclusions on conditions which existed when the NOP was published six years ago in 2004. The DEIR/EIS also is based on SANDAG's 2030 RTP, rather than the 2050 RTP which is intended to address critical new developments such as SB 375. In February 2010, SANDAG accepted the 2050 Regional Growth Forecast, which is SANDAG's first projection of population, housing, land use, and economic growth to the end of the TransNet Program in 2048. Adoption of these growth forecasts occurred prior to the release of the DEIR/EIS. The forecast shows that economic and population growth will occur at a slower rate than has occurred in the previous 40 years. As a result, SANDAG has updated the region-wide projections, which indicate the region will approach 4.4 million residents, 1.9 million jobs, and 1.5 million housing units by 2050. Previously, the SANDAG forecast projected the region would reach this population level in 2030. Information in the technical analysis also is seriously out-of-date and incorrect. For example, Comments Nos. 220-225 in the enclosed Comment Matrix (Attachment 2) describe in detail some of the errors and inconsistencies in the analysis of noise impacts which result from the DEIR/EIS' use of outdated data.	23 The baseline for analysis in an environmental document is what exists at the time the NOP is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The analysis in the EIR/EIS is therefore valid. Please refer to Topical Response "Projected Growth" for a discussion of the accommodation of project growth and the effect of the current recession.
24 The DEIR/EIS' analysis of potential impacts also is incomplete because comments on the NOP are not included in the DEIR/EIR. To date, the City has not received any response to the comments it submitted six years ago in response to the NOP. Many of the concerns raised in the City's comments have not been addressed in the DEIR/EIS. In light of the City's experience, it is reasonable to assume that many of the concerns of others who commented on the NOP, including the California Coastal Commission, California Department of Fish and Game, and the Cities of Del Mar and Carlsbad, also have not been addressed. The DEIR/EIS should include all of the NOP comment letters in an appendix so that the public and decision-makers can be informed of the issues raised by concerned individuals and agencies and how the DEIR/EIS has addressed them.	24 Please refer to the response to your Comment 02. Comments received are summarized in *Chapter 5, Comments and Coordination*.

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3. Cumulative Impacts

25 The DEIR/EIS is required to analyze the potential cumulative impacts of the Project and other past, present and probable future projects with related impacts. (40 CFR § 1508.7; 14 CCR § 15130.) A cumulative impact analysis that fails to list other relevant projects in the region is insufficient. (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142; *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1084, 1215.) The DEIR/EIS is inadequate because it fails to include in the list of cumulative projects two probable future projects with related impacts: the Carlsbad Energy Center Project and the Del Mar Fairgrounds Master Plan Project. Although it is identified in the text as contributing to adverse visual impacts, the Carlsbad Energy Center Project is not included in Table 3.25-1(Cumulative Projects) and is not mentioned in discussion of "projects located near the lagoons that may contribute to cumulative impacts to wetlands." (DEIR/EIS p. 3.25-9.) In addition, the DEIR/EIS does not mention the Del Mar Fairgrounds Master Plan Project at all, even though it will contribute to significant cumulative impacts to visual resources, biological resources and traffic in the same area affected by the Project.

26 The DEIR/EIS also is inadequate and incomplete because its analysis of potential cumulative impacts addresses only visual resources, natural communities, and wetlands, and fails to analyze any other type of cumulative impacts, including cumulative construction impacts. In addition, the DEIR/EIS indicates there will be cumulative impacts to wetlands and other waters after the implementation of mitigation measures, but does not include the unmitigated significant cumulative impacts to wetlands and other waters in the list of unavoidable significant impacts in Chapter 4. (*See* DEIR/EIS, pp. 3.25-9, 4-2.)

4. Avoidance, Minimization and Mitigation Measures

27 NEPA requires an EIS to discuss mitigation measures "in sufficient detail to ensure that environmental consequences have been fairly evaluated." (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142.) CEQA also requires an EIR to identify specific mitigation measures that will avoid or reduce the significant impacts of a proposed project. (14 CCR § 15126.4.) Proposed mitigation measures must be sufficiently specific to ensure they are enforceable and effective. (*Vineyard Area Citizens for Responsible Growth, etc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412.) Vague, incomplete or speculative mitigation measures are insufficient under CEQA. (*Federation of Hillside & Canyons Assn. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260.)

28 The DEIR/EIS fails to comply with the basic requirements of CEQA for effective and enforceable mitigation. Chapter 4 of the DEIR/EIS states that all supporting information about CEQA impacts and mitigation is in Chapter 3. (DEIR/EIS, p. 4-9.) However, the discussion of "Avoidance, Minimization and Mitigation Measures" in each section of Chapter 3 fails to identify mitigation measures with sufficient specificity to gauge their effectiveness and enforceability. Few, if any, of the recommended measures identify who is to perform the mitigation, what action is required, when the mitigation must be performed, or how it is to be accomplished. (*See. e.g.,* pp. 3.1-27, 3.4-6 [construction], 3.9-9 [hydrology], 3.14-10 [air

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25 The Carlsbad Energy Center Project and the Del Mar Fairgrounds Master Plan are described in EIR/EIS *Section 1.3.7, Other I-5 Projects,* and have been included in the cumulative projects analyzed in Final EIR/EIS *Section 3.25, Cumulative Impacts*. The EIR/EIS has identified reasonably foreseeable projects as the basis of the cumulative analysis. *Table 3.25.2* summarizes those projects within the cumulative study area (comprised of specific Resource Study Areas [RSAs]) that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. The immediate proposed projects in the Del Mar Fairgrounds Master Plan are focused on maintenance and improvement to the current Fairgrounds facilities and are not deemed to contribute to regional cumulative impacts of the *I-5 NCC Project*. The long-term projects would require additional planning and evaluation in the future to define their precise building parameters and environmental effects, so their impacts are currently unknown. Inclusion of the potential Master Plan projects in the cumulative discussion has not changed the analysis or conclusions in *Section 3.25*, due to their focus on maintenance and changes to the developed fairground.

As noted above, the Carlsbad Energy Center Project also is discussed in EIR/EIS *Section 1.3.7* has been included in the cumulative projects analyzed in Final EIR/EIS *Section 3.25.* As noted, the project would redevelop a portion of the existing Encina Power Plant facility to continue power generation uses through the replacement of generators (steam boiler units) with air-cooled units. This would not convert land outside the power plant to energy uses and is anticipated to result in substantial air quality and biological improvements (i.e., reduction in existing impacts) due to the change in energy generation mode. The project therefore would not substantially contribute to cumulative impacts identified for I-5.

26 Additional clarification has been provided in *Section 3.25, Cumulative Impacts*. Documentation of additional cumulative projects has been added to Final EIR/EIS *Table 3.25.2* and review of environmental health or status has been added to provide

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28 cont. quality], 3.17-9, 3.18-4 [wetlands], 3.19-2 [plant species].) In addition, the DEIR/EIS repeatedly conditions the implementation of necessary mitigation measures with the words "where possible," which violates CEQA by improperly delegating the determination of whether the mitigation will be performed to unnamed persons and making it uncertain whether the significant impact will or will not be mitigated to a level below significance. (DEIR/EIS, pp. 3.1-26 [land use], 3.14-10 [air quality]; 3.17-9, 3.18-4 [wetlands].) As a result, it is impossible for public and the decision makers to know whether the measures will be effective and enforceable. (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70; *Gray v. County of Madera* (2008) 167 Cal.App.4th 1099; *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296.)

29 The DEIR/EIS also is inadequate because it improperly defers the formulation of necessary mitigation measures. (14 CCR § 15126.4(a)(1)(B); *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669-671.) In many critical areas, necessary mitigation measures, or critical components of the measures, are left for future determination. (DEIR/EIS, pp. 3.1-19, 42 [land use consistency], 3.1-45 [biological impacts], 3.4-6 [construction impacts], 3.7-37 [visual impacts], 3.10-8 - 10 [water quality/stormwater impacts], 3.13-3 [hazardous materials]; 3.17-9, 3.18-4 [wetlands], 3.21-7 [endangered species], and 3.25-9 [cumulative impacts].)

30 In other areas, the information available to the public about necessary mitigation is inconsistent and misleading. Although the DEIR/EIS says "Coastal Commission staff, SANDAG and Caltrans have prepared the Public works Plan/Transportation and Resource Enhancement Program (PWP/TREP) to recommend measures to achieve consistency with the CMZA, California Coastal Act, and the local LCPs," Caltrans staff informed the City on September 8, 2010 that the PWP/TREP will not be prepared until a preferred alternative is selected. (DEIR/EIS, pp. 3.1-19, 42.) Where the mitigation measures are not identified and agreed on, the conclusion that impacts will be mitigated is unsupportable. (*Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70.)

31 Under NEPA and CEQA, an essential component of an adequate discussion of mitigation measures is an assessment of whether the proposed measures would be effective. (*South Fork Band Council of Western Shoshone of Nevada v. U.S. Dept. Of Interior* (9th Cir. 2009) 588 F.3d 718.) The DEIR/EIS is inadequate because, except with respect to cumulative impacts, it fails to state whether or not the recommended mitigation measures would reduce impacts below significance. (*City of Carmel-by-the-Sea v. U.S. Dept. of Transportation* (9th Cir. 1993) 123 F.3d 1142.) Although Chapter 4 states that the measures in Chapter 3 "would reduce significant impacts to below a level of significance under CEQA for Noise, Natural Communities and Wetlands for the State," no analysis or data is provided to support this conclusion. (DEIR/EIS, p. 4-9.) As a result, the DEIR/EIS fails to inform the public and the decision makers of whether and to what extent the proposed mitigation would be effective in reducing the Project's impacts below significance.

32 The discussion of "Avoidance, Minimization and Mitigation Measures" in Chapter 3 repeatedly states that the Project has been designed to minimize impacts on the environment. Although designing a project to minimize potential impacts is a legitimate approach to mitigation, it does not mean the significant impacts have been avoided or reduced below significance. (*See, e.g.*

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26 cont. the reader with clarification regarding the basis for conclusions reached in the Draft EIR/EIS. As detailed in *Section 3.25*, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative impacts remain the same or have been reduced from those reported in the Draft EIR/EIS. Based on the mitigation program that Caltrans has negotiated with the resources agencies, *Section 3.25* concludes that the *I-5 NCC Project* would not result in a cumulatively considerable contribution to the corridor's cumulative impacts to wetlands and other water resources. Construction impacts are also addressed under each issue in *Section 3.25*, where appropriate (e.g., utilities, cultural resources, water quality, and others).

27 Please also refer to the responses to your Comments 010 and 013.

28 The draft Environmental Commitments Record (ECR), which specifies responsible staff, timing, and actions for each measure, is included in Appendix D of the EIR/EIS. Caltrans is satisfied that the measures are presented in sufficient detail to demonstrate effectiveness and enable acceptable implementation. The analysis in *Chapter 3* of the EIR/EIS does not conclude significance because that part of the environmental document is provided to satisfy NEPA. Please refer to the response to your Comment 10.

29 Caltrans is satisfied that the avoidance, minimization and/or mitigation measures presented in *Chapter 3* are adequate and are not improperly deferred. Please refer to the response to your Comment 08 for explanations of the text on Draft EIR/EIS pages 3.10-8, 3.13-3, 3.17-9, and 3.21-7. Other issues specified in this comment are discussed below.

Page 3.1-19 of the Draft EIR/EIS discussed the affected environment and not impacts or mitigation measures.

Page 3.1-42 of the Draft EIR/EIS noted that Caltrans is continuing to work cooperatively with affected cities to avoid land use compatibility conflicts with State transportation facilities. This is a statement of Caltrans' commitment to minimizing impacts to land use and conflicts with applicable policies and goals of the affected cities. This commitment does not indicate mitigation measures are being deferred.

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	29 cont. Page 3.1-45 of the Draft EIR/EIS repeated the commitment of Caltrans to continue refining the proposed project design to further reduce direct impacts. The Refined 8+4 Buffer alternative is an outcome of this commitment. This commitment does not indicate mitigation measures are being deferred. Page 3.4-6 of the Draft EIR/EIS listed measures that are anticipated to help minimize impacts to communities during construction activities, including implementation of a Traffic Management Plan (TMP) to minimize traffic delays and closures through the use of traffic management practices that are routinely implemented by Caltrans during construction projects. Additional specifics in the TMP cannot be developed until there is project approval, selection of an alternative, and final design so detailed construction activities and phasing are known. Please also see Topical Response "Construction Traffic" for information regarding typical TMP measures. Page 3.7-37 of the Draft EIR/EIS disclosed that since the project has not yet been designed, specific visual mitigation measures cannot be proposed at this time. Caltrans has committed to analyzing the visual effects of specific project features, synthesizing applicable mitigation measures from the EIR/EIS and the Design Guidelines: I-5 NCC Project, applying those requirements to actual design features in specific locations, and submitting proposals to the project design team during project design and construction, after project approval and selection of an alternative. Please note that, in response to public comments, additional avoidance measures were incorporated into the design of the refined 8+4 Buffer alternative, as described in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. Page 3.18-4 of the Draft EIR/EIS noted that studies were under way to determine whether water flow under lagoon bridges could be enhanced with design changes to the bridges. Please refer to Topical Response "Lagoon Evaluations" for additional information about refinement of the project design that was based on additional studies about lagoons. The new information was presented in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS.

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29 cont. Page 3.25-9 of the Draft EIR/EIS stated that Caltrans is in negotiations with resource agencies that have jurisdiction to determine an appropriate mitigation strategy for natural communities, and it is developing a comprehensive mitigation approach for wetlands to provide a more holistic restoration of coastal wetlands and other waters. These actions illustrate Caltrans' commitment to fully address impacts of this regional project and do not indicate that mitigation measures are being deferred. Updated information regarding these comprehensive mitigation strategies was circulated in the Supplemental Draft EIR/EIS and incorporated into the Final EIR/EIS.

30 A Draft Public Works Plan/Transportation and Resource Enhancement Project (PWP/TREP) was completed in July 2010 and circulated during a period overlapping with Draft EIR/EIS review. Additional information was circulated in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS, regarding the mitigation program for biological resources. These mitigation and enhancement features (the project Resource Enhancement and Mitigation Program, or REMP [referred to as the Resource Enhancement Program, or REP, in the Supplemental Draft EIR/EIS]) comprise a substantial part of the PWP/TREP, which addresses all impacts and proposed mitigation for the *I-5 NCC Project*, the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail projects, and local agency projects listed in that document.[1] This program is currently under development in coordination with the resource agencies.

31 Please refer to the responses to your Comments 10 and 13. For identification of CEQA-significant noise impacts, please refer to *Chapter 4, California Environmental Quality Act Evaluation, Section 4.3.4*, including *Table 4.1*. Receptors in Solana Beach include Receptors R6.1 through R7.32. Please refer to *Tables 3.15.13* and *3.15.15* for specifics. Fifty-four of the 68 receptors (79 percent; or

[1] The PWP/TREP is a separately bound and circulated document used by the California Coastal Commission (CCC) for purposes of permitting coastal projects. Compilation of all North Coast Corridor projects into a single mitigation and enhancement effort ensures that the most accurate assessment of total potential impacts is being made and that the best overall options for mitigation of that total effect are being evaluated.

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32 cont. DEIR/EIS, pp. 3.1-26 [land use], 3.3-3 (farmlands/agricultural); 3.4-6 [community impacts], 3.17-9, 3.18-4 [wetlands].) The DEIR/EIS fails to identify what "efforts" have been made to minimize impacts and to provide facts or other data in support of the conclusion that such "efforts" actually will reduce impacts below significance. (*See* DEIR/EIS, p. 3.1-42.) Similarly, although the Project's impacts may not destroy "the overall value" of resources or "impede the ability of recreation areas to function," the avoidance of total destruction of environmental resources does not mean that proposed mitigation measures will reduce impacts below significance. (*See, e.g.*, DEIR/EIS, pp. 3.1-45.)

33 Chapter 4 of the DEIR/EIS makes the conclusory assertion that all impacts will be reduced below significance for Noise, Natural Communities and Wetlands based on "supporting documentation" in Chapter 3. (DEIR/EIS, p. 4-9.) This conclusion is inadequate for CEQA purposes because it is not supported by any analysis or data in Chapter 3 or Chapter 4. The conclusion also is incorrect regarding Noise in that it fails to acknowledge the numerous locations where significant and unmitigated impacts will remain because the proposed mitigation measures (sound walls) are "not recommended." (*See* DEIR/EIS, pp. 3.15-4 - 3.15-55.) In addition, this conclusion is inconsistent with the findings in Chapter 3 regarding Wetlands and Threatened and Endangered Species, where impacts are considered permanent and unavoidable and compensatory mitigation measures have not yet been formulated. (*See* DEIR/EIS, pp. 3.17-9 ["wetlands impacts could not be completely avoided"], 3.18-3 ["There is no way to avoid impacts to the wetlands entirely@], 3.21-7 [impacts to sensitive habitats and species Acould not be avoided"].)

34 An EIR/EIS is required to evaluate feasible mitigation measures proposed by the public or responsible agencies. (14 CCR § 15126.4(a)(1)(B).) The enclosed Comment Matrix (Attachment 2) proposes a number of feasible mitigation measures which may avoid or reduce the severity of the Project's significant impacts. The City requests that these mitigation measures be adopted and, if they are not adopted, that the DEIR/EIS explain the reasons for not doing so.

5. Alternatives

35 An EIR/EIS is required to analyze a reasonable range of alternatives that will fulfill the fundamental objectives of a proposed project and will avoid or substantially reduce any of its significant environmental effects. (40 CFR § 1502.14; 14 CCR § 15126.6.) The range of alternatives discussed in an EIR must be sufficiently broad that it "will foster informed decision making and public participation." (14 CCR § 15126.6(a); *Center for Biological Diversity v. U.S. Dept. Of Interior* (9th Cir. 2010) __ F.3d __.) The existence of reasonable but unexamined alternatives renders an EIS inadequate. (*Ibid.*) The DEIR/EIS fails to comply with NEPA and CEQA because it did not consider a reasonable range of alternatives and instead, except for the mandatory "no project" alternative, examined only "build" alternatives involving the construction of additional freeway lanes. Even the alternatives which the DEIR/EIS considered and rejected as infeasible involved the construction of additional freeway lanes. (DEIR/EIS, pp. 2-15 - 2-18.) The DEIR/EIS' failure to consider any non-build alternatives that could reduce congestion on I-5, such as increased mass transit projects, renders the analysis inadequate and

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31 cont. 56 receptors and 82 percent, following soundwall implementation) in the city would experience an increase of four or fewer dBA, which is not expected to be readily perceptible to the human ear. Key considerations when determining a significant traffic noise impact under CEQA include whether there is an increase between existing and projected noise levels, the uniqueness of the setting, the sensitive nature of the noise receptors, the magnitude of the noise increase, the number of noise receptors affected, and the absolute noise level. Taking all of these considerations into account, no significant project level noise impacts would occur for the portion of the corridor within Solana Beach, and contribution to the cumulative condition would be less than considerable (see Section *3.25.2, Affected Environment*). Natural communities and wetlands impacts of the project would be mitigated to below a level of significance under CEQA because Caltrans is developing the appropriate strategies and regional restoration plans in consultation with the resource agencies. The project cannot be constructed without permits approved by the agencies, and the plans developed would not be approved unless they reduce impacts to biological resources appropriately. Caltrans informs the public and decision makers that impacts to natural communities and wetlands are expected to be mitigated to below a level of significance by including these issues in EIR/EIS *Section 4.3, Less than Significant Impacts with Mitigation and/or Minimization*.

32 Please refer to the response to your Comment 10.

33 Please refer to the response to your Comment 13.

34 CEQA Guidelines Section 15126.4(a)(1)(B) states that where several measures are available to mitigate an impact, each should be discussed. The City's proposed measures in Attachment 2 to the letter of comment are discussed under the responses to Comments T-1 through T-453.

35 As stated in *Section 2.1, Project Description*, of the Draft EIR/EIS, "This section describes the proposed action and the design alternatives that were developed by a multidisciplinary team to achieve the project purpose and need while avoiding or minimizing

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incomplete.

Under CEQA, it is the lead agency's responsibility, not the public's or responsible agencies' duty, to identify feasible alternatives. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405.) A transportation agency like Caltrans should be aware of a variety of alternatives that could reduce freeway congestion, such as developing or supporting the development of additional mass transit opportunities in the North County region of San Diego, accelerating implementation of the LOSSAN double-tracking project, or combining the least environmentally impactful version of the Project (8+4+barrier) with funding or other support for additional mass transit.

35 cont.

All of the fundamental objectives of the Project can be achieved by increased and improved mass transit facilities. (DEIR/EIS, p. 1-1.) Such alternatives clearly would be feasible if all or a portion of the $3.3 - $4.3 billion which the Project is expected to cost was devoted to their development and implementation. The DEIR/EIS fails to consider any potential alternative that changes the balance of Caltrans' spending to focus more on improvements to mass transit services than on the expansion of the freeway. The construction of additional lanes is not the only solution to freeway congestion. The DEIR/EIS must identify and evaluate alternatives that may divert travel demand to mass transit solutions, rather than assuming that increased freeway capacity is the only solution.

36 The DEIR/EIS also is incomplete because it fails to identify the "environmentally superior" alternative. (14 CCR § 15126.6(e)(2).) Although it discusses four "build" alternatives and the "no build" alternative, the DEIR/EIS fails to comply with CEQA's requirement to identify which of the alternatives is environmentally superior to the others.

Responses to Comments

37 NEPA and CEQA require a lead agency to provide meaningful responses to public and agency comments. (40 CFR § 1503.4; 14 CCR § 15088.) "Comment noted" is not a meaningful response. If a comment does not warrant further response, the lead agency is required to explain why, "citing the sources, authorities, or reasons which support the agency's position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response." (40 CFR § 1503.4(a)(5).) The lead agency's responses to comments must describe the disposition of all significant environmental issues raised in the comments and must provide detailed, reasoned, good-faith analysis of the issues raised. (14 CCR § 15088(c).) Conclusory statements unsupported by factual information are not an adequate response. (*Ibid.*) An EIS cannot ignore reputable scientific criticism. (*City of Carmel-by-the-Sea v. US Dept of Transportation* (9th Cir. 1993) 123 F.3d 1142.) Accordingly, reasoned, factually supported responses are particularly important where the comments are made by responsible agencies or by experts. (*Berkeley Keep Jets over the Bay v. Board of Port Commrs.* (2001) 94 Cal.App.4th 1344, 1367, 1371.)

38 The Project and its potential significant environmental effects are of enormous interest to the City and its residents. The comments set forth above and in the Comment Matrix (Attachment 2)

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35 cont. environmental impacts. The design alternatives were identified in the MIS (Major Investment Study) that was conducted through the *North Coast Transportation Study* and refined with input from the PDT (North Coast Project Development Team), the NEPA/404 MOU integration process, and public scoping information. This included the goal to provide the full range of transportation modal alternatives that are cost-effective, promote and provide incentives for ridesharing and alternative modes, accommodate regional and interregional freight movements, minimize environmental and community impacts. These alternatives were discussed and subsequently eliminated or identified for further consideration in the PSR (PDS) dated January 2000." Specifically, the described process culminated in identification of the four build alternatives (as well as the No Build alternative) evaluated in the EIR/EIS, along with a number of additional alternatives that are discussed briefly in *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, of the EIR/EIS. The alternatives evaluated in the described process meet all applicable NEPA and CEQA criteria for the proposed project and are considered to represent a "reasonable range" of alternatives. Please refer to Topical Responses "Multimodal System," "Rail Preference," "Mass Transit," and "Transportation Funding" for additional discussion regarding public transportation (including mass transit, rail and multimodal options) and the relationship of the *I-5 NCC Project* with ongoing multimodal projects within the North Coast corridor. The 2050 RTP identifies necessary improvements to all modes within the corridor to accommodate the effective functioning of transportation through the corridor and support the regional SCS. Please also refer to Topical Response "Corridor Alternatives" for additional information regarding alternatives studied over the past 20 years.

36 The Draft EIR/EIS followed the requirements of NEPA and evaluated four build alternatives at an equal level of detail. The refined 8+4 Buffer alternative, with the smallest footprint and least overall impacts, was identified within the Supplemental Draft EIR/EIS as the LPA.

37 Caltrans is committed to providing reasoned and factually supported responses to comments made by all participants in the environmental process.

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38 cont. are based on the experience and expertise of City staff and the experts retained by the City to evaluate the adequacy of the DEIR/EIS. The City trusts that Caltrans will fulfill its statutory duty to provide detailed, reasoned and meaningful responses to the numerous significant environmental issues raised in these comments.

6. Recirculation

39 It is abundantly clear that the DEIR/EIS must be extensively revised and recirculated in order to address the environmental issues and other deficiencies raised in the City's comments. Recirculation is required because meaningful responses to the City's comments necessarily will result in the addition of significant new information regarding potential environmental impacts, mitigation measures and alternatives. (14 CCR § 15088.5(a)(1), (2), (3).) Recirculation also is required under both NEPA and CEQA because the DEIR/EIS is so fundamentally inadequate and conclusory in nature that it precludes meaningful public review and comment. (40 CFR § 1502.9(a); 14 CCR § 15088.5(a)(4).)

40 The Project proposes to expand an interstate freeway expansion over a period of 38 years and at a cost of several billion dollars, causing significant adverse impacts to the environment of six coastal communities. It will double the footprint of the existing facility, cause permanent impacts to over 32 acres of wetland habitats, 83 acres of sensitive upland habitats and several sensitive species associated with that habitat, and require approximately 21 miles of sound walls up to 16 feet high. Even a cursory review of the DEIR/EIS reveals it is woefully inadequate and incomplete for an undertaking as environmentally impactful as the Project.

Conclusion

41 The comments in this letter and the attached matrix establish that the DEIR/EIS must be extensively revised to comply with the requirements of NEPA and CEQA. The City appreciates the opportunity to provide these comments and trusts that Caltrans will fulfill its duties as the Lead Agency to prepare and recirculate a revised DEIR/EIS that fulfills the informational and environmental protection goals of NEPA and CEQA.

Sincerely,

David On
City Manager

42 Enclosures:
Attachment 1(City of Solana Beach NOP Comment Letter, dated December 10, 2004)
Attachment 2 (City of Solana Beach DEIR/EIS Comment Matrix)
Attachment 3 (City of Solana Beach Expert Witnesses Curriculum Vitae)
Attachment 4 (List of Unavailable Technical Studies)

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38 Caltrans acknowledges and appreciates the effort that the City of Solana Beach has made in evaluating and commenting on the adequacy of the Draft EIR/EIS.

39 For certain issues, in particular impacts on lagoons, additional detailed studies have been conduced since the circulation of the Draft EIR/EIS. Please refer to Topical Response "Lagoon Evaluations" for discussion of these studies , the results of which were covered in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS. Caltrans is satisfied that the Draft EIR/EIS and Supplemental Draft EIR/EIS provided sufficient information for public review and comment.

40 Caltrans is satisfied that impacts have been adequately addressed. Please refer to the responses to your Comments 08 and 29. Please note that the Preferred Alternative represents the smallest (least impactive) footprint of the build alternatives and incorporates design modifications that have further reduced project impacts as described in the Final EIR/EIS.

41 Please refer to the responses to your Comments 02 and 39. Specifically, as stated in Response 02, according to CEQA Guidelines Section 15375, the purpose of the NOP is to solicit guidance from various agencies as to the scope and content of the environmental information to be included in the EIR. There is no requirement to provide detailed responses to comments or questions sent by the agencies, or to include the comments on the NOP in the environmental document. Comments received are summarized in *Chapter 5, Comments and Coordination*, as permitted by CEQA guidelines Section 15084(c). The response to your Comment 39 notes that substantial additional technical information was provided in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS where appropriate. Accordingly, based on the described information and analysis

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cc: Solana Beach City Council
Cesar Perez, Senior Transportation Engineer, Federal Highway Administration
Hon. Christine Kehoe, State Senator
Hon. Mark Wyland, State Senator
Hon. Martin Garrick, State Assembly
Hon. Pam Slater-Price, Chair, District 3 Supervisor, County of San Diego
Hon. Bill Horn, Vice Chair, District 5 Supervisor, San Diego County
Carolyn Chase, Chair of Exec. Comm., Sierra Club, San Diego Chapter
Dick Bobertz, Chair, San Dieguito River Valley Joint Powers Authority
Gary Gallegos, Executive Director, San Diego Association of Governments
Jay Goldstone, Chief Operating Officer, City of San Diego
Deborah Lee, California Coastal Commission
Maureen Stapleton, Chair, San Diego County Water Authority
Ellen Lirley, California Coastal Commission
Dennis Ridz, Chair, Torrey Pines Community Planning Board
Paul Thayer, Executive Officer, State Lands Commission
Matthew Tucker, Executive Director, North County Transit District
General Manager, Southern California Edison
Walt Ekard – County of San Diego

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41 cont. contained within the Draft EIR/EIS, Supplemental Draft EIR/EIS, and all supporting documents and technical studies, the EIR/EIS does not need to be recirculated, as asserted within this comment and other comments contained within the City's letter.

42 Attachment 1 is the City's response to the Notice of Preparation, which was considered during preparation of the Draft EIR/EIS and includes topics that are also addressed in the City's Draft EIR/EIS comment letter and Attachment 2. Attachment 2 is a table of additional comments on the Draft EIR/EIS from the City of Solana Beach. Responses are provided below and are numbered T-1 through T-453, to match the numbers in the Attachment 2 table. Attachment 3 consists of source material and documentation for statements made within the City's letter, along with the curriculum vitae of comment preparers. These documents provide back up for the comments submitted, but do not comprise comments in and of themselves, do not require responses, and are not reproduced here. Attachment 4 consists of information regarding the availability of technical studies. Please refer to the response to your Comment T-83 regarding this topic.

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I-5 North Coast Corridor Draft EIR/EIS Comments Matrix
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Item #	Section/Page	Caltrans Statement	City of Solana Beach Comment
	Organization of the DEIR/EIS		
	Overall Scope & Content		
1	Overall comment	Inadequate for the purpose of NEPA and CEQA assessment and lacks required components of an environmental document.	Both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) provide recommendations for format and content guidelines (CEQ Sec. 1502.10 and State CEQA Guidelines §§15120-15125). It appears that neither of these procedural and policy driven Acts have been adhered to thus rendering the DEIR/EIS inadequate to satisfy the NEPA and CEQA requirements. • The Summary section is incomplete. • Chapter 1 – Proposed Project is simply dismissive in providing information on a proposed action. Because there is no mention of a "main" project, the conclusion to provide "alternatives" is unsupported. The intention of providing a proposed action is to allow for full disclosure of potentially significant adverse impacts of its proposed project; and only once resource impacts are concluded can an analysis of potential alternatives be derived. • Chapter 2 – Project Alternatives fails to describe each alternative and its potential environmental impacts on resources. The following comments below provide further documentation demonstrating a poorly organized document.
2	Overall comment	Poorly structured document	The resource chapters 3.1 through 3.25 are poorly set up and analyzed, rendering the environmental assessment unintelligible and not consistent with accepted standards of practice. For example, Chapter 3.1 Land Use is subcategorized: 3.1.1 Existing and Future Land Use; 3.1.2 Consistency with State, Regional and Local Plans and Programs; and 3.1.3. Park and Recreational Facilities, and further broken down by the Affected Environment or Regulatory Setting, and/or Environmental Consequences, and lastly Avoidance, Minimization, and/or Mitigation Measures. The Affected Environment provides a summary of the General Plan and City statistics. The Environmental Consequences states there are no construction related impacts yet does not provide substantiated analysis to support these

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T-1 The EIR/EIS is considered to be both adequate and complete. As the lead agencies under CEQA and NEPA, the EIR/EIS has been prepared in accordance with Caltrans and FHWA standards and protocols for environmental documentation. This environmental document follows the environmental document organization and content required in the Caltrans Standard Environmental Reference (SER), which provides a single, standard reference on compliance with CEQA and NEPA for both local assistance and Caltrans projects. The SER sets forth document content and format, as required by law or regulation, and provides recommended format if not specified by law or regulation. The SER is available at http://www.dot.ca.gov/ser/. The *Executive Summary, Chapter 1,* and *Chapter 2* provide the information required by the SER.

A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before the identification of a Preferred Alternative. This approach allows public and responsible agency feedback to be considered in the identification of a Preferred Alternative and the decision whether to approve the project. This approach is specifically allowed by 40 CFR 1502.14(e), which states, "Identify the agency's Preferred Alternative or alternatives, *if one or more exists*, [emphasis added] in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." *Chapter 2* provides a description of the features of the four build alternatives analyzed at an equal level of detail in the EIR/EIS, the No Build alternative, and alternatives considered but eliminated from further discussion. Please also refer to Topical Response "Corridor Alternatives" for additional discussion about the 20-year process of developing options to relieve congestion in this part of the I-5 corridor. The analysis of potential environmental impacts of each alternative on resources is presented in *Chapter 3, Affected Environment,*

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	T-1 cont. *Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. In compliance with 40 CFR 1502.14(e), the Preferred Alternative also is identified in this Final EIR/EIS. As described above, the Preferred Alternative is a refined 8+4 Buffer alternative, is the smallest of the build alternatives proposed in the EIR/EIS. Additional impact details about the project, based on design refinement following the publication of the Draft EIR/EIS (including community enhancement projects), were included in the Supplemental Draft EIR/EIS, as well as incorporated into this Final EIR/EIS.

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Item #	Section/Page	Caltrans Statement	City of Solana Beach Comment
			conclusions. There is no mention of operational impacts. No discussion of avoidance measures, minimizing plans or mitigation measures, although land use impacts are mentioned to result from "shifting' of land uses from residential to transportation, as well as to open space. Acknowledged short-term impacts are simply dismissed. The DEIR/EIS must be revised to include this information and recirculated to provide for meaningful pubic review while adhering to the regulation of NEPA and CEQA.
3	Overall comment	Incorporation by Reference	Pursuant to NEPA, the use of Incorporation by Reference is permitted to cut down on bulk of an EIS when it does not impede review by an agency of the public; whereas, incorporated material is to be cited and its content briefly described. As such, the referencing material also needs to be reasonably available (CEQ §1502.21). State CEQA Guidelines §15150(c) states: "Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described." Further, subsection (f) states: "Incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand." As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the document does not provide citation in the body of the analysis and in many cases said referenced materials have not been made available to the public. The City herby requests any and all technical studies used in the preparation of the DEIR/EIS. The DEIR/EIS fails to provide for meaningful public review and comment, and for full disclosure in the decision making process due to the lack of citation (general or otherwise) referencing technical studies. No technical studies have been made available in the DEIR/EIS Appendix, which is considered the standard of practice when preparing an EIS or EIR. In addition, the project website does not list all technical studies stated for use the preparation of the

T-2 As stated in CEQA Guidelines Section 15120(a), although EIRs must contain specific information, "the format of the document may be varied." *Chapters 3.1* through *3.25* are organized in accordance with the SER. Construction impacts are assessed for each environmental resource topic. EIR/EIS *Section 3.1.1.3* concludes that overall land use patterns, development trends or proposed land uses would not shift beyond immediately abutting parcels. In terms of land use consistency; therefore, the proposed project would not result in adverse impacts during either project construction or operation.

T-3 The technical studies that were prepared in support of the EIR/EIS are listed at the beginning of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, and are noted as being incorporated by reference. The technical discussion issues in *Chapter 3* provide the requested summary. This approach is appropriate under both NEPA and CEQA. NEPA instructs agencies to incorporate material into an EIS by reference when the effect will be to reduce bulk and notes that the material must be reasonably available for inspection "within the time allowed for comment." CEQA Guidelines state that appendices to the EIR may be prepared in volumes separate from the basic document, but also note that an EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. CEQA Guidelines Section 15150(f) states when incorporation by reference is "most appropriate" but does not preclude technical studies from being so cited. Where analysis in the EIR/EIS is based on a technical study, that document is cited at the beginning of the section and sufficient information for analysis is presented.

There is no requirement under NEPA or CEQA to cite pages and sections of technical studies. CEQA Guidelines Section 15148 requires citation of all documents used in its preparation, including, "where possible," the page and section number of any technical reports. In most cases, the technical report cited at the beginning of an analysis section is the basis for all of the discussion, so a page by page citation would be cumbersome and ineffective.

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			DEIR/EIS. The DEIR/EIS needs to be revised to include citation referencing as per the requirements of NEPA and CEQA. All technical studies prepared for the project, or referenced to be used in the analysis of the DEIR/EIS should be made available to the public either by additional appendices or noticed and posted on the project website.
4	Overall Comment	Methodology Relied Upon For Environmental Assessment	NEPA requires an EIS to identify the methodologies used and explicit references to scientific and other sources relied upon for conclusions made in the document (CEQ 1502.24). The DEIR/EIS fails to state the methodologies used in preparation of the document. For example, field surveys, literature research, and consultation with resource agencies are samples of methodologies that are generally accepted standards of practice. The DEIR/EIS needs to be revised to state the methodologies used to analyze potential environmental impacts.
5	Overall Comment	Identification of Potential Impacts, Mitigation Measures, and Residual Impact	In preparing an EIR, the standard accepted practice among EIR preparers is to list each impact and then describe the mitigation measures intended to avoid, minimize, rectify, reduce, eliminate, or compensate for each impact, followed by a brief discussion of the level of significance after implementation of the mitigation measures (the residual impact). The DEIR/EIS fails to identify mitigation measures for each significant environmental effect identified in the EIR (State CEQA Guidelines §15126.4). On this account, the document is fundamentally inadequate and conclusory in nature which precludes meaningful public review and comment. As such, the DEIR/EIS needs to be revised with this information to adhere to the basic requirements of CEQA as well as the standards of practice.
6	Overall Comment	Level of Significance	Because the DEIR/EIS fails to state the level of significance of a potential impact, both before and after mitigation is implemented, the environmental analysis contained within this document is fundamentally inadequate for the purposes of the California Environmental Quality Act. In addition, the document fails to provide criteria for impact thresholds for which an assessment would be made (State CEQA Guidelines §15064.7).

T-3 cont. Electronic copies of project supporting reports were posted online along with the Draft EIR/EIS and can be accessed at the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html. All technical studies listed on Draft EIR/EIS page 3.1-1 were available during public review (and are still) on the noted Caltrans project website and www.keepsandiegomoving.com except for the Historic Property Survey Report and Paleontological Report. It is Caltrans policy to protect historical/paleontological resources by not releasing to the public technical studies that locate such resources. Qualified personnel can obtain a copy from Caltrans. As noted at the beginning of *Section 3.8, Cultural Resources*, the location of archaeological sites is exempt from disclosure to the public by law, to protect sites from looters. The names of certain reports are shortened on the website for presentation purposes.

T-4 Details on methodologies for the various environmental issues examined in *Chapter 3* are spelled out where it was considered necessary for understanding by the reader (e.g., in *Section 3.7* as part of the discussion of visual analyses). Where this information was considered more technical in nature (e.g., *Section 3.15*), the reader is referred to the appropriate technical study, as appropriate.

T-5 The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible through specific, tangible actions that will reduce a physical environmental effect. "Mitigation" for purposes of NEPA is defined in 40 CFR 1508.20 as including avoiding, minimizing, rectifying, reducing, and compensating, and the measures discussed may have been incorporated into the project design/plan. In 40 CFR 1502.14(f) and 40 CFR 1502.16(h), NEPA requires that appropriate mitigation measures be discussed. In contrast, CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. As noted in EIR/EIS *Section 4.1, Determining Significance under CEQA*, there are no types of actions under NEPA that parallel the findings of

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T-5 cont. mandatory significance of CEQA. It cannot be inferred, therefore, that measures listed in *Chapter 3* mean impacts are potentially significant under CEQA. *Chapter 4* references the measures in *Chapter 3* where such measures are relied upon to reach a CEQA conclusion regarding significance following mitigation. *Chapter 4* identifies those impacts determined to be significant under CEQA and those that would be less than significant with mitigation, as well as impacts that would remain significant after mitigation.

T-6 The approach within the EIR/EIS is valid. Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*. Please also refer to the response to your Comment 095 regarding EIR/EIS *Chapter 4.* Environmental topics or resources for which a less than significant effect under CEQA was identified are listed under the heading: *Less than Significant Effects of the Proposed Project.* Resources for which pre-mitigation significant impacts are identified, but which would be mitigated to less than significant levels are discussed under the heading: *Less than Significant Impacts with Mitigation and/or Minimization*. Resources for which impacts would remain significant following implementation of mitigation measures are identified under the heading: *Unavoidable Significant Environmental Effects*. Please also note that CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. *I-5 NCC Project* mitigation proposed in the EIR/EIS and Environmental Commitments Record (ECR) generally would exceed that requested by the City, as mitigation would not be limited to only CEQA significant impacts as required under CEQA. Pursuant to NEPA, mitigation would be provided to reduce many impacts that were not determined to be CEQA significant.

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	T-6 cont. Regarding the evaluation of impacts using criteria thresholds of significance typically employed for CEQA, Caltrans provides guidance on the approach to environmental analysis under CEQA on their Standard Environmental Reference (SER) website at: http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition. This site explains that "because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established." The SER recognizes that some public agencies have established thresholds of significance for CEQA, but because Caltrans has Statewide jurisdiction and the setting for projects varies so extensively across the State, Caltrans "has not and has no intention to develop thresholds of significance for CEQA." This approach is consistent with CEQA Guidelines Section 15064.7, Thresholds of Significance, which states that each public agency "is encouraged" to develop thresholds of significance, and when adopting thresholds of significance, a Lead Agency "may consider" thresholds of significance previously adopted or recommended by other public agencies. The establishment of thresholds, therefore, is discretionary for each agency, depending on its specific needs for its environmental review process. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant, and the EIR/EIS does not need to conduct analysis of traffic or any other issue using them.

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			The DEIR/EIS needs to be revised accordingly to include this information and recirculated to allow for meaningful opportunity to provide public comment.
7	Overall Comment	Avoidance, Minimization, and/or Mitigation Measures	This subheading within the subchapters of Chapter 3.0 for the Human Environment and Biological Environment should be revised in a numbered format or bullet points to clearly outline the mitigation program for the project. As currently written, it is unclear as to what the mitigation actually consists of. In addition, passive language such as "could" and "wherever possible" needs to be revised to more directive language so that mitigation is enforceable, as required by CEQA.
8	Overall comment	Impacted Parcels Missing Data	This is a critical component of assessing the project impacts and relevancy to the requirements of NEPA and CEQA for full public disclosure. However, only after this information was requested, was the City provided with a table of impacted parcels. The table itself is flawed and does not offer an address in some cases. The table needs to have a corresponding exhibit clearly labeling each property proposed to be acquired by the Caltrans project. In addition, the table is not consistent with the land use impact chapter; whereas this table lists 40 parcels (many of which are in fact multiple-family units) and affected parcels based on temporary construction easements, retaining wall footing easements, slope easements, full parcel acquisition, and partial acquisition, yet does not provide impact assessment of project implementation of these actions. The table is not mentioned in the Environmental Justice subchapter. Discussion and analysis of partial and/or full acquisition of single-family homes and/or multiple-family residents need to be included in this chapter to review the effects on residents and landowners alike. Where required to do so, mitigation measures have to be provided.
9	Cumulative Projects	Inadequate data for analysis	Del Mar Fairgrounds Master Plan EIR (2009). The impact of the Del Mar Fairgrounds proposed expansion is not adequately disclosed. In addition, the project fails to study or propose the feasible mitigation of a right in and right out freeway access to the Del Mar Fairgrounds. Provide the study, disclose the

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T-7 The EIR/EIS follows the environmental document organization, content, and format required in the SER. The avoidance, minimization, and/or mitigation measures provided in *Chapter 3*, are consistent with the NEPA requirement to reduce adverse project effects when possible through specific, tangible actions that would reduce a physical environmental effect. These measures are considered to be enforceable. The Environmental Commitments Record in Appendix D identifies responsible staff, timing, and actions for each measure, as well as confirmation of implementation.

T-8 Specific information regarding the locations of potentially affected homes and businesses is typically not provided in draft Caltrans and FHWA environmental documents and related technical reports due to the potential for subsequent project design changes that may result in modifications to the list of potentially affected properties. In other words, properties initially identified as affected may be eliminated from the list, and properties not initially identified as affected may be added to the list. An estimate of the number of homes and businesses that might be acquired provides necessary information to complete the environmental evaluation relative to potential community effects, as well as providing the basis for any necessary discussion of environmental justice issues under NEPA, while still protecting the privacy of community residents and not overstating potential right-of-way needs.

Actual displacements that may occur are in the process of refinement as the project footprint is being minimized as much as possible. Although updated information has been provided in the Supplemental Draft EIR/EIS and Final EIR/EIS showing a reduction in acquisition requirements, land acquisition needs will not be fully defined until after final design of the Preferred Alternative, if the project is approved. Specific information with bearing on potential environmental justice issues was provided as

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	T-8 cont. it is required for projects receiving federal funds/federal oversight. Please also refer to Topical Response "Property Acquisition" for updated information regarding specifics of property acquisition.
	T-9 Please refer to the response to your Comment 25. In addition, Draft EIR/EIS *Section 1.3.7, Other I-5 Projects* (under the *Del Mar Fairgrounds* heading), makes reference to the 2008 Master Plan for the Del Mar Fairgrounds and Horsepark. This discussion also notes that future projects for the Horsepark remain conceptual in nature and would be subject to further evaluation at a later date, and that a DAR at Via de la Valle (north of Del Mar Heights Road) may be analyzed in conjunction with the anticipated traffic impacts from the Del Mar Fairgrounds projects. Updated project information for the fairgrounds is also provided in final EIR/EIS *Section 3.25, Cumulative Impacts*.

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			feasibility of that potential mitigation, and recirculate the document.
10	Appendices	Failure to include "Technical Studies" in the DEIR/EIS	The list of "Appendices" in the document must be revised to include all "Technical Studies" that are referenced in the DEIR/EIS on Page 3.3-1. These technical studies are in fact essential to the DEIR/EIS as they are the basis of the background, setting and impact analysis and conclusions of the DEIR/EIS. Incorporating them by reference is inadequate for the purpose of full public disclosure and fails to allow for meaningful opportunity to comment. The DEIR/EIS must be re-written to include all technical studies relied upon.
11	Technical Studies	"Technical Studies"	The "Technical Studies" listed on page 3.1-1 differ from those on the Caltrans project website http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html and differ from those listed in the individual Chapter 3 subsections (3.1 through 3.24). The DEIR/EIS needs to be revised to reconcile this conflict.
12	Technical Studies	"Technical Studies"	Caltrans added new technical studies to the project website on August 2 and August 6. Adding additional review materials two months after the start of the public review and comment period is unacceptable. Releasing technical studies which may be construed as new significant information] well within the public review period may be seen as a method to bypass the public review process. Further, it is unclear if these studies are intended to be "incorporated by reference" as some of the other studies are? This needs to be clarified in a recirculated DEIR/EIS.
13	NOP and NOI	NOP and NOI	Caltrans issued the NOP and NOI for the project in 2004. The DEIR/EIS is silent on the base year that is assumed for the description of the environmental setting and the basis for impact determinations.
14	Project Need	Need for project not demonstrated	The Project is designed based on outdated SANDAG regional growth and population forecasts which occurred prior to the Smart Growth Initiative and AB 32 which established greenhouse gas emissions reductions targets. In February 2010, SANDAG adopted new growth forecasts through the project build out year 2050. Caltrans must revise and recirculate the DEIR/EIS to be consistent with the actual [slower] regional growth rates and associated reduced regional ADT.

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T-10 Please refer to the responses to your Comments 17 and T-3.

T-11 Please refer to the responses to your Comments 17, 18, and T-3.

T-12 Please refer to the response to your Comment T-3.

T-13 Unless specified differently through the identification of a date for baseline data gathering (i.e., vegetation mapping, or traffic counts), the baseline for analysis in the EIR/EIS is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting.

T-14 Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*.

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	T-14 cont. The above results indicate that the traffic volumes used for the project are sufficient for compliance with FHWA requirements, and that the described transportation benefits would last over a longer period, thus improving the return on investment for funds provided to the project. In considering the number of trips using various modes, such as carpool and single-occupant vehicles using freeway general-purpose lanes and HOV/Managed Lanes, with both Coaster and BRT ridership occurring, the comparative analysis showed that the strategic multimodal approach to the North Coast Corridor, including project implementation, remains viable. Please also refer to Topical Response “Projected Growth” for information about the accommodation of projected growth and Topical Response “Climate Change” for information about climate change and GHG emissions. Required analysis of GHG emissions has evolved since the Draft EIR/EIS was released for public review. The Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS, provided analysis of air quality conformity and sea level rise strategies, which relate to GHG emissions. Please also refer to the response to your Comment 23.

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15	Overall comment	Lack of Technical Studies / Incorporated by Reference	Appendices A-H does not include technical studies for any of the resource areas. Reference and availability to supporting documents is required for full public disclosure and to provide for meaningful public review. Page 3.1-1 of the DEIR/EIS includes a list of studies incorporated by reference. CEQA allows for incorporation by reference only when the documents are made available to the public at a public place; whereas, the DEIR/EIS is required to state where the incorporated documents will be available for inspection. The DEIR/ EIS omits this information on said page, and within the Reference Chapter. This is a violation of full public disclosure which is intended to provide for meaningful evaluation of the DEIR/EIS. In addition, incorporation by reference is most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of the problem at hand (State CEQA Guidelines §15150). The DEIR/EIS must be revised to include this information.
	SUMMARY		
16	Overall comment	Summary Requirements	The National Environmental Policy Act (NEPA) requires the Summary section to include major conclusions, areas of controversy, and issues to be resolved. The DEIR/EIS fails to adhere to these basic requirements of NEPA which renders it deficient (CEQ Sec. 1502.12) As such, the DEIR/EIS needs to be revised to adhere to these basic requirements of NEPA.
17	Overall comment	Summary Requirements	The California Environmental Quality Act (CEQA) requires the Summary section to include a brief summary of the proposed actions and consequences (State CEQA Guidelines §15123(a)). This section disregards this requirement and the DEIR/EIS fails to provide a "Proposed Project" or "Proposed Action". The DEIR/EIS must be to be revised to adhere to these basic requirements of CEQA.
18	Overall comment	Summary Requirements	CEQA requires the Summary section to include each significant effect with proposed mitigation measures (§15123 (b)(1)), Areas of Controversy (§15123 (b)(2)), and Issues to be resolved, including the choice among alternatives and how to mitigate the significant impacts(§15123)(b)(3)). As written, the DEIR/EIS does not identify these requirements, and must be revised to adhere to these

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T-15 Please refer to the responses to your Comments 17 and T-3.

T-16 The *Executive Summary* covers major conclusions in *Section ES.5, Environmental Consequences*, which also summarizes potential mitigation that has been identified to offset impacts associated with the *I-5 NCC Project*. *Table ES.14* clarifies the choice among alternatives by summarizing major potential impacts of the four build alternatives and No Build alternative. These impacts, especially those identified in *Section ES.6, Summary of Significant Impacts under CEQA After Mitigation*, are the principal areas of controversy. *Section ES.7, Areas of Interest*, also summarizes areas of public interest that have been identified which can be considered controversial. Comments from agencies and municipalities are also described in *Chapter 5, Comments and Coordination*.

T-17 The proposed alternatives are summarized in *Section ES.3, Proposed Project*. A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, along with comments from the public, before decision makers consider project approval and selection of an alternative for final design. Please refer to the responses to your Comments 06 and T-1.

T-18 This section is consistent with FHWA and Caltrans guidance as required for joint CEQA/NEPA documents per the Caltrans SER. These topics are included within the text for the *Executive Summary.* Please refer to the response to your Comment T-16.

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			basic requirements of CEQA and re-circulated.
19	Overall comment	Lack of Proposed Project	The Summary section lacks a discussion of the Proposed Project. Instead, it provides four Project Alternatives and a No Project Alternative. Pursuant to State CEQA Guidelines §15126.6, an EIR must describe a range of alternatives to the proposed project which would feasibly attain most of the objectives of the Proposed Project while evaluating the comparative merits of the alternatives. This is a fundamental flaw in the DEIR/EIS and must be clarified prior to release of a recirculated DEIR/EIS. As a Coordinating and Responsible Agency, the City of Solana Beach finds that this DEIR/EIS does not provide a meaningful public disclosure. Failure to comply with this substantive requirement of NEPA and CEQA renders the DEIR/EIS inadequate for the decision-making process. The DEIR/EIS need to be re-written to include a proposed project (CEQA) / proposed action (NEPA) as well as reasonable alternatives to the proposed project/proposed action.
20	Section S.2, Page S-1	The I-5 North Coast Corridor (NCC) Project's main purpose is to maintain or improve the existing and future traffic operations in the I-5 north coast corridor in order to improve the safe and efficient regional movement of people and goods for the design year of 2030. The objectives of the project are to: • Maintain or improve future traffic levels of service in 2030 over the existing levels of service; • Maintain or improve	The Purpose and Need Statement reflects a build out year of 2030 yet the project will not be complete and fully operational until 2050 assuming funding is secured for the project. Therefore, the project itself would not obtain the basic stated goals and objectives included in the DEIR/EIS. Additionally, as defined, none of the alternatives proposed would attain this primary goal of the project. The preferred project needs to be redesigned, or the goals and objectives re-evaluated. The alternatives need to be developed in response to the need to avoid or substantially lessen one or more significant impacts of the project. The DEIR/EIS needs to be rewritten to address these conflicts and recirculated for meaningful public review.

T-19 A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, along with comments from the public, before decision makers consider project approval and selection of an alternative for final design. A comparison of the alternatives is provided in *Table ES.14* of the Final EIR/EIS. Please also refer to the responses to your Comments 06 and T-1.

No coordinating agencies were identified for this project. This Final EIR/EIS does identify a Preferred Alternative (the refined 8+4 Buffer alternative).

T-20 Caltrans recognizes the need to extend project development to account for projected conditions in the future. A Supplemental Draft EIR/EIS was prepared and circulated to the public, and has been incorporated into the Final EIR/EIS. The supplemental document provided information about project phasing presented and adopted in the 2050 RTP; and information about a locally preferred alternative, which is consistent with CA SB 468 and further reduces the impacts of the 8+4 Buffer alternative. As circulated in the Supplemental Draft EIR/EIS, the project's opening day would occur in 2035; the purpose and need reflects this change. Please also refer to Topical Response "Project Lifespan" for more information about how the project would increase the capacity of a portion of I-5 through the design year. The 8+4 Buffer alternative has been refined to reduce project impacts and is addressed in this Final EIR/EIS as the Preferred Alternative.

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		travel times within the corridor; • Provide a facility that is compatible with future bus rapid transit and other modal options; • Provide consistency with the regional transportation plan, San Diego Regional Transportation Plan: Pathways for the Future (2030 RTP) where feasible and in compliance with federal and state regulations; • Maintain the facility as an effective link in the national Strategic Highway Network; and • Protect and/or enhance the human and natural environment along the I-5 corridor. Project Purpose and Need	
21	Section S.2, Page S-1	Project Goals and Objectives	In light of SANDAG preparing a new RTP that will soon be complete and will be based on revised 2050 population growth forecasts (adopted by this MPO in February 2010), it is imperative that Caltrans and FHWA coordinate with SANDAG to ensure that any and all regional roadway improvement projects proposed by Caltrans are consistent with regional growth forecasts for travel demand and average daily trip forecasts. Because growth will occur at a slower rate than previously anticipated, the City is concerned that Caltrans is relying on outdated growth forecasts, which will result in an overbuilt project that substantially exceeds demand based on the new and more current ADT projections. The DEIR/EIS must be revised in light of this new significant information and recirculated pursuant to 2010 State CEQA Guidelines §

T-21 Please refer to Topical Response "Projected Growth" for information about how the project is accommodating revised growth projections of the 2050 Regional Growth Forecast adopted by SANDAG. Also please refer to Topical Response "Project Lifespan" for information about how Caltrans is planning improvements on an ongoing basis rather than building to ultimate possible need.

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			15088.5.
22	Section S.3, Page 5-2	Least Environmentally Damaging Practicable Alternative	The DEIR/EIS fails to identify the "Least Environmentally Damaging Practicable Alternative" as is required by NEPA. CEQA also requires the identification of the Environmentally Superior Alternative (2010 State CEQA Guidelines §15126.6(e)(2). Because the DEIR/EIS fails to comply with this requirement of NEPA and CEQA, the document must be revised and recirculated for public review.
23	Page S-4	NEPA / CEQA Scoping	The DEIR/EIS states scoping meetings were held prior to the circulation of the Notice of Intent (NOI) in January 2004, and the Notice of Preparation (NOP) in October 2004; which is more than six (6) years ago. However, Chapter 5 states that scoping meetings were held in 2001, 2004, and 2006. Please explain this discrepancy. The Summary Chapter must provide detailed information regarding the Scoping Process, Consultation, or Coordination. The EIR/EIS must provide the dates, locations, public notices and a brief summary from each scoping meeting and the scoping process.
24	Overall comment	Baseline Environment	Because the NOI and NOP were circulated six (6) years ago, clarify when the baseline of the physical environment was established as it pertains to the NEPA and CEQA analysis.
25	Table S.2	Permits and Approvals Needed	The City of Solana Beach has been omitted from this table. The DEIR/EIS needs to be revised to include the City as a Coordinating Agency under NEPA, and a Responsible Agency under CEQA.
26	Section S.7	Avoidance, Minimization, and/or Mitigation Measures	The organization of this section and subsequent subsections does not explain which bullet points are mitigation measures and for what impacts are they intended to offset or avoid. The listed subsection titles (i.e., Relocations and Natural Communities) do not exist in the Table of Contents, while other subsections (i.e., Hydrology and Floodplains) are analyzed and described under different subsection categories throughout the DEIR/EIS. This section must be re-written to describe the specific impact followed by mitigation and/or project design features.
27	Section S.8	Other Projects and Considerations	The DEIR/EIS is unclear if the four (4) listed projects are provided as the basis for baseline environmental analysis or cumulative projects. The DEIR/EIS

T-22 As stated in Final EIR/EIS *Section ES.8, Coordination with Public and Other Agencies*, concurrence on the Preliminary LEDPA Determination and Conceptual Mitigation Plan, leading to identification of the preferred alternative, was completed in 2013. The LEDPA is presented in this Final EIR/EIS, and is the refined 8+4 Buffer alternative. In terms of the Environmentally Superior alternative, by following the requirements of NEPA and evaluating the build alternatives at an equal level of detail, the EIR/EIS identifies the environmentally superior alternative as the build alternative with the smallest footprint and least overall impacts. This alternative has been identified as the Preferred Alternative, which is the refined 8+4 Buffer alternative.

T-23 Details as to the scoping process, consultation, and coordination are not listed in the items identified as Summary elements in CEQA Guidelines Section 15123. *Section 5.1*, *Project Scoping Process,* explains that Caltrans held preliminary public scoping meetings in 2001, formal scoping meetings in 2004, and a meeting with city staff and private citizens representing Solana Beach, Encinitas, Carlsbad, and Oceanside to identify possible mitigation and enhancement measures in 2006. Dates and locations of the meetings are provided in the section. There is no requirement to include the notices of the public scoping meetings within the EIR/EIS.

T-24 The baseline is set at the time of the NOP and Notice of Intent (NOI), 2004.

T-25 It is acknowledged that the City of Solana Beach is a responsible agency under CEQA. There is no designation of "coordinating agency" under NEPA and only federal agencies qualify as "cooperating agencies" under NEPA. Slightly different definitions of "cooperating agencies" and "participating agencies" are applicable to the Safe, Accountable, Flexible, Efficient Transportation Equity Act – a Legacy for Users (SAFETEA-LU), but this project was not subject to SAFETEA-LU requirements because the Notice of Intent

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			needs to be revised to clarify this information.
	CHAPTER 1 – PROPOSED PROJECT		
28	Page 1-1	The proposed project improvements include one or two High Occupancy Vehicle (HOV) / Managed Lanes (ML) in each direction, auxiliary lanes where needed, and possibly one general-purpose lane in each direction.	The DEIR/EIS fails to provide a specified "Proposed Project" or "Proposed Action". It is unclear if this statement is the specific project or a generalization of the four (4) alternatives. This is a fundamental error of the DEIR/EIS. As a Coordinating and Responsible Agency, the City of Solana Beach finds that this DEIR/EIS does not provide a meaningful public disclosure. Failure to comply with this substantive requirement of NEPA and CEQA renders the DEIR/EIS inadequate for use by the City in its decision-making process. Because the DEIR/EIS fails to comply with this requirement of NEPA and CEQA, the document must be revised and recirculated for public review.
29	Overall comment	Lack of Intended Uses	The DEIR/EIS fails to provide a statement describing the intended uses of the document (State CEQA Guidelines §15124 (d)). Provide this statement and recirculate the DEIR/EIS.
30	Page 1-2	Major Arterials	Within the City, Lomas Santa Fe is classified as a Major Arterial, in addition to Highway 101. The DEIR/EIS must make this correction.
31	Overall comment	Overuse of Technical Information and Lack of Referenced Material	This chapter provides highly technical information yet omits how such analysis was concluded or from what source this data was referenced. A few examples are the discussions under the headings: Annual Average Daily Use, Weaving Analysis, Weekend Use and HOV Use. Both NEPA and CEQA require an EIS or EIR (respectively) to be written in plain language so that decision makers and the public can readily understand them. (CEQ Sec. 1502.8) (State CEQA Guidelines §15140). Because the DEIR/EIS fails to comply with this requirement of NEPA and CEQA, the document must be revised and recirculated for public review.
32	Overall comment	Baseline Environment	No description of the baseline environment is provided. Both NEPA and CEQA require the description of a baseline and/or affected environment. Without

T-25 cont. was published prior to August 10, 2005. *Table ES.19* lists the permits, reviews, and approvals that would be required for project construction and identifies the need for freeway agreements with local jurisdictions in the locations of the proposed Direct Access Ramps (DARs). No DARs are proposed in Solana Beach. This table has been updated in the Final EIR/EIS to reflect anticipated permit requirements, based on the refined project design.

T-26 Draft EIR/EIS *Section S.7, Avoidance, Minimization, and/or Mitigation Measures,* has been eliminated in the Final EIR/EIS, which provides a revised *Executive Summary.* Each topical area addressed in the EIR/EIS is addressed in the *Executive Summary* (e.g., *Section 3.1, Land Use*, is summarized under the heading *ES.5.1, Land Use),* where mitigation measures are summarized within the related discussion of potential impacts. Relocations are addressed in *Section 3.4.2,* natural communities in *Section 3.17*, and hydrology and floodplains in *Section 3.9*. These sections appear in the Table of Contents.

T-27 These related projects are not a part of the proposed project. They are discussed in the summary in conformance to Caltrans guidance to describe any major actions proposed by other government agencies for the same general area as the proposed project and are part of the environmental setting for the project.

Section 3.25, Cumulative Projects, has been updated in this Final EIR/EIS.

T-28 A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, along with comments from the public, before decision makers consider project approval and selection of an alternative for final design. Please refer to the response to your Comment 06.

T-29 The intended use of the Draft EIR/EIS was provided immediately after the cover page of the document, in *General Information About This Document,* under the following headings: *What's in*

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	T-29 cont. *this document*, *What you should do*, and *What happens next*. This format is in accordance with the Caltrans SER for preparing environmental documents.
	T-30 EIR/EIS *Section 1.3.1, Existing Circulation System and Infrastructure Constraints* is not intended to be a detailed traffic analysis or to list all major arterials in the project area; it is highlighting certain features of the transportation network to make key points about project need and that there are few alternatives to using I-5.
	T-31 *Chapter 1* summarizes traffic information that is presented in greater detail, with terminologies defined, in *Section 3.5* of the EIR/EIS. In addition, acronyms used throughout the report are defined at first use in the EIR/EIS and in the Acronym List in the appendix to the EIR/EIS.
	T-32 The specific baseline for each environmental issue is described under the heading *Affected Environment* at the beginning of *Sections 3.1* through *3.22*.

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			providing a description of the baseline environment, the analysis provided is considered unsubstantiated for the purposes of NEPA and CEQA. This is a fundamental flaw in the DEIR/EIS and must be clarified prior to release of a recirculated DEIR/EIS.
33	Overall comment	Areas of be affected by project construction and project implementation	Although the DEIR/EIS provides a start and stopping point for the major transportation improvements, no project boundary along the west and east sides of Interstate 5 are provided. Changing from an eight (8) lane freeway to a potential 12 or 14 lane freeway, has significant implications which can only be assessed when a physical boundary is provided. The DEIR/EIS must be revised to examine potentially significant environmental effects of its proposed action.
	CHAPTER 2 – PROJECT ALTERNATIVES		
34	Overall Comment	Choice of Alternatives	Pursuant to State CEQA Guidelines §15126.6, the lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. Because the DEIR/EIS fails to comply with this CEQA requirement, the document must be revised and recirculated for public review.
35	General Comment	Mass Transit and Alternative Transportation	The DEIR/EIS fails to analyze a mass transit and alternative modes of transportation alternative, and its resultant effects on significant noise, carbon emissions, traffic, and air quality in and around the project area. The City believes this reasonable alternative may accomplish the project objectives and is pertinent to the State's goals regarding Assembly Bill 32 and State Bill 375. The significant effects on the City of Solana Beach from this alternative, including optimizing the railway corridor, railway service including double tracking and other alternative modes of transportation including reductions in diesel emissions from conversion of trains to alternative energy sources must be studied. Included in this alternative should be increasing parking at all the train stations on the corridor including the City of Solana Beach Station. The

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T-33 East and west areas of evaluation vary depending on the resource. These are all described under the heading *Affected Environment, Sections 3.1* through *3.22*, by resource topic and as appropriate in *Chapter 3*. For issues that are directly tied to the footprint, the Project Features Maps noted above (and provided for the refined 8+4 Buffer alternative [Preferred Alternative] in this Final EIR/EIS on *Figures 2-2.3, Sheets 1* through *67*) accurately portray the boundary. For others (e.g., Community Impacts), the larger community is evaluated.

T-34 Information on the alternatives selected for examination in the EIR/EIS is provided in *Section 1.3, Need for the Project*, which explains traffic conditions and other factors that have resulted in current congestion and constraints in the I-5 corridor; *Section 1.4, History and Background*, which documents regional planning efforts from the 1980s forward; *Section 2.1, Project Description*, which further describes the proposed action and the design alternatives; and *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, which describes freeway alternatives that were rejected due to their inability to provide adequate highway capacity to meet even the year 2020 travel demands within the project limits. This information is deemed adequate to disclose the reasoning for selecting the four build alternatives for detailed study in the EIR/EIS. Please refer to Topical Response "Corridor Alternatives" for additional information about alternatives studied for the North Coast Corridor.

T-35 The *I-5 NCC Project* is part of the balanced, multimodal transportation network that is planned for the region. As noted in the response to your Comment 088, the I-5 San Diego North Coast CSMP identified a transportation solution that includes double-tracking the rail corridor; adding managed lanes on I-5; and improving regional arterials, bicycle/pedestrian routes, and bus, rail, and vanpools/carpool services. Project-specific evaluations are under way; the *I-5 NCC Project* is the project-specific environmental document for the freeway portion of this larger transportation upgrade effort. Please also refer to Topical

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			State is required by the Governors Order to reduce emissions below 1990 levels and the project alternatives fail to study alternatives that will reduce carbon emissions towards achieving this goal. Optimizing connections from the railway corridor to the airports in the region, and other trip reduction impacts up and down the coast should be studied. Provide the alternative project in the scope, provide the requisite studies and recirculate the document.
36	Overall comment	No referred project alternative identified	NEPA requires the discussion and analysis of the proposed action and the alternatives in a comparative form. This is the "heart of the environmental impact statement" (CEQ Sec. 1502.12). In this section agencies shall: (a) Rigorously explore and objectively evaluate all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated. (b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits. (c) Include reasonable alternatives not within the jurisdiction of the lead agency. (d) Include the alternative of no action. (e) Identify the agency's preferred alternative or alternatives, if one or more exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference. (f) Include appropriate mitigation measures not already included in the proposed action or alternatives. By providing a comparative analysis, a preferred alternative can be concluded. Because the DEIR/EIS fails to comply with this requirement of NEPA, the document must be revised and recirculated for public review.

T-35 cont. Responses "Multimodal System" regarding these overall planning efforts and identification of need for simultaneous improvement to all transportation modes, and "Corridor Alternatives" regarding alternatives screened for the North Coast Corridor, as well as "Rail Preference" and "Mass Transit." The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050.

Because upgrades to each of these transportation modes have already been identified by SANDAG (a composite of transportation and planning agencies) as necessary for overall transportation planning within the North Coast Corridor, the consideration of an additional mass transit or other alternative transportation mode rather than I-5 upgrades would fail to meet purpose and need.

With regard to State goals for emissions addressed in CA AB 32 and CA SB 375, the most severe emissions of carbon dioxide (CO_2) from mobile sources (e.g., automobiles) occur at stop-and-go speeds (0 to 25 miles per hour). As a result, it is expected that GHG emissions (and particularly CO_2) would be reduced where a project relieves congestion in high congestion travel corridors. The *I-5 NCC Project* is anticipated to do just that, by enhancing operations and improving travel times through reduction of congestion along the I-5. The SANDAG 2050 RTP is responsive to transportation goals under these plans. The *I-5 NCC Project* is compliant with the 2050 RTP, and is also consistent with these two acts. Please also refer to EIR/EIS *Section 4.6*, *Climate Change*, and *Section 4.6.5,* which specifically addresses CA AB 32 compliance and Caltrans participation on the Governor's Climate Action Team. Please refer to Topical Response "Climate Change" for additional information regarding achievement of the state's goals regarding climate change and GHG.

T-36 *Chapter 3* of the EIR/EIS is a detailed comparative analysis of the four build alternatives and the No Build alternative for all environmental issues. A single "Preferred Alternative" was not identified in the Draft EIR/EIS because a full exploration of all

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	T-36 cont. four build alternatives was desired, along with comments from the public, before having decision makers consider whether to approve the project and select an alternative for final design. Please refer to the responses to your Comments 06 and T-1.

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37	Overall comment	No referred project alternative identified	CEQA requires consideration and discussion of alternatives to the proposed project. The identification of an environmentally superior alternative among the other alternatives is required; whereas "*The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly*" (State CEQA Guidelines §15126.6). This is a fundamental flaw in the DEIR/EIS and must be clarified prior to release of a recirculated DEIR/EIS.
38	Page 2-1	Right-of-Way	The DEIR/EIS fails to provide a listing of properties which may be subject to right-of-way property loss. The DEIR/EIS needs to be revised to include this information.
39	Page 2-1 and Page 2-5	Utility Reconnections	The DEIR/EIS fails to provide a listing of which utility reconnection would be necessary and level of significance for each disconnection. Page 2-5 lists two streets, yet does not provide enough detail such as on-ramp or off-ramp, or direction. The DEIR/EIS is deficient in providing enough information for an accurate environmental analysis. As such, the DEIR/EIS needs to be revised to include this information.
40	Figure 2.2-14 m-p	Figures inadequate	The figures included in this chapter of the DEIR/EIS are inadequate for purposes of full public disclosure. The scale of the figures makes it impossible to understand where the take of property would occur. The impact cannot be understood at this scale. The DEIR/EIS must be revised to include larger and better maps so that property owners who are affected by the project can understand the full size and magnitude of the impact.
41	Page 2-1	This section describes the proposed action [underscore added] and the design alternatives that were developed by a multidisciplinary team to achieve the project purpose and need while	This statement does not accurately reflect this section. Nowhere in this section, nor in the previous section titled "Proposed Project", is there information and description of a "main" or preferred project. Without a Proposed Project or Proposed Action the DEIR/EIS is inadequate to satisfy both NEPA and CEQA requirements for a full disclosure examination of potentially significant impacts. Because the DEIR/EIS fails to comply with this requirement of NEPA and CEQA, the document must be revised and recirculated for public review.

T-37 The EIR/EIS identifies and provides detailed descriptions of a range of alternatives in *Chapter 2, Project Alternatives*, including the four build alternatives and the No Build alternative. *Chapter 2* also describes the rationale used to select these alternatives for detailed evaluation in the EIR/EIS, including their ability to meet the project objectives as described in *Section 1.2, Purpose for the Project*. *Section 2.6.1, Rejected Build Alternatives*, identifies several additional build alternatives that were rejected and not further evaluated in the EIR/EIS due to their inability to meet the stated project objectives, including the provision of adequate highway capacity to meet the year 2020 travel demands within the project limits. Based on these considerations, the EIR/EIS appropriately identifies a "reasonable range" of alternatives, and is in conformance with applicable criteria identified in Section 15126.6 of the State CEQA Guidelines.

Regarding the identification of an environmentally superior alternative, by following the requirements of NEPA and evaluating four build alternatives at an equal level of detail, the EIR/EIS identifies the environmentally superior alternative as the build alternative with the smallest footprint and least overall impacts. This alternative has been identified as the Preferred Alternative, which is the refined 8+4 Buffer alternative.

T-38 Please refer to Topical Response "Property Acquisition" for additional information regarding specifics of property acquisition, and to the response to your Comment T-8.

T-39 Utility relocations are addressed in the EIR/EIS in sufficient detail for the utility providers at this time, including updated information for the Preferred Alternative. During the preliminary design phase, the Caltrans project development team obtains preliminary utility conflict information and uses these data to limit impacts and determine the overall project footprint. From project initiation through construction, Caltrans works closely with affected utility owners to discuss available alternatives in order to resolve any conflicts. Utility owners are consulted during this process,

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		avoiding or minimizing environmental impacts.	
42	Table 2.2	Structure Replacements and Widening	This table does not provide data regarding a Proposed Project or Proposed Action, only five (5) alternatives. Further, this table does not provide measurements for widening or height of proposed bridges nor design features. The DEIR/EIS must be revised to include this information.
43	Page 2-8	Community Enhancement Projects	The DEIR/EIS lists two (2) projects (elsewhere referred to as opportunities) that may possibly occur if certain criteria are met. It is unclear if the two (2) projects are considered a proposed action, included as project alternatives, or future projects subject to future environmental consideration. The *Streetscape Enhancements on Ida Avenue* and the *Trailhead at Solana Hills Drive* projects, along with the various other projects listed in adjacent coastal cities, will need to be clarified and further analyzed by the project proponent in a revised DEIR/EIS.
44	Page 2-5	Section 2.2.1 Build Alternatives	This section does not satisfy the requirements of NEPA whereas a complete analysis of each resource area is required to be analyzed. This is a fundamental flaw in the DEIR/EIS and must be clarified prior to release of a recirculated DEIR/EIS.
45	Page 2-13	Phased Construction	The phased construction section does not differentiate between any of the project alternatives. It is easily concluded that a variance in timing and cost would occur based on four (4) alternatives. The DEIR/EIS needs to be revised to address this discrepancy.
	CHAPTER 3.1 LAND USE		
46	3.1-2 Overall comment	Lack of impact analysis	The Land Use section does not provide analysis of a proposed project or action, or a thorough analysis of alternatives. Conclusionary statements such as the project consistency findings listed in Table 3.1.1: Project Consistency with Local Plans and Policies as "All four alternatives would be consistent. No Build Alternative would be consistent." are not supported by any sufficient assessment. These deficiencies in the DEIR/EIS do not allow for a meaningful evaluation by the public, responsible Agencies or the decision makers. The

T-39 cont. for example, to ensure that necessary utility operations and maintenance activities would remain unimpaired during project construction, as well as to determine whether to relocate, adjust or protect any affected utilities. Final design plans (PS&E phase) would be made available to the appropriate utility owners prior to advertisement of the project; and a pre-construction meeting would be held with the affected utility owners.

T-40 Please refer to Topical Response "Property Acquisition" for additional information regarding specifics of property acquisition, as well as the response to your Comment T-8.

T-41 The "proposed action" is the improvement of I-5 within the North Coast Corridor. A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider whether to approve the project and select an alternative for final design. Please refer to the response to your Comment 06.

T-42 The intent of the referenced table was to summarize the structures that would be replaced or widened, as well as to identify new structures proposed by the project. Preliminary Advanced Planning Studies (APSs) have been prepared for each of the new and proposed structure replacements and widenings. These APSs show preliminary bridge dimensions (elevation and plan view) and are available for review. Please note that preliminary bridge designs have progressed since circulation of the Draft EIR/EIS.

T-43 Community enhancement projects are undergoing continual review as coordination with affected municipalities proceeds. The projects listed, including the two for Solana Beach, were anticipated to be constructed simultaneously with the *I-5 NCC Project* and were noted in Draft EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects* as "candidate" projects for consideration that would be accommodated within the project footprint. Certain enhancements were identified as "candidate" projects, because they are subject to agreements with local

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T-43 cont. jurisdictions, as well as comparative budget considerations for construction, operation and/or maintenance. Additional information regarding community enhancement designs, impacts and minimization/mitigation measures was provided in the Supplemental Draft EIR/EIS, which was circulated to the public in August 2012 and is incorporated into this Final EIR/EIS.

T-44 *Section 2.2.1, Build Alternatives*, is a description of the alternatives analyzed in EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*, which is where the complete analysis of each resource area is presented. Within each topic, variations in impacts between the build alternatives are specified as appropriate.

T-45 The phased construction is very similar among all four build alternatives. In essence, the four Draft EIR/EIS build alternatives all included construction of four HOV/Managed Lanes and four DARs (two of the DARs have been eliminated for the refined 8+4 Buffer alternative). Additionally, the project features would be the same for all four alternatives south of Del Mar Heights Road and north of SR-78. The main differences between the four alternatives are essentially the number of general-purpose lanes to be constructed, the type of divider to be constructed between the HOV/Managed Lanes and the general purpose lanes, and the number (and height) of retaining walls to be constructed along the freeway segment from approximately north of Del Mar Heights Road to south of SR-78. The time to construct each of the phases for all build alternatives would be about the same. It has been determined that the refined 8+4 Buffer alternative could be fully implemented by 2035.

T-46 Please refer to the response to your Comment T-2. Land use impacts have been adequately evaluated and disclosed. The EIR/EIS concludes that the proposed project would not result in adverse impacts to land use, and construction would not cause permanent conflicts with relevant existing plans and programs. This conclusion would apply to any of the build alternatives. The range of alternatives does not necessarily need to result in noticeably different impacts for every resource area; sometimes only a few resources/issues demonstrate substantive differences among the alternatives.

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			errors throughout the DEIR/EIS render the NEPA/CEQA document inadequate for decision makers to determine the significance of impacts and adequacy of mitigation. The DEIR/EIS must be revised in light of this new significant information and recirculated pursuant to NEPA and CEQA guidelines.
47	Overall analysis	Lack of CEQA Thresholds of Significance	The Land Use section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised and recirculated to include these criteria and provide an analysis so that the reader can understand the criteria against which environmental impacts are evaluated. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS needs to be re-written to include CEQA thresholds and the criteria used to determine impact significance.
48	Overall Comment	Solana Beach Potential Impacted Parcels Table	The Solana Beach Potential Impacted Parcels Table was omitted from the DEIR/EIS. Only after the City requested this listing, was this information provided. The City will in fact be directly affected by project implementation as the I-5 transects the City in a north/south fashion. In addition, the City is both a Coordinating Agency and Responsible Agency (NEPA and CEQA, respectively); and as such, should have been provided with this pertinent information not only for the general acknowledgement of potential impacts to its residents and visitors in assessing potential land use and environmental justice impacts, but as a professional courtesy to effected cities, as well. This table would be better understood with a usable exhibit to demonstrate the potentially affected parcels based on the various easements and land acquisitions the project is proposing. The scale of the exhibits provided in the DEIR/EIS is inaccurate which renders the table useless. This table (and versions of this table for other affected cities) needs to be included in the land use analysis to correctly asses the impacts of the project on the surrounding land parcels. Without doing so (as is the case presently), the impact analysis is

T-47 Please refer to the responses to your Comments 10 and T-6.

T-48 Please refer to Topical Response "Property Acquisition" for updated information about specifics of property acquisition, as well as the response to your Comment 100. Parcel acquisition information is not mandatory under CEQA. Nevertheless, maps were posted on the Caltrans website and keepsandiegomoving.com, showing the preliminary proposed limits of impact for each alternative. Additional information has been provided in this Final EIR/EIS for the Preferred Alternative, which is a refined 8+4 Buffer alternative, having the smallest footprint of all of the build alternatives. Impacts to properties are evaluated by decision makers when they consider whether to approve the project and select a build alternative. CEQA Guidelines Section 15131(c) specifically notes that "economic, social and particularly housing factors shall be considered by public agencies together with technological and environmental factors…" and that it is not mandatory to include such information in the EIR.

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			not only inadequate but flawed for the purposes of NEPA and CEQA for full public disclosure. The project must provide mitigation measures for significant impacts (State CEQA Guidelines §15126.4). See comment above regarding this table in the Overall Scope, Content and Organization of the DEIR/EIS section.
49	Page 3.1-6 5th paragraph	There are no proposed/planned projects (representing land use changes) to be located near the freeway corridor within Solana Beach.	This statement is incorrect. The DEIR/EIS preparers should have consulted with the City of Solana Beach Community Development Department for a listing of the proposed projects located near I-5. City Staff and Caltrans District 11 Staff have in fact been coordinating for the past year on a proposed residential development project to be located on Ida Avenue on the west side of I-5 and contiguous to Caltrans ROW. As currently written, the DEIR/EIS lacks critical information required to assess project impacts as well as cumulative project impacts. The project proponent is urged to contact the City for a listing of active projects, and revise the DEIR/EIS to incorporate this information.
50	Page 3.1-8 3rd paragraph 8th paragraph	As discussed above implementation of the 10+4 with Barrier would result in impacts to residential, commercial, agricultural, undeveloped, recreational, and roadway land uses. Land use patterns, development trends or proposed land uses would not shift outside of the affected parcels displaced. The proposed project would not result in adverse impacts to land use. No mitigation	These two statements are contradictory and must be re-evaluated. In one paragraph the DEIR/EIS states the project will impact residential, commercial, agricultural, undeveloped, recreational, and roadway land uses. The other paragraph states the project would not result in adverse impacts to land use. Similar statements reflecting differing opinion without substantiated evidence or analysis are found throughout this section. The DEIR/EIS must be re-written to clarify and state the project impacts, and be recirculated for meaningful public review and full disclosure of a consistent informational document.

T-49 Because the proposed project on Ida Avenue is residential, that project would not represent a land use change per the map of proposed land uses. The EIR/EIS statement referenced in this comment is correct. Please also refer to Topical Response "Property Acquisition" for additional information regarding potential right-of-way acquisitions associated with the project. An updated listing of cumulative projects has been provided in this Final EIR/EIS *Section 3.25.*

T-50 The referenced statements are on Draft EIR/EIS page 3.1-18. The two referenced statements are not found to be contradictory. The conclusion of the land use analysis for each alternative is that the project would impact various land uses, but it would not result in shifting of land use patterns, development trends or proposed land uses outside of the affected parcels displaced. The project therefore is concluded in *Section 3.1.1.3* to not result in adverse impacts to land use under NEPA that would require avoidance, minimization, and/or mitigation measures.

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		measures are required. Caltrans has undertaken efforts to integrate the proposed project with the adjacent and/or adjoining communities. In addition to the www.keepsandiegomoving.com website, Caltrans has been available for community meetings to provide the community information about the proposed project.	
51	Page 3.1-16 9th paragraph	The proposed project would consist of the expansion of an existing established freeway corridor and would be consistent with existing land uses. Though land uses in specific parcels would shift from residential to transportation, overall land use patterns in the community would not be affected, and no adverse land use impacts are anticipated.	It is unclear which project alternative is referenced here. As mentioned earlier the term "proposed project" has yet to be defined within the DEIR/EIS. The use of conflicting statements concluding "consistent with existing land uses" and "shifting" land uses needs to be resolved. These two statements are contradictory and need to be re-evaluated. Similar statements reflecting differing opinions without substantiated evidence or analysis are found throughout this section. The DEIR/EIS must be re-written and re-circulated for meaningful public review and full disclosure of an [intended] informational document.
52	Page 3.1-16 1st paragraph	3.1.1.2 Environmental Consequences Construction-related impacts would be similar for all four alternatives.	The statement *"Construction-related impacts would be similar for all four alternatives"* is not adequate for the purposes of NEPA or CEQA. NEPA requires the detailed analysis of each alternative as required by the project action analysis; whereas CEQA requires sufficient discussion of alternatives to allow for meaningful analysis. Without this information, no comparison of

T-51 The discussion on page 3.1-16 is general and applies to all four build alternatives, each of which can be considered to be the proposed project as they are addressed at an equal level of detail. The project is considered to be consistent with existing land uses because it is an expansion of the existing freeway corridor; therefore it does not represent a new land use or a new freeway corridor. Specific parcels that would be obtained for the widening, depending on the alternative, may shift from residential use to freeway transportation use. The EIR/EIS concludes that this would not affect overall land use patterns, so it would not cause adverse land use impacts. The discussion is not contradictory and no re-evaluation is needed.

T-52 Please refer to the response to your Comment T-45. The phased construction is very similar among all four build alternatives from a land use perspective. Permanent (or operational) land use impacts are discussed in the remainder of EIR/EIS *Section 3.1.1.2, Environmental Consequences*. Construction impacts and operational impacts in terms of each environmental issue are addressed in each analysis section within *Chapter 3*. A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, along with comments from the public, before having decision makers consider whether to approve the project and select an alternative for final design. Please also refer to the response to your Comment 06.

The project is considered to be consistent with existing land uses because it is an expansion of the existing freeway corridor; therefore, it does not represent a new land use or a new freeway corridor. Specific parcels that would be obtained for the widening,

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			alternatives can be made and no environmentally superior alternative can be identified. No discussion of operational-related impacts is provided. No discussion of construction-related or operational-related impacts to a Proposed Project or Proposed Action is provided. This analysis needs to be completed and the DEIR/EIS revised with this information. The project proponent is required to recirculate a new EIR/EIS when significant new information is added after the public review period, but before certification.
53	Page 3.1-21	3.1.2 Consistency with State, Regional and Local Plans and Programs	No discussion or assessment of local zoning designations is provided. The DEIR/EIS must be revised accordingly. This assessment needs to be completed and the DEIR/EIS revised with this information.
54	Page 3.1-21	3.1.2 Consistency with State, Regional and Local Plans and Programs	The DEIR/EIS fails to accurately describe the City of Solana Beach as being located entirely within the Coastal Zone. The DEIR/EIS must be revised accordingly and this error corrected.
55	Page 3.1-21	3.1.2.2 Environmental Consequences Construction activities may create conflicts with relevant existing plans and programs by disrupting vehicular and pedestrian access, increasing noise, dust, and harmful emissions, creating visual impacts, and using parking lots and vacant areas as staging grounds for construction activities. However, any impacts	Environmental impacts, whether "short-term" or "long-term", are still environmental impacts. As such, mitigation measures are required to offset or reduce land use impacts. State CEQA Guidelines §15126 requires that an EIR consider all phases of the project when evaluating environmental impacts. As currently written, the DEIR/EIS is not adequate for the purpose of full public disclosure and meaningful pubic review. These impacts need to be identified and quantified and appropriate mitigation needs to be identified in a revised and recirculated DEIR/EIS.

T-52 cont. depending on the alternative, may shift from residential use to freeway transportation use. The EIR/EIS concludes that this would not affect overall land use patterns, so it would not cause adverse land use impacts.

Permanent (or operational) land use impacts are discussed in the remainder of EIR/EIS *Section 3.1.1.2, Environmental Consequences*. Construction impacts and operational impacts in terms of each environmental issue are addressed in each analysis section within *Chapter 3*.

T-53 Elements considered for land use consistency in accordance with the Caltrans SER include land use plans or programs. Zoning does not fall within this category. Please note, however, that the analysis of consistency with key goals within the City's General Plan and Local Coastal Program was included in *Section 3.1*. An assessment of local zoning designations is not required.

T-54 The referenced sentence on Draft EIR/EIS page 3.1-21 has been revised on page 3.1-26 of the Final EIR/EIS to read as follows: "Although Solana Beach is located within the California Coastal Zone, Solana Beach has not yet developed a fully certified LCP outlining issues and policies related specifically to the requirements of the California Coastal Act; the City of Solana Beach has a certified LUP but does not currently have a certified Local Implementation Plan." The words "a large portion of" have been deleted.

T-55 EIR/EIS *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs*, evaluates potential conflicts with relevant existing land use plans and programs. For the purposes of land use plan consistency, the lack of permanent impacts from project construction is considered relevant to the conclusions in this section of *Chapter 3*. Construction-related impacts in terms of other issues are discussed in the corresponding sections in *Chapter 3*. For example, impacts from construction noise are evaluated in *Section 3.15, Noise*; and impacts from construction-related dust and emissions are discussed in *Section 3.14, Air Quality*.

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		related to these disruptions are considered temporary proximity impacts and are not anticipated to result in permanent conflicts with relevant existing plans and programs.	
56	Chapter 3.1, Page 3.1-21		Failure to Identify Solana Beach Draft LCP LUP. The DEIR/EIS fails to recognize that the Solana Beach City Council approved a Draft Local Coastal Program (LCP) Land Use Plan in September 2009. The Draft LUP has been posted on the City's website since June 2009 and remains available for review. Within this LUP are lands along the west and east sides of Interstate 5 that are identified as Environmentally Sensitive Habitat Areas (ESHA) refer to LUP Exhibits 3-6 through 3-10. Pursuant to the LUP, no development within areas identified as ESHA is allowed to occur. Implementation of the project would result in a significant adverse impact on ESHA-designated lands. The DEIR/EIS must be revised to evaluate whether or not the project complies with the LUP and to disclose this significant adverse and unavoidable impact of the project (and all of the build alternatives). Because this would be a new significant impact of the project, the DEIR/EIS must be recirculated for public review.
57	Chapter 3.1, Page 3.1-21		Failure to Identify Solana Beach Draft LCP LUP. The DEIR/EIS fails to recognize that the Solana Beach City Council approved a Draft Local Coastal Program (LCP) Land Use Plan in September 2009. The Draft LUP has been posted on the City's website since June 2009 and remains available for review. Within this LUP are lands along Interstate 5 corridor identified as key scenic view corridors that are required to be protected. These scenic corridors are identified on Exhibit 6-1. Implementation of the project would result in a significant adverse visual effect and loss of scenic resources within these San Elijo Lagoon and San Dieguito Lagoon basins. The DEIR/EIS must be revised to evaluate compliance with the LUP and disclose this significant adverse and unavoidable impact of the project (and all of the build alternatives). Because this would be a new significant impact of the project, the DEIR/EIS must be recirculated for public review.

T-55 cont. As discussed on page 3.1-16, construction activity along the I-5 North Coast Corridor would occur in phases to minimize disruptions. Land use impacts related to construction activities are considered temporary proximity impacts and are not anticipated to result in permanent impacts to existing land uses along the corridor. The TMP described above would serve to minimize project-related construction disruptions, which would include traffic management strategies designed in coordination with the local communities. Please refer to the response to your Comment 023.

In addition, as stated in *Section 3.14.14* of the EIR/EIS, the project must conform with Caltrans Standard Specifications, including the required location of equipment and materials on site as far away from residential and park users as practical. This will serve to further minimize impacts on the affected communities. As such, short-term construction impacts occurring in phases along the project area would be minimized.

T-56 The status of the City's LCP has been updated in *Section 3.1* of this Final EIR/EIS. Only final approved plans have been included in the land use analysis.

T-57 Please refer to the response to your Comment T-56.

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58	Page 3.1-24 2nd and 3rd paragraph	Consistency with conclusions	The DEIR/EIS acknowledges that "the proposed project would convert residential land uses to transportation uses" and that "encroachment into adjacent residential uses would be minimized and would not result in fragmentation or displacement of residential neighborhoods". In addition, the DEIR/EIS states "Segments of the proposed alternatives would encroach into open space areas and potentially impact natural resources." However, no assessment is provided. Nor are there any mitigation measures indentified to offset or reduce the impacts to residential land uses, open space, or natural resources are provided. Caltrans provided the City of Solana Beach with a one page table that described by parcel number which properties would be directly affected by the various alternatives. The DEIR/EIS must be recirculated such that it includes this essential information.
59	Page 3.1-24 2nd paragraph	Segments of the proposed alternatives would encroach into open space areas and potentially impact natural resources. However, these encroachments would be minimized through design efforts and would not affect the overall biological value of the open space areas. Furthermore, Caltrans would coordinate with the City and/or wildlife agencies as required to ensure that potential impacts to natural resources were minimized and/or mitigated to the maximum extent practicable.	CEQA strictly prohibits deferring mitigation measures. The DEIR/EIS must be revised and recirculated to comply with the requirements of CEQA.

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T-58 Please refer to the responses to your Comment 30. The mitigation is discussed in *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs,* is the PWP/TREP, which recommends measures to achieve consistency with the Coastal Zone Management Act of 1972 (CMZA), California Coastal Act, and the LCPs. Additional analysis and mitigation for impacts to residences, open space, and natural resources are provided throughout *Chapter 3* of the EIR/EIS, in sections addressing relocations and biological resources. Please also refer to Topical Response "Property Acquisition" and the response to your Comment T-8 for updated information about specifics of property acquisition.

T-59 The referenced text is not intended to be a detailed discussion of mitigation measures. EIR/EIS *Section 3.1.2.3, Avoidance, Minimization, and/or Mitigation Measures,* presents the measures proposed for impacts from potential inconsistencies with State, regional and local plans and programs. These measures have been enhanced based on the Supplemental Draft EIR/EIS and Biological Opinion for the project. Please refer to the response to your Comment T-58.

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60	Page 3.1-31 Table 3.1.1: Project Consistency with Local Plans and Policies	Implementation of the 10+4 with Barrier Alternative would result in the loss of six residential units but would not adversely affect the overall land use distribution within Solana Beach.	The direct loss of any residential units is a significant adverse environmental impact. The City requires further discussion of this impact and a meeting with Caltrans District 11 staff in the near term. The single page table provided by Caltrans to the City does not identify any full acquisitions – only partial property takings. This is a significant inconsistency and the DEIR/EIS must be revised and recirculated with the corrected information included in order to provide full disclosure and public review opportunities.
61	Page 3.1-31 Table 3.1.1: Project Consistency with Local Plans and Policies	The proposed project would increase noise levels along the I-5 corridor. However, the project proposes to construct noise barriers at various locations along the I-5 corridor, where feasible and reasonable, to abate for highway traffic noise; the location, height, materials, and other design features are discussed in *Section* 3.15-3.	If the increased noise levels are not controlled by noise barriers, then noise impacts would be in fact remain significant and unavoidable. The DEIR/EIS must be revised and recirculated to address these impacts with certainty.
62	Page 3.1-42 3.1.2.3 Avoidance, Minimization, and/or Mitigation Measures heading	As discussed previously, the PWP/TREP recommends measures to achieve consistency with the CMZA, California Coastal Act, and the LCPs. The TREP/PWP would provide an implementation mechanism to address	No mitigation measures or project design features are listed here. Both NEPA and CEQA require the identification of impacts. CEQA also requires the inclusion of mitigation measures to offset or reduce the impacts. The DEIR/EIS must be revised accordingly to include a discussion of the impacts, mitigation measures, and level of significance after implementation of the mitigation program.

T-60 The topic addressed in *Table 3.1.1* is project consistency with local plans and policies. The potential purchase of residential units to accommodate the freeway widening is correctly evaluated as not adversely affecting the overall land use distribution within Solana Beach. EIR/EIS *Section 3.1.2.3, Avoidance, Minimization, and/ or Mitigation Measures,* notes that efforts between Caltrans and affected cities to work cooperatively to avoid land use compatibility conflicts with state transportation facilities are ongoing. Please refer to Topical Response "Property Acquisition" for updated information about specifics of property acquisition.

T-61 Please refer to the response to your Comment 13. In the places where noise levels would be greatly increased (when comparing existing to build conditions for CEQA analysis), noise levels can be reduced with soundwalls that are determined to be "feasible" (for example, see EIR/EIS *Table 3.15.13*). Please also refer to Topical Response "Soundwall Considerations" for additional discussion of soundwall considerations.

T-62 Please refer to the responses to your Comments 12, 30, T-58 and T-59. The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible through specific, tangible actions that will reduce a physical environmental effect. These measures have been updated based on new design measures incorporated into the Preferred Alternative, measures required within the Biological Opinion that was issued by the USFWS and other measures added in response to comments received. The completion of the PWP/TREP is required for issuance of the project's coastal permit. It will serve as a tool to resolve potential inconsistencies with State, regional and local plans and programs.

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		improvements throughout the corridor as a system that would avoid or offset impacts while focusing on protecting, enhancing, and maintaining coastal resource values, and maximizing public access to coastal resources and recreational facilities.	
63	Page 3.1-45 1st paragraph	Implementation of the proposed project would not impede the ability of the San Elijo Lagoon Ecological Reserve to function as a reserve. Access to existing trailheads and designated trails would be unaffected, and after project implementation would be enhanced. The visual character of the Reserve would not be measurably altered by the freeway improvements. The very small quantity of vegetation removed would be mitigated.	The project impacts to the San Elijo Lagoon Ecological Reserve are not clearly defined or assessed. Conclusionary statements regarding access to the site as "unaffected" yet "enhanced" after project implementation are unfounded. Again, no analysis is provided, nor are mitigation measures offered; which directly conflicts with the last sentence stating the unquantified vegetation is adversely impacted. These impacts need to be identified and quantified and appropriate mitigation needs to be identified in a revised and recirculated DEIR/EIS.
64	Page 3.1-45 6th paragraph	No mitigation measures are required. However, the proposed project has been designed to minimize impacts, where possible, by	This section needs to be revised to include the referenced designed features. The use of the term "where possible" suggests the potential impacts may in fact not be mitigated; which results in a significant impact. The determination that the project will not significantly impact land use is flawed on this basis. The DEIR/EIS must be revised to identify the criteria which constitute a significant

T-63 Project features that document enhancements at San Elijo Lagoon are illustrated on Final EIR/EIS *Figures 2-2.3, Sheets 24* through *26,* and include a proposed trail to connect with an existing trail, and proposed pedestrian bridge undercrossing with street level landing and trail. Mitigation for vegetation impacts are discussed in *Section 3.17.3, Avoidance, Minimization and/or Mitigation Measures,* for natural communities. Community enhancements that have been refined were discussed in the Supplemental Draft EIR/EIS, which has been incorporated into the Final EIR/EIS.

T-64 EIR/EIS *Section 3.1.3.4, Avoidance, Minimization, and/or Mitigation Measures,* concludes that, consistent with the more detailed discussion of these facilities in Appendix A, adverse impacts would not occur to these park and recreational facilities, because the very small direct footprint impacts would not adversely affect their function. No mitigation measures are therefore required. The additional text explains that although no mitigation is required, Caltrans design staff are continuing to evaluate ways to minimize the minor effect.

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		reducing the amount of right-of-way and limiting the grading footprint to minimize impacts to natural resources while still meeting project objectives.	land use impact and include enforceable mitigation measures.
	CHAPTER 3.2 Growth		
65	Overall comment	Lack of impact analysis	The Growth section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. This analysis needs to be provided and the DEIR/EIS recirculated.
66	Overall analysis	Lack of CEQA Thresholds of Significance	The Growth section does not present any criteria for determining the thresholds of significance under CEQA. This is a significant omission error of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS needs to be re-written to include CEQA thresholds and the criteria used to determine impact significance.
67	Page 3.2-2 4th paragraph	Due to the relatively small size and built-out nature of Solana Beach, the city does not identify specific policies or goals related to growth management.	The DEIR/EIS preparers refer to The City's General Plan Land Use Element Goals 3.1 and 3.3 as they relate to the management of a well balanced and functional mix of land uses, and long term protection of development. This section of the DEIR/EIS must be revised to analyze relevant goals and policies of the City for land use consistency analysis with the I-5 North Coast Corridor project.
68	Page 3.2-2	As shown in Table 3.2.1,	According to this table, the City has 2% remaining developable land most of

T-65 *Section 3.2, Growth*, provides an analysis of whether the proposed project would result in otherwise unforeseen direct, indirect, or secondary growth, or would otherwise influence growth. Remaining developable area and population growth projections were evaluated to determine the influence of the project on growth. The remaining developable land within the study area totals approximately seven percent, and approximately half of that is slated for residential projects. It was determined that the potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends. Because this growth is anticipated to occur with or without the project, the project is not considered growth inducing. Because I-5 improvements would not affect projected growth, it is not possible to differentiate between alternatives on this issue. No adverse effects associated with growth would be anticipated with implementation of any of the alternatives

T-66 Please refer to the responses to your Comments 10 and T-6.

T-67 Consistency of the project with the Solana Beach General Plan is evaluated in EIR/EIS *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs*, in particular in *Table 3.1.1.*

T-68 Caltrans acknowledges the City's position regarding impacts on residential land uses. In *Table 3.4.1*, the Draft EIR/EIS disclosed that six multi-family residential units would be lost under the 10+4 Barrier alternative, but adequate replacement housing had been identified in the Draft Relocation Impact Report, and therefore, the project would be consistent with the Housing Element of the Solana Beach General Plan. The loss of the six specific residences is not identified as a significant impact requiring a Statement of

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	10th paragraph	only seven percent of land within the six jurisdictions in the study area is considered available for future development, nearly half of which is planned for residential uses.	which is planned for residential uses. Based on the very limited availability of planned residential development sites in the City, any loss of residences in the City is a significant adverse and unavoidable impact of the project. As such, Caltrans is required to make specific findings of fact and prepare a Statement of Overriding Considerations if it intends to approve the project. As a Responsible Agency, the City's concurrence of the Findings of Fact will be required in order to issue the necessary permits. At this point, the City cannot support the loss of any residential units in Solana Beach and requires Caltrans to revise the project and develop a feasible alternative to the project that would preserve all existing residences.
69	Page 3.2-2 Environmental Consequences	Build Alternatives	This section does not provide a thorough analysis of the project alternatives as required by NEPA. Rather this section lumps the discussion under the subheading "Build Alternatives" instead of discussing the potential impacts on each of the four (4) alternatives. This analysis is inadequate for the purpose of a meaningful environmental evaluation and must be rewritten to adhere to the requirements of NEPA.
70	Page 3.2-3 Avoidance, Minimization, and/or Mitigation Measures	As discussed above, growth within the project area would most likely occur without the proposed project or under any of the project alternatives.	The DEIR/EIS lacks analysis of a "proposed project" as one has not yet been defined by Caltrans. The DEIR/EIS must be revised and identify which alternative Caltrans prefers.
	CHAPTER 3.3 Farmlands/ Agricultural Lands		
71	Overall comment	Lack of impact analysis	The Farmlands/Agricultural Lands section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. Because the DEIR/EIS fails to comply with this requirement of NEPA and CEQA, the document must be revised and recirculated for public review. The revised DEIR/EIS must include the analysis

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T-68 cont. Overriding Considerations. Please note that *Tables 3.4.2* through *3.4.4*, which address the other build alternatives, show that no residential loses (single-family or multi-family) would occur under any of those build scenarios. Please refer to Topical Response "Property Acquisition" for additional updated information.

T-69 Based on the analysis, the four build alternatives each involve modifications to an existing freeway facility and would not result in appreciable differences in growth inducement or influence. Please refer to the response to your Comment T-65.

T-70 Please refer to the response to your Comment 06. The refined 8+4 Buffer alternative was identified in the Supplemental Draft EIR/EIS as the locally preferred alternative. It has been incorporated into this Final EIR/EIS, and has been identified as the Preferred Alternative for implementation, if the project is approved. As noted above, the refined 8+4 Buffer alternative is the smallest of the build alternatives proposed in the EIR/EIS.

T-71 As stated in EIR/EIS *Section 3.3, Farmlands/Agricultural Lands*, NEPA and the Farmland Protection Policy Act (FPPA) require federal agencies, such as FHWA (and Caltrans by extension for this project), to coordinate with the Natural Resources Conservation Service (NRCS) if their activities may irreversibly convert farmland. The assessment of potential impacts to farmland is completed on form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Projects, which rates impacts based on several criteria and a point scale from zero to 260. The form reflects coordination with NRCS, which administers the FPPA, and is included in Appendix E of the Draft EIR/EIS. *Table 3.3.1* presents the Farmland Conversion Impact Rating for each alternative. The analysis in *Section 3.3* is considered adequate. As noted in EIR/EIS *Section 3.3.2 Affected Environment*, there are no designated Farmland Mapping and Monitoring Program agricultural lands in Solana Beach.

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			criteria.
72	Overall analysis	Lack of CEQA Thresholds of Significance	The Farmlands/Agricultural Lands section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "*…would have a less than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). This is a fundamental flaw in the DEIR/EIS and must be clarified prior to release of a recirculated DEIR/EIS.
	CHAPTER 3.4 Community Impacts		
73	Overall comment	Lack of impact analysis	The Community Impacts section does not provide analysis or criteria used for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised and must be recirculated to include this information.
74	Overall analysis	Lack of CEQA Thresholds of Significance	The Community Impacts section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis in a recirculated DEIR/EIS. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas "*…would have a less than significant effect on the environment*"; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). This is a fundamental flaw in the DEIR/EIS and must be clarified prior to release of a recirculated DEIR/EIS.

T-72 Please refer to the responses to your Comments 10 and T-6.

T-73 EIR/EIS *Section 3.4, Community Impacts* adequately addresses the impacts of each alternative under this environmental issue. The potential for relocation based on availability of like properties is reviewed in *Section 3.4.2.3,* with additional aid described for situations where aid may be difficult in *Section 3.4.2.4*. Regarding criteria for analysis, please refer to the responses to your Comments 10 and T-6.

T-74 Please also note that the removal of individual homes or businesses is generally identified under CEQA as an economic impact, which is generally not considered a CEQA impact. Please refer to the responses to your Comments 10 and T-6.

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75	Page 3.4.3 11th paragraph	3.4.3.1 Environmental Consequences Construction-related impacts to communities in the vicinity of the proposed project would potentially include periodic vehicular and pedestrian access disruptions, increased noise, dust generation, reduced visual quality, and economic impacts.	The DEIR/EIS correctly identifies environmental impacts to various aspects of the community yet does not provide mitigation or other measures to reduce or offset the impacts. This section must be revised to include mitigation measures for each significant environmental effect identified in the DEIR/EIS (State CEQA Guidelines §15126.4).
76	Chapter 3.4, page 3.4-1		Failure to comply with NEPA Environmental Justice Federal Regulatory Requirements Executive Order 12898, dated February 11, 1994, establishes environmental justice as a federal agency priority. The Order directs agencies to analyze the environmental effects of federal actions, including human health, economic and social effects when required by NEPA and to address significant and adverse effects on minority, low-income and tribal communities. Caltrans must evaluate the potential environmental justice impacts on all low income or minority communities along the length of the proposed and must consider the specific adverse impacts identified for the project, and the potential for these impacts to disproportionately affect minority or low-income populations. The environmental justice issue is not whether a specific impact is significant but whether an impact or impacts present a disproportionate effect on low income and/or minority communities. The fundamental goal of an Environmental Justice analysis is to answer the question: Would the Proposed Project, if implemented, result in a disproportionate effect on minority populations, low income populations or Native Americans. Key to this analysis is a review of existing environmental conditions and impacts relative to these populations and to analyze how project

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T-75 It is assumed that this comment is related to page 3.4-3, *Section 3.4.1.3, Environmental Consequences* of community impacts. Measures proposed to be incorporated into the project design to minimize potential impacts to the community during construction and operation of the proposed project are provided in EIR/EIS *Section 3.4.1.4, Avoidance, Minimization, and/or Mitigation Measures*.

T-76 The evaluation of whether the project would disproportionately affect low income and/or minority communities is thoroughly addressed in EIR/EIS *Section 3.4.3, Environmental Justice*. No additional review is necessary with regard to displacement of the six condominiums within Eden Gardens. EIR/EIS *Section 3.4.2.3* notes that the 10+4 Barrier alternative would result in the displacement of six condominiums in Solana Beach within the Eden Gardens (La Colonia) community. This is identified as a neighborhood that is composed in part of block groups containing populations of environmental justice concern (both minority populations and low-income populations) on page 3.4-18 of the Draft EIR/EIS. The residential units in question are identified as condominiums within a single gated complex adjacent to the southbound (western) side of I-5, and relocation properties within the same neighborhood are expected to be available. The EIR/EIS concludes that while no demographic or economic information is available for the specific individuals or families occupying the relevant units, these residences are not designated as affordable housing (and are valued above the median value for individual housing in San Diego County as a whole), so it is not likely that these residences serve low-income populations. Also, impacts are not likely to be disproportionately high to either minority or low-income populations. Please also refer to Topical Response "Property Acquisition" for information about the ongoing effort to minimize the project footprint. Additional detail regarding this Solana Beach location and analysis supporting this conclusion is provided in Chapter 6.0, Environmental Justice, of the project Community Impact Assessment (CIA). Please note that the refined 8+4 Buffer alternative has been identified as the Preferred Alternative.

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			impacts could affect these populations, focusing on the fundamental question of possible disproportionate effects and potential exacerbation of existing conditions utilizing selected socio-demographic data at the census-tract level. Public outreach to, and involvement of, any and all communities and residences affected by the Proposed Project and alternatives, has been inadequate relative to NEPA-related Environmental Justice requirements. The DEIR/EIS dismisses Environmental Justice issues and fails to identify all potentially impacted minority and low-income communities with the potential to be disproportionately affected by the project (including but not limited to the La Colonia and Eden Garden neighborhoods in Solana Beach). The DEIR/EIS must be revised and a report similar to the one prepared for Barrio Carlsbad prepared for Solana Beach affected communities. The DEIR/EIS must then be recirculated to allow full public disclosure of Environmental Justice issues associated with project implementation.
77	Page 3.4-4 6th paragraph	A positive impact to community cohesion in Solana Beach would be the construction of the community enhancement features. If implemented these features include the construction of a trailhead at Solana Hills Drive and streetscape enhancements on Ida Avenue.	The use of the term "if implemented" renders these statements subjective which provide no bearing on the environmental analysis. These statements must be deleted as they are uncertain outcomes of the project.
78	Page 3.4-4 8th paragraph	While the 10+4 with Barrier Alternative would likely affect existing office and street parking and relocation impacts may occur as described in Section 3.7, the project would be located in an urban area and would enhance overall access	The second sentence conflicts with the first sentence; whereas impacts are identified. The DEIR/EIS must be revised accordingly to correct the inconsistent assessment of potential impacts and be recirculated to allow for full disclosure as required by CEQA.

T-77 The term "if implemented" is appropriate disclosure. As noted in Draft EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, the features represent possible community enhancement opportunities that would be constructed simultaneously with the *I-5 NCC Project*. These features are considered "candidates for inclusion" in the project's final design and may or may not all be implemented, as this would be dependent on each local agency agreeing to maintain them in perpetuity.

T-78 There is no conflict in the statements. The overall access that would be enhanced by the alternative is described at the beginning of this paragraph. Potential improvements described include more efficient vehicular access to businesses, faster public service response times, and easier pedestrian and bicycle access to local businesses. Reduction in parking and a possible need for relocation are disclosed as potential impacts.

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		within the community. Therefore, the implementation of new project features is not expected to have an adverse effect on community character or cohesion.	
79	Page 3.4-6 6th paragraph	3.4.1.4 Avoidance, Minimization, and/or Mitigation Measures The following measures would help to minimize impacts to communities during construction activities: • Traffic impacts around schools would be noted in the Traffic Management Plan.	"Noting" traffic impacts in a TMP does not constitute actual mitigation measures because "noting" an impact does not have an actual effect on reducing or minimizing an impact. It is also unclear what this mitigation measure is intend to minimize in the first place. CEQA requires a nexus between the impact and mitigation (State CEQA Guidelines §§15041(a) and 15126.4). Because the DEIR/EIS fails to comply with these requirements of CEQA, the document must be revised and recirculated for public review.
80	Pages 3.4-8 9th paragraph 3.4-10 9th paragraph	3.4.2.3 Environmental Consequences The 10+4 with Barrier Alternative would result in the displacement of six condominiums in Solana Beach within the Eden Gardens community. Adequate relocation opportunities have been identified in the DRIR for these residential and business displacements. As discussed in detail in the DRIR, residents and businesses displaced as	The DEIR/EIS identifies impacts from project implementation making relocation necessary for the occupants of six (6) residential units. The reader is then referred to additional documents to review details of the displacements of Solana Beach residents. The DEIR/EIS needs to be re-written to include the summary of the additional reports, in addition to acknowledgement of an adverse impact to relocating six (6) residential units. In addition, the single page summary of "Potential Impacted Parcels" provided by Caltrans to the City is essential to understanding the impact analysis and needs to be contained in the DEIR/EIS. The DEIR/EIS must be revised to include the corrected information and recirculated to allow full disclosure and public review.

T-79 Specifics in the TMP cannot be developed until there is project approval, selection of an alternative, and final design, so detailed construction activities and phasing are known. The statement that traffic impacts around schools would be noted is meant to convey the requirement for these areas to receive special attention in development of TMP measures. Please also see Topical Response "Construction Traffic" and the response to your Comment T-98 for information regarding typical TMP measures.

T-80 Please refer to the responses to your Comments T-8 and T-76. Also, please refer to Topical Response "Property Acquisitions" for additional updated information about specifics of property acquisition.

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		the result of a given project are potentially eligible to be compensated in accordance with the Uniform Relocation Assistance Act of 1970, as amended. 3.4.2.4 Avoidance, Minimization, and/or Mitigation Measures The DRIR concluded that adequate relocation resources existed for the majority of displacees. Additionally, displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or Last Resort Housing (LRH) Program options, including LRH payments.	
	CHAPTER 3.5.2 Utilities and Emergency Services		
81	**Utilities**	All build alternatives would require both above ground and below	The DEIR/EIS acknowledges that all build alternatives would require utility relocations that would occur within existing easements, whenever possible. The DEIR/EIS needs to analyze the impact of utility relocations if the relocations

T-81 Please refer to the response to your Comment T-39.

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		ground utility relocations in several locations. Existing utilities conflicting with proposed construction activities would require protection or relocation during construction. The location of all utilities would be verified prior to subsurface investigation or construction. The relocations would occur within existing utility easements, wherever possible, and would not create any additional environmental impacts.	occur outside of existing easements. This analysis needs to be performed and if there are any environmental impacts, appropriate mitigation needs to be included. The DEIR/EIS needs to be revised and recirculated for public review/comments.
82	**Table 3.5.1 Utilities Over 50 kV**		Item no. 3 in this table indicates that as part of the alternative under 10+4 barrier, a "*transmission pole would move to east on south-west corner of the intersecting streets*". This table fails to identify the exact location of the intersection. The subject intersection is somewhere between Via de la Valle and Lomas Santa Fe within the jurisdictional boundary of the City of Solana Beach. All intersections within this area are fully improved and any large pole relocation would have a major impact on existing infrastructures. The DEIR/EIS needs to clearly identify the intersection where this relocation would take place and any impacts to existing infrastructure need to be analyzed and appropriate mitigation needs to be identified. DEIR/EIS needs to be revised and recirculated for public review/comments.
	CHAPTER 3.6 Traffic & Transportation/ Pedestrian & Bicycle Facilities		

T-82 Please refer to the response to your Comment T-39.

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83	Overall comment	Lack of impact analysis	The Traffic section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated for public comment.
84	Overall analysis	Lack of CEQA Thresholds of Significance	The Traffic section does not present any criteria for determining the thresholds of significance under CEQA. This is a fundamental error of the DEIR/EIS and for every resource chapter. The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). These impacts need to be identified and quantified and appropriate mitigation needs to be identified in a revised and recirculated DEIR/EIS.
85	General Comment	Significant impacts	The DEIR/EIS has significant impacts in transportation which will affect the accessibility to the coast and beach and affect the health and mobility of the citizens of Solana Beach and visitors to the beach and natural areas which surround the City. The City is bisected by the I-5 and is disproportionately affected by the projects proximity to the majority of citizens, all of which are approximately within one mile of the project area. We note that while the City is among the highest disproportionately affected by the project's ADT, there is almost no feasible mitigation proposed or studied with the DEIR/EIS. The document is insufficient and modification and recirculation is required to meet the requirements of CEQA. Identify feasible mitigations, provide the requisite studies and data, redraft and recirculate the DEIR/EIS for public review. In addition, connectivity and mobility projects within the project area do not adequately address or study feasible mitigation that should be provided for trail connectivity improvements to complete and improve trail connectivity on the on

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T-83 Regarding the use of criteria, please refer to the responses to your Comments 10 and T-6. The level of analysis within the EIR/EIS is adequate for a comparison of alternatives. In addition to the comparative data provided in *Section 3.6,* 10 traffic-related studies and reports were prepared in support of the *I-5 NCC Project*, and are a part of the EIR/EIS. These reports contain the detailed analysis and criteria used in the EIR/EIS analysis and, as listed at the beginning of *Chapter 3*, include the following:

- I-5 North Coast Freeway Operations Report. November 2008. Prepared by Caltrans District 11 (Revised June 2010)
- Direct Access Ramps/Local Circulation System Impact Study, Technical Report No. 1, Area of Influence Analysis. Draft, August 2004
- Direct Access Ramps/Local Circulation System Impact Study, Technical Report No. 2, Existing Conditions Data Collection. Draft, August 2004
- Direct Access Ramps/Local Circulation System Impact Study, Technical Report No. 3, Traffic Analysis Methodologies and Standards. Draft, July 2004
- I-5 North Coast HOV/Managed Lanes Project, Technical Report No. 4, Existing Conditions Traffic Analysis. March 8, 2006
- I-5 North Coast Corridor Project, Technical Report No. 5, Traffic Demand Forecasting Report. August 2007
- I-5 North Coast Corridor Project, Draft Technical Report No. 6, Freeway Interchange Operations Report. August 2007
- I-5 North Coast Corridor Project, Technical Report No. 7, Direct Access Ramps/Local Circulation System Operations Report. Draft, August 2007

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- I-5 North Coast Value Pricing Study Concept Plan Volumes 1 and 2, April 2006
- I-5 North Coast Traffic Report. A Summary of Traffic Reports Revised November 2008

Electronic copies of all of the above reports were posted online along with the Draft EIR/EIS, and can be accessed at the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html.

T-84 Please refer to the responses to your Comments 10 and T-6.

T-85 The proposed project would not generate traffic and would only improve the ability of I-5 to accommodate the average daily traffic (ADT) generated by the implementation of the local jurisdictions' land use plans. The effect of each project alternative on overall freeway traffic conditions is summarized in Final EIR/EIS *Table 3.6.3*, *Total Delay, Congested Hours, and Travel Time Per Day*. The results of the traffic analysis indicate that the build alternatives would improve future traffic conditions projected to occur under the No Build condition. No mitigation for reducing congestion caused by future increase in ADT is needed. The City's preference for an enhancement project involving providing beach stair access maintenance and improvement to the public Del Mar Shores Beach stairway in Solana Beach is noted.

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			the north, east and western borders of the City. The following mitigation for traffic impacts must be included as part of this project: Provide beach stair access maintenance and improvement to the public Del Mar Shores Beach stairway located in Solana Beach.
86	Section 3.6-1		The cost of this project exceeds $3 to 4 Billion which appears excessive for what is achieved. In one case, i.e., the 8 + 4 option, only the increased capacity of an additional HOV lane in each direction is evident. The ADT for the No-project is forecast as 327,000 and only increases to 358,000 ADT for the most aggressive 10 + 4 option. Based on this limited increase in capacity, the cost of the project is between $100,000 and $150,000 per ADT, a very high and seemingly non cost effective price. The DEIR/EIS needs to identify alternative mitigation measures which would include but not be limited to multi-modal (bus and rail) alternatives as well as Traffic Demand Management strategies. The alternatives must be evaluated based on a cost benefit analysis that includes full life cycle costs for initial implementation and on-going maintenance and operational costs. Such an analysis may indicate that some much less costly alternatives, with respect to both initial cost and annual operation and maintenance cost could accommodate the 31,000 ADT increase in capacity provided by the most aggressive (10+4) alternative. The DEIR/EIS must provide this analysis and the document must be recirculated for public review.
87	Section 3.6-1		The level of service for the Lomas Santa Fe (LSF) Interchange remains "F" in essentially all alternatives. This must be mitigated or findings of overriding concerns made. Although it is recognized that recent improvements to the Lomas Santa Fe Interchange have been completed the DEIR/EIS ignores the reductions in existing delays that resulted from this improvement. The reduction in delay is substantial but the DEIR/EIS ignores this fact and continues to use pre-2006 travel time data which proceeds the Lomas Santa Fe Interchange and HOV lane extension improvements. The DEIR/EIS must update its delay analysis to include the improvements in travel time resulting from the Lomas Santa Fe Interchange and HOV lane extension. The DEIR/EIS must provide this analysis and the Document must be recirculated for public review.
88	Section 3.6-1		The project does essentially nothing for the entire City of Solana Beach. The LSF

T-86 The benefits of the project cannot be measured only by numbers of vehicles accommodated. The majority of the vehicles using the HOV/Managed Lanes would carry more than one person. Carpooling also removes vehicles from the roadways.

The *I-5 NCC Project* is one element of the multimodal transportation program being implemented by SANDAG and other transportation agencies. The 2050 RTP includes projects for rail and bus services, bicycle and pedestrian facilities, and demand management, as well as highways and local streets. Please refer to Topical Responses "Multimodal System" and "Mass Transit" for additional discussion about multimodal aspects of the transportation system, including transit.

T-87 Section 10.0 (Page 48) of the I-5 North Coast Freeway Operations Report, one of the previously referenced technical reports prepared in support of the *I-5 NCC Project* and incorporated into the EIR/EIS, presents the traffic-related effects of opening the interchange modifications on I-5 at Lomas Santa Fe Drive and the HOV/Managed Lanes extension between Via de la Valle and Manchester Avenue. These effects are expressed in terms of reduced travel time and delay for both the northbound and southbound directions of I-5. These conclusions were obtained using data from years 2007, 2008, and 2009. The Freeway Operations Report has been posted online since August 2, 2010, and is available at the following link:

http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf.

T-88 Please refer to the responses to your comments T-83 through T-87 above and the referenced EIR/EIS technical reports. Draft Technical Report No. 6 provides peak hour intersection operations analyses at all freeway ramp intersections and additional local

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			interchange is not improved except in a modest change under the 10 + 4 option, which adds one general purpose and one HOV lane in each direction. Even with this modest change, the level of service at the Lomas Santa Fe Interchange remains as "F." Mitigation for this unacceptable condition must be provided but the DEIR/EIS includes no mitigation at all for this condition. Suitable alternative mitigation improvements must be identified and evaluated. These improvements could include widening of Lomas Santa Fe itself or improvements to other arterial roadways to which traffic diverted from the congested freeway will migrate. These roadways include Highway 101 and Stevens Avenue among others. In addition, the potential for improvements to multi-modal facilities such as the Solana Beach Train Station seems to offer opportunities to mitigation traffic through improved bus/train service and parking. Parking is currently a critical issue at the train station and appears to offer an opportunity to increase ride sharing and thereby providing mitigation to the LOS "F" at the Lomas Santa Fe Interchange. The DEIR/EIS must provide these analyses and the document must be recirculated for public review.
89	Section 3.6-1		The potential for a political issue regarding the acceptability of single users paying a toll to use the HOV facilities is not acknowledged in the DEIR/EIS. There is an estimate that the "managed lanes" HOV option could produce between $12 and $19 million annually but this is a poor return (0.4± percent per year) on a $4 billion investment. The DEIR/EIS indicates the "Managed Lanes" could produce an annual revenue stream of $12 to $19 million. This produces a return on investment of less than ½ percent per year. This constitutes a major "subsidy" to HOV and especially SOV users willing to pay the tolls. The DEIR/EIS must prepare a comprehensive financial analysis of this $4 billion investment and determine if better uses for the money exist. This includes additional investment in mass transit and other multi-modal options. The DEIR/EIS must provide these analysis and the document must be recirculated for public review.
90	Section 3.6-1		The effect of a potential alternative north-south parallel route under study by SANDAG has not been addressed other than to mention it is being investigated. The impact of any such route is substantial with respect to this I-5 NCC project and this impact is being treated as inconsequential. The DEIR/EIS must examine the feasibility that a parallel north-south transportation facility may be built. There may be a number of potential alternative roadway options,

T-88 cont. street intersections near interchanges within the project limits (including those at the Via de la Valle and Lomas Santa Fe Interchanges). As Tables 3.4 and 3.5 of Draft Technical Report No. 6 note, the future year 2030 (a.m. and p.m. peak hour) LOS at the Via de la Valle ramp intersections would range from A to D, while LOS at the Lomas Santa Fe ramp intersections would range from B to C (please also refer to the response to your Comment T-99 below).

The LOS F conditions referenced in this comment are for the freeway segments (general-purpose lanes) between interchanges, not for the interchanges themselves. While the traffic studies reflect LOS F findings at certain freeway segments, alternate performance measures, such as Travel Time and Delay, are also appropriate and reflect improvement along the corridor with the proposed freeway widening (8+4 or 10+4 alternatives).

Section 5.1, Travel Time, (pages 22 to 24) of the I-5 North Coast Freeway Operations Report (referenced above in the response to your Comment T-87) indicates that the average travel times within the corridor (general-purpose lanes) would be substantially reduced during the p.m. peak period in the northbound direction (year 2030). Specifically, this time would be reduced from 67 minutes for the No Build scenario, to 50 minutes for the 8+4 alternatives, and 30 minutes for the 10+4 alternatives. In the a.m. peak period (year 2030 northbound direction), the average travel times would be 29 minutes for the No Build scenario and the 8+4 alternatives, and 27 minutes for the 10+4 alternatives. The average time to travel the corridor (general-purpose lanes) during the p.m. peak period in the southbound direction (year 2030) would also be substantially reduced. Specific times include 48 minutes for the No Build scenario, 29 minutes for the 8+4 alternatives, and 30 minutes for the 10+4 alternatives. In the a.m. peak period (year 2030 southbound direction), the average travel times would be 53 minutes for the No Build scenario, 47 minutes for the 8+4 alternatives, and 35 minutes for the 10+4 alternatives.

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T-88 cont. Section 3.2.1 of the I-5 North Coast Traffic Report, A Summary of Traffic Reports, also provides a comparison of Existing, 2030 No Build, 2030 8+4, and 2030 10+4 travel times that would result by implementing the proposed project.

Section 5.2, Delay, of the previously referenced I-5 North Coast Freeway Operations Report (Pages 24 and 25) indicates that the year 2030 weekly number of vehicle-hours of delay along I-5 northbound would decrease substantially under the proposed project. Specifically, these numbers would be 13,700 for the no build scenario, 9,600 for the 8+4 alternatives, and 600 for the 10+4 alternatives. According to the same report, the year 2030 weekly number of vehicle-hours of delay along I-5 southbound would be 14,000 for the no build scenario, 8,000 for the 8+4 alternatives, and 3,700 for the 10+4 alternatives.

As part of the proposed improvements, a new auxiliary lane would be added in the northbound direction of I-5, from the revised Lomas Santa Fe Drive eastbound to northbound on-ramp to the Manchester Avenue northbound off-ramp. The alignment of the Lomas Santa Fe Drive eastbound to northbound on-ramp would be revised to accommodate the freeway widening. The intersection of Lomas Santa Fe Drive eastbound to northbound on-ramp/Santa Helena would basically remain in its current condition. The existing auxiliary lanes between Via de la Valle and Lomas Santa Fe (north- and southbound directions), and between Lomas Santa Fe and Manchester Avenue (southbound direction) would be replaced.

Rail service improvements are part of the SANDAG 2050 RTP, which calls for increased train frequencies, double-tracking of the LOSSAN corridor, and increased parking capacity at existing train stations. Local support for increased parking in addition to development of transit oriented development can result in increased transit utilization and reduced driving demand at train stations.

T-89 Political issues are not the topic of environmental documents. The issue of value pricing as it relates to environmental justice is addressed in EIR/EIS *Section 3.4.3.3, Environmental Consequences*. This section includes a summary of stakeholder

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			particularly multi-modal in nature, which could match the 31,000 ADT capacity improvement of the I-5 NCC Project at substantially less cost than $4 billion. Based upon 31,000 ADT, as little as a four lane arterial roadway could potentially provide as much capacity as the I-5 NCC Project. If such a facility is feasible, it could reduce or eliminate the need for a $4 billion investment. The need for the I-5 NCC Project is directly affected by the feasibility of a parallel north-south route. Such an analysis is essential to the overall decision making for the I-5 NCC Project. The DEIR/EIS must provide these analysis and the document must be recirculated for public review.
91	Section 3.6-1		The travel forecasts in the DEIR/EIS/EIS are based upon SANDAG Series 10 with a minor reference that the Series 10 forecasts are within 10 percent of Series 11. The current SANDAG Series is Series 12 adopted February 2010 replacing Series 11 adopted in 2006, which is not mentioned at all in the DEIR/EIS. The entire future travel forecasts need to be revised to reflect Series 12 SANDAG data. Then the DEIR/EIS need to revise its findings regarding significant impacts and appropriate mitigation measure and recirculate. Caltrans needs to update the travel forecasts based on current (SANDAG Series 12) data. The DEIR/EIS makes findings based on very old data, i.e., pre-2006, which is now two series out of date with SANDAG. The DEIR/EIS must be revised to include the most updated data for travel forecasting and the document must be recirculated for public review.
92	Section 3.6-1		The DEIR/EIS uses travel time data from 2006 while also acknowledging that the LSF interchange improvement completed in 2008 has reduced those delays by 50 percent. This produces a significant change in the "cost effective" of this multi-billion dollar project. The DEIR/EIS needs to update its delay data – both existing and future projections, to reflect the substantial reductions in delay resulting from the Lomas Santa Fe improvements. The DEIR/EIS must be revised to incorporate the latest data and the document must be recirculated for public review.
93	Section 3.6-1		The DEIR/EIS states freeway diversion traffic will create an increase in local circulation congestion but provides no quantification of that statement or, more importantly, the required mitigation. Based upon one report (No. 6) included in the Appendix, Highway 101 is clearly at risk. Several others, including Stevens Avenue, appear to be at risk also. The DEIR/EIS must fully analyze the effect of

T-89 cont. interviews that documented key leader attitudes and opinions about the value-pricing component of the project. The financial feasibility of the project alternatives is one of many factors that will be considered by decision makers in the selection of an alternative. For additional related information, please refer to Topical Responses "Mass Transit" and "Multimodal System."

T-90 Please refer to Topical Response "Multimodal System" for a discussion of multimodal planning. There are currently no plans or proposals for an alternative parallel route. Such a route was not considered to be a viable alternative to the proposed project due to the substantially greater impacts to resources and properties that would result.

T-91 Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*.

As such, Caltrans has determined that the traffic volumes used for the project are both sufficient for compliance with FHWA requirements, and that the described transportation benefits would last over a longer period of time, thus improving the return on investment for funds provided to the project. In considering the number of trips using various modes such as single-occupant

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	T-91 cont. autos on freeway general purpose lanes, HOVs on the managed lanes, Coaster ridership and BRT ridership, Caltrans observed that the strategic multimodal construct of the project's solutions remains viable. DARs located at Voigt Drive, Manchester Avenue, Cannon Road, and Oceanside Boulevard were originally proposed for the *I-5 NCC Project*. Discussions with resource agencies, cities and the public resulted in the elimination of two (Cannon Road and Oceanside Boulevard) of the four DARs from the project. Benefits to the project from the proposed DARs at Manchester Avenue and Voigt Drive were detailed in the Supplemental Draft EIR/EIS. This information has been incorporated into the Final EIR/EIS. For the overall project footprint, Caltrans recognizes that the buffer alternatives would provide smaller footprints compared to barrier alternatives. The identified Preferred Alternative (the LPA) would incorporate the lower impact buffer design as well as the smallest lane requirements (8+4). Final alternative selection would occur with concurrence from SANDAG and FHWA. T-92 As noted above in the response to your Comment T-87, it is recognized that reduced travel times and delays resulted from the opening of the Lomas Santa Fe Interchange improvements and HOV/Managed Lanes extension between Via de la Valle and Manchester Avenue. The *I-5 NCC Project*, however, proposes improvements that would be corridor-wide from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside. Please also refer to the response to your Comment T-91 above. T-93 Based on the information in Table 3.9, Arterial Roadway Segment Capacity Analysis, of the previously referenced Traffic Technical Report No. 6, the segment of Lomas Santa Fe Drive from North Coast Highway to I-5 would continue operating *over* capacity regardless of the alternative selected. The Lomas Santa Fe segment from I-5 to Highland Drive would operate *under (below, or within)* capacity for each of the project alternatives, while the segment of Lomas Santa Fe between Highland Drive and El Camino Real would operate *over* (exceeding) capacity regardless of the alternative selected.

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			traffic diversion from the freeway to quantify the increased impact on the local circulation roadway system. Where this impact is shown to be significant, suitable mitigation must be identified to obtain an acceptable level of service. Mitigation to local arterials such as the City of Solana Beach's Highway 101 plan is examples of potential mitigation measures. All arterials where a significant impact is identified must be fully evaluated and mitigated. The DEIR/EIS must provide these analysis and the document must be recirculated for public review.
94	Section 3.6-1		The I-5/SR-56 improvements are assumed to be fully implemented by the project DEIR/EIS What is the potential impact if this does not occur or is completed much later date? This could have a very large and significant effect. The DRIR/EIS must analyze this and the Document must be recirculated for public review.
95	Section 3.6-1		There is no reference to Caltrans having prepared a Project Study Report (PSR) and/or Project Report (PR) for this specific project. These documents are required for funding any project. These documents, if available, must be provided in the DEIR/EIS. If these documents do not exist or are out of date, then they must be completed and included in the revised DEIR/EIS and the revised document must be recirculated for public review.
96	Section 3.6-1		From a purely localized point of view, there appears to be no benefit, or mitigation for the City of Solana Beach from this project. There are only increased delays on the local circulation system and increased delays on the freeway. Four billion dollars might be better utilized elsewhere or to provide suitable mitigation for this project if it proceeds. The $4 billion cost may be better utilized for other projects, particularly those involving mass transit including rail options which encourage ride sharing. Expansion of parking at the Solana Beach Train Station appears as an excellent candidate. Other improvements such as express bus service on the freeway using only a single HOV lane. Such may be achievable with little or no additional right-of-way acquisition. This would constitute a major finding of the DEIR/EIS requiring recirculation.
97	Section 3.6-1		The DEIR/EIS indicates there will be construction impacts associated with the project. The "mitigation" is to indicate a Transportation Management Plan (TMP) will be developed." In reality, the construction impacts are likely to cause major disruptions of traffic based on similar experience with I-5 widenings in Orange

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T-93 cont. The referenced Table 3.9 also includes several north/south arterials along the North Coast Corridor including Coast Highway. The Coast Highway segment from Santa Fe Drive to Lomas Santa Fe Drive would operate *under (below)* capacity for both the 10+4 and 8+4 alternatives (year 2030). This represents an improvement (compared to the Year 2030 no build scenario), as this segment would operate *over* capacity if the project is not built. The Coast Highway segment between Lomas Santa Fe Drive and Via de la Valle would operate *under (below)* capacity under each of the project build alternatives. Please also refer to the response to your Comment T-85.

T-94 The I-5 / SR-56 Interchange Improvements would be one of the projects to move forward independently from the *I-5 NCC Project*. The I-5 / SR-56 Interchange Improvements Project is being analyzed in a separate environmental document; the Draft EIR/EIS for this project was released for public review in May 2012. In addition, neither Final EIR/EIS *Figures 2-2.3, Sheet 12*, *Project Feature Map*, nor Exhibit A (Layout Sheets) of the PR reflect the proposed improvements associated with the I-5 / SR-56 Project, which propose new west-to-north and south-to-east direct connectors, or ramp widening at the Carmel Valley Road northbound off- and on-ramps, respectively). Both the *I-5 NCC Project* and the I-5 / SR-56 Interchange Project have independent utility. The possible construction of west-to-north and south-to-east connectors was considered in the proposed project traffic studies as a reasonably expected scenario (as shown, for example, on Figures 3.1 through 3.7 of Draft Technical Report No. 6). Traffic operations and volumes without the I-5 / SR-56 direct connectors in place were also evaluated, however, with Exhibits B and C of the I-5 North Coast Freeway Operations Report depicting traffic volumes for the 8+4 and 10+4 alternatives with no I-5 / SR-56 direct connectors in place.

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	T-95 The Project Study Report (PSR) for this project was approved on January 31, 2000, while the PR was approved on June 24, 2010. These documents are not typically circulated during the public review process, although copies can be provided upon request. PR Exhibit A (the layout sheets for each of the proposed build alternatives) was posted to available websites during public review.
	T-96 Residents and workers within Solana Beach would benefit from the reduced freeway congestion and availability of the proposed HOV/ Managed Lanes for their travels along I-5 to access other locations beyond Solana Beach. In addition, as described in greater detail in the Supplemental Draft EIR/EIS and now incorporated into this Final EIR/EIS, community enhancements are proposed within Solana Beach. These include (1) Streetscape Enhancements on Ida Avenue in conjunction with the construction of a noise barrier; (2) Pedestrian Trailhead at Solana Hills Drive; and (3) I-5 North Coast Bike Trail in the City of Solana Beach, and are intended to provide a non-vehicular alternative along the entire I-5 project corridor. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” and the response to your Comment T-88.
	T-97 At this time, a TMP has not been prepared specifically for use during construction of the proposed project. A TMP is a method for minimizing activity-related traffic delay and accidents by the effective application of traditional traffic handling practices. All TMPs share the common goal of congestion relief during the project activity period through efforts including traffic flow management and balancing traffic demand with highway capacity through the project area and/or the entire corridor. Please refer to Topical Response “Construction Traffic.”

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			County. In those cases, the local Cities were provided substantial traffic mitigation to address freeway traffic diversion issues. The mitigation measure provided indicates that a Transportation Management Plan (TMP) will be prepared at some later time. In order to satisfy CEQA, the mitigation must be adequate and identified in the EIR itself such that a mitigation measure monitoring program can be prepared. The mitigation measure must be a definite plan and not simply "a plan to prepare a plan." The DEIR/EIS must be revised to fully analyze the construction traffic and its impacts to local circulation network. The DEIR must be revised and recirculated for public review.
98	Table 3.3 Arterial Demand Forecast		The DEIR/EIS Indicates an ADT of 18,000 on Lomas Santa Fe between I-5 and Highway 101 and a future 2035 forecast of 27,900 ADT. These ADTs are both far below the existing 2005 traffic count of 35,600 ADT as reported in Wilson's own traffic study of the Lomas Santa Fe Plaza Expansion in December 2007. This appears to be a significant error in the DEIR/EIS and requires revisions and recirculation.
99	Traffic impacts	General Comment	The DEIR/EIS indicates there will be increased congestion of local arterials as a result of the project, but proposes virtually no mitigation or even an assessment of the magnitude of this decreased arterial level of service. As a result, there are several potential mitigation measures that needs to be included in the DEIR/EIS: A. Highway 101 local circulation improvements. The City's own $15 million program to improve circulation on Highway 101 needs to be evaluated for inclusion as partial mitigation for increased congestion on local arterials. B. The two existing freeway interchanges at Lomas Santa Fe and Via de la Valle are significantly impacted but without any offsetting mitigation. While it is acknowledged Lomas Santa Fe recently improved that improvement does not mitigate the I-5 NCC project impact. Additional mitigation needs to be identified and evaluated to obtain Caltrans own standard of level of service C/D. C. Improvement of existing rail service offers an excellent opportunity to provide mitigation for the I-5 project. Additional parking at the Solana Beach train station is a high priority need. Such an improvement needs to be included as a mitigation measure. D. In conjunction with Comment C above, additional transit service to the Solana Beach train station also needs to be evaluated as potential mitigation.

T-98 This comment is apparently referring to Draft Technical Report No. 5 Table 3.3 (refer to response to your Comment 42 above). The referenced 27,900 ADT is the future year 2030 traffic volume (10+4 with and without DAR, and 8+4 with DAR) for the noted segment of Lomas Santa Fe Drive.

In consultation with the Caltrans District 11 Planning Department, a Traffic Impact Analysis report was prepared for the proposed Lomas Santa Fe Plaza Lifestyles Project by Linscott, Law and Greenspan Engineers in December 2007, with the report updated in April 2008 and an independent peer review conducted by Austin-Foust Associates, Inc. According to Table T/T-1, Existing Street Segment Operations, of the City of Solana Beach Environmental Checklist, Initial Study and Mitigated Negative Declaration (MND) for the Lomas Santa Fe Plaza Project, there is a pre- and post-interchange ADT of 35,600 on the segment of Lomas Santa Fe Drive from Solana Hills Drive to the I-5 SB Ramps. This is a shorter segment than that between I-5 and North Coast Highway (Highway 101).

T-99 The EIR/EIS does not indicate that the proposed project would cause congestion along local arterials. As documented within the Draft EIR/EIS and supporting technical studies, the proposed project would not generate new traffic, would not worsen traffic congestion compared to the No Build alternative, and would accommodate more vehicles and more travelers than does the existing freeway condition. Below are responses to your sub-comments A – E.

A. The proposed improvements to Highway 101 are beyond the scope of this project.

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	T-99 cont. B. As mentioned in Section II of the Caltrans Guide for the Preparation of Traffic Impact Studies (TIS) dated December 2002, "Caltrans endeavors to maintain a target LOS at the transition between LOS C or D on State highway facilities, however, Caltrans acknowledges that this may not always be feasible and recommends that the Lead Agency consult with Caltrans the appropriate target LOS." Per the Caltrans Highway Design Manual (HDM) Index 102.1, Design Capacities, the design year peak hour traffic LOS for an urban freeway (such as I-5 within the project limits) is C-E. This is the Caltrans LOS standard for general-purpose lanes. It is recognized that, as noted in EIR/EIS *Tables 3.6.5, Northbound I-5 Estimated General-purpose Lane LOS Summary, and 3.6.6*, S*outhbound I-5 Estimated General-purpose Lane LOS Summary* (now *Tables 3.6.6* and *3.6.7* of this Final EIR/EIS), the northbound general-purpose lanes between Via de la Valle and Lomas Santa Fe, and between Lomas Santa Fe and Manchester Avenue, would continue to operate at LOS F during the Year 2030 p.m. peak period (10+4 and 8+4 alternatives). These two northbound segments would operate at LOS D or E during the Year 2030 a.m. peak period (10+4 and 8+4 alternatives). LOS F conditions would also remain during the a.m. peak period in the southbound general-purpose lanes of the above mentioned freeway segments (10+4 and 8+4 alternatives), and during the p.m. peak period (8+4 alternative). The existing freeway interchanges at Lomas Santa Fe Drive and Via de la Valle would not be "significantly" impacted. Specifically, intersection operation analyses were conducted for all freeway ramp intersections and additional local street intersections near interchanges within the project limits. These efforts are documented in the previously referenced Draft Technical Report No. 6 (refer to the response to your Comment T-83). According to those analyses, during the Year 2030 a.m. peak hour, the Via de la Valle/I-5 southbound ramp intersection would operate at LOS B with the 10+4 alternatives (with or without DAR), and at LOS A under the 8+4 with DAR

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T-99 cont.

alternative; this intersection would operate at LOS C in Year 2030 under the No Build alternative. The Via de la Valle/I-5 northbound ramp intersection would operate at LOS C in both 10+4 and 8+4 alternatives. The identified LOS at these ramp intersections would clearly meet the target LOS C to D transition mentioned in the TIS above. It should also be noted that the Via de la Valle/Jimmy Durante Boulevard intersection would operate at LOS D with either the 8+4 or 10+4 alternatives, according to the same traffic study. This would represent an operations improvement (delay reduction) compared to existing conditions (LOS E). During the Year 2030 p.m. peak hour, the Via de la Valle/I-5 southbound ramp intersection would operate at LOS B with the 10+4 alternatives (with or without DAR), and at LOS C with the 8+4 with DAR alternative. Both the Via de la Valle/northbound ramp intersection and the Via de la Valle/Jimmy Durante intersection would operate at LOS D in both 10+4 and 8+4 alternatives during the Year 2030 p.m. peak hour. The Lomas Santa Fe Drive / I-5 southbound ramp intersection would operate at LOS B with either the 10+4 or 8+4 alternatives (Year 2030 a.m. peak hour), and at LOS C (Year 2030 p.m. peak hour). The Lomas Santa Fe Drive/I-5 northbound ramp intersection would operate at LOS D with the 10+4 alternatives (with or without DAR), and at LOS C under the 8+4 with DAR alternative (Year 2030 a.m. peak hour). This intersection would operate at LOS C with either the 10+4 and 8+4 alternatives (Year 2030 p.m. peak hour). It should also be noted that the Lomas Santa Fe Drive/Solana Hills Drive intersection would operate at LOS C with either the 10+4 or 8+4 alternatives (Year 2030 a.m. and p.m. peak hours). The Lomas Santa Fe Drive Interchange was mostly constructed to its ultimate condition with the recent I-5 HOV/Lomas Santa Fe Improvements project.

C. Rail service improvements are part of the SANDAG 2050 RTP, which calls for increased train frequencies, double-tracking of the LOSSAN corridor, and increased parking capacity at existing train stations. Local support for

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	T-99 cont. increased parking in addition to development of transit oriented development can result in increased transit utilization and reduced driving demand at train stations. Implementation of the subject train station parking is beyond the scope of the *I-5 NCC Project*, however, and is not required as project mitigation. D. The North County Transit District (NCTD) recently completed its Mobility Plan, a transit planning and implementation effort for the north San Diego county service area. In addition, the SANDAG 2050 RTP includes "Rapid Bus" service on Highway 101 serving coastal communities between Oceanside and University City. These types of transit service improvements are not required to mitigate project impacts and are beyond the scope of the I-5 project. E. Caltrans will coordinate with the City of Solana Beach regarding signalization along Lomas Santa Fe due to the *I-5 NCC Project.*

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			E. A potential mitigation measure for the increased traffic and resulting congestion on Lomas Santa Fe is the incorporation of a modern Master Signal Coordination System. Such an improvement was included in the Solana Beach Train Station traffic study. This same type of mitigation is appropriate for the I-5 NCC project. The DEIR/EIS must be revised to include this analysis and must be recirculated for public review.
100	Traffic	General Comment	Caltrans has an adopted set of "*Traffic Study Guidelines for Preparation of Traffic Impact Studies*," dated December 2002. These guidelines and, in particular, the requirement for mitigation should be followed. The DEIR/EIS must be revised and the document must be recirculated for public review.
101	Trafficreportv47.pdf Table 3.5 (p. 13) & Table 3.12 (p. 21)	[Various build vs no-build alternatives are not given quantitative comparisons in terms of their ability to increase traffic flow throughout the 27-mile corridor.]	What is the objective value of various HOV lane alternatives relative to their no-build alternatives in accommodating increased traffic flow? Alternatives are not given quantitative comparison in the DEIR/EIS. From data, it is impossible to assess the value of various HOV lane alternatives relative to their expected improvement in accommodating increased traffic flow. Regular traffic lanes are reported in units of AADT (annual average daily traffic [counts]) (Table 3.5) and HOV lanes are report in units of AM/PM peak hour counts (Table 3.12). All lanes for all alternatives must be reported in comparable units for comparison in a revised DEIR/EIS. The document must be recirculated
102		[traffic congestion versus traffic volume as a basis for selecting an environmentally superior alternative for freeway expansion]	Why, as the DEIR/EIS asserts, are measures of traffic congestion (delays, queues, and "commute times") a better justification for freeway expansion than traffic volumes and daily trips? The DEIR/EIS must analyze impacts from both the viewpoints of traffic congestion and also of traffic volume. Mitigations for these impacts must be proposed. Include these analyses, impacts, and mitigations in a revised and recirculated DEIR/EIS.
103	Draft Air Quality Analysis for the I-5	"The proposed project would not generate traffic	Please provide data that support the DEIR/EISs quantitative assessment of this statement that the proposed project would not generate additional traffic.

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T-100 The traffic studies conducted for this project have been prepared according to Caltrans standards and guidelines. Additionally, the project alternatives have been developed over the past 12 years to incorporate, not only Caltrans requirements, but also to respond, where practicable, to the input from all stakeholders. These stakeholders include the cities and county, many public agencies, jurisdictional environmental resource agencies, and the public. The Preferred Alternative is the best alternative to address the transportation needs, as well as respond to the expressed needs of the stakeholders in the project area. Please see *Chapter 3* and *Section 3.6.4, Avoidance, Minimization, and/or Mitigation Measures*, for a summary of the traffic mitigation adopted for this project. More details about the traffic analysis methodologies and standards used for the *I-5 NCC Project* can be found in the Draft Technical Report No. 3, as referenced above in the response to your Comment T-83.

T-101 Draft EIR/EIS *Tables 3.6.5* and *3.6.7* (now Final EIR/EIS *Tables 3.6.6* and *3.6.7*) compare the LOS of the general-purpose lanes under the No Build, 10+4, and 8+4 scenarios; there is no difference for the buffer versus barrier variation on the build alternatives. LOS would be misleading and is not a meaningful comparison for the HOV/Managed Lanes, because they would be "managed" to maintain an acceptable LOS; the demand for the HOV/Managed Lanes would vary depending on the congestion pricing at that time. To provide some means for comparison, *Tables 3-6.8 and 3.6-9* compare the potential demand for the HOV/Managed Lanes in the absence of congestion pricing. As would be expected, the demand is greater with the 8+4 alternatives because of the reduced capacity within the general-purpose lanes.

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	T-101 cont. Additional information is provided in Exhibits A, B, and C of the I-5 North Coast Freeway Operations Report (as referenced in the response to Comment T-42). These exhibits show existing (year 2006), 8+4 (year 2030), and 10+4 (year 2030) traffic conditions in terms of ADT, a.m. peak, and p.m. peak hour volumes for both the HOV/Managed Lanes and general-purpose lanes. In addition, Section 9, HOV/Managed Lanes, of the same report provides a detailed discussion of the potential utilization of HOV/Managed Lanes (Demand vs. Tolling Capacity) for each alternative.
	T-102 The intent of the noted alternatives analysis was to expand the performance measures available. The previously referenced Draft Technical Report No. 6 (refer to the response to your Comment T-83) provides analyses in terms of traffic volumes as follows: • Ramp intersection capacity analysis using the Intersecting Lane Vehicles (ILV) methodology; • Intersection operational analysis using the Highway Capacity Manual (HCM) 2000 LOS methodology; • Ramp metering analysis using CMP methodologies; and • Roadway segment analysis using the ADT Arterial Capacity Analysis methodology presented in the CMP guidelines. As stated in Section 4.0, Operations Analysis Summary, of Draft Technical Report No. 6, the primary benefit associated with the *I-5 NCC Project* will be the additional freeway capacity, along with enhanced interchanges, HOV/Managed Lanes, and DARs. It is anticipated, as the report notes, that with the ability to better serve forecast travel demands, this additional freeway capacity will in turn provide a number of corresponding benefits when compared with the Year 2030 no build scenario, including: • Improved interchange ramp intersection operations; • Improved traffic operations at intersections nearby and adjacent to the freeway ramps; • Additional interchange ramp storage; and • Improved traffic operations on parallel and intersecting arterial roadways.

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	T-102 cont. Table 3.1, I-5 North Coast Corridor Proposed Ramp Intersection Improvements, of Draft Technical Report No. 6 lists proposed ramp intersection improvements that would mitigate potential impacts to the immediately adjacent local intersections. Furthermore, it is expected that the proposed interchange improvements and ramp widenings listed in Draft Technical Report No. 6 Tables 4.1, Summary of I-5 North Coast Corridor Proposed Interchange Improvements, and 4.2, Summary of I-5 North Coast Corridor Ramp Storage Improvements, would benefit the adjacent local streets and intersections.
	T-103 The referenced statement is referring to the fact that vehicle trips are generated by residential, commercial, industrial, and institutional land uses, and the project would not develop new trip-generating land uses. While the build alternatives would not generate new trips, it is recognized that traffic could be diverted to the improved freeway from local streets, as reflected within the traffic modeling that was completed for the Draft EIR/EIS. Sufficient documentation of the increased efficiency of the project build alternatives compared to the No Build alternative is provided in *Section 3.6* of the EIR/EIS (and supporting technical appendices). This documentation shows that the 8+4 alternative (i.e., the Preferred Alternative) would accommodate an increased volume of anticipated traffic demand, with improved LOS in most cases, compared to the No Build condition. Please also refer to the response to your Comment T-85.

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	North Coast Project (TSAIR.PDF), p. 30	but would accommodate future traffic volumes by providing increased efficiency via expanded capacity."	This statement goes against common sense and the objective experience of all Southern California communities. Widening of a freeway is known to attract additional traffic from adjacent arterials. Caltrans must provide justification for its statements promoting the idea that widening the freeway will increase the efficiency of the roadway.
104	Traffic Demand Forecasting Report, Aug 2007 (TSTRAFFIC5.PDF) p. 14	The Year 2030 No-Build scenario shows four (4) to eleven (11) percent less demand in the I-5 corridor (mainline, HOV, and bypass lanes) than any of the Year 2030 10+4 build scenarios, and one (1) to eight (8) percent less demand than the Year 2030 8+4 with DAR scenario. The reduced volume in the No-Build scenario is a result of trip diversion to less congested facilities parallel to I-5.	The DEIR/EIS does not clarify why 8+4 or 10+4 expansion alternatives are being considered as a solution to "congestion", when Caltrans' own modeling shows that freeway demand would actually decrease with a no-build scenario. The DEIR/EIS must revise the analysis of "congestion," then discuss the no-build alternative as an equally valid way of reducing I-5 congestion. Revise and recirculate the DEIR/EIS.
105	Traffic Demand Forecasting Report, Aug 2007 (TSTRAFFIC5.PDF) Tables 3.1 and 3.2	[Forecasted ADT for I-5 segment between Via de la Valle and Lomas Santa Fe]	The DEIR/EIS asserts that I-5 requires expansion to relieve congestion, but ADT data presented in the Traffic Demand Forecasting Report does not show significant differences between the various build and no-build alternatives. Data prepared in the DEIR/EIS contradict the need for expansion of I-5 to relieve peak roadway congestion. A preliminary analysis reveals:

T-104 As noted in this comment and stated on Page 11 of the previously referenced Draft Technical Report No. 5 (refer to the response to your Comment T-83), the reduced volume in the no-build scenario would result from trip diversion to less congested facilities parallel to I-5. The report also states, however, that this diversion would be minor due to the high demand and capacity constraints on the adjacent arterial network. A comparison of the No Build alternative with the 8+4 alternative (which is the Preferred Alternative) within the data provided by the Traffic Demand Forecasting Report and *Tables 3.6.6 and 3.6.7* of this Final EIR/EIS, shows that the Preferred Alternative would accommodate an increased volume of anticipated traffic demand, with improved LOS in most cases. Accordingly, the No Build alternative would not provide the greatest reduction of existing or projected congestion, which was the primary reason that the project continued to move forward. Please also refer to Table 4.2, I-5 Annual Average Daily Traffic (AADT), and Exhibits A (Existing Year 2006 Traffic Volumes and Lane Configurations), B (8+4 Alternative Year 2030 Traffic Volumes and Lane Configurations) and C (10+4 Alternative Year 2030 Traffic Volumes and Lane Configurations) of the I-5 North Coast Freeway Operations Report (see the response to your Comment T-83).

T-105 Page 12 of the I-5 North Coast Freeway Operations Report provides an analysis similar to that outlined in this comment. The analysis includes a list of projected 2030 ADT at select locations of the corridor, including the segment between Via de la Valle and Lomas Santa Fe Drive. Please also refer to the response to your Comment T-104.

The Year 2030 traffic forecasts for the proposed alternatives (No Build, 8+4, and 10+4) have an average corridor demand range that is 54 to 74 percent greater than the existing volumes.

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	T-105 cont. The I-5 North Coast Freeway Operations Report shows a list of projected Year 2030 I-5 ADT at select locations along the project corridor, compared to existing conditions. The No Build alternative demand on the I-5 freeway is 4 to 11 percent less than the 10+4 alternative, and 1 to 8 percent less than the 8+4 alternative, as noted above in the response to your Comment T-104. The no build scenario shows less demand than the 2030 Build alternatives as a result of trip diversion to roadways that parallel the I-5 corridor. As stated in the response to your Comment T-104, however, this trip diversion is minor due to high demands and capacity constraints on the adjacent arterial network. The 2030 traffic scenario for the 8+4 alternative with DAR has a 16 percent greater average ADT in the HOV/Managed Lanes than the 2030 traffic scenario for the 10+4 alternative with DAR. This situation is attributed to having a more congested main line on I-5, thereby causing more use of the HOV/Managed Lanes. The total corridor ADT (main line, HOV/Managed Lanes, and bypass) for the 8+4 alternative is approximately three percent less than the 10+4 alternative. It should also be noted that, from the information provided in this comment, the 8+4 alternative would attract fewer ADT than the No Build alternative in the general-purpose lanes (i.e., 285,200 vs. 294,200, respectively), and more ADT in the HOV/Managed Lanes (57,750 vs. 32,740) within the freeway segment from Via de la Valle to Lomas Santa Fe Drive. This traffic comparison demonstrates the adequacy of the project, with the 8+4 alternative providing a potential option to relieve congestion between Via de la Valle and Lomas Santa Fe Drive. Please note that the purpose of the project is to “maintain or improve” LOS and travel times within the corridor. It is also intended to accommodate HOV/Managed Lanes and future BRT travel within the corridor, with the goal of moving more people within fewer vehicles.

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106	Traffic Demand Forecasting Report, Aug 2007 (TSTRAFFIC5.PDF) Tables 3.1 and 3.2	[Forecasted ADT for I-5 segment between Via de la Valle and Lomas Santa Fe]	The DEIR/EIS asserts that I-5 requires expansion to relieve congestion, when ADT data presented in the Traffic Demand Forecasting Report does not show significant differences between the no-build alternative and the 8+4 build alternative involving HOV lanes (without DAR). The data presented in the DEIR/EIS contradict the need for expansion of I-5 to relieve peak roadway congestion. From the DEIR/EIS Comment Table 1 the 8+4 build alternative involving HOV lanes (without DAR) would carry only about 5% more total traffic in this segment than the 2030 no-build option (326940 versus 342950 ADT). The DEIR/EIS does not discuss why it is necessary to add HOV lanes to the existing freeway in order to gain only 5% more capacity. This must be analyzed thoroughly. Please add this discussion to the DEIR/EIS; revise the DEIR/EIS and recirculated.
107	Traffic Demand Forecasting Report, Aug 2007 (TSTRAFFIC5.PDF) Tables 3.1 and 3.2	[Forecasted ADT for I-5 segment between Via de la Valle and Lomas Santa Fe]	The DEIR/EIS asserts that I-5 requires expansion to relieve congestion, when ADT data presented in the Traffic Demand Forecasting Report does not show significant differences between the no-build alternative and the 10+4 build alternative involving HOV lanes (with and without DAR)? The data presented in the DEIR/EIS contradict the need for expansion of I-5 to relieve peak roadway congestion. The DEIR/EIS does not discuss why it is necessary to add more HOV lanes to the existing freeway in order to gain only about 4-7% more HOV capacity (i.e., HOV traffic ADT) by 2030. This must be analyzed thoroughly. Please add this discussion to the DEIR/EIS; revise the DEIR/EIS and recirculate.
108	TRAFFICREPORTV 47.PDF, Table 3.8	[LOS Tables do not support congestion relief]	The DEIR/EIS presents the I-5 widening project(s) as a means of relieving freeway congestion, in the so-called bottleneck between Via de la Valle and Lomas Santa Fe, but there is no evidence from Table 3.8 that Level of Service at key intersections will be improved in the short run or the long run.

T-106 It should be noted that the 8+4 build alternatives assumed DAR connections to the HOV/Managed Lanes. As noted above in the response to your Comment T-105, the preliminary analysis provided in this comment points out that the 8+4 alternative would attract less ADT than the No Build alternative on the general-purpose lanes (285,200 vs. 294,200, respectively), and more ADT on the HOV/Managed Lanes (57,750 vs. 32,740) for the freeway segment from Via de la Valle to Lomas Santa Fe Drive. This traffic comparison demonstrates the adequacy of the project, with the 8+4 alternative providing a potential option to relieve congestion between Via de la Valle and Lomas Santa Fe Drive.

The project traffic studies demonstrate that there would be approximately 76 percent more traffic using the HOV/Managed Lanes in year 2030 (8+4 with DAR alternative) than with the No Build alternative in the segment between Via de la Valle and Lomas Santa Fe Drive (i.e., 57,750 vs. 32,740 ADT.) Please refer to Draft Technical Reports 5 and 6, as referenced in the response to your Comment T-83, for more information. There would also be approximately 53 percent more traffic using the HOV/Managed Lanes under the 10+4 with DAR alternative than with the No Build alternative (i.e., 50,050 vs. 32,740 ADT), with this number dropping slightly to approximately 48 percent for the 10+4 without DAR alternative (48,550 vs. 32,740 ADT). One of the strategies to improve mobility in the San Diego region is to encourage more carpool usage along local highways. As shown by the above traffic comparisons, the proposed implementation of HOV/Managed Lanes along the North Coast Corridor would significantly contribute to those efforts. Please also refer to the response to Comment T-105.

T-107 According to Draft Technical Reports 5 and 6 (refer to the response to your Comment T-83), the following traffic volumes would be associated with the build and No Build alternatives for the segment of I-5 between Via de la Valle and Lomas Santa Fe Drive – (1) approximately 76 percent more traffic would use

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			Table 3.8 (Northbound I-5 estimated general purpose lane LOS summary) for many, if not all, intersections shows that the Level of Service will not significantly improve during peak hours (particularly PM) at the 2030 horizon for all alternatives compared to the no-build option. For example, compared to existing LOS, the northbound segment between Via de la Valle and Lomas Santa Fe remains at LOS F during PM peak traffic for all build and no-build options. Thus, no improvement in level of congestion (that is, LOS) is expected over existing conditions or over the no-build option for any build alternative. The DEIR/EIS needs to show the I-5 widening project is a solution to freeway congestions in North County. The DEIR/EIS must reanalyze the LOS data and set thresholds of significance for improvement in level of congestion. Provide this analysis and thresholds of significance in a revised and recirculated DEIR/EIS.
109	TRAFFICREPORTV 47.PDF	Table 3.2 (AADT) shows that build alternatives would actually increase traffic relative to the no-build alternative	The DEIR/EIS proposed build alternatives would actually increase traffic compared to the no-build alternative. 2030 AADT projections in Table 3.2 for the approximately 1 mile of freeway portion running through one half of Solana Beach shows that daily traffic (i.e., AADT) would increase by 61% compared to existing (2006) conditions even under the no-build option. Traffic (AADT) is projected to increase by 74% for the 10+4 build option. Traffic would clearly be improved with the no-build option. We believe the data for Solana Beach area are representative of data for other freeway segments along the 27-mile corridor. Total GHG emissions and PM10 were estimated using ICLEI Climate Action Climate Protection (CACP) software (2009). AADT served as input data for the years 2006 and 2030, as appropriate, using the software's Transport Assistant module, PM2.5 was estimated from PM10 using 0.49 as the ratio between PM2.5 / PM10 for Southern California [Rudof Husar, Center for Air Pollution Impact and Trend Analysis at Washington University].

T-107 cont. the HOV lanes in year 2030 under the 8+4 with DAR alternative compared to the no build option (57,750 vs. 32,740 ADT) for Drive; (2) approximately 53 percent more traffic would use the HOV/Managed Lanes under the 10+4 with DAR alternative compared to the no build option (50,050 vs. 32,740 ADT); and (3) approximately 48 percent more traffic would use the HOV/ Managed Lanes under the 10+4 without DAR alternative compared to the no build option (48,550 vs. 32,740 ADT). One of the strategies to improve mobility in the San Diego region is to encourage more carpool usage along local highways. As the above traffic comparisons show, the proposed implementation of HOV/Managed Lanes along the I-5 NCC would significantly contribute to those efforts.

T-108 It should be noted that Table 3.8, Southbound I-5 Predicted Weekday Bottlenecks and Total Delay "No Build/2015," of the I-5 North Coast Traffic Report reflects the estimated LOS along the general purpose lanes, not at the intersections themselves (refer to the response to your Comment T-83). An in-depth peak hour intersection operations analysis can be found in Section 3.4, Peak Hour Intersection Operations Analysis (HCM), of Draft Technical Report No. 6, with a summary of intersection operations under the project alternatives in the vicinity of Via de la Valle and Lomas Santa Fe Drive provided above in the response to your Comment T-99B.

T-109 As noted above in the response to your Comment T-103, a Preferred Alternative has been identified, and is a refined 8 + 4 Buffer alternative, which is the smallest of the build alternatives proposed in the Draft EIR/EIS. Traffic operating conditions would be worse under the No Build alternative than for the Preferred Alternative. Specifically, the proposed Preferred Alternative would provide improved mobility for trips on the I-5 freeway and on the LOSSAN rail corridor. Quantitative data from the project air quality and GHG analyses are presented in EIR/EIS *Section 3.4, Air Quality*, and *Chapter 4, California Environmental*

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	CHAPTER 3.7 Visual and Aesthetics		

Via de la Valle <> Lomas Santa Fe	Annual Average Daily Traffic (AADT)	GHG Emissions (metric tonnes/yr)	$PM_{2.5}$ (metric tonnes/yr)
2006 Existing Conditions	203,600	45,776	1.3
2030 No-build Option	326,940 (+ 61%)	73,507	2.1
2030 10+4 Option	354,250 (+ 74%)	79,647	2.3

GHG emissions and levels of toxic air pollutants like PM2.5 are expected to rise by the 2030 horizon regardless of what is built or not built for freeway expansion. However, AADT would increase significantly more – 74% as opposed to 61% -- by adding lanes to the existing freeway (see DEIR/EIS Comment Table above). Along with this significant increase in AADT, the corresponding GHG emissions and toxic air pollutants will also increase significantly (see Table above).

Thus, there seems to be no justification whatsoever for Caltrans' contention that expanding the freeway will actually reduce GHG and air pollution relative to the no-build option, as the DEIR/EIS claims in Chapter 4 – CEQA Evaluation, Table 4.1.

The DEIR/EIS must be revised to resolve this apparent disconnect and to provide accurate justification for the need to expand the I-5 corridor in North County. Clearly, transit improvements that will reduce, rather than increase, GHG emissions and toxic air pollutants are called for in a comprehensive transit plan.

T-109 cont. *Quality Act Evaluation*, respectively. These data show that future air quality and GHG emissions are improved under the Preferred Alternative, as opposed to the No Build alternative, with the Preferred Alternative also providing a more efficient transportation system and greater mobility than the No Build alternative. Additional discussion of GHG impacts is provided in Topical Response "Climate Change." Please also refer to Topical Responses "Projected Growth" and "Project Lifespan" regarding accommodation of growth and the limited lifespan of transportation improvements.

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110	Overall comment	Lack of impact analysis	The Visual/Aesthesis section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. This analysis needs to be provided and the DEIR/EIS recirculated.
111	Overall analysis	Lack of CEQA Thresholds of Significance	The Visual/Aesthesis section does not present any criteria for determining the thresholds of significance under CEQA. This is a fundamental flaw of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
112	General Comment	Additional analysis required	Without providing conceptual drawing demonstrating the proposed noise wall along the I-5, a complete assessment of impacts cannot be achieved. The DEIR/EIS needs to be revised to include visual simulations of the noise walls at the driver's eye level along the Solana Beach segment of the I-5 corridor for analysis of significant view impacts to the coastal views and views noted in the City of Solana Beach General Plan.
113	Page 3.7-5 Solana Hills	Criteria for vividness, intactness, and unity	The use of the term "moderate" is undefined as it relates to the assessment criteria of vividness, intactness, and unity. The DEIR/EIS needs to define this term and all terms relating to aesthetics impact criteria.
114	Page 3.7-5 Solana Hills	The boundaries are not stated.	The DEIR/EIS must define the boundaries of the various view sheds referenced to be in or around the City of Solana Beach (i.e., Solana Beach Hills, San Elijo Valley and Cardiff Bluffs). Figure 3-7.1: Landscape Units Map (not to scale) needs to be revised to include "to scale" measurements.
115	Section 3.7.2 Affected Environment	Page 3.7-5	The DEIR/EIS Acknowledges the existence of natural forms and human-scale manufactured visual elements adjacent to the freeway within the City of Solana Beach. The Document attempts to address the visual impact of the proposed

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T-110 The visual effects of the project have been adequately addressed in EIR/EIS *Section 3.7, Visual/Aesthetics* and the Visual Impact Assessment revised April 2009. The approach to the analysis of the alternatives is explained on page 3.7-16 of the Draft EIR/EIS. Differences in freeway width between the proposed build alternatives would be relatively minor in most locations, and proposed freeway features expected to affect visual resources such as noise walls would be the same or similar. The analysis methodology follows federal guidance as discussed in EIR/EIS *Section 3.7.3, Environmental Consequences*. The criteria to be used in the analysis were identified in the Draft EIR/EIS under the headings *Assessment Method* and *Definition of Visual Impact Levels*. The Draft EIR/EIS analysis included 38 photos of existing resources and 18 visual simulations to aid readers of the document in understanding the visual effects of project implementation. An additional 18 simulations have been provided in this Final EIR/EIS in *Section 3.7* under the heading *Other Representative Views*. These simulations clearly show the nature of visible changes in the project-related areas depicted.

T-111 Please refer to the responses to your Comments 10 and T-6 regarding use of thresholds. Please note that the fact that an impact is identified in *Chapter 3* does not lead directly to identification of a significant impact under CEQA in *Chapter 4*. An impact identified under NEPA, with associated avoidance, minimization, and mitigation measures pursuant to NEPA, may be beneficial, or adverse, but less than significant under CEQA.

T-112 Visual simulations include *Figure 3-7.44 – Key View #2 - I-5 at Del Mar Heights Road – Proposed view looking north; Figure 3-7.46 – Key View #3 - Ida Avenue – Proposed view looking north; Figure 3-7.48 – Key View #4 - I-5 at Ida Avenue – Proposed view looking southwest;* and *Figure 3-7.50 – Key View #5 - I-5 at Manchester Avenue – Proposed view looking north*. While not all of these views are within the Solana Beach segment of I-5, these views are representative of anticipated noise walls along the I-5 corridor. Visual impacts were concluded to be moderately high and high.

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	T-113 These terms are defined in detail in the FHWA guidance document, Visual Impact Assessment for Highway Projects referenced in the Visual Impact Assessment revised April 2009 and available through the Caltrans Standard Environmental Reference home page at www.dot.ca.gov/ser/downloads/visual/FHWAVisualImpactAssmt.pdf As an example, very high vividness indicates a high level of memorability, and unity/intactness would have no man-made development, encroachments, or undesirable eyesores. Low vividness would be "forgettable" in nature and unity/intactness could have a high degree of man-made development or many visually inconsistent elements "encroaching" into the view. The FHWA guidance document presents photographs that illustrate these concepts and terms. T-114 A viewshed is defined as all the surface areas visible from an observer's viewpoint. The Project Viewshed Map in the Visual Impact Assessment illustrates the general boundaries of the viewsheds and locations where distant views are available from the freeway (and where the freeway can be seen from distant view locations). T-115 The referenced impact has been reduced since the Draft EIR/EIS was circulated for public review. Specifically, the Manchester DAR was redesigned to eliminate an overcrossing and integrate a DAR undercrossing, substantially reduce proposed parking, and commit to pervious hardscape. This and other project changes are evaluated in the Supplemental Draft EIR/EIS, which has been incorporated into the Final EIR/EIS. Please also refer to Topical Response "Visual/Community Effects" for additional information about visual effects related to the project.

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			project from a driver's point of view. However, the DEIR/EIS fails to analyze the impact of the proposed freeway expansion to the Solana Beach community and specifically the view corridor towards the north west direction from the Santa Fe Hills community. Currently, this community enjoys a combined view of lagoon, ocean and open space. With the construction of the Direct Access Ramps (DAR) and the park and ride facility at the Manchester interchange, this view corridor will be permanently diminished. The DEIR needs to be revised to address this issue and be re-circulated for public review/comment.
116	Page 3.7-13 15th paragraph	Hundreds of residents live near the freeway.	How was this count determined? This is a dismal effort to determine how many people will be directly affected by the project. In Solana Beach, all residents live within one mile north or south of the existing freeway. Therefore with the project, all City residents will be impacted by widening the freeway through the City. The DEIR/EIS needs to re-analyze project impacts to residents and business owners within proximity to the freeway, as well as delete this statement.
117	Page 3.7-15 5th paragraph	Specific goals and policies contained in the general plans of other cities in the corridor reflect the community values expressed above.	The DEIR/EIS must state the various City's goals and objectives for aesthetics and viewscapes, and assess for project consistency. Without this information it is unclear whether or not the project conforms to City policy and goals. The DEIR/EIS must be revised to include essential information.
118	Page 3.7-35	Views from the freeway would be diminished in quantity and quality by the introduction of walls, structures and appurtenances (overhead signs, traffic sensors, video cameras, etc.). Visual access to the ocean and other views would be obstructed by noise walls in several locations, isolating travelers from	As stated in the DEIR/EIS the project will result in obstruction of views, and diminished quality and quantity of views by the introduction of sound walls, noise walls and structures and appurtenances. This will result in "tunnel visioning" along the freeway in the City, as well as other corridors along the I-5. The "tunnel visioning" will constitute a significant adverse aesthetic impacts in the City associated with 12 to -42 ft high retaining/noise walls to be built by Caltrans. What other design features were considered to reduce this significant aesthetic impact? Why were these options not carried into the project design? These questions must be answered and included in the Alternatives Analysis chapter of the revised DEIR/EIS.

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T-116 The statement was based on aerial views and is meant to convey the fact that many people are within view of the freeway. The exact number of homes and residents within view of the freeway is not essential to the analysis.

T-117 Sufficient information from local planning documents is provided in *Section 3.7* to document that views within the North Coast Corridor are valued by the local communities. This policy information was factored into the conclusion that the project would substantially lower visual quality within the corridor.

T-118 Updated information regarding noise walls associated with the Preferred Alternative is provided in the Final EIR/EIS. Please refer to Topical Response "Visual/Community Effects" for additional information about visual effects related to the project. The visual impacts of the project were disclosed in the Draft EIR/EIS and have been consistently recognized as "high."

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		scenic resources. The most adverse loss of view would be the obstruction of an existing ocean view (Key View #4) in Solana Beach.	
119	Page 3.7-35	In some cases, such as the ones shown in Key Views #10 and #15, large walls would be in close proximity to residents, affecting light access and air circulation.	Key View #3 in Solana Beach would result in a 42 foot high wall and would significantly impact residents living nearby, by affecting light access, air circulation, and visual quality. This sentence needs to be revised to acknowledge this severe impact. The DEIR/EIS must be re-written to include mitigation measures to reduce this impact and recirculated for public review to allow disclosure of this new significant adverse environmental impact.
120	Page 3.7-36	Figure 3-7.78: Visual Impact Summary Map	This figure is not consistent with the Figure 3-7.41: Key View Map or Figure 3-7.1: Landscape Units Map (not to scale). Whereas the assessment of impacts does not accurately portray the loss of ocean views, loss of view to resource, and impact to resource in addition to loss of desirable view (thus recreating the "tunnel vision"), and impact of the addition of large structures and walls. The DEIR/EIS must be revised to acknowledge these impacts. Proper acknowledgement of potential impacts would have revealed the need for more appropriate mitigation, and for examination of alternatives to avoid or reduce affected areas.
121	Overall comments	3.7.4 Avoidance, Minimization, and/or Mitigation Measures	Deferred mitigation is strictly prohibited in CEQA (consisting of adhering to the following design requirements in consultation with the District 11 Landscape Architect (DLA), and corridor design guidelines would be developed under the direction of the DLA). Please list out the requirements and state whether or not they are intended to offset or reduce potential impacts. The DEIR/EIS must provide a list indicting the locations of all proposed retaining walls, sound barrier walls, mechanically stabilized earth walls, safety railing, landscaping, surface treatments, and overcrossing and undercrossing abutments. This information must be included in a revised DEIR/EIS that is recirculated for public review and comment. As comments previously, use of the terms "should" and "if at all possible" are

T-119 The analysis in *Chapter 3* of the EIR/EIS does not conclude significance. Please refer to the response to your Comment 10. The visual impact at Key View #3 was concluded to be moderately high, which is defined as "Moderate negative visual resource change with high viewer response or high negative visual resource change with moderate viewer response. Extraordinary mitigation practices may be required. Landscape treatment required would generally take longer than five years to mitigate." EIR/EIS *Section 4.4.1, Visual/Aesthetics*, concludes impacts to views that range from moderate visual impact to high visual impact are considered significant under CEQA. Revised soundwall information for the Preferred Alternative is provided in the Final EIR/EIS, and coordination with the City of Solana Beach regarding soundwall design and implementation will continue. Please also refer to Topical Response "Soundwall Considerations" for additional information about soundwall considerations and Topical Response "Visual/Community Effects" for additional information about visual effects.

T-120 It is not clear what inconsistency among the three figures is being referenced in this comment. The types of impacts listed in this comment are acknowledged in the EIR/EIS. Please refer to the updated noise analysis for the Preferred Alternative within the Final EIR/EIS and Topical Response "Visual/Community Effects" for additional information about visual effects.

T-121 EIR/EIS *Section 3.7.4, Avoidance, Minimization, and/or Mitigation Measures,* explains that because the project has not completed final design, specific visual mitigation measures cannot be proposed at this time. The EIR/EIS also states that alternative mitigation measures may be necessary in each viewshed as project designs are developed and mitigation design guidelines are applied, that the overall visual impact of each mitigated build

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			not enforceable mitigation measures. As such, the language needs to be revised to include enforceable mitigation.
122	Overall Comments		A Statement Of Overriding Considerations will be required for significant and unavoidable project impacts to visual resources / aesthetics (State CEQA Guidelines §15093). As a Responsible Agency, the City will be asked to concur with Caltrans Findings of Fact supporting a Statement of Overriding Considerations. At this point, the City cannot support any alternative that results in unavoidable adverse effects of a project that has neither demonstrated it is needed or feasible.
	Chapter 3.8 Cultural Resources		
123	Overall comment	Lack of impact analysis	The Cultural Resources section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated per CEQA guidelines.
124	Overall analysis	Lack of CEQA Thresholds of Significance	The Cultural Resources section does not present any criteria for determining the thresholds of significance under CEQA. This is a significant defect of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
125	Page S-4 2nd paragraph	Significant Irreversible Environmental Changes: The following resources would be converted:	The Summary chapter states Cultural Resources will be "converted", but does not provide corresponding analysis to support this conclusion. The loss or impact to two (2) archeological resources is in fact significant for the purpose of NEPA and CEQA analysis.

T-121 cont. alternative would remain high under NEPA, and that impacts to Visual/Aesthetics would remain significant under CEQA after implementation of the mitigation identified in *Chapter 3* and in the Design Guidelines: I-5 NCC Project, which are available on the Caltrans website and keepsandiegomoving.com.

The locations of proposed walls and associated aesthetic improvements have been identified to the level of detail possible at this stage of design, and recommended walls are depicted on Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*. Caltrans has committed to analyzing the visual effects of specific project features, synthesizing applicable mitigation measures from the EIR/EIS and the Design Guidelines: I-5 NCC Project, applying those requirements to actual design features in specific locations, and submitting proposals to the project design team during project design and construction, after project approval and selection of an alternative. This commitment does not indicate mitigation measures are being deferred.

Because the project design process is ongoing and will not (and cannot) be completed prior to final environmental review, identification of mitigation is necessarily "generic and illustrative." This does not mean that identified mitigation measures are not valid or applicable, but rather that precise site-specific characteristics will not (and cannot) be identified until additional design detail is available. Identified mitigation measures are based on extensive Caltrans experience with similar projects. Whether or not a particular mitigation measure is applicable or likely to completely mitigate the identified impact can be projected with a relatively high level of certainty fairly early in the process (e.g., at the time of Draft EIR/EIS circulation). For example, the identification of replacement and/or additional landscaping per Caltrans standards is a valid mitigation measure, even though it is not practical to develop precise site-specific design details at this time. In other words, details such as the exact type and numbers of plants, location, and height of proposed landscaping

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	T-121 cont. may vary with design factors; including grading parameters (e.g., manufactured slope dimensions), the nature/extent of proposed facilities (including whether or not soundwalls are ultimately approved by the shielded property owners), the nature and quality of associated visual resources, physical planting limitations, and irrigation requirements. Consistent with this phased approach, this Final EIR/EIS contains the Design Guidelines: I-5 NCC Project, which provides additional specificity over that provided in the Draft EIR/EIS. All mitigation specified within the EIR/EIS is considered to be enforceable; extensive measures for visual effects are included in Appendix D, Environmental Commitments Record. Terms such as "if at all possible" allow for some flexibility based on final design parameters and agreements with affected responsible agencies. The EIR/EIS discloses that mitigation measures that require regular maintenance and are located outside Caltrans right-of-way such as trees planted along local streets or measures that require the installation of non-standard equipment within the right-of-way, such as pedestrian bridge lighting, can be implemented only if the responsible local government would be willing to maintain them in perpetuity. T-122 A Statement of Overriding Considerations will be prepared, as required under CEQA, to address impacts to visual resources that are concluded to be significant and unmitigable in EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects.* Caltrans acknowledges the City's position regarding alternatives that result in "significant and unavoidable effects." T-123 The effects of the project on archaeological sites and built environment resources over 50 years old have been adequately addressed in EIR/EIS *Section 3.8, Cultural Resources,* and the technical studies listed in *Section 3.8.2, Affected Environment*. The basis for analysis is explained in *Section 3.8.1, Regulatory Setting*. Effects to cultural resources would apply equally to all the build alternatives, as noted in *Section 3.8.3, Environmental Consequences*; therefore, the alternatives are not discussed separately, as is done for some other issues. Please also refer to the responses to your Comments 10 and T-6.

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		wetlands, sensitive species and natural communities, farmlands, homes, floodplain, cultural resources, and visual resources.	Because the DEIR/EIS fails to comply with this requirement of NEPA and CEQA, the document must be revised to include this assessment and recirculated for public review.
126	Page S-10 4th paragraph	Built Environment Resources For the two NRHP/CRHR eligible historic properties identified within the Built Environment APE, 510-514 La Costa Avenue and 767 Orpheus Avenue, project design changes were made that avoided adverse effects to the resources by reducing impacts to an absolute minimum. Therefore no mitigation measures are required.	The DEIR/EIS states there will be adverse impacts to two (2) historic properties (in Carlsbad and Encinitas) [CA-SDI-12670 and CA-SDI-17928 to be impacted]. The conclusion that "no mitigation measures are required" is not supported by any analysis. Further, on the same page, mitigation measures are referred to. Although these adverse impacts do not directly affect the City of Solana Beach, we recognize the DEIR/EIS itself is flawed due to lack of internal consistency and is inadequate for the purpose of CEQA analysis. This discrepancy within the DEIR/EIS needs to be resolved and clarified. The DEIR/EIS must be revised accordingly.
127	Page 3.8-1	Cultural resource reports prepared for the project to date: Historic Property Survey Reports (HPSR): • [Original] HPSR (March 2007) • First Supplemental HPSR (May 2008) • Second Supplemental HPSR (May 2008) • Archaeological Survey Reports (ASRs [Original] ASR (2002)	These studies have not been made available for review. The studies are not included with the DEIR/EIS nor are they available on the project website. CEQA requires full disclosure of public record (State CEQA Guidelines §15150). NEPA requires that the appendix to contain material prepared in connection with the EIS (CEQ §1502.18) Because the DEIR/EIS fails to comply with these stated requirements of NEPA and CEQA, the document <u>and its technical studies</u> must be recirculated to allow for meaningful public review and comment.

T-124 Please refer to the responses to your Comments 10 and T-6.

T-125 The *Executive Summary* does not contain analysis. Please refer to EIR/EIS *Section 3.8.3, Environmental Consequences*, for detailed information about cultural resources effects. The two archaeological resources mentioned in this comment would not be lost. The EIR/EIS notes that proposed soundwall locations would only impact a very small portion of each site, and that through retrieval of the information from the affected site areas, i.e., data recovery, and then analyzing, documenting, and curating the archaeological materials, impacts to the resources would be mitigated. Significance is not concluded for NEPA. Please refer to the response to your Comment 10.

T-126 The *Summary* does not contain analysis. Please refer to EIR/EIS *Section 3.8.3, Environmental Consequences*, for detailed information about cultural resources effects. Regarding archaeological sites CA-SDI-12670 and CA-SDI-17928, please refer to the response to your Comment T-125.

Regarding the eligible historic properties mentioned in this comment, the discussion under Built Environment Resources notes that small right-of-way sliver acquisitions at the perimeter of the two historic properties are required to construct the project and/or build a soundwall, and these acquisitions would not affect any of the qualities that make these properties significant, as no buildings, landscaping, or other contributing features would be impacted.

There is no discrepancy and the EIR/EIS does not need to be revised.

T-127 Please refer to the responses to your Comments 18 and T-3.

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		• Supplemental ASR (December 2006) • Second Addendum ASR (July 2008) • Third Addendum ASR (July 2008) Historic Resource Evaluation Reports (HRER) for historic structures: • [Original] HRER (July 2005) • First Addendum HRER (August 2006)	
128	Page 3.8-2 3rd paragraph	Three architectural resources are eligible for the NRHP/CRHR: 767 Orpheus Avenue, 636 Leucadia Boulevard, and 510-514 La Costa Avenue…	This statement conflicts with the Summary chapter findings. Please revise the DEIR/EIS accordingly to remedy the inconsistent conclusions of the impact analysis and findings.
129	Page 3.8-3 6th paragraph	Adverse effects would result from soundwall construction, should they be built.	The DEIR/EIS acknowledges adverse impacts to cultural resources but disregards measures to offset or reduce impacts. Proper acknowledgment of potential impacts would have revealed the need for mitigation. As such, the DEIR/EIS needs to be revised to include feasible mitigation measures to reduce these impacts and recirculated for meaningful public review.
130	Page 3.8-3 9th paragraph	None of the three built environment resources determined eligible within the APE would be adversely affected by the undertaking.	As stated in earlier comments regarding cultural resources, the DEIR/EIS goes back and forth in regards to 2 or 3 impacted areas. This discrepancy needs to be corrected. In addition, this statement conflicts with the above statement (same page, 6th paragraph) whereas adverse impacts are concluded. The analysis must be revised to disclose potential cultural resource impacts and to reflect necessary mitigation. Where required, mitigation measures need to be clearly laid out and

T-128 Three historical resources are eligible for the National Register of Historic Places/ California Register of Historic Resources (NRHP/CRHR), but two are located within the Area of Potential Effect (APE). These are the two resources mentioned in the *Executive Summary*. There is no conflict. Please also note that one of the resources that was located in the APE at the time the Draft EIR/EIS was circulated has since been removed from the APE through design refinement.

T-129 No measures to reduce impacts to the two eligible archaeological resources have been disregarded. The EIR/EIS notes that proposed soundwall locations would only impact a very small portion of each site, and that through retrieval of the information from the affected site areas, i.e., data recovery, and then analyzing, documenting, and curating the archaeological materials, impacts to the resources would be mitigated.

T-130 Three historical resources are eligible for the NRHP/CRHR, but two were located within the APE at the time of the Draft EIR/EIS circulation. Please also refer to the responses to Comments T-123 through T-129.

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			in proportion to the adverse impact.
131	Page 3.8-4 1st and 2nd paragraph	Additional efforts to avoid causing indirect impacts to eligible archaeological sites would include archaeological and Native American monitoring and establishment of ESAs around the sites. ESAs would be marked on the construction contract Plans, and would be called out in the contract Specifications…	The City recognizes these items are intended to offset or reduce potential impacts; and therefore, these efforts are designed to avoid impacts which are in fact mitigation measures. The DEIR/EIS must be re-written to acknowledge these statements. For example, if these "additional efforts" are not implemented, what would the impact be? In addition, various discussions pertaining to cultural resources stating there is no mitigation will need to be revised for consistency. See State CEQA Guidelines §§15126.4 & 15380 and CEQ §1508.20.
	CHAPTER 3.9 HYDROLOGY / DRAINAGE (and Floodplains)		
132	Location Hydraulic Studies – Tech Document	General	The Location Hydraulic Studies provide tables comparing the existing and proposed condition water surface elevations. A comparison must also be made of the flow velocities along with a discussion of the differences. An increase in flow velocities from the project can increase the potential for channel erosion. Areas subject to erosion impacts from the San Dieguito River and Escondido Creek flows needs to be identified, the impacts defined, and proper protection provided to mitigate for erosion damage. Revise DEIR/EIS as noted above and recirculate for public review/comments.
133	Location Hydraulic Studies – Tech Document	General	The Location Hydraulic Studies need to discuss sediment transport (scour and deposition) impacts associated with the projects. Both general and local scour (pier and abutment) needs to be discussed. For example, the current I-5 bridge over the San Dieguito River is described as having pier walls with widths from 1.5 to 2.5 feet. These will be replaced with 4-

T-131 The measures discussed in EIR/EIS *Section 3.8.4, Avoidance, Minimization, and/or Mitigation Measures,* would be incorporated into the project and are therefore properly identified as features that would avoid impacts. The assurance that these measures would be incorporated into the project is also documented in Appendix D, Environmental Commitments Record.

T-132 Local drainage issues, including the potential for erosion, are addressed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*. As noted in *Section 3.10.4, Avoidance, Minimization, and/or Mitigation Measures*, the project will be designed with design pollution prevention (DPP) best management practices (BMPs) that are standard technology-based, non-"treatment" controls selected to reduce pollutant discharges to the maximum extent practicable. DPP BMPs have the following design objectives: prevent downstream erosion, stabilize disturbed soil areas, and maximize vegetated surfaces consistent with Caltrans policies. These measures will prevent effects on downstream channel stability through changes in the rate and volume of runoff, the sediment load due to changes in the land surface, and other hydraulic changes from stream encroachments, crossings, or realignment.

T-133 Damage to project components such as bridge piers and abutments from issues such as scour and erosion would not be allowed to occur. Please refer to the response to your Comment T-132.

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			foot diameter piers. Larger piers will experience greater pier scour. The sediment transport impacts must be quantified and discussed to ensure that the project will not adversely affect scour or deposition at or near the project site. Sediment transport impacts are not necessarily localized near the project footprint, but can extend upstream or downstream. Adverse scour could jeopardize the stability of existing utilities or improvements along the watercourses and lagoons. Buried utilities that can be impacted by increased scour must be identified. Adverse deposition can increase water surface elevations and the potential for flood inundation in properties along the rivers. Revise DEIR/EIS as noted above and recirculate for public review/comments.
134	Location Hydraulic Studies – Tech Document	General	Caltrans' bridge hydraulic design criteria are based on the 50-year storm or the flood of record (with minimum of 2 feet of freeboard) as well as the 100-year storm. The Location Hydraulic Studies only discuss the 100-year storm. The other Caltrans' required events must also be analyzed and compared to ensure that the proper freeboard is being provided at the bridges and to ensure that Caltrans' criteria is met. Since Interstate 5 is a major transportation corridor, it is critical that adequate freeboard with the factor of safety specified by Caltrans is met. Revise DEIR/EIS as noted above and recirculate for public review/comments.
135	Location Hydraulic Studies – Tech Document	General	The *San Elijo Lagoon Location Hydraulic Study* indicates that the project will lower the 100-year water surface elevations upstream of the bridge. However, the floodplain mapping shows that a portion of the proposed floodplain is wider than the existing floodplain. This and any other similar discrepancies should be justified. It is possible that the existing floodplain is narrower because the FEMA study shows a Zone A floodplain. Information should be provided regarding tie-ins to the FEMA studies. The *Location Hydraulic Studies* do not demonstrate a tie-in with the upstream and downstream FEMA floodplain and floodways. The FEMA regulations (Title 44, Code of Federal Regulations, Part 65.6) require tie-ins within specified limits. The hydraulic analyses and floodplain/floodway mapping must demonstrate that the proper tie-ins are achieved in accordance with FEMA regulations. Revise DEIR/EIS as noted above and recirculate for public review/comments.
136	Location Hydraulic	General	Tidal impacts and tide elevations must be considered in the Location Hydraulic

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T-134 Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. This evaluation includes the results of associated hydrologic/hydraulic technical analyses and related Caltrans interaction with lagoon scientists to determine appropriate bridge and channel dimensions. As described in the lagoon matrices in *Section 3.17* of the Final EIR/EIS, all of the I-5 bridge crossings under the proposed project would exhibit adequate (minimum three-foot) freeboard under a 100-year flood scenario and assuming a maximum 4.5-foot sea level rise, except for the Carmel Creek bridge, which would exhibit a flood flow deficiency of approximately 0.7 foot of freeboard. Currently, tidal flow does not reach the I-5 bridge over Carmel Creek. If future sea level rise allows for tidal flows to extend upstream to the bridge, it would be minimal and Caltrans could implement adaptation strategies to ensure continued access across Carmel Creek during a 100-year flood event. Specifically, these strategies could include removing additional sediment from under the bridge, replacing the bridge, and/or other design strategies available at that time. A deficiency of 0.7 foot of freeboard would not result in flooding of all freeway lanes at this crossing, even if all of the conservative assumptions in the associated Federal Emergency Management Agency model occurred. Rather, this 0.7-foot freeboard deficiency represents a temporary build-up of water east of I-5, with freeway access anticipated to be maintained. Please also note that subsequent to lagoon modeling the Statewide assumption for sea level rise

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	Studies – Tech Document		Studies. These elevations will cause a backwater effect on the upstream water surface elevations in the lagoons and watercourses, which will influence the hydraulic analyses. The full range of backwater elevations associated with tidal variations must be considered in the hydraulic analyses to ensure that water surface elevations and flood inundation are not being increased by the project. If increases occur, then mitigation measures must be identified.
137	Location Hydraulic Studies – Tech Document	General	The *San Dieguito River Location Hydraulic Study* states that the Momentum Equation was used to analyze the bridge hydraulics. The *San Elijo Lagoon Location Hydraulic Study* states that the Standard Step Method was used. The variation needs to be explained and justified. HEC-RAS provides four methods for computing losses through a bridge. A discussion comparing the four methods and rationale for the preferred method must be included in the DEIR/EIS to ensure that the proper methodology is being used. Revise DEIR/EIS as noted and recirculate for public review/comments.
138	3.9.1 / page 3.9-1	General	The section is titled "Hydrology/Drainage (and Floodplains)." However, the section focuses on floodplains and does not discuss local drainage impacts, specifically to Solana Beach. The widening project will increase the impervious area, which will increase surface flow rates and flow volumes. The impacts and mitigation associated with local storm flows needs to be addressed. The City of Solana Beach has public storm drain systems that can be adversely impacted by additional storm flow contributions from the proposed project. This can lead to greater surcharge and flood inundation along the public facilities if not properly mitigated. The DEIR/EIS must analyze the capacity of the existing storm drain systems and address impact of the additional runoff to the local storm drain systems and provide appropriate mitigation in forms of constructing additional parallel systems or expanding the existing storm drain systems. The DEIR/EIS must identify the downstream drainage facilities within the city, impacts on the facilities associated with increased runoff from the project, and the appropriate mitigation. Revise DEIR/EIS as noted above and recirculate for public review/comments.
139	3.9.2 / page 3.9-1		Section 3.9.2 of the DEIR/EIS identifies the watercourses currently mapped with FEMA floodplains and floodways that will be impacted by the project. The *Code of Federal Regulations (CFR)* provides specific requirements for encroachments

T-134 cont. was reduced to 3.1 feet. Under that assumption there would be no deficiency at all.

Based on the above discussion regarding freeboard conditions for the I-5 bridge crossings under 100-year flood and maximum projected sea level rise, adequate freeboard would also be maintained for 50-year and other applicable flood conditions, as the associated flow rates would be lower or, in the case of the Carmel Creek bridge, the previously described adaptation strategies could be implemented if necessary. Please also refer to Topical Response "Lagoon Evaluations" for additional information on potential bridge design and related effects to coastal lagoons.

T-135 Caltrans agrees that the model did not extend far enough upstream and downstream to tie into the FEMA models. This will be revised during final design to conform to CFR 44 Part 65.6. Since the impacts to the water surface elevation and floodplain boundary are minor, these changes to the model would not appreciably change the Zone A floodplain delineation. This lagoon is also in the early stages of planning for a restoration project that will alter the topography of the floodplain. This and the associated rail, freeway and highway (101) bridge improvements will all need to be remodeled after the final configuration plans have been adopted.

T-136 The elevation will be re-evaluated during final design. Since the impacts to the water surface elevation and floodplain boundary would be minor, these changes to the model would not appreciably change the Zone A floodplain delineation. This lagoon is also in the early stages of planning for a restoration project that will alter the topography of the floodplain. This and the associated rail, freeway and, highway (101) bridge improvements will all need to be remodeled after the final configuration plans have been adopted.

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	T-137 The Location Hydraulic Study incorrectly stated the modeling methods used for each bridge location and is revised in this Final EIR/EIS. After reviewing each model it was determined that the San Dieguito River Bridge used the Energy Equation to analyze the bridge hydraulics and the San Elijo Lagoon Bridge used both the Energy Equation and the Momentum Equation to analyze the bridge hydraulics. The flow through the San Dieguito River Bridge and the San Elijo Lagoon Bridge is “Class A” flow and four methods are available for computing losses through the bridge. The modeler is allowed to select any or all of the methods for the computation and the program will use the method that computes the greatest energy loss through the bridge.
	T-138 As described in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff,* Caltrans continues to comply with CWA Section 402 by implementing the requirements of the Statewide NPDES permit, as well as the NPDES Construction General Permit. The Statewide National Pollutant Discharge Elimination System (NPDES) permit and the approved Storm Water Management Plan (SWMP) consolidated the Caltrans storm water compliance activities under one permit and provided a framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting, as well as the Construction General Permit. Post-construction BMPs would be deployed to the MEP given constraints such as limited right-of-way; proximity of sensitive habitat; and public safety concerns. Every effort would be made to emulate pre-project conditions through the implementation of elements such as: (1) detention basins to capture and treat on-site runoff prior to discharge into downstream drainage facilities (with these basins also providing associated flow regulation); (2) design pollution prevention (DPP) BMPs such as preserving existing vegetation and drainage courses/patterns wherever practical; (3) use of unlined drainage facilities (e.g., bioswales) where practical to provide some flow regulation/infiltration capacity in

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	T-138 cont. addition to water quality "treatment"; and (4) appropriately sized energy dissipation structures at all drainage outlets to reduce flow velocities prior to discharge. Specifically with regard to preliminary detention basin and bioswale locations within the City of Solana Beach, please see Final EIR/EIS *Figures 2-2.3, Sheets 56* through *67*. Using the above measures would also help to reduce drainage impacts, although your concerns are noted. The current drainage design is preliminary, given that the I-5 project is in the Project Report/Environmental Document (PR/ED) phase. Caltrans staff will coordinate with the City of Solana Beach to identify any potential impacts to the City's storm drain systems and to develop appropriate mitigation, if applicable, when the project moves to the Design phase (Plans, Specifications and Estimate phase) Please also refer to the response to your Comment T-132. Specific drainage facility design will continue to be refined as project design proceeds, following selection of a Preferred Alternative.

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			into a floodplain and/or floodway. The requirements vary depending on the type of flood boundary subject to encroachment. The DEIR/EIS must identify the applicable sections of the CFR and how the regulations are being met. The DEIR/EIS must also address and identify any local agency regulations that are more restrictive than the CFR. If floodway remapping is necessary, the impacts of the remapping must be identified. For example, the *Soledad Canyon Location Hydraulic Study* shows a FEMA-mapped floodplain and floodway along the study area. 44CFR60.3 and 44CFR65.12 identify floodplain and floodway requirements that must be met for projects in floodplains and floodways. DEIR/EIS needs to addresses these regulations to demonstrate that the floodplain and floodway will meet the requirements of FEMA and the National Flood Insurance Program. These regulations have been established to protect properties from flood inundation and to establish acceptable flood conveyance corridors. Revise DEIR/EIS as noted above and recirculate for public review/comments.
	CHAPTER 3.10 Water Quality and Storm Water Runoff		
140	3.10 / General		The DEIR/EIS does not include any discussion of hydromodification impacts. The DEIR/EIS needs to provide adequate discussion and analysis to demonstrate how the project impacts or does not impact the receiving waters downstream of the projects discharge points. Revise DEIR/EIS as noted above and recirculate for public review/comments.
141	3.10 / General		In general, the DEIR/EIS provides background information but no substantive analysis of: (1) Impacts from the proposed alternatives, and; (2) Mitigation measures are provided. Instead the discussion focuses on

T-139 As noted in EIR/EIS *Section 3.9.3, Environmental Consequences*, there are no proposed encroachments parallel to the direction of water flow, also called longitudinal encroachments, associated with the proposed improvements to the 12 water crossings included in the *I-5 NCC Project* area. The effects of the project on each waterway are described adequately in this section.

T-140 The hydromodification analysis is imperative and would be performed to ensure that downstream flows would not cause erosion or impacts to the ultimate receiving water body in accordance with the renewed NPDES Permit (Order No. 2012-0011-DWQ). Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification and describes measures to avoid or minimize short- and long-term water quality project-related impacts. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting

T-141 EIR/EIS *Section 3.10.3* identifies and evaluates potential water quality impacts associated with the implementation of the identified build alternatives and the No Build alternative. Specifically, this includes direct impacts associated with short-term (construction) activities such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related contaminants (e.g., fuels and lubricants), as well as long-term (operational) impacts such as the generation of vehicle-related contaminants (e.g., particulates and metals from break pad wear, and exhaust-generated contaminants such as nitrite). This analysis provides quantified assessments of potential impacts related to existing/proposed impervious (paved) surfaces, as well as the identification of associated potential pollutant generation and related effects; it also addresses

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	T-141 cont. associated indirect impacts such as downstream sediment/ contaminant transport (i.e., sedimentation) and the potential discharge of contaminants related to long-term facility operation and maintenance activities such as landscaping (e.g., green waste, pesticides, and herbicides). EIR/EIS *Section 3.10.4* identifies appropriate BMPs to address potential project-related water quality concerns, based on approved Caltrans standards, manuals and guidelines (as referenced in the EIR/EIS text), including the SWMP. The SWMP describes the process for conformance to the Caltrans Statewide NPDES Permit issued by the State Water Resources Control Board (SWRCB). The SWMP was approved by the SWRCB and is subject to annual updates and approval by that agency as directed in the Caltrans Statewide NPDES Permit. Conformance with State regulations is mandatory. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting. Among other criteria, the SWMP identifies applicable BMPs related to project elements/ phases including maintenance (Category IA), design pollution prevention (Category IB), construction (Category II), and "treatment" (Category III). Caltrans-approved measures are identified for each of these categories in the SWMP and related Caltrans manuals and guidelines, and are listed in *Section 3.10.4* of the EIR/EIS; preliminary project-specific BMPs are identified in the EIR/EIS where possible, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that under the described NPDES/ SWMP process, BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. The analysis also notes that Caltrans is committed to preventing or minimizing impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that project-related water quality impacts would be effectively addressed through the SWMP and related storm water programs (including potential future BMP refinements as noted), thereby ensuring compliance with applicable water quality standards and regulations.

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			Caltrans' existing programs and plans. The supposition is that if these plans and programs are implemented it will adequately mitigate for project impacts. There is no analysis to support this in the document or supporting technical document. The DEIR/EIS needs to study and provide impacts and proposed mitigation measures, not only discuss in general terms. Revise DEIR/EIS as noted above and recirculate for comments.
142	3.10 / General		Failure to study impacts and mitigation. There is no discussion regarding water quality impacts of increased traffic outside of the I-5 corridor. Increased traffic is a pollutant generating activity and will generate increased amounts of similar pollutants that the use of I-5 generates. Mitigation needs to be applied for the arterials and local streets that are impacted by the project, both during construction and post-construction. Temporary and permanent water quality Impacts will likely include, but not be limited to, increased trash and sediment, oil and grease, heavy metals, organics and other pollutants. Mitigation needs to include, but not be limited to, treatment control systems designed and implemented for the local and arterial streets that are impacted by the project, both during construction and post-construction. Revise DEIR/EIS as noted above and recirculate for public review/comments.
143	3.10 / General		Many statements should be referenced within the section. Examples include: Developed land use percentages, both existing and future years (page 3.10-3 under individual hydrologic unit discussions) Provide references to supporting documents / studies in DEIR/EIS and recirculate for public review/comments.
144	3.10.2.2 / page 3.10-4	Maximum rainfall intensity - The larger the drainage area, the lower	The DEIR/EIS indicates that larger drainage area will generate lower pollutant concentration. No justification is provided for this statement. This appears to be a typo or misstatement and needs to be corrected

T-142 Please refer to the response to your Comment T-102. Providing "treatment" control systems for local and arterial streets due to future traffic that would occur with or without the project is beyond the scope of the *I-5 NCC Project*.

T-143 As noted in EIR/EIS *Section 3.10.2, Affected Environment* , the primary sources of the water quality analysis in *Section 3.10* are the July 2009 Water Quality Report and August 2013 Water Quality Technical Memorandum; separate technical studies prepared for this project. A number of additional data sources were also used to prepare *Section 3.10*, however, including the San Diego Regional Water Quality Control Board Basin Plan (Basin Plan). Specifically, the percentages of current and projected development provided for individual hydrological units within the I-5 corridor were derived from Appendix B-3 of the Basin Plan, as referenced in the first paragraph of EIR/EIS *Section 3.10.2.1, Hydrologic Units.*

T-144 As noted in EIR/EIS *Section 3.10.2.2, Existing Water Quality,* the statement referenced in this comment is based on runoff monitoring and characterization studies conducted by Caltrans from various transportation facilities throughout California. The studies and the link to them on the Caltrans website are provided in this EIR/EIS section. Another factor that will contribute to improved water quality for I-5 runoff is the required installation of new "treatment" BMPs for the project, that will treat runoff to a higher quality, compared to the previously installed BMPs to treat runoff from the existing I-5 hardscape. These new BMPs will likely treat flows from the new pavement as well as some of the existing pavement.

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		the pollutant concentration	Revise DEIR/EIS as noted above and recirculate for public review/comments.
145	3.10.2.2 / page 3.10-4	Drainage Areas – The larger the drainage area, pollutants for highways decrease.	It is unclear what this statement means. Pollutant concentrations from highways decrease due to dilution from a larger drainage area? The DEIR/EIS needs to clarify this statement and needs to be revised and recirculate for public review/comments.
146	3.10.2.4 / page 3.10-5	As part of Caltrans runoff characterization studies, we identified pollutants that are discharging with a load or a concentration that commonly exceeds allowable standards and which are considered treatable by Caltrans approved treatment BMPs. These pollutants are referred to as Targeted Design Constituents (TDCs), which include sediment, metals (total and dissolved zinc, lead and copper), nitrogen, phosphorus and general metals. Below is a table listing the 303(d) receiving water bodies within the project limits and the TDCs associated with them.	This paragraph and the associated table (Table 3.10.5) only identify TDCs that are the same as the impairments in water bodies adjacent or beneath the project. This method of identifying TDCs that match existing impairments is misleading when discussing project cumulative impacts and potential mitigation for such impacts. The project's cumulative impacts will occur over time and therefore, future impairments would have to be considered. All pollutants that are associated with the project must be addressed in the mitigation (treatment control BMPs) – not only those that match existing water body impairments. Unmitigated pollutant discharges, only because they are not adding to a regulatory impairment now, will have longer lasting impacts in the future. All pollutants must be mitigated. Revise DEIR/EIS to include analysis of all pollutants generated as a result of the project and recirculate for public review/comments
147	3.10.3 / General		TDCs and potential pollutants from project polluting generating activities must be clearly identified as impacts. Revise DEIR/EIS to include this identification and recirculate for public

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T-145 This statement reflects a water quality pattern that is apparent from the runoff monitoring and characterization studies conducted by Caltrans. As noted in the Discharge Characterization Study Report cited in *Section 3.10.2.2,* larger drainage areas were generally associated with lower pollutant concentration for some parameters. Please also refer to the response to your Comment T-144.

T-146 Targeted Design Constituents (TDCs) included in EIR/EIS *Section 3.10.2.4,* provide specific information regarding the potential generation of pollutants from the proposed project that would contribute to receiving waters listed on the Clean Water Act Section 303(d) List of Water Quality Limited Segments. As described in EIR/EIS *Section 3.10.3, Environmental Consequences*, potential pollutants/sources identified for the proposed project include those listed as TDCs in *Section 3.10.2.4* (sediment; total and dissolved zinc, lead and copper; nitrogen; phosphorus and general metals), as well as additional potential pollutants such as vehicle fluids, asphaltic emulsions, joint and curing compounds, solvents and thinners, paint, sandblasting material, landscaping materials, treated lumber, concrete rubble, general litter, nitrite, pesticides; and other metals (dissolved and particulate). The BMPs described in EIR/EIS *Section 3.10.4, Avoidance, Minimization and/or Mitigation Measures*, would address all potential pollutants associated with the proposed project, not just those identified as TDCs. While the identified project BMPs would address current 303(d) listings as noted and may also address future 303(d) listings associated with other project-related pollutants, any attempt to consider "future impairments" would be speculative and is not appropriate for CEQA/NEPA analysis.

As described in EIR/EIS *Section 3.10.1, Regulatory Setting*, the project's implementation would require conformance with a number of regulatory requirements related to water quality concerns, including applicable elements of the CWA, NPDES,

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	T-146 cont. RWQCB Basin Plan, and associated Caltrans standards. The described regulatory requirements constitute a regional effort to implement water quality protections through a watershed-based program designed to meet applicable criteria such as CWA/NPDES and Basin Plan standards. To this end, these standards require the implementation of applicable water quality measures on a watershed-wide basis and are specifically intended to address both project-specific and cumulative impacts. The project's contribution to water quality effects within the associated watersheds would not be cumulatively considerable based on: the described regional watershed-based approach for water quality issues in existing regulatory standards; the fact that conformance with these requirements would be required for other (cumulative) projects within the associated watershed as well as the proposed project; and the project design features, standard construction practices, and BMPs identified for the build alternatives in *Section 3.10.4* of the EIR/EIS.
	T-147 Please refer to the response to your Comment T-146.

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			review/comments.
148	3.10.3 / General		There is no discussion regarding aerial deposition from pollutant generating activities associated with the project and its effects on water quality. [Section 3.13 does discuss aerially deposited lead but in a completely different context]. There will be pollutant generating activities that create pollutants that are aerially deposited. These pollutants have immediate impacts (directly deposited into receiving waters) and impacts to urban runoff water quality through cumulative build up of pollutants on project surfaces and of other local areas. These impacts need to be included in the discussion of Environmental Considerations as well as in the Avoidance, Minimization and/or Mitigation Measures. The analysis of impacts should include identification of specific pollutants, the project sphere of influence (considering winds) and the increased concentrations likely to be found as a result of the alternatives. Revise DEIR/EIS to include analysis of the project's impacts on aerial deposition of pollutants generated by the project recirculate for public review/comments.
149	3.10.4 / General		This section provides background for methods of mitigation; however it is apparent that the document is written lacking analysis towards specifics of the project. The general approach of the project proponent is to rely upon existing plans and programs to address both construction impacts and post-construction impacts. There is no demonstration that the existing programs, identified as the Statewide Storm Water Management Plan (SWMP) that Caltrans implements, are effective and therefore cannot be used as mitigation for the proposed impacts. Further analysis of the mitigation measures is warranted – particularly with respect to the construction phase as well as Design Pollution Prevention BMPs and Treatment BMPs.

T-148 EIR/EIS *Section 3.10.3, Environmental Consequences,* lists potential sources of pollutants from construction activities such as clearing and grubbing, grading operations, soil import operations, sandblasting, landscaping and utility excavation. These types of activities could generate pollutants through deposition into water, soil or air. Regardless of the type of deposition, Caltrans is committed to implementing BMPs to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages, as stated in EIR/EIS *Section 3.10.4*, *Avoidance, Minimization, and/or Mitigation Measures*. Implementation of the required programs (tailored to the specific project design that will be developed if the project is approved) will adequately mitigate for project impacts.

Specific to the deposition of compounds related to the combustion of motor fuels, that deposition is based upon the fuel formulation, as well as the efficiency of the vehicle burning the motor fuels. The formulation of motor fuels is regulated exclusively by the California Air Resource Board. Although Caltrans cannot limit the individual vehicles that use its facilities, the long-term and continuing trend is that deposition of compounds related to fuel combustion is anticipated to decrease in the region, even assuming an overall increase of vehicle miles traveled, because of more stringent fuel formulation regulations and increased fleet efficiency regulations, as well as continual monitoring/ enforcement through the "Smog Check" program. Similarly, Caltrans is not legally authorized to regulate the components of automotive brake systems, which can result in deposits. It should be noted, however, that in 2010, California Senate Bill 346 was passed into law. That law provides for changes to the California Health and Safety Code to address automotive brake systems. That law, like the regulatory schemes for motor fuel formulation and fleet efficiency standards, will greatly assist in reducing the emission of materials associated with vehicles using the State highway system at the source—the vehicles themselves.

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	T-148 cont. Beyond the continued regulatory enforcement described above, Caltrans' maintenance operations have included, and will continue to include, sweeping, storm drain inlet maintenance and the full suite of activities provided for in Caltrans' Statewide NPDES Permit. The BMPs associated with Caltrans' storm water program have been found to be equally beneficial to, and directly address, those same compounds that might make their way into receiving waters via direct conveyance as opposed to aerial deposition. A study by Sabin et al., entitled Dry Deposition and Resuspension of Particle-associated Metals Near a Freeway in Los Angeles, indicated an extremely rapid decrease with distance in the observation of particles greater than six microns in size that were associated with chromium, copper, lead, nickel, and zinc. Initially, it appears that waters of the State that are within approximately 33 feet of the traveled way are not listed as impaired for chromium, copper, lead, nickel, or zinc. Therefore, the fractional deposition that may occur beyond the edge of the right-of-way appears to be less than significant for the project location. Further, it is important to note that in many locations, due to shoulders, slopes, swales and other features, the edge of the travelled way is greater than approximately 33 feet from the edge of the right-of-way. This necessarily implies that, based upon the Sabine, et al. study, the deposition of the vast majority of any entrained or re-entrained metals is occurring within the right-of-way and is not proceeding to adjacent waters. It was also noted that at greater distances, such as approximately 1475 feet, downwind from the freeway, the measurements of three of the five metals were actually lower than those recorded upwind of the freeway (assumed urban background). As such, and even assuming the receiving water is listed as impaired under Section 303(d), it appears that in most instances large particles would be deposited within the State highway right-of-way and that once longer distances are measured, the observance of many of these particles dissipates to below urban background levels. Ultimately, the mechanism of conveyance (via storm water wash down or aerial deposition) does not change the fact these compounds are already being addressed by Caltrans' maturing

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			Revise DEIR/EIS to include the analysis of existing programs effectiveness as noted above and recirculate for public review/comments.
150	3.10.4 / page 3.10-9	Table 3.10.9	Column headers appear to be mislabeled. The 10+4 alternatives have less disturbed soil than the 8+4 alternatives. DEIR/EIS needs to be revised as noted above and recirculate for public review/comments.
151	3.10.4 / page 3.10-10	Maintenance BMPs	There is no detail provided for what BMP activities would be included and how frequently these would be performed. There is a reference to a Maintenance Staff Guide, but it needs to be more explicitly described in this DEIR/EIS. Revise DEIR/EIS to include explicit maintenance information and recirculate for public review/comments.
152	3.10.4 / page 3.10-10	Design Pollution Prevention BMPs	Some analysis is warranted at this time to determine feasibility of implementing these BMPs throughout the project corridor. Additionally, Hydromodification impacts need to be considered with specific criteria that triggers the downstream protection of waterways in this DEIR/EIS. This document defers analysis of adequate mitigation. It is feasible to perform the necessary analysis to develop mitigation for the proposed impacts as a part of this document. Revise DEIR/EIS to include analysis of site specific mitigation measures and considerations for hydromodification as a result of the project and recirculate for public review/comments.
153	3.10.4 / page 3.10-10	Construction BMPs	There is no mention of Storm Water Pollution Prevention Plans or Water Pollution Control Programs. These need to be discussed in the context of development, implementation and maintaining throughout the construction phase of the project. Revise DEIR/EIS to include SWPPP and WPCP discussion and recirculate for public review/comment.
154	3.10.4 / page 3.10-	Construction BMPs	There is no mention of keeping debris and pollutants from entering the receiving

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T-148 cont. storm water program, as well as through continued regulation by agencies with the legal authority to regulate the source of the compounds.

T-149 Please refer to the response to your Comment T-141.

T-150 The difference in disturbed soil totals was related to construction specifics. Because the 10+4 Barrier alternative would propose more retaining walls than the 8+4 Barrier alternative (to minimize right-of-way and environmental impacts), there would be more grading work done on the 8+4 Barrier alternative, with a greater associated amount of disturbed soil area than the 10+4 Barrier alternative. Following circulation of the Draft EIR/EIS, however, *Table 3.10.9* of that document has been deleted from the Final EIR/EIS. To address potential short term impacts of each of the build alternatives, all disturbed soil areas would be stabilized before the completion of construction with permanent landscaping and/or permanent erosion control.

T-151 The Maintenance Staff Guide provides references to appropriate permits, objectives of the storm water maintenance program, pollutants of concern at maintenance facilities and activities, incorporation of storm water controls into maintenance operations and activities, storm water program evaluation, and detailed Activity Cut-Sheets, as well as maintenance BMPs. Detailed instructions on how to apply the approved storm water maintenance BMPs to maintain facility operations and highway activities are provided. This information is all available to (and required to be used by) maintenance staff.

T-152 Caltrans is committed to preventing or minimizing impacts to water quality through the implementation of its plans and programs that are based on years of accomplishing numerous large-scale regional projects. The implementation of the appropriate programs—tailored to the final specific project design detail to be developed if the project is approved—would adequately mitigate for project impacts. Please also refer to the responses to your Comments T-140 and T-141.

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	T-153 The requirements of the State Water Resources Control Board (WRCB) and RWQCB are discussed in EIR/EIS *Section 3.10.1, Regulatory Setting*. As described in EIR/EIS *Section 3.10.4, Avoidance, Minimization and/or Mitigation Measures,* the Statewide Storm Water Management Plan (SWMP) describes how Caltrans would comply with the provisions of the NPDES Permit (Order No. 2012-0011-DWQ). Please also refer to the response to your Comment T-141.
	T-154 The focus of EIR/EIS *Section 3.10.4, Avoidance, Minimization, and/or Mitigation Measures,* is on measures that would keep debris and pollutants out of receiving waters during both construction and operation. As noted in this section, the selection of the specific BMPs is an iterative process that begins at the planning stages and gets refined during the design phase. Additional information was also provided in the Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS. Please also refer to the response to your Comment T-140.

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	10		waters (creeks and lagoons) during active construction over the waters. The potential BMPs should be identified to mitigate these impacts. Revise DEIR/EIS to include these specific construction BMPs and recirculate for public review/comments.
155	3.10.4 / page 3.10-11	Treatment BMPs - When the proposed project proceeds to the design phase, the locations of these treatment BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints or hydraulic capacity	Some preliminary analysis needs to be conducted to determine the feasibility of implementing the Treatment Control BMPs. Hydraulic and environmental constraints can be analyzed prior to final design. The alternatives each include additional impervious surfaces to be added to the existing infrastructure. Additionally, the general drainage systems are identified and therefore hydraulic needs can be estimated. With hydraulic needs identified, site sizing analysis can be conducted. This document defers analysis of adequate mitigation. It is feasible to perform the necessary analysis to develop mitigation for the proposed impacts as a part of this document. Revise DEIR/EIS to include analysis of site specific mitigation measures and considerations for hydromodification as a result of the project and recirculate for public review/comments.
	CHAPTER 3.12 Paleontology		
156	Overall comment	Lack of impact analysis	The Paleontology section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised with this information and recirculated for meaningful public review.
157	Overall analysis	Lack of CEQA Thresholds of Significance	The Paleontology section does not present any criteria for determining the thresholds of significance under CEQA. This is a fundamental flaw of the DEIR/EIS and for every resource chapter.

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T-155 EIR/EIS *Section 3.10.3, Environmental Consequences*, discloses that the project has the potential to impact water quality during the construction phase as well as during its operation. BMPs would be evaluated and implemented to address these impacts during the planning and design, construction, and operational phases. EIR/EIS *Section 3.10.4, Avoidance, Minimization, and/or Mitigation Measures,* notes that short-term potential impacts to water quality during the construction phase would be prevented/ minimized through the use of Construction Site BMPs, while the long-term potential impacts during the facility operation and maintenance would be prevented/minimized through the use of DPP BMPs, "treatment" BMPs, and maintenance BMPs. Specific to the proposed expansion of roadway, as detailed in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS, "treatment" provided as part of the I-5 improvements would total approximately 112 percent of new pavement area for the Preferred Alternative. Currently seven percent of existing impervious areas is being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. The commitment to implementing mitigation measures is not deferred, and the analysis and specificity of BMPs have been presented to the level of detail possible at this stage of design.

T-156 The effects of the project on paleontological resources have been adequately addressed in EIR/EIS *Section 3.12, Paleontology,* and the paleontology study referenced in *Section 3.12.2, Affected Environment*. Effects to paleontological resources would apply equally to all the build alternatives, as noted in *Section 3.12.3, Environmental Consequences*; therefore, the alternatives are not discussed separately as they are for some other issues.

T-157 Please refer to the responses to your Comments 10 and T-6.

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			It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment"*; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
158	Page 3.12-1 3rd paragraph	A paleontology study, entitled *Paleontological Resource Assessment, I-5 NCC Project, Caltrans District 11, San Diego County, California*, was conducted and identified the presence of geologic formations with the potential to contain important fossil remains within the project footprint.	This study was not made available with the DEIR/EIS or on the project website. As commented earlier, all referencing studies are required to be made available for full public disclosure and to allow for meaningful public review and to aid in the decision making process. Because the DEIR/EIS fails to comply with this requirement of NEPA and CEQA, the document and its technical studies must be recirculated for public review.
	CHAPTER 3.13 Hazardous Waste / Materials		
159	Possible Intro Sentence	N/A	As put forth in Executive Order 13274, the City of Solana Beach promotes interagency cooperation and local agency consultation of transportation infrastructure projects by forwarding this review of the *Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement* (EIR/EIS). The City of Solana Beach expects each of the comments and concerns listed here within to be responded to by the Agency.
160	Measures Eligible for Federal Funding	N/A	It is the policy of the Federal Highway Administration that measures necessary to mitigate adverse impacts be incorporated into the Proposed Action. Those measures necessary to mitigate adverse impacts are eligible for Federal

T-158 Please refer to the response to your Comment 18.

T-159 Detailed responses to all of the City's comments are provided.

T-160 Caltrans will comply with all FHWA requirements, federal statutes, and Executive Orders pertaining to the project.

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			funding when the Administration determines that: (1) The impacts for which the mitigation is proposed actually result from the Administration action; and (2) The proposed mitigation represents a reasonable public expenditure after considering the impacts of the action and the benefits of the proposed mitigation measures. In making this determination, the Administration will consider, among other factors, the extent to which the proposed measures would assist in complying with a Federal statute, Executive Order, or Administration regulation or policy. 23 CFR 771.105(d) The City of Solana Beach will be notified when Federal funding is available for mitigation of impacts that affect the City. The DEIR/EIS needs to confirm this fact. The document needs to be revised and re-circulated for public review/comment.
161	Regulatory setting/3.13-1	MISSING: No discussion of hazardous waste management plan for the City of Solana Beach is included.	According to the City of Solana Beach Municipal Code 17.90, the provisions of the San Diego County hazardous waste management plan apply to activities within the City. The Draft EIR/EIS does not mention the *Multi-Jurisdictional Hazard Mitigation Plan* (March 2004) http://www.co.san-diego.ca.us/oes/emergency_management/oes_jl_mitplan.html in the Hazardous Waste/Materials section or in the Land Use section. This County of San Diego publication and its policies, goals, and objectives cover five of the jurisdictions through which the I-5 passes: Oceanside, San Diego, Carlsbad, Encinitas, and Solana Beach. It also covers 15 other jurisdictions, including the City of Del Mar and County of San Diego. Hazards discussed in this plan include, among others, earthquake, floods, rain-induced landslide, and wildfire. Insert this missing information into the DEIR/EIS and revise and recirculate the document for public review/comment.
162	Affected Environment	MISSING: Nearby City of Solana Beach schools are not listed.	Two schools, Skyline Elementary and Santa Fe Christian, are located within 0.25 mile of the proposed action. This is required CEQA data needs to be added to the Affected Environment discussion. Provide this missing CEQA data and recirculate the DEIR for review.

T-161 EIR/EIS *Section 3.13.1, Regulatory Setting*, recognizes that the design and construction of Caltrans facilities is subject to a variety of state and federal laws that regulate hazardous materials and hazardous wastes.

T-162 The CEQA issue of the presence of schools within one-quarter mile of the project is recognized in EIR/EIS Appendix G, CEQA Environmental Checklist, where the response to the question "Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?" is "Less than significant with mitigation."

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163	Environmental Consequences / 3.13-2 *Aerially Deposited Lead*	However, if excess soil from the shoulders is exported (since shoulder soil contains ADL), then further characterization would be necessary to evaluate proper disposal criteria. Hazardous waste	In California, soil within Caltrans right of way that contains hazardous waste concentrations of ADL can be reused under the authority of a variance issued by the Department of Toxic Substances Control (DTSC). The current variance applies to all 12 Caltrans districts. The variances allow stockpiling, transporting, and reuse of soils with hazardous waste concentrations of lead below maximum allowable levels on Caltrans right of way when specific conditions are met (*Aerially Deposited Lead*, Caltrans, http://www.dot.ca.gov/hq/env/haz/hw_adl.htm). If soils containing aerially deposited lead (ADL) were required to be disposed of, which landfill would be used? Would that landfill have sufficient capacity? When disposing of this soil, would the trucks be using the City of Solana Beach roads to get to the landfill? The City wants to make sure that the mitigation measures themselves do not cause more environmental impacts. As stated in CEQA, if a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. 15126.4(a)(1)(D). This information and analysis needs to be added to the DEIR/EIS and the document needs to be revised and re-circulated for public review and comment.
164	Environmental Consequences / 3.13-2 *Petroleum Hydrocarbons*	If soil from abutment excavations at Via de la Valle . . . would be exported, the soil may require further characterization for petroleum hydrocarbons, volatile organic compounds, or semi-volatile organic compounds to evaluate the proper disposal method.	The DEIR/EIS failed to evaluate the kind of disposal methods that could be used after further characterization. This appears to be open-ended and not analyzed in the document. The potential scenarios need to be provided so that a determination can be made of their impacts. The DEIR/EIS needs to be revised and re-circulated for public review and comment.
165	Environmental Consequences /	Chemical spills from truck and auto accidents	The DEIR/IES fails to address potential spills and the emergency responses to these incidents. As required by CEQA, the DEIR/EIS must include such

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T-163 EIR/EIS *Section 3.13.4, Avoidance, Minimization, and/or Mitigation Measures,* notes that if the criteria associated with the lead variance cannot be met, then disposal of Aerially Deposited Lead (ADL) soil would be necessary at a Class I landfill. Such a landfill is not local and therefore would not be accessed via local streets. This type of facility could not be used unless it had sufficient capacity. Meeting all of the specific statutes governing hazardous waste, as well as the laws regulating air and water quality, human health and land use, is required as part of the project and is not a separate mitigation measure.

T-164 The kind of disposal methods cannot be specified until after the soil characterization is accomplished. This must occur during later phases of the project, such as property acquisition. The analysis and specificity of hazardous materials handling methods have been presented to the level of detail possible at this stage of design.

T-165 The cited passage is addressing the potential for remnants of past spills to be present along I-5. EIR/EIS *Section 3.13.4, Avoidance, Minimization, and/or Mitigation Measures,* notes that a contingency to address the potential hazardous waste issue of encountering past chemical spills along I-5 would be written into the construction contract, as would the requirement to comply with all regulations regarding the receipt, storage, use, and disposal of hazardous substances used in the construction process. Meeting all of the specific statutes governing hazardous waste clean up, transport, and disposal is required as a matter of law and as part of the project, and as such does not constitute mitigation.

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	3.13-3 *Chemical Spills*	have historically occurred along I-5. These spills mainly consist of petroleum hydrocarbons, but other chemicals may be present. These spills are difficult to locate in advance.	measurers and must be re-circulated for public review and comment.
166	Environmental Consequences / 3.13-3	MISSING: Required CEQA analysis not included	In Appendix G of the EIR/EIS (VIII. Hazards and Hazardous Materials) the following CEQA question is asked: *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?* The column titled, "Less than Significant with Mitigation," is marked; however, no discussion of or mitigations for this impact is included in this document. Add the discussion and appropriate mitigation measure. Revise and re-circulate the DEIR for public review/comment.
167	Avoidance, minimization, and/or mitigation measures/3.13-3	In particular, avoidance of the gasoline stations and soil excavation at Manchester Avenue, Birmingham Drive, Palomar Airport Road, Tamarack Avenue, and avoidance at Carlsbad Village Drive **would be considered**. [*emphasis added*]	It is not clear if the gasoline stations and soil excavations would or would not be avoided. It is suggested that avoidance would be considered; this is not a mitigation measure. If they are avoided, will the alignment and other activities going through Solana Beach possibly change? This is not clear from the analysis presented. CEQA states that the *formulation of mitigation measures should not be deferred until some future time; however, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. 15126.4 (a)(1)(B).* For gasoline stations and soil excavations impacts, provide a clear mitigation measure that does not defer the mitigating actions. Revise and re-circulate the DEIR for public review/comment.
168	Avoidance, minimization, and/or mitigation	Agricultural land and nurseries soil may require reuse, or proper	Where would these soils be re-used? Is there a market for these soils? In which landfills will these be disposed of, if applicable? Will truck trips cut through Solana Beach roads to reach nearby landfills? As stated previously, if a

T-166 Measures that would be incorporated into the project to avoid impacts to nearby schools from handling hazardous waste are discussed in EIR/EIS *Section 3.13.4, Avoidance, Minimization, and/or Mitigation Measures*. These include following the guidelines of the site-specific Soil Management Plan and Health and Safety Plan that will be developed for the project during the final design, if the project is approved and after an alternative is selected.

T-167 Whether or not all of the gas stations can be avoided depends on the selection of an alternative and additional refinement of community enhancement projects incorporated into the final project. Caltrans is satisfied that the avoidance, minimization and/or mitigation measures presented in *Chapter 3.13* are adequate and are not improperly deferred. Please also refer to the response to Comment T-165.

T-168 The EIR/EIS states that further hazardous waste investigation may be necessary on individual parcels and mandates that soil excavation activities shall be performed under the guidelines of a site-specific Soil Management Plan and Health and Safety Plan. The exact location of soil reuse or the need to dispose of contaminated soils cannot be determined at this time, based on the level of detail available at this stage of the project. Trips to existing landfills would exit the project area via freeways, based on the known location of such landfills. Please also refer to the response to your Comment T-164.

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	measures/3.13-3	offsite disposal . . .	mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed. 14 CCR 15126.4(a)(1)(D). Revise and re-circulate the DEIR for public review/comment.
	CHAPTER 3.14 Air Quality		
169	Overall comment	Lack of impact analysis	The Air Quality section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated to allow for meaningful public review.
170	Overall analysis	Lack of CEQA Thresholds of Significance	The Air Quality section does not present any criteria for determining the thresholds of significance under CEQA. This is a fatal flaw of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment"*; however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
171	General comment	Significant Impacts	The DEIR/EIS has significant air quality impacts which will affect the accessibility to the coast and beach and affect the health and mobility of the citizens of Solana Beach and visitors to the beach and natural areas which surround the City. The City is bisected by the I-5 and is disproportionately affected by the projects proximity to the majority of citizens, all of which are approximately within one mile of the project area. Prevailing breezes will carry diesel particulates and other harmful effects to sensitive receptors in all of the residential areas and to sixteen schools throughout the City, (all of which are within one mile of the project). Eight of these schools are within a half mile of the project. The project will also affect the City's ability to meet the reduction in carbon emissions as required by State Legislation to a significant amount and

T-169 The effects of the project on air quality have been adequately addressed in EIR/EIS *Section 3.14, Air Quality,* and the Air Quality Analysis referenced in *Section 3.14.2, Affected Environment*. Alternatives are discussed separately in tables and text. Please also refer to the responses to your Comments 10 and T-6.

T-170 Please refer to the responses to your Comments 10 and T-6.

T-171 The *I-5 NCC Project* is being developed along the existing I-5 corridor and will improve accessibility and relieve congestion that is projected to occur in the future without the project. The commenter refers to I-5 bisecting the City, its proximity to the majority of Solana Beach citizens and several schools, accessibility to the coast and beach, and a disproportionate impact of I-5 on the citizens of Solana Beach compared to other jurisdictions. This is an existing condition and the associated air quality effects will not be worsened by the project, as demonstrated by the air quality analysis.

The proposed project would not result in an increase in the ratio of trucks to the volumes, and would not result in increased diesel particulate emissions. EIR/EIS *Section 3.14.3, Environmental Consequences,* notes that the existing diesel fuel truck percentage within the project limits is six percent of annual average daily traffic (AADT), which is below the level of eight percent, and the estimated 2030 truck AADT would remain at six percent. As noted in EIR/EIS *Section 3.14.3, Environmental Consequences*, Caltrans followed the Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Non-attainment and Maintenance Areas (PM guidance) published by the USEPA and FHWA, and applied the qualitative hot spot analysis method that does not involve dispersion modeling. This qualitative PM_{10}

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	T-171 cont. and $PM_{2.5}$ hot spot analysis method is an appropriate screening method to determine the potential for adverse project effects. The EIR/EIS concludes that based on screening using USEPA PM Guidance, the proposed project is not a Project of Air Quality Concern because it does not meet the criteria for more intensive analysis, due to relatively low truck AADT, truck percentage, and increase in truck volumes, when comparing the build alternatives with the No Build alternative. The EIR/EIS determined that a quantitative assessment of the effects of air toxic emissions on human health cannot be made at the project level, but there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions. Please refer to Topical Response "Air Pollutants" for additional information regarding air pollutants and MSAT emissions. EIR/EIS *Section 3.14.3, Environmental Consequences,* concludes that the proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower PM emissions as compared to the No Build alternative. The results of the quantitative CO hot spot analysis also show that the proposed project would not adversely impact local air quality. The proposed project would therefore not interfere with the City's ability to meet reductions in carbon emissions. Please refer to the Response to Topical Response "Climate Change" for additional information regarding climate change issues. The suggestions for community enhancement projects in this comment are noted. The suggestions are not considered to be mitigation measures, however. Operational air quality impacts are not considered to be adverse under NEPA or significant under CEQA because the proposed project would relieve congestion, improve operations, and provide better circulation.

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			almost no feasible mitigation is proposed for all of these impacts. The document is inadequate for the purposes of CEQA analysis, and requires modification and recirculation required to meet the requirements of CEQA. Identify feasible mitigation, provide the requisite studies and data, redraft and recirculate the EIR for public review. The following mitigation for air quality impacts needs to be required: Study and provide the feasibility of mitigating significant air quality impacts by extension of the reclaimed water infrastructure provided by the San Elijo Joint Powers Authority and the Santa Fe Irrigation District in the City of Solana Beach. Provide landscaping and green infrastructure feasibility and project scope proposal for trees to mitigate a portion of the air quality impacts within and around the project areas. Provide a 700-space underground public parking structure at the Solana Beach Train Station. Provide replacement for the diesel buses operating between the Solana Beach Train Station and Del Mar fairgrounds.
172	AQA p. 2	Therefore, the proposed project would conform to the SIP, and there would be no regional air quality impact.	Under NEPA this may be an acceptable approach to show conformity. However, the project alternatives do vary considerably. Under CEQA, the impacts and/or benefits of the various alternatives need to be quantified both for construction and operation to determine which alternatives result in the lowest emissions and highest emissions i.e, which alternatives have the greatest impact or benefit. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
173	AQA p. 19	The SDAPCD does not have quantitative emission limits for construction activities, nor for long term	The SDAPCD (Rule 1501, 20.2(d)) does have significance thresholds that are used for stationary sources. These thresholds have been used to evaluate construction and operational activities for other projects. If a project exceeds these thresholds, then a more detailed analysis is necessary that shows that the project will not cause the ambient air quality standards to be exceeded. The

T-172 Conformity is a federal environmental issue and does not need to be evaluated under CEQA. EIR/EIS *Section 3.14*, *Air Quality*, presents a detailed discussion of impacts based on the Air Quality Analysis prepared for the *I-5 NCC Project.* Construction emissions are assessed against the federal general conformity *de minimis* thresholds, which are used to determine conformity of a federal action with existing air quality plans. Based on appropriate maintenance plan standards, the applicable *de minimis* threshold is 100 tons per year for each criteria pollutant. Based on the construction criteria for combined bridge and roadway implementation, the estimated tons per year of volatile organic compounds (VOCs), nitrogen oxides (NO_X), carbon monoxide (CO), and particulate matter (PM_{10} and $PM_{2.5}$) would be 2.7, 20.7, 21.9, 7.1, and 2.7 tons, respectively. Each of these is so substantially below the threshold of 100 tons that minor differences between the build alternatives would be negligible for purposes of distinguishing between build alternatives. During operations, the different alternatives would provide differing decreases in emission levels—but any build alternative would reduce emissions below existing levels. Measures to reduce construction emissions are, however, presented in EIR/EIS *Section 3.14.4, Avoidance, Minimization, and/or Mitigation Measures*, which is consistent with the requirements of NEPA.

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T-173 Construction projects typically do not require an emissions analysis if the duration of construction is less than five years. For this project, the duration was determined to be over five years and therefore a construction emissions analysis was performed. Despite the noted time period, however, this would still be considered a temporary emissions source rather than a permanent one.

As described in this Final EIR/EIS in *Section 3.14*, construction of the *I-5 NCC Project* would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials. Bridge construction modeling assumed a project length of 0.036 miles and an area of 4.3 acres, constructed during a 12-month period. Daily maximum area disturbed was assumed to be 0.9 acres per day, and no soil import or export haul trucks trips would be made. Roadway widening modeling assumed a project length of 1.3 miles and an area of 28 acres, also constructed within a 12-month period. For this scenario, daily maximum area disturbed was assumed to be 4.6 acres per day and 4,000 cubic yards of soil import was assumed per day, resulting in 200 round-trip haul truck trips per day. For the purposes of estimating emissions, construction phasing for both the bridge construction and roadway widening assumed: grading/land clearing within 1.2 months; grading/excavation within 5.4 months; drainage/utilities/sub-grade within 3.6 months; and paving within 1.8 months. As noted above in response to Comment 072, estimated construction emissions for each of the build alternatives would be substantially below the applicable federal general conformity *de minimis* threshold of 100 tons. A more in depth review of this analysis is provided in Section 5.2 of the project Air Quality Analysis.

Furthermore, I-5 is not a stationary source (AQ Table #2), and is not regulated by the San Diego Air Pollution Control District (SDAPCD). Construction emissions are concluded to be temporary and limited to the immediate area, and, therefore, would not adversely affect air quality. Modeling for long-term emissions has been completed in accordance with FHWA

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		emissions that may result from increase vehicle use.	absence of a significance threshold does not eliminate the need to show that the ambient air quality standards are not exceeded for local impacts from construction, traffic on the freeway, and traffic on the arterial roadways. Localized impacts from construction, traffic on the freeway, and traffic on arterial roadways have not been addressed in the DEIR/EIS. These impacts must be addressed. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
174	AQA p 27	Appendix A of the 2030 RTP contains the projects included in the air quality analysis (SANDAG 2004)	Appendix A of the most recent (SANDAG 2007) 2030 RTP does not provide the more detailed descriptions claimed in the AQA. If these descriptions are no longer part of RTP then it puts the whole conformity analysis into question. The project description in the 2006 RTIP simply states, "construct HOV/Managed Lanes." Any parts of the project that go beyond this description would NOT be in conformance with the regional plans, and therefore, may have a significant regional impact. Therefore, any project alternatives that include General Purpose lanes and any project alternatives that include ramp modifications would not be in conformance with the SIP, and a regional air quality impact must be assumed unless a quantitative analysis can show otherwise. It is clear that the 10+4 alternatives include General Purpose Lanes and do not pass the conformity test. All project alternatives include major ramp modifications, and therefore, do not pass the conformity test. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
175	AQA p 27	Last paragraph	The descriptions of what are included in Appendix A of the 2030 RTP are in conflict for the area between Leucadia Boulevard and Palomar Airport Road. Under the first two descriptions only 4 Managed Lanes are included in the RTP. Under the third description the addition of 4 Managed Lanes and 2 General Purpose Lanes would be allowed. The RTIP and RTP project descriptions should accurately identify the project, and the project must be completely consistent with these descriptions for the project to assume conformity and make the assertion that no regional air impacts will occur. The DEIR/EIS must document more completely the project description used in the RTP and RTIP using the latest approved versions of the RTP and RTIP and provide more justification that all of the project alternatives are in fact consistent with the RTP and RTIP. Otherwise, none of the project alternatives are in conformance with the SIP. Revise the analysis and recirculate the DEIR/EIS for public review/comments.

T-173 cont. guidance on this issue and is consistent with FHWA and Caltrans guidance for joint CEQA/NEPA documents, as delineated within the Caltrans Standard Environmental Reference (SER). Technical experts may disagree and still produce defensible technical analyses and conclusions adequate under CEQA. The FHWA and Caltrans have coordinated to develop templates for the joint CEQA/NEPA documents and supporting technical studies that are prepared by these agencies, to ensure that the documents comply with applicable legislative and regulatory mandates. The studies completed for this EIR/EIS are consistent with those templates.

T-174 The project is undergoing refinement as comments from the public are incorporated and consultations with permitting agencies proceed. The Preferred Alternative is currently reflected in the Revenue Constrained scenario within the recently adopted 2050 RTP. If a different alternative is selected and the project is approved, any discrepancies between descriptions of project features in the Regional Transportation Improvement Program (RTIP), the RTP, and the finalized project will be resolved. The Final EIR/EIS includes discussion of the consistency of the project with the 2050 RTP that was adopted after circulation of the Draft EIR/EIS.

T-175 Please refer to the response to your Comment T-174.

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176	AQA p 28	"…the proposed project is included in SANDAG's 2006 RTIP…"	The RTIP only calls out for the addition of 4 HOV Managed Lanes from San Diego to Oceanside. The 10+4 Barrier Alternative and 10+4 Buffer Alternatives are not consistent with this description. Therefore, these two alternatives cannot show conformity. A regional air quality analysis must be performed for these two alternatives, and if impacts are shown, then mitigation must be provided. Additionally, the ramp modifications, particularly the Direct Access Ramps (DAR) are not shown in the RTIP or RTP and therefore, all the alternatives cannot be shown to conform to the RTP and RTIP. Therefore, all alternatives must conduct a regional air analysis and provide mitigation if needed. DEIR/EIS must be revised and recirculated for public review/comments with an impact and conformity analysis for all alternatives including the ramp modifications.
177	AQA p 28	The CO analysis used EMFAC2002.	EMFAC2002 has been replaced by EMFAC2007 and has been the required emission database for use for several years. The CO analysis is not valid and needs to be redone with EMFAC2007. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
178	AQA p 29	The CO analysis only examined concentrations along freeway.	Table 5 on page 29 of the AQA shows the areas assessed for potential CO violations. All of the locations are along the freeway. The arterial roadways feeding the freeway have not been assessed. If the freeway capacity increases, then the arterial roadways that feed into the freeway will see increased traffic. Since the capacities of the arterial roadways are not being increased, the Level of Service will likely go down along many of the arterial roadways, and congestion will increase. The increased congestion will lead to higher air pollutant levels. The AQA must examine the air quality impact on arterial roadways feeding into the freeway. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
179	AQA p 31	"…the project does not require a PM2.5 or PM10 conformity analysis."	The conformity analysis only addresses the regional impacts of PM2.5 and PM10, and it does not address the potential localized impacts. To satisfy CEQA the air contaminant levels of PM2.5 and PM10 adjacent to the freeway and adjacent to the arterial roadways feeding into the freeway must be assessed. PM2.5 and PM10 emissions only vary slightly with changes in speed. PM2.5 and PM10 emissions do not drop dramatically when congestion is relieved. The number of vehicles is more important in determining the resultant

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T-176 Please refer to the response to your Comment T-174.

T-177 The Air Quality Analysis for the *I-5 NCC Project* was performed using the approved EMFAC. This was the latest analysis software at the time and is still approved for use in this document. The analysis was performed in accordance with the 1997 CO Protocol, which is currently in use today.

T-178 It is expected that the proposed interchange improvements and ramp widening would benefit the adjacent local streets and intersections. Please refer to the responses to your Comments T-102 and T-171.

T-179 As noted in Final EIR/EIS *Section 3.14.3, Environmental Consequences*, Caltrans followed the Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Non-attainment and Maintenance Areas (PM Guidance) published by the U.S. Environmental Protection Agency (USEPA) and FHWA, in conducting the qualitative hot-spot analysis. This qualitative PM_{10} and $PM_{2.5}$ hot-spot analysis method is deemed sufficient to reasonably evaluate potential project effects. The EIR/EIS concludes that based on screening using USEPA PM Guidance, the proposed project is not a Project of Air Quality Concern because it does not meet the criteria due to relatively low truck Annual Average Daily Traffic (AADT), truck percentage, and increase in truck volumes when comparing the build and No Build alternatives. Analysis for local streets is not needed. Please refer to Topical Response "Air Pollutants."

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			concentrations. Since the proposed project will increase travel along I-5 and arterial roadways, it is very likely that concentrations of PM2.5 and PM10 may increase significantly along these roadways. Therefore, an assessment of local impacts from PM2.5 and PM10 is necessary. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
180	AQA p 42	"…no significant construction-related impacts to air quality have been identified…"	The assessment of construction impacts is inadequate. The construction assessment only looks at a small length of road widening and an overpass modification occurring at the same time. This grossly underestimates the amount of construction that could be occurring at any one time. The assessment assumes that no soil import or export would occur; when in fact soil is commonly imported and exported for these types of projects. The emissions from construction trucks hauling 4,000 cubic yards per day of base material were not assessed. This could result in an additional 800 truck trips per day; and the local impact this truck traffic could generate was not assessed. The emissions associated with construction personnel driving to and from work were not assessed. The concentration of construction emissions at residents, hospitals, and schools adjacent to the construction sites were not assessed. Localized impacts should be analyzed using a methodology like the Localized Significance Thresholds (LST) developed by the South Coast Air Quality Management District. No comparison of construction emissions for the various alternatives has been provided. Once all the emissions associated with construction are correctly assessed, the emissions will be above the de minimis thresholds and additional mitigation measures will be required. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
181	AQA p 43	SDAPCD Rule 51	It needs to be made clear in the document that compliance with SDAPCD Rule 51 is mandatory, and therefore, it is not a mitigation measure. No mitigation measures have been proposed for construction activities. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
182	MSAT p6	Table C : Changes in Total Project MSAT Emission Rates	The project will increase air toxic emissions by 4 to 20%. To claim that dispersion modeling cannot be done, that concentrations of air toxics at adjacent residences, schools, and hospitals cannot be projected, and that the potential health impacts of this increase in air toxics cannot be projected is disingenuous. The health impacts for many similar projects have been evaluated. Methodology presented in the California Environmental Protection

T-180 It is not Caltrans' practice to utilize significance thresholds of the type referenced in this comment. Please refer to the responses to your Comments 10 and T-6. Construction emissions are concluded to be temporary and limited to the immediate area, and therefore would not adversely affect air quality.

Approximately 6.6 miles of road and bridge construction could occur simultaneously in the region without exceeding the established limit. Constructing 6.6 miles of bridges and roadway widening represents an appropriately conservative estimate of actual construction activities. It is highly unlikely that 6.6 miles of construction would occur at the same time, however, due to the related effects of road closures on I-5 daily traffic. Accordingly, construction activities limited to approximately 6.6 miles of construction of roadway widening and bridge improvements simultaneously in the region would not have a significant impact on air quality. For a more in depth review of this analysis please refer to Section 5.2 of the project Air Quality Analysis technical report.

Similarly, as discussed in the Air Quality Analysis, and consistent with your projection of 4,000 cubic yards per day of base material import, the Road Construction Model version 5.1 includes estimates for load-hauling, worker commute trips, fugitive dust, and off-road construction vehicles. These are incorporated into the emissions estimates contained in Tables 7, 8, and 9.

As demonstrated on Tables 7, 8, and 9 of the Air Quality Analysis, it is unnecessary to provide emissions data for the comparison of alternatives because the analyzed build option (a 10+4 scenario) fell so far below general conformity limits. Given these low emissions projections, a localized emissions study was not required. In addition, please note that additional measures

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T-180 cont. to control fugitive dust, PM_{10}, $PM_{2.5}$, and diesel particulate matter consistent with SDAPCD regulations and Caltrans Specifications are included as design features.

T-181 Measures provided in EIR/EIS *Section 3.14.4, Avoidance, Minimization, and/or Mitigation Measures,* including compliance with Caltrans Standard Specifications–which also require conformance with SDAPCD regulations–are recommended to be incorporated into the project to minimize the emission of fugitive dust, PM_{10}, and $PM_{2.5}$ during construction, and are not intended to be mitigation measures under CEQA.

T-182 As noted under the discussion of mobile source air toxics (MSATs) in the Draft EIR/EIS in *Section 3.14.3,* MSAT modeling was completed in accordance with FHWA guidance on this issue and is consistent with FHWA and Caltrans guidance as required by the Caltrans SER for joint CEQA/NEPA documents. Based on review of Final EIR/EIS *Tables 3.14.11* and *3.14.12*, the source of the 4 to 20 percent increase in emissions in your comment is not understood. The tables demonstrate an average decrease in emissions of 38 and 49 percent for the 8+4 scenarios compared to existing conditions in 2015 and 2030, respectively. This is the correct basis for comparison. Updated analysis conducted in 2013 indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions. The fact that projected build emissions would be so much lower than under existing conditions eliminates the need for additional modeling as future conditions would be improved."

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			Agency's Office of Environmental Health Hazard Assessment (OEHHA) "Air Toxics Hot Spots Program Risk Assessment Guidelines-The Air Toxics Hot Spot Program Guidance Manual for Preparation of Health Risk Assessment," and the SCAQMD's "Health Risk Assessment Guidance for Analyzing Cancer Risks from Mobile Source Diesel Idling Emission for CEQA Air Quality Analysis" can be modified and then used to determine the increased deaths due to the increase in air toxics. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
183	MSAT p 15	"…it is not possible to make a determination of whether any of the alternatives would have "significant adverse impacts on the human environment."	See comment above regarding methodologies that are available to determine the increase deaths due to the increase in air toxics. More importantly the study shows that an increase in air toxics over the No Build Alternative would occur. An analysis should be performed that would determine the effect on human health. A statement that a significant air impact would occur should be included, and mitigation measures provided to reduce air toxics to a level consistent with the No Build Alternative unless and analysis clearly shows that no significant impact to human health would occur. A statement of Unavoidable Adverse Impact may need to be made after all mitigation options are evaluated and if the project still shows a significant impact on human health. Revise the analysis, provide mitigation as appropriate, and recirculate the DEIR/EIS for public review/comments.
184	DEIR/EIS/EIS, p 4-3	"…an individual project does not generate enough GHG emissions to significantly influence global climate change."	The document uses this statement to justify that the project will not have a significant impact on GHG emissions. This statement originally stated by the Association of Environmental Professionals in March 2007, is now outdated. As directed by SB97, the Natural Resources Agency adopted Amendments to the CEQA Guidelines on December 30, 2009 to address greenhouse gas impacts. On February 16, 2010, the Office of Administrative Law approved the Amendments, and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Amendments became effective on March 18, 2010. Additionally, the California Air Resources Board has proposed GHG thresholds that may be appropriate for this project. The significance thresholds for the project's GHG emissions need to be updated and impacts need to be assessed in light of the newer requirements. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
185	EIR/EIS, p 4-4 and	"…overall CO2 emission	The analysis in the DEIR/EIS does show that the GHG emissions would be

T-183 Please refer to the responses to your Comments T-177 and T-182, as well as Topical Response "Air Pollutants." The EIR/EIS indicates that: (1) research into the health impacts of MSATs is ongoing, and (2) the FHWA, USEPA, Health Effects Institute, and others are in the process of assessing the risks of various kinds of exposures to pollutants. The methodologies for forecasting health impacts related to MSAT emissions are discussed in detail in *Section 3.14* under the heading *Incomplete or Unavailable Information for Project-Specific MSAT Health Impacts Analysis*. The current Caltrans and FHWA methodology for assessing potential project impacts is to compare the future emissions of the project alternatives (including the no build alternative) to emissions under existing conditions. The analysis shows that all alternatives would have fewer MSAT emissions in 2030 for every MSAT pollutant, compared to base year (2006) conditions. Thus, none of the alternatives would have an adverse effect compared to existing conditions. The EIR/EIS also provides the information that future MSAT emissions along I-5 would be higher with the build alternatives than with the No Build alternative. This information will be considered by decision makers in selecting among all alternatives, including the No Build.

T-184 Quantitative data from the project's air quality and GHG analyses are presented in EIR/EIS *Section 3.4, Air Quality*, and *Chapter 4, California Environmental Quality Act Evaluation*, respectively. These data show that future air quality and GHG emissions would be improved under the preferred refined 8+4 Buffer alternative, as opposed to the No Build alternative, with the Preferred Alternative also providing a more efficient transportation system and greater mobility than the No Build alternative. Additional discussion of GHG impacts is provided in Topical Response "Climate Change."

Please also refer to the updated GHG analysis in *Chapter 4* of the EIR/EIS, as well as the response to your Comment T-109.

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	4-5	would be reduced."	reduced for the mainline portion of I-5. The additional traffic occurring on the freeway would be offset by slightly lower CO2 emission rates, which would occur due to less travel at slow speeds. The analysis does not quantify the construction emissions that could offset a large portion of GHG savings that are projected. GHG emissions from construction need to projected and included in the analysis of the project's impact on climate change. Revise the analysis and recirculate the DEIR/EIS for public review/comments.
186	TRAFFIC REPORTV47.PDF		The DEIR/EIS fails to disclose and discuss the health impacts on human respiratory disease and cancer incidence resulting from increased vehicular (especially diesel) air pollution within the San Diego Air Pollution Control District (SDAPCD). The DEIR/EIS must provide analysis of current and potential tailpipe emissions. The DEIR/EIS must present mitigations for reducing regional air pollution as well as greenhouse gas emissions generated by the proposed alternatives.
187	Draft Air Quality Analysis for the I-5 North Coast Project (TSAIR.PDF), p. 8	"US EPA designated 15 areas in California that violate the federal 8-hour ozone standard on April 15, 2004. Each nonattainment area's classification and attainment deadline is based on the severity of its ozone problem. San Diego's nonattainment areas deadline is 2009-2014."	No detail was provided in the DEIR/EIS about how this I-5 widening project – by adding to, not subtracting from, existing ozone levels through construction and operation – helps the San Diego Air Quality Basin reach its mandated attainment goal by 2014. Please provide supporting data and insert these data into a revised and recirculated DEIR/EIS.
188	Draft Air Quality Analysis for the I-5 North Coast Project (TSAIR.PDF), p. 25	Table 4, Ambient Air Quality Summary	Table 4 omits Particulate Matter values (a) beyond the 2006 measurement date, and (b) for any locations other than San Diego's 12th Street air quality sampling station. The I-5 segment between the 5/805 merge and Solana Beach is claimed to be a traffic bottleneck at the present time. Traffic congestion in this area places the Solana Beach community at special risk relative to particulate emissions like

T-185 Construction emissions of GHGs were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012, and the information has been added to *Section 4.6.4* of this Final EIR/EIS. *Table 4.3, Estimated Annual Construction GHG Emissions*, shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 MT per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG emissions.

T-186 Please refer to the response to your Comment T-171 and Topical Response "Air Pollutants."

T-187 Regarding long-term operational effects, the EIR/EIS concludes that the proposed project would improve traffic operations and would therefore contribute to lower air pollutant emissions. Please refer to Topical Response "Air Pollutants."

T-188 This comment is apparently based upon the commenter's views regarding the existing conditions on I-5, for which the project is not responsible. Regardless of monitoring station location or existing conditions, traffic changes (and related emissions) associated with project implementation and improved vehicle standards are anticipated to result in maintenance of or improvements over the existing condition. Please refer to the response to your Comment T-171 and Topical Response "Air Pollutants."

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			PM10 and PM2.5. Caltrans must conduct particulate matter "hotspot" measurements in the areas identified as congestion points (e.g., Solana Beach) and update Table 4 with modern values. This update is especially important because, as Table 4 shows, San Diego's 12th Street exceeded the California PM10 air quality standard 64.5 days in 2007! "Hotspot" measurements must be conducted and included in a revised DEIR/EIS.
189	Draft Air Quality Analysis for the I-5 North Coast Project (TSAIR.PDF), p. 31	"As previously stated in Section 3.3, the SDAB is not federally designated as a PM2.5 or PM10 Non-attainment or maintenance area; thus, the project does not require a PM2.5 or PM10 conformity analysis."	The DEIR/EIS did not address the effect of the proposed project on the nonattainment status of the SDAB with respect to ozone, PM10, and PM2.5 according to California regulations. Although conformity analysis under federal law may not be required, PM2.5 and PM10 are known toxic air pollutants, and the San Diego Air Pollution Control District is non-conforming with respect to particulate emissions by California regulations. A thorough analysis of toxic air pollutants that are known to contribute to the greatest percentage of health risk from vehicular emissions needs to be conducted. The DEIR/EIS must provide a thorough analysis of PM2.5 and PM10 emissions in a revised document.
190	Draft Air Quality Analysis for the I-5 North Coast Project (TSAIR.PDF), p. 40	Construction impacts	A toxic air pollution analysis was performed only for short (1.3-mile) segments of roadway and a single "typical" mainline bridge. Why were analyses not aggregated for all roadway segments and for the numerous bridges into a single estimate for the entire I-5 widening project? Analyses must aggregate all roadway segments and the numerous bridges into a single estimate for the entire I-5 widening project. Revise and recirculate the DEIR/EIS.
191	Draft Air Quality Analysis for the I-5	Construction impacts	The DEIR/EIS discusses construction impacts for fewer than the actual 18 lanes involved in the "10+4" alternative (sum of general purpose lanes and HOV lanes

T-189 Please refer to the response to your Comment T-171 and Topical Response "Air Pollutants." As noted in the Topical Response, the project is not a "Project of Air Quality Concern" and would be unlikely to increase the severity or frequency of any existing exceedances due to its anticipated improvement of traffic operations through smoothing of traffic flow and contribution to lower PM emissions as compared to no build conditions.

T-190 Please refer to the response to your Comment T-177. Approximately 6.6 miles of road and bridge construction could occur simultaneously in the region before exceeding the established limit. The *I-5 NCC Project* would not construct near that amount nor would the construction be simultaneous, due to the related effects of road closures on I-5 daily traffic. For a more in depth review of this analysis please refer to Section 5.2 of the project Air Quality Analysis technical report.

T-191 A generalized cross section that is deemed adequately conservative was applied in the analysis. Please also note that the ultimate number of I-5 lanes is not an accurate basis from which to project actual emissions—many existing parts of I-5 would not be rebuilt.

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	North Coast Project (TSAIR.PDF), p. 41		and auxiliary lanes)? The "10+4" widening alternative has been analyzed to include a total of 15 lanes (8 general purpose lanes + 4 HOV lanes + 3 auxiliary lanes). In actuality, the 10+4 alternative spans 18 lanes in some locations. The analyses must be revised to reflect the actual amount of concrete poured and construction performed to approximately double the width of the existing freeway. Similar adjustments must be made for the "8+4" alternatives with and without barriers in certain locations. The DEIR/EIS must be revised to consider construction impacts of actual "concrete lanes".
192	Draft Air Quality Analysis for the I-5 North Coast Project (TSAIR.PDF), p. 41	Cumulative impacts: "Therefore the project would not result in a cumulative impact to air quality."	There is no evidence presented in the DEIR/EIS that supports the statement that the I-5 widening project will not result in a cumulative impact to air quality. There are no quantitative data and measures of significance presented in support of the quoted statement. It is incorrect to state that the I-5 widening project would not result in cumulative impact to air quality. The DEIR/EIS in this section dismisses cumulative impact only because the project has been "factored" into the 2006 SANDAG RTP. In actuality, the project will cause cumulative deterioration in air quality simply because more vehicles will be accommodated in the future for one or more alternatives. Cumulative deterioration of the environment can never be "factored" into a DEIR/EIS analysis. CEQA obligates the lead agency to perform a rigorous accounting of air quality resulting from all proposed alternatives. The DEIR/EIS needs to present a quantitative analysis of toxic air contaminants having known adverse effects on human health. Revise and recirculate the DEIR/EIS.
	CHAPTER 3.15 Noise		
193	Overall comment	Lack of impact analysis	The Noise Section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for

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T-192 Please refer to the response to your Comment T-187 and Topical Response "Air Pollutants." The RTP and RTIP are long range plans that are prepared to show regional conformity with emission budgets. To the extent that projects listed in these plans are consistent with design concept and scope, the *I-5 NCC Project* would not have adverse regional air quality impacts. A quantitative analysis of Mobile Source Air Toxics (MSATs) has been conducted for this project. Please refer to *Sections 3.14* and *3.25* of the Final EIR/EIS for discussion of project air quality (including cumulative) analysis, and to Section 5.3 of the project Air Quality Analysis technical report for additional information.

T-193 The effects of the project on noise have been adequately addressed in EIR/EIS *Section 3.15*, *Noise* and the noise study report referenced in *Section 3.15.2, Affected Environment*. Traffic noise levels were modeled using the LOS C traffic volumes to obtain a conservative representation of a "Build" condition with 1,800 vehicles per hour per lane, and considering the alternative with the highest potential noise impact, i.e., the 10+4 Barrier alternative. The alternatives therefore are not discussed separately as for various other issues. Additional information for the Preferred Alternative is provided in the Final EIR/EIS.

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			meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated for meaningful public review.
194	Overall analysis	Lack of CEQA Thresholds of Significance	The Noise Section does not present any criteria for determining the thresholds of significance under CEQA. This is a fundamental error of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
195	General Comment	Noise walls	Noise reverberation studies related to the proposed noise walls must be performed. The information from these studies must be included in the revised DEIR/EIS and then the document must be recirculated for public review.
196	Avoidance, minimization and/or Mitigation measures/3.15-3	Equipment Noise Control • Ensure that all equipment items have manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. All construction equipment would be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices.	On page 3.15-57 of the EIR/EIS, the reader is referred to a website for levels for typical construction activities that would be expected in the project area. On that website can also be found feasible, effective mitigation measures that could minimize significant impacts and should be substituted for the existing equipment noise control measures (http://www.fhwa.dot.gov/environment/noise/construction_noise/special_report/hcn04.cfm#ide): • *Each internal combustion engine, used for any purpose on the job or related to the job, shall be equipped with a properly operating muffler of a type recommended by the manufacturer. No internal combustion engine shall be operated on the project without said muffler.* • *The Contractor shall take noise abatement measures consisting of, but not limited to, the following:* - *Proper maintenance of all equipment to ensure that noise is kept to a minimum.* - *Conducting truck loading, unloading and hauling operations so that noise*

T-194 Please refer to the response to your Comment 10.

T-195 It is assumed that you are referring to reflected noise and not reverberation. Reverberation studies are done for enclosed areas rather than freeways. A reverberation is created when a sound is produced in an enclosed space, causing a large number of echoes to build up and then slowly decrease as the sound is absorbed by the walls and air.

T-196 To avoid noise reflection, features should be considered as part of the *noise abatement design* if:

1) The ratio of the spacing between parallel barriers or retaining walls and the average height of the barriers or walls is 15:1 or less, or

2) Receivers on one side of the highway have a direct line of sight to a barrier or retaining wall on the opposite side of the highway.

In the case of I-5, soundwalls are too far apart to have such an issue.

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		Turn off idling equipment.	*is kept to a minimum.* - *Routing of construction equipment and vehicles carrying spoil, concrete or other materials over streets that will cause the least disturbance to residents in the vicinity of the work. The Engineer shall be advised in writing of the proposed haul routes prior to the Contractor securing a permit from the local government.* • *The noise level from the Contractor's operation shall not exceed [please provide values]:* - *x dBA at a meters* - *y dBA at right-of-way or* - *z dBA at b receptor* • *The Contractor shall purchase, modify, and operate equipment; erect barriers; attach aprons and skins; etc., and take any other measures necessary to meet the specified site noise limits. Said noise level requirement shall apply to all equipment on the job or related to the job, including but not limited to, trucks, transit mixers, or transient equipment that may or may not be owned by the Contractor.* The use of loud sound signals shall be avoided in favor of light warnings except those required by safety laws for the protection of personnel. Substitute these feasible, effective mitigation measures that could minimize significant impacts for the existing equipment noise control measures. Revise and recirculate the DEIR/EIS for public review/comment.
197	Avoidance, minimization and/or Mitigation measures/3.15-3	Administrative Measures • Plan noisier operations during times least sensitive to receptors. • Keep noise levels relatively uniform and avoid impulsive [*sic*] noises. • Maintain good public relations with the community to minimize objections to the unavoidable	The mitigation measure indicates that noisier operations would be planned "during times least sensitive to receptors." This needs to be more specific, as this could be interpreted many ways. If construction activities occurred during the day, construction noise would affect activities at Skyline Elementary School, Earl Warren Middle School, Santa Fe Christian School, and La Colonia Park. If at night, the construction noise would affect the sleep of residents near the I-5. The measure that directs the avoidance of impulsive noises carries no authority. Replace with, "Contractors shall avoid pulsating construction noise." The word "impulsive" means impetuous, and we think the author means pulsating. Please correct. The measure is unclear to whom and how the frequent activity updates would

T-197 The intent of this measure is to coordinate project construction activities to reflect local noise receptors and schedules and reduce associated potential conflicts. Measures described in EIR/EIS *Section 3.15.4* include equipment noise control, construction noise monitoring, and planning noisier operations during times least sensitive to noise receptors. Accordingly, construction schedules would be planned to accommodate local noise receptors that are more sensitive during daytime hours (e.g., schools) and at night (e.g., residential sites) to the maximum extent practicable.

Impulsive noise is a technical term that is generally defined as a short burst of sound with a rapidly changing loudness. Examples typically associated with construction operations may include blasting and pile driving. Such impulsive noise generation would be minimized as noted in the referenced measure from EIR/EIS *Section 3.15.4,* and the recommended language in this comment would not provide any additional protection against such noise sources.

Caltrans construction operations are conducted under the overall direction of a Resident Engineer (RE), who coordinates and supervises all associated contractors and related project activities. The Caltrans RE would generate and/or compile

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		construction impacts. Provide frequent activity updates of all construction activities. Application of these attenuation measures would reduce the construction noise at the sensitive receptors; however, a temporary increase in noise would occur.	be provided. This is the first time in the Noise section that the word "unavoidable" has been used when referring to impacts. There should be more discussion in the body of the text with reference to unavoidable construction noise impacts, and the unavoidable impact should be added to section 4.4 Unavoidable Significant Environmental Effects on page 4-2. Within the measure referring to attenuation measures, it states that the noise impacts are reduced; however, in the next clause, noise would also increase. The DEIR/EIS needs to be revised to include this analysis and the document needs to be re-circulated for public review/comment.
	CHAPTER 3.16 Energy		
198	Environmental Consequences / 3.16-1	Construction activities . . . could substantially increase energy consumption, and is an **unavoidable impact**. [*emphasis added*] However, post-construction and operational requirements of the facility should be less with the proposed project as opposed to the "no build" alternative.	Energy consumption during construction activities is considered to be an unavoidable impact. This needs further discussion and must be added to section 4.4 Unavoidable Significant Environmental Effects. The analysis that Caltrans undertakes for Energy is vague: *[c]onstruction activities . . . **could** substantially increase energy consumption; ". . . operational requirements of the facility **should** be less . . .'* This is contrary to analysis requirements put forth in Environmental Handbook, Volume I: Guidance for Compliance, Caltrans, Standard Environmental Reference, Chapter 13 – Energy http://www.dot.ca.gov/ser/vol1/sec3/physical/ch13energy/chap13.htm, last updated, November 12, 2008. It states that the Affected Environment must include existing energy consumption. With no baseline, there can be no comparative analysis. The EIR/EIS indicates that energy consumption should decrease; however with the introduction of additional lanes and their associated increased traffic, it is not clear how this conclusion is reached.

T-197 cont. construction activity updates and provide them to associated local jurisdiction staff in areas where construction operations are occurring. While the frequency of such updates would vary with the nature of site-specific construction activities and/ or surrounding land uses, it is anticipated that such updates would generally be provided on a weekly basis. Use of the word "unavoidable" in this context does not mean that there are unavoidable significant impacts pursuant to CEQA; therefore, no language will be added to *Section 4.4*.

T-198 Impacts that are identified as unavoidable and significant under CEQA in EIR/EIS *Chapter 4* are not necessarily the same as impacts that cannot be avoided discussed in EIR/EIS *Chapter 3*. Please refer to the response to your Comment 13. EIR/ EIS *Section 3.4.4, Unavoidable Significant Environmental Effects,* discusses (for the purposes of CEQA) impacts that can be mitigated but not reduced to a level of insignificance, in accordance with CEQA Guidelines Section 15126.2(b). Energy impacts are not considered to be significant under CEQA.

Under the topic "Determining the Need for a Separate Technical Report" at http://www.dot.ca.gov/ser/vol1/sec3/physical/ch13energy/chap13.htm, the SER states that a detailed energy study, including computations, is only required for large-scale EIS projects with potentially substantial energy impacts. The SER notes that these types of projects are relatively rare. The level of effort for the energy analysis should be based on the anticipated impact the project will have on energy use. If the project is not likely to have substantial impacts on energy consumption, then more generalized procedures can be used to conduct the analysis. For most projects, this means only general construction and operational energy requirements, and the conservation potential of the various alternatives needs to be discussed. The detailed approach therefore is not required for this project, where it is concluded that additional auxiliary and HOV/Managed Lanes, new and expanded park and ride facilities, improved bike lane and sidewalk features, ramp

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			Follow the Caltrans' stated method of analysis in the *Handbook* for direct and indirect energy consumption: **Direct energy** consumed by vehicles using the facility (compare proposed facility with existing conditions): • Total energy consumed by vehicle flows. • Vehicle miles traveled by vehicle flow. • Average vehicle occupancies. • Changes in energy relative to traffic flow. • Generated or induce trips. **Indirect energy** used in the construction, operation and maintenance of the facility (compare proposed facility with existing conditions: • Energy used by the vehicle and machines to construct the facility. • Impact of local fuel availability during construction. • Energy invested in materials used during construction. • Energy use for street lighting and tunnel operations. • Changes in land use and impact on commuting trips. • Trip diversion to other modes (more or less efficient). • Impact on the production of energy (if any). The DEIR/EIS needs to include this analysis and the document needs to be revised and re circulated for public review/comment.
199	Environmental Consequences / 3.16-1 *Impacts Common to All Build Alternatives*	However, post-construction and operational requirements of the facility should be less with the proposed project [*sic*] as opposed to the "no build" alternative.	This section is discussing impacts common to all build alternatives, the author of this section probably meant to write the proposed project *and all build alternatives* instead of repeating the previous paragraph: ". . . should be less with the proposed project and **all build alternatives** as opposed to the "no build" alternative. Revise and re-circulate the DEIR/EIS for public review/comment.
200	Environmental Consequences / 3.16-1 *Impacts Common to All Build Alternatives*	MISSING: No maintenance activities are described for the proposed action or build alternatives.	In Section 3.16.2, *Affected Environment*, several existing maintenance activities are described; however, these are absent when describing the proposed action and build alternatives, giving the impression that these activities would not contribute to the energy equation of the project. For example, the existing I-5 is described as causing:

T-198 cont. metering, and an improved transit-highway interface would likely improve traffic conditions, and thus reduce energy consumption, as more people carpool or choose other modal options.

T-199 The EIR/EIS statement cited is correct as written. As noted in the discussion of "Direct Energy Consumption," stop-and-go traffic conditions of the No Build alternative would decrease fuel efficiency, thus increasing fuel consumption.

T-200 EIR/EIS *Section 3.16.2, Affected Environment,* notes typical examples of facility maintenance, such as that driving during peak traffic conditions increases the "wear and tear" on vehicles, and the fact that the freeway needs pavement maintenance, especially considering that it is over 40 years old and is heavily used. These examples are cited as illustrations of indirect consumption of energy for transportation system materials and processes that compete with other important energy needs, and are not special or unusual features of the existing facility or the build alternatives that would affect environmental analysis. Over the long-term, it is true that energy usage associated with maintenance of the subject segment of I-5, would increase with implementation of any of the build alternatives. The greatest increase would be associated with implementation the 10+4 Barrier alternative and the smallest increase would be associated with the 8+4 Buffer alternative, which includes the Preferred Alternative design.

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			• Wear and replacement of vehicles and vehicle parts; • Maintenance of pavement, which requires heavy equipment, as well as setting up lane closures and detours, negatively affecting traffic conditions; and • Litter clean-up and graffiti abatement, often requiring lane closures for worker safety, again negatively affecting traffic conditions. These activities and their increased energy consumption and must be described for the proposed action and build alternatives as well. State that it would be the same if that is the case. Revise and re-circulate the DEIR/EIS for public review/comment.
201	Avoidance, Minimization and/or Mitigation Measures/3.16-2	Efforts to minimize energy consumption during construction include: • Public awareness campaigns to encourage carpooling and commuting during non-peak traffic hours • The recycling of materials, such as, damaged metal beam/guardrail and used rebar salvaged as metal scrap. • The use of recycled materials, such as, asphalt and concrete roadway materials through creation of road-base materials after crushing and grinding. The use of energy-efficient construction	Mitigation measures for energy consumption are listed only for the construction phase; add energy measures for the operations phase, as required by CEQA. The first measure could be a tri-fold posted on bulletin boards or it could be a full public awareness campaign using paper and electronic media. Be more specific to let the reader know its effectiveness. The other mitigation measures could themselves cause energy or other impacts. CEQA states that if this is the case, the effects of the mitigation measure shall be discussed. 15126.4(a)(1)(D). There is no discussion of how salvaging damaged metal beam/guardrail and used rebar as metal scrap would not increase truck trips or increase energy use in some other way. In addition, there is no discussion of how the creation (and presumably transportation) of road-base materials after crushing and grinding is an energy saver. Table 4.2 in the Greenhouse Gas discussion refers to an Energy Conservation Program. Perhaps to the average reader, referring to contents of this Program would facilitate understanding of energy savings. It is stated in the document that energy consumption during the construction phase "**could** substantially increase energy consumption, and is an unavoidable impact." Without any analysis being presented, the document further states "post-construction and operational requirements of the facility **should** be less with the proposed project as opposed to the "no build" alternative." This statement is possibly true with all build alternatives. With a lack of analysis, one cannot be sure of this conclusion. Regardless, there are no mitigation measures

T-201 Caltrans is satisfied that impacts related to energy have been adequately addressed in conformance with the SER. Project features are anticipated to improve traffic conditions, and thus reduce energy consumption during operation, in addition to providing multimodal choices for travelers, with these project benefits expected to offset energy consumption during construction and long-term project maintenance. Energy impacts during operation are not considered to be significant under CEQA, and no mitigation measures are required.

Caltrans is satisfied that efforts to minimize energy consumption during construction have been specified in sufficient detail to indicate effectiveness. Additional analysis of public awareness details, recycling methods, or construction vehicle performance is not required at this stage of project development. It is generally accepted, however, that educating the public, recycling existing materials, and using energy-efficient construction vehicles represent positive actions that help save energy. The success of the proposed managed lanes on I-5 and other major freeways throughout the county will be partially reliant on the implementation of a successful public awareness campaign. As the agency with the legislated responsibility for toll-collecting within the county, SANDAG is the agency that would be responsible for this campaign.

The methods cited in the Caltrans Environmental Handbook (Chapter 13) in this comment are specifically related to preparing a separate energy report. The SER also states, "When energy is a potentially substantial issue for a proposed EIR/EIS project, a separate section of the environmental document must discuss

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		vehicles.	to assure that the proposed action does not exacerbate energy consumption during operations activities. The Caltrans' *Environmental Handbook* (Chapter 13) relates the methods to discuss energy mitigation measures. The following are excerpts from that document: **Mitigation Measures** Describe mitigation measures and commitments during construction, operation, and maintenance that will be implemented as part of the project. If there were some mitigation measures that were considered but rejected, state the reason why. Potential mitigation measures include [suggested effective mitigation measure is bracketed]: • Selection of energy efficient project features—lighting, pavement surface, etc. [The project shall include energy-efficient lighting such as _____ and efficient pavement surface such as _____.] • Energy efficient design—reduced grades, decrease in out-of-direction travel • Transit highway interface • Traffic flow improvements—ramp metering, auxiliary lanes • Bicycle and pedestrian facilities. • Other conservation incentives (such as low emission vehicle program and alternative fuel vehicles) **Consistency with Energy Conservation Plans** Each alternative's relationship and consistency with state and/or regional energy plan(s) should be discussed. CEQA *states that feasible measures shall be included that* minimize significant adverse impacts, including inefficient and unnecessary consumption of energy. 14 CCR 15126.4(a)(1). Appendix F of CEQA lists six energy environmental impacts, none of which are discussed in the EIR/EIS:

T-201 cont. energy. NOTE: In practical terms, this means a separate energy section is rarely needed in the environmental document." Please also refer to the response to your Comment T-198.

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			1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials maybe discussed. 2. The effects of the project on local and regional energy supplies and on requirements for additional capacity. 3. The effects of the project on peak and base period demands for electricity and other forms of energy. 4. The degree to which the project complies with existing energy standards. 5. The effects of the project on energy resources. 6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives. Appendix F of CEQA also lists five mitigation measures for energy [*suggested effective mitigation measure is bracketed*]: 1. Potential measures to reduce wasteful, inefficient, and unnecessary consumption of energy during construction, operation, maintenance, and/or removal. The discussion should explain why certain measures were incorporated in the project and why other measures were dismissed. 2. The potential of siting, orientation, and design to minimize energy consumption, including transportation energy, increase water conservation and reduce solid waste. 3. The potential for reducing peak energy demand. 4. Alternate fuels (particularly renewable ones) or energy systems. 5. Energy conservation that could result from recycling efforts. [Construction contractors shall recycle …to be used for …. During operation activities, … shall be recycled by … to be used for …. Recyclable materials shall be trucked in covered vehicles to … via the most expeditious route as determined by ….] The DEIR/EIS needs to incorporate a more thorough discussion of energy and the document needs to be revised and re-circulated for public review and comment.

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	CHAPTER 3.17 Natural Communities		
202	Overall comment	Lack of impact analysis	The Natural Communities section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated for public review and comment.
203	Overall analysis	Lack of CEQA Thresholds of Significance	The Natural Communities section does not present any criteria for determining the thresholds of significance under CEQA. This is a critical error of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
204	Page 3.17-1 4th paragraph	A total of 30 plant communities, with eight occurring in both disturbed and undisturbed condition, were identified within the Study Area.	No analysis is provided for the 30 plant communities identified. While the DEIR/EIS provides Tables 3.17-1 and 3.17-2 (permanent and temporary impacts) listing the communities and acreage impacted, there is no corresponding assessment to determine the level of impact. As currently written, the potential impacts from project implementation are not clearly identified. The DEIR/EIS should be revised accordingly with this information.
205	Page 3.17-9	Avoidance, Minimization and/or Mitigation Measures	The five (5) listed conservation measures (presumably mitigation measures) are insufficiently linked to the permanent impacts to Coastal Sage Scrub, and wetlands areas from project implementation. However the Tables 3.17-1 and 3.17-2 list other communities having impacted acreage. Furthermore, the last bullet point (#5) states that "All temporary impact areas would be re-vegetated and restored to pre-existing conditions"; however, this language is vague in determining precise locations (no exhibit demonstrating the areas is provided), or when this conservation measure would occur. The DEIR/EIS should be

T-202 The effects of the project on natural communities have been adequately addressed in EIR/EIS *Section 3.17, Natural Communities* and the primary Natural Environment Study (NES) and other studies referenced in *Section 3.17.2, Affected Environment*, as well as the Supplemental Draft EIR/EIS circulated to the public in August 2012 (and incorporated into this Final EIR/EIS). Because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint of the 10+4 Barrier alternative is the only alternative shown in the graphics, but the build alternatives are discussed separately in the text in EIR/EIS *Section 3.17.2, Environmental Consequences*. Additional information regarding lagoon impacts and the impacts of the refined 8+4 Buffer alternative (LPA and Preferred Alternative) was also provided in the Supplemental Draft EIR/EIS and is incorporated into this Final EIR/EIS. Please also refer to the response to your Comment T-6.

T-203 Please refer to the responses to your Comments 10 and T-6.

T-204 The analysis of the impacts to the various plant communities is provided in *Section 3.17.2*. Please also refer to the response to Comment T-202.

T-205 The locations that would be revegetated are the places where the final footprint of the Preferred Alternative, if the project is approved, would impact natural communities. *Figures 3-17.1a* through *3-17.1n* indicate these locations to the level of detail possible at this stage of project development. Several of the communities listed in *Table 3.17.1* and *Table 3.17.2,* including bare ground, developed, and ornamental, would not require revegetation as they are not considered sensitive communities. Impacts to sensitive natural communities for each build alternative are discussed in *Section 3.17.2, Environmental Consequences*. The measures listed in *Section 3.17.3, Avoidance, Minimization, and/or Mitigation Measures* apply to those impacts. In addition,

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			revised to include feasible mitigation measures available which would substantially lessen the significant environmental effects.
206	Page 3.17-9 2nd paragraph	Although impacts to the lagoons cannot be avoided, there are ongoing studies of the hydrology in the lagoons and methods to enhance water flow under the bridges that would be used during the bridge design.	Because there are unavoidable impacts from project implementation, the Lead Agency will need to prepare a Statement of Overriding Consideration (CEQA) based on these environmental consequences. This needs to be stated within the DEIR/EIS and recirculated for meaningful public review. As a Responsible Agency, the City will be asked to concur with Caltrans Findings of Fact supporting a Statement of Overriding Considerations. At this point, the City cannot support any alternative that results in unavoidable adverse effects of a project that has neither demonstrated it is needed nor feasible.
207	Page 3.17-10 through Page 3.17-23	Maps of the vegetation communities overlaid on 2003 aerial are provided in Figures 3-17.1a to 3-17.1m	The use of aerial maps dating back to 2003 is inadequate for the purposes of an environmental review seven (7) years later. These maps will need to be updated to reflect the current habitat and re-circulated with corresponding analyses. In addition, the chapter states various biological reports were prepared "in support of this section" for the years 2004, 2006, and 2007. Please explain how the 2003 date was determined to be the appropriate date for Figures 3-17.1a to 3-17.1m.
208	General comment		It is unclear why the discussion of potential impacts to wetlands is divided into Chapters 3.17 Natural Communities and Chapter 3.18 Wetlands. The revised DEIR/EIS needs to explain why this was done.
209	General comment	Residual impact	With implementation of the mitigation measures, what is the level of significance of the potential impacts? Without determining if a residual impact would occur, the cumulative impact(s) of the project cannot be properly assessed. The DEIR/EIS should be revised accordingly to discuss the level of significance after implementation of the mitigation program for all resource chapters.
	CHAPTER 3.18 Wetlands and		

T-205 cont. this section notes that conservation measures for species and compensatory mitigation for the project are discussed in *Section 3.19, Plant Species*; *3.20*, *Animal Species*; and *3.21, Threatened and Endangered Species*.

Please also refer to Topical Response "Lagoon Evaluations" for discussion of additional studies about impacts to lagoons and associated avoidance, minimization and mitigation measures, which were provided in the Supplemental Draft EIR/EIS and have been incorporated into the Final EIR/EIS. The Final EIR/EIS has also been updated to reflect available mitigation reflecting mitigation agreements with resource agencies. Such agreements will continue to evolve through the permitting process.

T-206 Please refer to the response to your Comment 10. An impact that is described in *Chapter 3* as one that cannot be avoided is not necessarily a significant unavoidable impact under CEQA. CEQA significance conclusions are provided in *Chapter 4*.

Biological resources discussed in *Chapter 3* of the Draft EIR/EIS as being subject to impacts that could not be avoided (for example on pages 3.17-9, 3.18-3, and 3.21-7) are also listed for CEQA purposes in EIR/EIS *Section 4.3, Less than Significant Impacts with Mitigation and/or Minimization.* These impacts are considered to be reduced to below a level of CEQA significance through the conservation measures, compensatory mitigation, and participation in regionally important restoration projects, as described in *Chapter 3* of the EIR/EIS and referenced in *Chapter 4.* Please also refer to the response to your Comment T-205.

The City's position regarding alternatives that result in unavoidable effects is acknowledged. Please note that the CEQA conclusions reached in *Chapter 4* are based on the analysis contained in both *Chapters 3* and *4*. Substantial additional information regarding lagoon impacts and mitigation was circulated in a Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS.

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T-207 The baseline for analysis in an environmental document is what exists at the time the NOP is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The biological resources measures and evolving permit conditions are structured to address conditions at the time of construction and ensure adequate mitigation for actual resources impacts. Surveys will be completed as needed immediately prior to initiation of each construction phase to identify the latest conditions for resources that must be protected during construction. It is not practical or effective to continually update maps and surveys. Additional available data has also been added to the Final EIR/EIS, however, based on the lagoon studies as described in Topical Response "Lagoon Evaluations." This additional data and analysis was also provided in the Supplemental Draft EIR/EIS, which was circulated in August 2012.

T-208 The organization for discussion of biological resources is set by the SER. The annotated EIR/EIS outline states that "The Biological Environment section of the Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is broken into the following subsections:

- Natural Communities
- Wetlands and Other Waters
- Plant Species
- Animal Species
- Threatened and Endangered Species
- Invasive Species
-

This information is also provided at the beginning of the *Biological Environment* section of the EIR/EIS, to guide the reader.

T-209 Please refer to the responses to your Comments 10, 13, and T-6. Biological resources impacts are identified in EIR/EIS *Section 4.3, Less than Significant Impacts with Mitigation and/or Minimization.* These impacts are considered to be reduced to below a level of CEQA significance through the conservation measures, compensatory mitigation, and participation in regionally important restoration projects described in the

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	Other Waters		
210	Overall comment	Lack of impact analysis	The Wetlands and Other Waters section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated for public review.
211	Overall analysis	Lack of CEQA Thresholds of Significance	The Wetlands and Other Waters Communities section does not present any criteria for determining the thresholds of significance under CEQA. This is a fundamental error of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
212	Page 3.18-3 4th paragraph	There is no way to avoid impacts to the wetlands entirely and still meet the purpose and need for the project.	Because the project will result in unavoidable impacts to biological resources, a Statement Of Overriding Considerations will be required for this project impact (State CEQA Guidelines §15093).). As a Responsible Agency, the City will be asked to concur with Caltrans Findings of Fact supporting a Statement of Overriding Considerations. At this point, the City cannot support any alternative that results in unavoidable adverse effects of a project that has neither demonstrated it is needed nor feasible.
213	Page 3.18-4	3.18.4 Avoidance, Minimization and/or Mitigation Measures	A project of this magnitude (27 miles in length and varying widths, over the duration of 35 or more years) requires definitive mitigation measures for the potential impacts to wetlands areas. Pursuant to State CEQA Guidelines §15126.4, the conservation measures need to state whether they are in fact proposed by the lead agency (as project design features) or expected to reduce adverse impacts if required as conditions of approving the project. Statements such as "Appropriate BMPs" are not sufficient for assessing the level of suitability for mitigation. It is unclear how the fuel of construction

T-209 cont. respective sections of the EIR/EIS. This information has been expanded to include the information provided in the Supplemental Draft EIR/EIS, and the evolving permit conditions for the project.

T-210 The effects of the project on wetlands and other waters have been adequately addressed in EIR/EIS *Section 3.18, Wetlands and Other Waters,* and the primary NES and other studies referenced in *Section 3.17.2, Affected Environment*. As discussed for *Section 3.17, Natural Communities*, because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint of the 10+4 with Barrier is the only alternative shown in the graphics, but the build alternatives are discussed separately in the text in EIR/EIS *Section 3.18.3, Environmental Consequences*. Please also refer to Topical Response "Lagoon Evaluations" regarding additional lagoon evaluations. Additional lagoon studies were completed and substantial additional information regarding lagoon impacts and mitigation was provided in the Supplemental Draft EIR/EIS and is incorporated into the Final EIR/EIS. This includes additional information regarding the impacts of the 8+4 Buffer alternative, or LPA, which has also been determined to be the Preferred Alternative. Please also refer to the response to your Comment T-6.

T-211 Please refer to the responses to your Comments 10 and T-6.

T-212 Please refer to the response to your Comment T-206.

T-213 Please refer to the response to your Comment 30. The measures include a requirement for fueling of construction equipment to occur at a designated area away from drainages and lagoons and associated plant communities to preclude adverse water quality impacts that could result from an accidental spill. Water quality and biological resources mitigation requirements were stated generally within the Draft EIR/EIS, because the specific requirements are being negotiated through required permit processes with the resources agencies responsible for regulating biological resources and water quality impacts. These permit processes are ongoing and updated information is provided in the Final EIR/EIS. Please also refer to Topical Response "Lagoon

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			vehicles is connected to wetlands impacts; as nowhere in the chapter is it declared as a potential impact to wetlands. Also, "studies underway" (listed as conservation measure #5) is considered deferred mitigation whereas it is unclear how this action is provided to offset or reduce impacts, and will likely require performance standards. CEQA requires mitigation measures be enforceable and roughly proportional. Elsewhere in the chapter (page 3.18-1 1st paragraph) states acknowledgement of conceptual mitigation plans based on the MOU with various resource agencies, as well as a Streambed Alteration Agreement. This information needs to be added to the list of mitigation measures to ensure compliance. The DEIR/EIS needs to be revised accordingly to include this information.
214	Pages 3.18-5 through 3.18-12	Figures 3-18.1a through 3-18.1h	These figures need to be revised to be consistent with all biological chapter figures. The DEIR/EIS must be revised to reflect this change.
	CHAPTER 3.19 Plant Species		
215	Overall comment	Lack of impact analysis	The Plant Species section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated for public review.
216	Overall analysis	Lack of CEQA Thresholds of Significance	The Plant Species section does not present any criteria for determining the thresholds of significance under CEQA. This is a fundamental error of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that state there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.

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T-213 cont. Evaluations." Many of the referenced "studies underway" have been completed and the results were summarized in the Supplemental Draft EIR/EIS that was circulated to the public in August 2012. The additional information has also been incorporated into this Final EIR/EIS.

T-214 The figures referenced in this comment show only U.S. Army Corps of Engineers (USACE) jurisdictional waters, which do not exist throughout the biological study area of the project. These figures therefore are not the same as other biological chapter figures.

T-215 The effects of the project on plant species have been adequately addressed in EIR/EIS *Section 3.19, Plant Species,* and the primary NES and Manchester Avenue NES referenced in *Section 3.19.2, Affected Environment*. As discussed for *Section 3.17, Natural Communities*, because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint of the 10+4 Barrier alternative is the only alternative shown in the graphics, but impacts of the build alternatives are tabulated separately in *Table 3.19.1* in EIR/EIS *Section 3.19.3, Environmental Consequences*. Please also refer to the response to your Comment T-6.

T-216 Please refer to the responses to your Comments 10 and T-6.

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217	Page 3.19-1	3.19.1 Regulatory Setting	The DEIR/EIS needs to be revised to provide data regarding the federal and State regulatory requirements rather than listing where they can be found. CEQA requires the discussion of any inconsistencies between the project and applicable plans. Without inclusion of the regulatory setting, accurate conclusions cannot be provided. As such, the DEIR/EIS must be revised to include this information for all resource chapters.
218	Page 3.19-1 4th paragraph	Sensitive plant species with the potential to occur in the Study Area, but that were not observed are described in the NES.	Because the NES study was not provided for public review in the DEIR/EIS Appendix or listed on the project website (as of August 16, 2010), the DEIR/EIS needs to be revised and recirculated to provide the referenced list of the sensitive plant species with the potential to occur in the Study Area.
219	Overall comment	Inadequate figures	As stated in previous comments regarding the biological subchapters, the DEIR/EIS need to be revised to include revised figures with the same baseline date for consistent analysis. [This subchapter references studies from 2004 and 2007, and the NOP/NOI were released in 2004, yet it is unclear which date was used in determining the baseline environment]. This information needs to be provided in a revised DEIR/EIS.
220	Page 3.19-1	3.19.2 Affected Environment	Under this heading, the DEIR/EIS lists 11 sensitive plant species observed within the Study Area, however Table 3.19.1: Sensitive plant species impacted by each alternative does not include each of these sensitive plant species. As such, the section needs to be revised for consistency within the analysis. As written, this section is not adequate for disclosing potential impacts. The DEIR/EIS needs to be revised to include this information.
221	Page 3.19-2 6th paragraph	The majority of these species could potentially be salvaged or mitigated by planting in an offsite preserve.	It is unclear whether or not this action will be included as part of the project mitigation to offset or reduce the impacts to the Del Mar sand aster, coastal scrub oak, Orcutt's pincushion, sea dahlia, wart-stemmed ceanothus, coast barrel cactus, southern tarplant, and torrey pine would be impacted by each of the alternatives. No mention of this statement is listed under the 3.19.4 Avoidance, Minimization and/or Mitigation Measures section, and use of the "could" leads the reader to believe the project would not comply The DEIR/EIS must be revised accordingly with this information.

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T-217 Potential inconsistencies between the project and applicable plans are discussed in EIR/EIS *Section 3.1.2, Consistency with State, Regional, and Local Plans and Programs*. Caltrans is obligated to follow State and federal laws in carrying out its projects.

T-218 The primary NES is listed with other technical studies on the project website. The Manchester Avenue / I-5 Interchange NES was added to the website on August 26, 2010, and additional time was provided for public review. Please refer to the response to your Comment T-11.

T-219 The biological resources data circulated within the Draft EIR/EIS was the most recent available data, based on all biological studies conducted for the project. Additional available data has also been added to the Final EIR/EIS, based on the lagoon studies as described in Topical Response "Lagoon Evaluations." This additional data and analysis was also provided in the Supplemental Draft EIR/EIS. Please also refer to the response to Comment T-207.

T-220 Only the eight plant species that are not federally listed and would be impacted by the project are listed in *Table 3.19.1*. Del Mar manzanita, a federally listed species which is also on the graphics, is discussed in EIR/EIS *Section 3.21, Threatened and Endangered Species*.

T-221 EIR/EIS *Section 3.19.4, Avoidance, Minimization, and/or Mitigation Measures* notes that seed would be collected or plants would be salvaged to the extent practicable in the impact areas. Please also refer to the responses to your Comments 30 and T-213.

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222	Page 3.19-2	3.19.4 Avoidance, Minimization and/or Mitigation Measures	The revised DEIR/EIS needs to define the term "to the extent practical". If it is determined that this mitigation is not "practical" what other measures will be implemented to offset or reduce project impacts to sensitive plant species?
	CHAPTER 3.20 Animal Species		
223	Overall comment	Lack of impact analysis	The Animal Species section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated for public comment.
224	Overall analysis	Lack of CEQA Thresholds of Significance	The Animal Species section does not present any criteria for determining the thresholds of significance under CEQA. This is a fundamental error of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact that state there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
225	Page 3.20-2	Table 3.20.1: Sensitive Animal Species Observed within the Study Area	The DEIR/EIS lists 21 sensitive animal species observed in the Study Area (Table 3.20.1), but fails to discuss how the project may potentially impact the species. Revise the DEIR/EIS accordingly to discuss these potential impacts.
226	Page 3.20-3	3.20.4 Avoidance, Minimization and/or Mitigation Measures The lagoons are important stop over,	It is unclear how this mitigation would reduce or lessen the impact. Is this mitigation consistent with the federal Migratory Bird Treaty Act? Were resource agencies consulted regarding the appropriateness of the listed mitigation measures? Revise the DEIR/EIS accordingly to address how these issues.

T-222 The term "to the extent practical" acknowledges the unknowns typical in biological resources mitigation when proposing collection and salvaging of existing plants. Caltrans is currently in negotiations with resource agencies that have jurisdiction to determine the details of an appropriate mitigation strategy for biological resources. The latest information regarding these evolving permit agreements is provided in the Final EIR/EIS. Please also refer to the responses to your Comments 30 and T-213.

T-223 The effects of the project on animal species have been adequately addressed in EIR/EIS *Section 3.20, Animal Species,* and the primary NES and other studies referenced in *Section 3.20.2, Affected Environment*. As discussed for *Section 3.17, Natural Communities*, because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint of the 10+4 Barrier alternative is the only alternative shown in the graphics, and impacts of all of the build alternatives on animal species are considered to be similar in EIR/EIS *Section 3.20.3, Environmental Consequences*. Please also refer to the response to your Comment T-6.

T-224 Please refer to the responses to your Comments 10 and T-6.

T-225 Sensitive animal species that are considered to be potentially impacted are discussed in EIR/EIS *Section 3.20.3, Environmental Consequences*.

T-226 Caltrans is currently in negotiations with resource agencies that have jurisdiction to determine the details of an appropriate mitigation strategy for biological resources. The latest available information regarding the evolving resource agency permit requirements for the project has been incorporated into this Final EIR/EIS. Please also refer to the responses to your Comments 30 and T-213.

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		resting, and foraging habitats for birds migrating along the Pacific flyway. To minimize impacts to migratory birds, construction would not occur in more than two lagoons at any one time.	
	CHAPTER 3.21 Threatened and Endangered Species		
227	Overall comment	Lack of impact analysis	The Threatened and Endangered Species section does not provide analysis or criteria to use for the basis of analysis of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised to include this information and recirculated for public comment.
228	Overall analysis	Lack of CEQA Thresholds of Significance	The Threatened and Endangered Species section does not present any criteria for determining the thresholds of significance under CEQA. This is an error of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
229	Page 3.21-1 3rd paragraph	3.21.2 Affected Environment	The DEIR/EIS provides a listing of 18 threatened and/or endangered plant and animal species following this statement. However, the brief discussion of the species is not consistent and need to be modified to reflect the survey findings

T-227 The effects of the project on threatened and endangered species have been adequately addressed in EIR/EIS *Section 3.21, Threatened and Endangered Species,* and the primary NES and other studies referenced in *Section 3.21.2, Affected Environment*. As discussed for *Section 3.17, Natural Communities*, because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint of the 10+4 Barrier alternative is the only alternative shown in the graphics, but the build alternatives are discussed separately in the text in EIR/EIS *Section 3.21.3, Environmental Consequences*. Please also refer to the response to your Comment T-6.

T-228 Please refer to the responses to your Comments 10 and T-6.

T-229 It is not clear from this comment what inconsistencies are in the discussion in *Section 3.21*. The reports upon which *Section 3.21* is based are listed at the beginning of *Section 3.21.2*. As described in the NES, a series of surveys for plant and animal species was conducted in the biological study area for the project, with each survey conducted according to the survey protocols established by the U.S. Fish and Wildlife Service.

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		The section below discusses listed threatened and endangered species observed within the Study Area.	as well as state which biological study is being referenced (i.e., Encinitas baccharis: This species was not observed and would have been identified if it occurred within the project area.). Accuracy in the DEIR/EIS is crucial to assesses potential biological impacts and to provide for mitigation, as necessary. The DEIR/EIS must be revised accordingly to address this comment.
230	Page 3.21-4 5th paragraph	Construction noise and activities may affect birds nesting at these sites ([referencing] California least terns, western snowy plovers, and brown pelicans were all identified…). In addition, night lighting due to construction related activities may result in potential adverse effects on breeding behaviors of sensitive species.	There does not appear to be mitigation linked to this impact. The DEIR/EIS needs to be revised to identify the mitigation measures intended to offset or reduce these identified impacts.
231	Page 3.21-4 6th paragraph	Conservation measures are proposed below to minimize any temporary impacts to steelhead trout during construction.	This chapter needs to be revised to include mitigation measures to the steelhead trout. The first bullet point under 3.21.4 Avoidance, Minimization, and/or Mitigation Measures describes that "a channel large enough for fish movement will be kept open…" however it is unclear if this is reasonable mitigation for the steelhead trout. In addition, the statement "large enough" is too vague to assess the appropriateness of this mitigation measure. In preparing an EIR, the standard and accepted practice among EIR preparers is to list each impact and then describe the mitigation measures intended to avoid, minimize, rectify, reduce, eliminate, or compensate for each impact, followed by the level of impact after implementation of the mitigation measures. The DEIR/EIS must be revised to identify mitigation measures for each

T-230 Measures listed in EIR/EIS *Section 3.21.4, Avoidance, Minimization, and/or Mitigation Measures*, that are related to construction impacts include completion of all pile driving near the lagoons outside the bird breeding season (February 15 through August 31) to minimize construction noise impacts to bird species around the lagoons, and shielding of night lighting for construction to direct it away from Environmentally Sensitive Areas (ESAs). A full listing of construction-period mitigation measures is provided in the Environmental Commitments Record (Appendix D) of this Final EIR/EIS. Please also refer to the response to your Comment T-226.

T-231 Caltrans continues to coordinate with NOAA Fisheries and California Department of Fish and Wildlife (CDFW; previously the California Department of Fish and Game) on appropriate measures for steelhead trout and any other fish species. The permitting agencies will judge the appropriateness and effectiveness of all project measures through their decisions to grant permits and set permit conditions. Updated information from these negotiations has been incorporated into this Final EIR/EIS. This includes informal consultation with the National Marine Fisheries Service (NMFS) regarding steelhead trout. NMFS concurred that the project may affect, but is not likely to adversely affect, steelhead trout or their habitat with incorporation of the appropriate design features and avoidance, minimization, and/or mitigation measures, which include new measures incorporated into *Section 3.21.4* of the Final EIR/EIS. As stated there:

- Prior to initiation of construction in those locations, Caltrans would submit a plan to the USFWS for maintaining a channel for fish and/or rail movement in the San Luis Rey River and each of the lagoons.

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	T-231 cont. • In-water construction activities at the San Luis Rey River would take place outside of the steelhead migration window when steelhead adults and juveniles are expected to be using the lower reach of the San Luis Rey River. • Silt curtains, coffer dams, and/or other barriers would be used to prevent steelhead from entering the construction zone and prevent sedimentation and debris from entering the river. These structures would be installed in such a way as to allow movement of steelhead through the project area, should the species be present, but would be removed upon project completion. • Best management practices would be implemented during construction to minimize impacts on steelhead and aquatic habitat in the San Luis Rey River. These include sediment control measures to minimize erosion and impacts to water quality, measures to prevent debris and fresh concrete from entering the river channel, and fueling and maintenance of heavy machinery in areas away from the river channel and sensitive habitats.

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			significant environmental effect identified in the EIR. (State CEQA Guidelines §15126.4)
232	Page 3.21-5 1st paragraph	Long term increases in noise levels from the completed project may affect wildlife species and, therefore, could be considered an indirect affect to sensitive wildlife species.	Noise impacts to wildlife species as a result of project implementation is a direct impact, not an indirect effect as stated. Please revise this statement to include the noise impacts to wildlife species as a result of this project. In addition, is the DEIR/EIS must indicate the significance of impacts to wildlife species? CEQA requires analysis of potential impacts on all phases of the proposed action/project; including planning, acquisition, development and operation (State CEQA Guidelines §15126). NEPA requires discussion of direct and indirect effects as well as their significance (CEQ §1502.16 (a-b)). Because the DEIR/EIS fails to comply with the requirements of NEPA and CEQA, the document must be revised and recirculated for public review.
233	Page 3.21-7 6th paragraph	Assessment regarding impact to Del Mar Manzanita	The DEIR/EIS correctly states the project would result in impacts to the Del Mar Manzanita. However, it is unclear if this referenced paragraph is in fact mitigation, and if so, how and when it will be implemented. The DEIR/EIS must be revised to indicate whether this is mitigation and a method for implementation of this and other mitigation measures.
234	Page 3-21.8 2nd paragraph	Los Peñasquitos Lagoon Impacts to the lagoon are minimal and construction of a new bridge at Sorrento Valley Road/Roselle Street, in place of the culvert by the interchange of I-5 and SR-56 should enhance flows through the lagoon and facilitate wildlife crossing under the I-5.	As stated previously in our comments under the subheading: Overall Scope, Content and Organization of the DEIR/EIS, the DEIR/EIS subheading: Avoidance, Minimization, and/or Mitigation Measures sections of the DEIR/EIS needs to be revised to firmly state what statements are intended as feasible mitigation measures. If no feasible mitigation can be provided or exists for resource impacts, then the DEIR/EIS must disclose this information. Use of the terms such as "should enhance flows" will need to be verified by performance standards to account for mitigation reliability or substituted by other feasible mitigation measures. Deferred mitigation (as suggested in the last sentence) is not permitted. The DEIR/EIS must be re-written to identify mitigation measures and the residual impact.

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T-232 Noise impacts to animal species are considered to be indirect because these impacts do not directly "take" the animal or its habitat. Regardless of being identified as direct or indirect, noise impacts during project construction and operation are discussed in EIR/EIS *Section 3.21.3, Environmental Consequences, Noise Effects on Wildlife.* As stated in Chapter 4, for the purposes of CEQA, impacts to wildlife species fall under the category of "less than significant impacts with mitigation and/or minimization." Thus, the potentially significant impacts to wildlife species would be mitigated via the measures listed in *Sections 3.20.4* and *3.21.4.* The term "significance" has a different connotation in the CEQA guidance. Under NEPA, the EIS must discuss the severity of the impact. This does not mean that the word "significant" must be used. Regarding conclusions of significance, please refer to the responses to your Comments 10 and T-6.

T-233 The measure to salvage affected Del Mar manzanita plants and place them in a compensatory mitigation site for the project is one of many avoidance, minimization, and/or mitigation measures proposed to reduce potential impacts. This measure is included in Appendix D – Environmental Commitments Record, which will eventually record implementation information such as responsible branch and/or staff, timing, and actions taken. Please also refer to the responses to your Comments T-222 and T-234.

T-234 Caltrans is currently in negotiations with resource agencies that have jurisdiction to determine the details of an appropriate mitigation strategy. Updated information regarding these evolving strategies and requirements are provided in the Final EIR/EIS. These actions illustrate Caltrans' commitment to fully address impacts of this regional project, and do not indicate that mitigation measures are being deferred. Please refer to Topical Response "Lagoon Evaluations" for discussion of additional studies about impacts to lagoons provided in the Supplemental Draft EIR/EIS which has been incorporated into this Final EIR/EIS. Please also refer to the response to your Comment 30.

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		There are impacts to this watershed from the expansion of I-5 just north of Genesee Avenue and for the bridge over Los Peñasquitos Creek by the merge with I-805. Caltrans is still looking for mitigation opportunities within this watershed.	
	CHAPTER 3.22 Invasive Species		
235	Overall comment	Lack of impact analysis	The Invasive Species section does not provide analysis [or criteria to use for the basis of analysis] of a proposed project or action, or a thorough analysis of alternatives. These deficiencies in the DEIR/EIS render the document inadequate for meaningful evaluation by the public, Responsible Agencies, or decision makers. The DEIR/EIS must be revised with this information and recirculated for public review.
236	Overall analysis	Lack of CEQA Thresholds of Significance	The Invasive Species section does not present any criteria for determining the thresholds of significance under CEQA. This is a fundamental flaw of the DEIR/EIS and for every resource chapter. It is noted that Chapter 4 – CEQA Evaluation lists by bullet point which resource areas *"…would have a less than significant effect on the environment";* however, this is not adequate in determining significance as no threshold is provided. In addition, various resource chapters in fact state that there would be impacts (i.e., the Land Use section). The DEIR/EIS must be revised to include these criteria and provide an analysis and recirculated for public review.
237	Page 3.22-1	3.22.4 Avoidance, Minimization and/or Mitigation Measures	Please clarify whether these statements are mitigation measures intended to offset impacts to Invasive Species and to control for further growth/spread. If they are in fact mitigation measures, the DEIR/EIS needs to state so, and

T-235 The invasive species impacts of the project have been adequately addressed in EIR/EIS *Section 3.22, Invasive Species.* Although construction can provide opportunities for invasive species to spread, the project also offers the opportunity to control some of the invasive species on the slopes of the project area. Since invasive species do not require protection, the discussion of impacts is more general than in other biological resources sections. Please also refer to the response to your Comment T-6.

T-236 Please refer to the responses to your Comments 10 and T-6.

T-237 The statements in EIR/EIS *Section 3.22.4, Avoidance, Minimization, and/or Mitigation Measures* are intended to be incorporated into the project to reduce, minimize or avoid potential impacts caused by invasive species, as opposed to reducing impacts to such species. Invasive species are not considered to be an environmental resource requiring protection. The statements are included in Appendix D – Environmental Commitments Record. Caltrans is currently in negotiations with resource agencies that have jurisdiction to determine the details of an appropriate strategy to avoid, minimize and/or mitigate impacts related to invasive species, and more definitive mitigation language will continue to be incorporated as permit terms become available.

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		Through careful handling of the soil and equipment that works the soil, the invasive plants currently within the impact area can be removed. Re-vegetation of the slopes would require maintenance to keep the weed species from reinvading the new slopes. Partnerships would be required with the lagoon foundations and landowners to simultaneously work to eradicate similar invasive species outside of the impact areas……	reword the passive language to "shall" rather than "can". In addition, the DEIR/EIS must provide performance standards to verify compliance with mitigation, and to assure the mitigation is in fact working as designed. The DEIR/EIS must be revised to resolve these issues and recirculated for public review.
	CHAPTER 3.23 Short Term Uses and Long Term Productivity		
238	General comment		This brief analysis fails to fully describe the short term and long term impacts as stated throughout the DEIR/EIS. So-called "short-term" impacts of the project will occur over a 35-year construction schedule. Arguably, these are long-term impacts and must be re-characterized as such in a revised and recirculated DEIR/EIS.
239	Page 3.24-1 1st paragraph	Implementation of build alternatives would result in attainment of short-term and long-term transportation	Cultural resource impacts must be added to the list of long-term transportation objectives. The DEIR/EIS needs to be revised to reflect this change.

T-238 This section meets NEPA and CEQA requirements and provides the content recommended in the Caltrans EIR/EIS Annotated Outline in the SER. It is typical for this section of an environmental document to rely on the preceding topical impact analyses and to list types of impacts and benefits and discuss the balance between these. As such, short-term impacts associated with construction (which would be temporary in any given location) and long-term impacts are evaluated in detail in the preceding sections of the EIR/EIS.

T-239 The list of long-term impacts in this sentence provides examples and was not meant to be all inclusive.

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		and economic objectives at the expense of some long-term social, aesthetic, biological, noise, and other land use impacts.	
240	Page 3.24-1 2nd paragraph	The local short-term impacts and use of resources by the proposed project is consistent with maintenance and enhancement of long-term productivity for the local area and the county.	This statement is unclear and unsupported by facts. The DEIR/EIS must be revised to include the analysis leading to this conclusion. If no supporting documentation exists, this statement must be deleted.
241	Page 3.24-1 4th paragraph	Short-term losses associated with the proposed project could include economic losses experienced by businesses affected by relocation; construction impacts such as noise, and motorized and non-motorized traffic delays or detours.	Also to be included in this list of short-term losses are: relocation and land use impacts to local residents from the easements and land acquisitions; biological impacts to wetlands, animal and plant species, and aesthetics. The DEIR/EIS needs to be revised to include these impacts.
242	Page 3.24-1 5th paragraph	Long term losses associated with the proposed project include an insignificant loss of plant and wildlife resources, a permanent visual impact to the surrounding communities, energy	Also to be included in this list of long-term losses are: cultural resources; aesthetics (viewscapes), and land use. The statement "*insignificant loss of plant and wildlife resources*" does not accurately portray the biological impacts to threatened and endangered species, special species, and wetlands (see Biological Environment section of the DEIR/EIS). Please strike the word "insignificant" and revise to state that impacts would be significant and adverse in a revised and recirculated DEIR/EIS.

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T-240 The referenced statement in the EIR/EIS is consistent with the content recommended in the Caltrans EIR/EIS Annotated Outline in the SER. Long-term productivity in the region is related to improvement of the transportation network, which meets the purpose and need of the project and supports the planned growth of the region and associated economic benefits. Substantial support for this statement is provided in the *Purpose and Need* section of the environmental document.

T-241 "Short-term," in this case, is interpreted to mean temporary. The losses listed in this comment generally do not qualify as short-term temporary losses, but rather as long-term losses that would endure until and unless a decision were made to remove the proposed use and replace it with some of the identified lost uses, or some other use. Temporary aesthetic losses could occur during construction, and this paragraph already lists construction related impacts as a loss and gives several examples, which are not intended or expected to be exhaustive.

T-242 Caltrans has added the need for relocations to the listing of long-term losses in this section of the EIR/EIS. Land use and aesthetics losses were already listed. No long-term losses are anticipated with respect to cultural resources. All of these issues are also already discussed and evaluated in the preceding topical sections of the environmental document. The term "insignificant" will be deleted. Biological impacts are considered to be mitigated to less than significant impacts, but it is more appropriate within this combined CEQA/NEPA document to reserve such conclusions for *Chapter 4*.

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		use, fuel use, and use of construction materials including concrete, steel and asphalt.	
	Chapter 3.24 Irreversible and Irretrievable Effects		
243	General comment		CEQA requires discussion of Significant Irreversible Environmental Changes which would be caused by the Proposed Project should it be implemented (State CEQA Guidelines §15126(c)). However, another mandated topic, "*Significant Environmental Effects Which cannot be avoided if the Proposed Project is Implemented*" has been omitted from the DEIR/EIS. As such, the document needs to address this topic and recirculate the DEIR/EIS accordingly to allow a meaningful opportunity for the public to review and provide comments on this regionally-significant and long-term construction project.
244	Page 3.24-1 3rd paragraph	Additionally, large amounts of labor and natural resources are used in the making of construction materials. These materials are generally not retrievable. However, they are not in short supply and their use would not have an adverse effect upon continued availability of these resources.	It is unclear what natural resources are being referenced here. Biological? Geological? Aggregates? Please clarify. What are the secondary impacts? What irreversible damages are anticipated with project implementation? These effects need to be better described in a revised and recirculated DEIR/EIS.
	CHAPTER 3.25 Cumulative Impacts		

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T-243 This topic is addressed in EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects*. This section discloses that impacts to Community Cohesion (for the two barrier alternatives) and Visual/Aesthetics would remain significant after implementation of the mitigation that is identified in *Chapter 3*.

T-244 The reference to "…natural resources are used in the making of construction materials" is referring to resources such as raw materials (e.g., metals and wood used for concrete reinforcing steel, forms and scaffolding), packaging materials (e.g., paper and plastic), and the commitment of land and energy resources (e.g., fossil fuels and electricity) required to produce these materials.

This section of the environmental document is required to disclose that such additional secondary resource commitments are required to implement the project, but is not required to complete a full environmental impact assessment of such resource extraction and manufacturing activities. To do so would be highly speculative and far beyond the scope of this environmental document. Any potential "secondary impacts" associated with the production of the resources noted above (e.g., aggregate quarries, other mining, timber harvesting/processing, and product manufacturing) would be addressed via the local, State, and federal regulatory environmental requirements associated with those activities, including assessment of any new proposed facilities via specific environmental evaluations conducted for the proposed operations. Because these types of activities, projects and actions are not part of the proposed project, associated potential impacts are not specifically addressed in the project EIR/EIS. That is, it is not possible to address these

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245	Regulatory Setting/ 3.25-1	A cumulative effect assessment looks at the collective impacts posed by individual land use plans and projects.	CEQA states there must be a reasonable analysis of the significant cumulative impacts of a project. The cumulative impact analysis must identify related projects through a "list" or "projection" approach, summarize effects of the related projects, and reasonably analyze the cumulative impacts of the proposed project and recommend mitigation measures for the significant cumulative impacts. 14 CCR 15130. On page 1-8, interchange, freeway, and street improvements; auxiliary lanes rail improvements; and direct access ramps projects are listed. Table 3.25.1 also lists projects pertinent to Visual/Aesthetics Resources. Different projects may be appropriate for environmental issues, depending on the affected environment. For example, with water quality analysis, only projects within the watershed would probably contribute to a cumulative effect. Perform a complete cumulative impact analysis for all environmental issues. Revise and re-circulate the DEIR/EIS for public review/comment.
246	Cumulative Analysis/3.25-1	*Table 3.25.1* of this document summarizes **adverse impacts** that could occur from implementation of the proposed project. . . [*emphasis added*]	The author confuses cumulative impacts with adverse impacts. They are not the same. Revise sections to clearly define, correctly use these terms, and re-circulate the DEIR/EIS for public review/comment.
247	Environmental Consequences/3.25 -1	MISSING: analysis of all environmental issues with respect to related projects' cumulative impacts.	The EPA comment on the Notice of Intent included the request for an analysis of cumulative impacts (section 5.1, page 5-1). In addition, during public outreach, cumulative impact analysis was an area of concern (page 5-2). The DEIR/EIS conducts a cumulative impacts analysis for Visual/Aesthetics Resources, Natural Communities, and Wetlands and Other Waters; however, no other environmental issue is discussed. According to CEQA, even if there is no cumulative impact, it must be stated that it is not significant: *When the combined cumulative impact associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis*

T-244 cont. types of remote effects, as the exact nature, location and extent of activities necessary to produce such resources are not known (and cannot be determined) at this time.

T-245 The EIR/EIS has identified past, present, and reasonably foreseeable projects as the basis of the cumulative analysis. *Table 3.25.2* in Final EIR/EIS *Section 3.25, Cumulative Impacts,* summarizes those projects within the cumulative study area, which is comprised of specific Resource Study Areas (RSAs), that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. Documentation of additional projects has been added to *Table 3.25.2* and review of environmental resource health or status has been added to provide the reader with clarification regarding the basis for conclusions reached in the Draft EIR/EIS. As detailed in *Section 3.25*, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative effects remain as stated.

T-246 Final EIR/EIS *Table 3.25.2, Summary of Cumulative Projects*, summarizes the impacts of each project on the cumulative project list provided in Draft EIR/EIS *Table 3.25.1*, as amended. These are not adverse impacts of the proposed *I-5 NCC Project.* Accordingly, the table does not confuse cumulative and adverse impacts but rather describes adverse impacts from the cumulative project list that may, in concert with the proposed project, result in adverse cumulative impacts. The analysis in *Section 3.25.3* evaluates whether or not the proposed project's contribution to these potential impacts is "cumulatively considerable." Please also refer to the response to your Comment T-245.

T-247 Please refer to the response to your Comment T-246.

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			supporting the lead agency's conclusion that the cumulative impact is less than significant. 14 CCR 15130(a)(2). An impact may be less than significant; however, combined with other projects, the cumulative impact may be significant. For example, mineral resources impacts would not be significant from the proposed action; however, when combined with all other projects, their actions may cause a significant impact on mineral resources. NEPA and CEQA are very clear on this: *According to NEPA, cumulative effects result from the incremental impact of the proposed action when added to the past, present, and reasonable foreseeable future actions, regardless of which agency or person undertakes them.* ***Cumulative effects can result from individually minor, but collectively significant, actions taking place over time****. 40 CFR 1508.7.* Cumulative impacts, according to CEQA, refer to *two or more individual impacts that, when considered together, are considerable or that compound or increase other environmental impacts. The cumulative impact of several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, or reasonably foreseeable future projects.* ***Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time****. 14 CCR 15355.* When discussing cumulative impacts, Lead Agencies must define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used. 14 CCR 15130(b)(3). The DEIR/EIS needs to be revised and re-circulated for public review and comment.
248	Avoidance, minimization and/or Mitigation measures/3.25-9	MISSING: measures for all environmental issues with respect to related projects' cumulative impacts, as appropriate.	Incorporate mitigation measures for cumulative impacts for all environmental issues and from all cumulative projects. The DEIR/EIS needs to be revised and re-circulate for public review/comment.

T-248 Measures are discussed in EIR/EIS *Section 3.25.4, Avoidance, Minimization, and/or Mitigation Measures* and are generally consistent with the measures identified in the specific environmental topical sections earlier within *Chapter 3*. Please also refer to the responses to your Comments T-245 through T-247.

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	CHAPTER 4 – CALIFORNIA ENVIRONMENTAL QUALITY ACT EVALUATION/		
249	Less than significant effects of the proposed project/4-1	Hazards and Hazardous Materials	"Hazards and Hazardous Materials" should be listed under "Less than significant impacts with mitigation and/or minimization." The project site, which "emits hazardous emissions or handles hazardous or acutely hazardous materials, substances, or waste", is located within 0.25 mile of two schools. This is a significant impact and should be mitigated. The Appendix G CEQA checklist (page G-4) is correct, as the "Less than Significant with Mitigation" is checked. Revise and re-circulate the DEIR for public review/comment.
250	Unavoidable significant environmental effects/4-2	MISSING: Discussion of unavoidable noise impacts	In Noise section 3.15.3, impacts are described as "unavoidable." An unavoidable noise impacts discussion should be added here in order to define the term and its use within the CEQA document. Revise and re-circulate the DEIR/EIS for public review/comment.
251	Unavoidable significant environmental effects/4-2	MISSING: Discussion of unavoidable energy impacts	In Energy section 3.16.3, construction activities are considered to be an unavoidable impact. An unavoidable energy impacts discussion needs to be added here in order to define the term and its use within the CEQA document. Revise and re-circulate the DEIR/EIS for public review/comment.
252	**ECONOMIC AND SOCIAL EFFECTS**/4.9	MISSING SECTION	According to NEPA, economic and social effects whether direct, indirect, or cumulative, must be included. 40 CFR 1508.8(b) . Revise and re-circulate the DEIR/EIS for public review/comment.
253	**INDEX**/4.9	MISSING SECTION	The Draft EIR/EIS is missing a NEPA required index with a level of detail focusing on areas of reasonable interest to the reader. 40 CFR 1502.10. Revise and re-circulate the DEIR/EIS for public review/comment.
	CHAPTER 5.0 Comments and Coordination		

T-249 This topic has been moved to *Section 4.3, Less Than Significant Impacts With Mitigation and/or Minimization*, although the associated measures typically constitute compliance with regulations and standard Caltrans practices. Wherever possible, the *I-5 NCC Project* would use the existing I-5 alignment to avoid and/or minimize impacts from hazards and hazardous materials. Where avoidance is not possible, the project incorporates measures to avoid potential disturbances of contamination areas, as described in *Section 3.13* of this Final EIR/EIS. Compliance with the applicable regulations pertaining to the safe handling ad removal of hazardous waste/materials would reduce impacts pertaining to emission and handling of hazardous waste/materials within one quarter-mile of a school to less than significant levels.

T-250 The reference in this comment to "unavoidable" noise impacts cannot be located in EIR/EIS *Section 3.15.3*. However, please refer to the updated and clarified information added to *Section 3.15* and *Chapter 4* of this Final EIR/EIS regarding noise impacts, which may address your concerns.

T-251 In *Chapter 3*, impacts that cannot be avoided are those that would occur because there is not a way to change the project such that the resources would not be affected. In *Chapter 3*, this does not mean that there is no compensatory mitigation for the impacts or offsetting benefits, however, or that the impacts are substantial under NEPA, or that when evaluated under CEQA the impacts would not be either less than significant without mitigation or mitigable to below a level of significance. In EIR/EIS *Section 3.16.3, Environmental Consequences,* the savings in operational energy requirements are concluded to offset construction energy requirements and thus, in the long term, result in a net savings in energy usage. Energy is therefore included in EIR/EIS *Section 4.2, Less than Significant Effects of the Proposed Project,* for CEQA.

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254	Section 5.1, Page 5-1. Inadequate recent coordination with affected agencies	Early and continuing coordination….	The DEIR/EIS states that Project coordination in the form of Project Development Team (PDT) meetings were initiated in 2000 but fails to list the specific meeting dates. It appears that the last meeting occurred in 2007. No additional formal coordination meetings appear to have been held with Responsible Agencies in the three years leading up to the release of the DEIR/EIS in June 2010. This total lack of communication and coordination denied all parties with an opportunity to get current data and updated information that could have improved the overall scope and content of the DEIR/EIS. Caltrans and FHWA have failed to adequately coordinate with affected agencies and the public. This lack of coordination denied the decision makers and their constituencies with an adequate opportunity to review the project description and alternatives and provide meaningful comments on the proposed action being considered by Caltrans and FHWA. As noted previously, a six year lag between scoping and NOP and release of the DEIR/EIS compromises the entire CEQA and NEPA process by failing to keep potentially affected agencies and parties informed and involved in the project development and environmental review process. The lead agencies must issue a new NOP and NOI and recirculate a revised EIR/EIS.
255	Section 5.1, Page 5-1	Formal Scoping meetings were held from January 7, to March 2, 2004.	The DEIR /EIS states that the NOP was not filed with the County Clerk or the State until October 20, 2004. Therefore, all of the formal scoping meetings occurred outside of the formal CEQA process and prior to the release of the NOP. Because this is a project of region-wide significance, as defined by CEQA §15206, at least one formal scoping meeting is required pursuant to CEQA §15081 (c)(1) after the NOP has been prepared and issued for public review. Caltrans and the FHWA have failed to follow this basic and fundamental procedural requirement of CEQA and therefore must issue a new NOP and conduct at least one formal public scoping meeting prior to re-circulating the DEIR/EIS.
256	Section 5.1, Page 5-1	NOP was sent to the County Clerk	It is not clear if the NOP was ever sent to the State Clearinghouse as required by CEQA. No SCH number was assigned to the project. Provide documentation that the NOP was filed with the State Clearinghouse or issue a new NOP and re-initate the CEQA review process for the project.
257	Section 5.1, Page 5-1 and 5-2	Formal scoping meetings and additional public	The six public scoping meetings held January - March 2004 and listed on page 5-1 is repeated again on page 5-2. It is unclear if these are the same six

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T-252 Because this comment is in reference to *Chapter 4, California Environmental Quality Act Evaluation*, of the EIR/EIS, requirements related to economic and social effects under NEPA are moot (i.e., such analyses are not required under CEQA). It should be noted, however, that pursuant to NEPA requirements, potential economic and social impacts from the proposed project are evaluated in *Section 3.4, Community Impacts*, of the EIR/EIS, with additional supporting detail provided in the CIA technical report.

T-253 A separate index section is not included in the Caltrans EIR/EIS Annotated Outline, which is required by the SER to be followed for projects on the State Highway System. The detailed table of contents fulfills the purpose of an index. The Council on Environmental Quality regularly reviews Caltrans NEPA documents and has not indicated any concerns about Caltrans' indexing system.

T-254 There has not been a "total lack of communication and coordination" as asserted in this comment. As documented in EIR/EIS *Chapter 5, Comments and Coordination,* and listed in *Table 5.1*, there were 4 preliminary scoping meetings, 6 formal scoping meetings, 7 outreach meetings with city staff and private citizens to identify possible mitigation and enhancement measures, and over 55 NEPA/404 meetings. In addition, as noted in *Section 5.5, Additional Consultation and Coordination with Public Agencies*, since 2007, SANDAG and Caltrans, in coordination with the Coastal Commission staff, have met bi-monthly to advance the PWP/TREP. Additional consultation with public agencies is detailed in *Section 5.5*. Please also refer to the response to your Comment 30. It is not unusual for a highway project of this scale to take several years following scoping and alternatives screening, to develop design concepts and to complete the technical studies and draft environmental document. Reissuance of the NOI and NOP is not necessary.

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	T-255 CEQA Guidelines Section 15082(c)(1) states that a scoping meeting held pursuant to NEPA in the city or county within which the project is located satisfies the requirement for holding at least one scoping meeting for projects of Statewide, regional or areawide significance. There is no requirement for the meeting to be held after the NOP has been prepared. As documented in EIR/EIS *Chapter 5, Comments and Coordination,* there were four preliminary scoping meetings in 2001, and six formal scoping meetings in 2004, all but one of which were held after the NOI was published in the Federal Register in accordance with NEPA.
	T-256 Draft EIR/EIS page iii, upper right corner, displayed the State Clearinghouse Number as SCH #20044101076. This is also referenced on the inside title page of this Final EIR/EIS. EIR/EIS *Chapter 7, Distribution List*, lists the Director of State Clearinghouse Office of Planning & Research as receiving a hard copy of the document.
	T-257 Although identified as formal public scoping meetings, the referenced meetings served both purposes because an exchange of information occurs at public scoping meetings. No further clarification is necessary.

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		outreach meetings listed	meetings and they were scoping meetings or additional public outreach meetings. Please clarify and revise the document as necessary.
258	Section 5.1, Page 5-1	NOP and NOI comment letters have been received	Although the DEIR/EIS states that 10 NOP comment letters and 2 NOI comment letters were received by Caltrans and FHWA, the DEIR/EIS fails to include copies of the letters. Instead, the DEIR/EIS includes federal agency letters responding to a request for concurrence on project need. Though not strictly required, failure to include the NOP and NOI comment letters in the DEIR/EIS prevents interested parties in reviewing the comments of other agencies and determining if expressed concerns were addressed by the lead agencies in the CEQA/NEPA document. Therefore, the City of Solana Beach requests that all comment letters received by Caltrans and FHWA on the NOP and NOI are made available for public review as soon as practicable.
	APPENDICES & TECHNICAL REPORTS		
259	General Comment	Incorporated by Reference	As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS must be revised to include citation referencing as per the requirements of NEPA and CEQA.
260	Overall Comment	Technical Studies not available	The DEIR/EIS states the majority of technical studies are incorporated by reference into the DEIR/EIS. As of November 1, 2010 the following list of technical studies remain outstanding: • Historic Property Survey Reports (HPSR) [Original] HPSR (March 2007); First Supplemental HPSR (May 2008); Second Supplemental HPSR (May 2008)

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T-258 Please refer to the response to your Comment 002.

T-259 The documents that are incorporated by reference and relied upon in the environmental analysis are listed at the beginning of *Chapter 3,* and then listed in the beginning of the analyses of each topical issue section. Other documents are also cited and listed in the *References* section of the EIR/EIS. Please also refer to the responses to your Comments 017 and 018.

T-260 Please refer to the responses to your Comments 017 and 018. The Location Hydraulic Studies are listed as Floodplain Studies on the Caltrans website at http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html. All studies currently on the website were also available during circulation of the Supplemental Draft EIR/EIS. Please refer to the response to your Comment T-12.

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			• Historic Resource Evaluation Reports (HRER) for Historic Structures - [Original] HRER (July 2005); Historic Resource Evaluation Reports - First Addendum HRER (August 2006) • Archaeological Survey Reports (ASRs [Original] ASR (2002); Supplemental ASR (December 2006); Second Addendum ASR (July 2008); Third Addendum ASR (July 2008) • Location Hydraulic Studies (February 2008 and 2009) Pursuant to NEPA and CEQA, an EIS/EIR may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Currently, the DEIR/EIS fails on this account. These studies must be made available for public review. As a Cooperating Agency under NEPA and Responsible Agency under CEQA, all technical reports need to be made available for professional peer review and to access the project for potential impacts.
	Draft Relocation Impact Report (October 2007, revised May 2010)		
261	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS must be revised to include citation referencing as per the requirements of NEPA and CEQA and then recirculated.

T-261 Please refer to the responses to your Comments 017, 018, and T-259.

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262	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
263	Overall Comment	Outdated Data in Tables	Use of housing data (regarding location, pricing, and availability) going back more than three (3) years ago is inadequate for assessing significant impacts on the human environment, physical environment, and land use. Example: Table 6 uses data supplied from Craigslist, Backpage, and MLS dated 2007. Such tables must be updated to provide current data and re-assessed. The tables which incorporate US Census information may be exempt unless more recent data can be provided.
264	Page 1 3rd paragraph	…there are several displacements that may pose some difficulties in finding adequate relocation options.	The City of Solana Beach agrees with this statement. This statement is not accurately portrayed in the findings of the study or within the analysis of the DEIR/ EIS. The technical study must be revised to reflect this conclusion.
265	Page 1	Summary of Draft Relocation Impact Report	The summary needs to be re-written to include discussion of the potential impacts to the City of Solana Beach. The study omits any reference to impacts to the City within the summary, yet states there are impact to the City of Solana Beach on various pages (see Pages 7, 9, 19, 27, and 30). The technical study must be revised to reflect this information.
266	Page 5 1st bullet point under Alignment A	Two HOV lanes would operate in each direction and would be separated from the general purpose lanes by a 1-to-4-foot buffer.	This statement is inconsistent with the DEIR/EIS and must be revised accordingly. The technical study must be revised to reflect this information.
267	Page 7	Basis of Findings	No mention of Solana Beach, Oceanside, or Encinitas City planning documents or references were "…*used as the basis of the finding for this report*"

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T-262 New information was circulated within a Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS as appropriate.

T-263 Please refer to the response to your Comment 023.

T-264 Actual displacements that may occur are in the process of refinement as the project footprint is being minimized as much as possible. Land acquisition needs will not be fully defined until after final design of the Preferred Alternative, if the project is approved. Please refer to Topical Response "Property Acquisition" for information about reducing right-of-way needs and updated property acquisition information.

The EIR/EIS is the summary document prepared for the use of decision makers and the public to evaluate environmental impacts and may in some cases contain updated or new information that was not available at the time that the technical study was prepared. This Final EIR/EIS contains the most current available information regarding potential relocations.

Please note that per standard Caltrans procedures, a Final Relocation Impact Statement was completed in September 2013. Caltrans has addressed all potential displacements associated with the project and the availability of replacement properties. If a build alternative is approved, Caltrans will coordinate directly with the owners of properties to be acquired. Acquisition of the parcels would not occur until Phase 3, in the 2030 to 2035 time frame. Any special needs associated with specific displaced property owners and tenants will also be determined at that time.

T-265 Please refer to the response to your Comment T-264.

T-266 Please refer to the response to your Comment T-264.

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			The study needs to be rewritten to incorporate the City's land use planning and housing documents, as well as the Cities of Oceanside and Encinitas. In addition, the study should include review and project assessment with the San Diego Association of Governments (SANDAG) planning and housing documents, among others. The technical study must be revised to reflect this information.
268	Page 7 1st paragraph	The proposed project traverses six municipalities, beginning with Oceanside at the northern end of the proposed project, and ending with the City of San Diego at the project's southern terminus. However, relocation impacts are only likely to occur in Oceanside, Carlsbad, Encinitas, and Solana Beach…	See above comment regarding the Basis of Findings. Use of the term "only" needs to be removed as impacts are stated to occur to four (4) out of six (6) communities, which is considered significant, as more than 66% of the affected communities will be significantly impacted by the project. The technical study must be revised to reflect this information.
269	Page 9 4th paragraph	Land uses in the portion of Solana Beach within the area of direct impacts are mainly a mixture of single-family and multi-family residential developments as well as commercial, light industrial, office, school, and open space land uses. Residential uses are located throughout the direct impact area with single-family	This determination needs to be reflected in the DEIR/EIS for full disclosure of impacts and sufficiently analyzed to access the impacts to residents for the full acquisition of six (6) residential units, in addition to the 27 partial acquisitions. Please also disclose all potential impacts to business owners, business customers, offices, students, staff, and facility resulting from the direct relocation activities. The DEIR/EIS needs to be revised to provide an exhibit that demonstrates the impacted lands.

T-267 The requested information is not required to be included in the Draft Relocation Impact Report. The City of Solana Beach General Plan was evaluated in EIR/EIS *Section 3.1.2, Consistency with State, Regional, and Local Plans and Programs*. Regarding changes to the technical report, please refer to the response to your Comment T-264.

T-268 Please refer to the response to your Comment T-264.

T-269 The EIR/EIS properly depicts land uses in *Figures 3-1.4* and *3-1.5*, and evaluates impacts to businesses in *Section 3.4*. Additional information has been included in these sections of the EIR/EIS regarding the impacts of the Preferred Alternative. Please also refer to the response to your Comment T-264.

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		residential developments to the north and south, and multifamily residential developments along Lomas Santa Fe Drive as well as in the southern part of the municipality.	
270	Page 11 Table 4	Housing Types Table	The two (2) most populated housing types will be directly impacted by the project. The study must explain how this is not considered a significant impact. What criterion was used in the study analysis? This determination needs to be reflected in the DEIR/EIS for full disclosure of impacts and sufficiently analyzed to access the impacts to residents, business owners and staff, and visitors for the land relocation. The technical study must be revised to reflect this information.
271	Page 15	Displacement Units by Alignment in Solana Beach Table	This table is flawed by lack of data and by design, and must be revised to include both partial and full land acquisitions. This table is not consistent with the I-5 NCC Solana Beach Potential Impacted Table. The study and DEIR/EIS must be revised to include this information.
272	Page 18	Type of Residential Displacements by Alignment in Solana Beach Table *note: Relocation of personal property only should be counted separately and noted whether the items would be moved to the remainder or to a separate site.	The "note" on this table is not clearly understood and must be re-written to provide an explanation.

T-270 Impacts of relocations are discussed in EIR/EIS *Section 3.4.2, Relocations and Real Property Acquisition,* including the impacts of the Preferred Alternative. Please also see Topical Response "Property Acquisitions" for updated information on the number and type of properties anticipated to be acquired. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (as amended) and Title 49 Code of Federal Regulations (CFR) Part 24 serve as the basis for related policies and procedures of Caltrans. All displacements would be in accordance with Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act. Impacts in the City of Solana Beach would not be substantial under NEPA or significant under CEQA.

T-271 Please refer to the response to your Comment T-264. The project designs are continually being refined to accommodate additional engineering information, respond to evolving regulatory/agency requirements and minimize impacts. Additional information has been included in the Supplemental Draft EIR/EIS and Final EIR/EIS regarding the parcel acquisitions needed to implement the Preferred Alternative. With the selection of a Preferred Alternative and refinement of the project design, the requirements for partial and full parcel acquisition will continue to be refined.

T-272 The note typically refers to the relocation of renters' personal property. No revisions will be made at this time to the Draft Relocation Impact Report. Please refer to the response to your Comment T-264.

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273	Page 19	Relocation Resources	The study must disclose identified properties by address, street name, and/or exhibit. Without full disclosure, impacts cannot be fully understood or assessed. This determination needs to be reflected in the DEIR/EIS for full disclosure of impacts and sufficiently analyzed to access the impacts to residents, business owners and staff, and visitors for the land relocation.
274	Page 19 #2	Since the relocation neighborhoods selected are the jurisdictions in which the displaces are currently located, the relocation area would be comparable in terms of amenities, public utilities, and accessibility to public services, transportation, and shopping.	The study states Solana Beach is an impacted jurisdiction. The City agrees. What evidence is this statement based on? The technical study must be revised to reflect this information.
275	Page 19 #3	The relocation resources are affordable to the majority of residential displacees given the use of replacement housing payments as needed to assist displaced persons/households.	What evidence is this statement based on? The study needs to define "affordable" and "majority". What happens if replacement housing payments are not available, what will be the anticipated outcome? The technical study must be revised to reflect this information.
276	Page 19 #3	Missing data	This paragraph/section needs be revised to include impacts to Solana Beach. This analysis needs to be reflected in the DEIR/EIS for full disclosure of impacts and sufficiently analyzed to access the impacts to residents, business owners and staff, and visitors.
277	Page 20 #4	There are public projects in the area that would displace other families or make additional housing unavailable concurrently	What are the cumulative impacts? The study must be revised to assess cumulative impacts from displacement.

T-273 Please refer to the responses to your Comments T-264 and T-271. The future locations for relocations would be determined in consultation with actual displacees based on the final project designs and are not a topic for the Final EIR/EIS.

T-274 The statement means there are similar neighborhoods for displaces to relocate within the city in which they currently live. Please refer to the response to your Comment T-264.

T-275 The statement means that displacees would be provided with replacement housing payments to make up differences between their resources and what would be needed to achieve successful relocation. Please refer to the response to your Comment T-264.

T-276 Impacts to Solana Beach are accurately presented in the EIR/EIS. Please refer to the response to your Comment T-264.

T-277 Cumulative impacts are addressed in EIR/EIS *Section 3.25, Cumulative Impacts*. Please refer to the response to your Comment T-264.

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		with the subject project.	
278	Page 21 #9	A field office would not be required for this project as the estimated impacts are in various communities.	How was this conclusion made? Field office for what types of activities? The study must be revised to include this information.
279	Page 25 #1	Number Of Businesses Directly Impacted By The Project	The study must provide a table broken down by each City, similar to previous tables. Solana Beach would incur impacts to existing and future probable commercial land uses, light industrial land uses, office land uses, and educational land uses. This table needs be revised to reflect this information, and as stated in other parts of the study (see Page 9, 4th paragraph, etc…). Accordingly, this information needs to be carried into the DEIR/EIS for full disclosure of impacts and sufficiently analyzed to access the impacts to residents, business owners and staff, and visitors.
280	Page 26 #4	There are three to five businesses impacted by the project that are assumed to be minority owned.	Where are these businesses? This number may not be accurate based on the information contained under Section 3.2 Business and Nonprofit, please check the study for accuracy. . Environmental Justice impacts need to be considered in the report based on the conclusion of the referenced statement referring to impacts to minority owned businesses.
281	Page 26 #5	Number of Different Type of Facilities	This data is not consistent with page 9, 4th paragraph listing out commercial, industrial, office, educational and open space land uses. The study must be revised for consistency.
282	Page 30 #1	Housing Stock	What is the date and source of these statistics? Should it be updated to reflect current housing trends? Why or why not? The technical study must be revised to reflect this information.
283	Page 30	Decent, Safe, and	This term is not defined in the study. Please define so that this discussion can

T-278 Field office typically refers to a central temporary facility for coordination with displaces, in cases where a large number of displaces are impacted within a relatively compact area.

T-279 Please refer to the response to your Comment T-264.

T-280 The most recent information is contained in *Section 3.2* of this Final EIR/EIS (refer to the response to your Comment T-264). Environmental justice issues are discussed in EIR/EIS *Section 3.4.3, Environmental Justice*. A minority-owned business being impacted may not necessarily mean that disproportionately high and adverse effects would occur on the health or environment of minority and low-income populations.

T-281 Please refer to the response to your Comments T-264 and T-280.

T-282 Please refer to the responses to your Comments 23 and T-264. Updating the Draft Relocation Impact Report to reflect current housing trends is not essential for the purposes of the EIR/EIS. A Final Relocation Impact Statement identifying anticipated availability of replacement parcels was prepared in September 2013.

T-283 Decent Safe and Sanitary" is a common term that means a dwelling that meets applicable housing and occupancy codes.

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	#3	Sanitary (DS&S)	be understood in terms of the criteria analysis.
284	Page 31 #2.a.	Replacement site requirements	Again, there is no mention of displacement impacts to the City of Solana Beach and its residents and business owners. Please revise this analysis to include this information. Also, the information contained under this heading does not address what the requirements for replacement site are. Revise this analysis in the technical study to include this information and recirculate the study for review.
285	Page 33 #2	The replacement neighborhood is homogeneous to the displacement area.	This statement must be revised to state: *The replacement neighborhood will be required to be homogeneous to the displacement area.*
286	Page 33 #4	Condition of units being displaced	What criteria were used to support this conclusion? The technical study must be revised to reflect this information.
287	Page 35 2nd Table (unnamed)	Missing data	Complete this table rather than stating "See Table 6". This type of response does not provide information or criteria. Information regarding Median Housing Value can be located utilizing various resources, please complete this section, as was done for the Replacement Area. This information is critical for analyzing relocation impacts stemming from project implementation.
288	Page 37	Adequate Resources	This information for availability, funds, staffing, and time is not supported by any evidence. The study needs to state the source of material and disclose the criteria used to support this conclusion. In addition, this information is not consistent with Table 6. The technical study must be revised to reflect this information.
289	Page 37 1st & 2nd paragraphs	Relocation resources for each displacee are not limited to the community in which they are currently located.	These statements are conflicting. This section will need to be revised to support the criteria used in developing these statements, and re-assessed to include the discussion of displacing persons, families, and businesses should adequate resources not be available. The technical study must be revised to reflect this information.

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T-284 Please refer to the response to your Comments T-264.

T-285 The revision proposed by this comment is not consistent with the intent of the cited statement. Please also refer to the response to Comment T-264.

T-286 The assessment of the condition of units with the potential to be displaced was made by technical professionals who prepared the report applying standard practices and Caltrans and FHWA requirements. Factors involved in the assessment include age and the observed appearance during the field reconnaissance. The September 2013 Final Relocation Impact Statement will be updated prior to the initiation of property acquisition if the project is approved.

T-287 Table 6 contains extensive data that would not fit in the table on the cited page. The analysis is deemed sufficient with Median Housing Values taken from the 2000 census. Please also refer to the response to Comment T-264.

T-288 The availability of staffing, etc., is based on Caltrans' knowledge of internal resources and reflects the commitment to assist any displacees when final right-of-way needs are established. It is provided by the Caltrans right-of-way staff who are responsible for providing the relocation services. It is not clear from this comment in what way the information is inconsistent with Table 6. Please also refer to the response to Comment T-264.

T-289 There is no conflict between the two cited statements. Displacees may find relocation resources outside of their current community, but Caltrans has found that relocating displacees within their current communities reduces hardship.

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		These jurisdictions were selected because relocating displacees within the communities in which they currently reside would reduce the hardship associated with relocation, including community cohesion, commute times, etc.	
290	Page 38	Market Availability	The housing market stock has changed dramatically since this report was drafted in 2007 yet revised in 2010 without updating this critical data. This section needs to be updated for relevancy in today's housing market.
291	Page 39	This project would not significantly impact the local housing stock for the community except as outlined below... (Oceanside and Carlsbad)	This conclusion is inaccurate and conflicts with the study. Loss of any residential units, businesses, employment, and educational centers is considered a significant impact to the City and our citizens and visitors alike. What were the criteria used to support to statement?
	Community Impact Assessment (October 2007, Addendum May 2010)		
292	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not

T-290 Please refer to the response to your Comment T-264.

T-291 Please refer to the response to your Comment T-68.

T-292 Please refer to the responses to your Comments 17 and 18.

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			been made available to the public. The DEIR/EIS must be revised to include citation referencing as per the requirements of NEPA and CEQA and then recirculated.
293	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions stemming from responding to comments on the technical studies or new project features, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
294	Page 1-10	Area of Direct Impacts v Area of Secondary Impacts	The report provides one study area (Area of Direct Impacts) based on Caltrans Standard Environmental Reference (SER) Environmental Handbook, Volume 4: Community Impact Assessment (CIA Handbook) which is outlined as 0.5 miles extending parallel to the centerline of the existing I-5 right-of-way. The study then provides a discussion on the Area of Secondary Impacts, equivalent to 54 square miles which essentially encompasses the entire "study area" and outlines on Figure 1-2 Study Area and Regional Land Use. However, the study fails to provide a consistent analysis for the Area of Secondary Impacts, and generally discusses impacts based on close proximity of the project, rather than the entire study area. Based on these fatal flaws, the study must be re-written to address this comment (and others below), and incorporated into a revised and recirculated DEIR/EIS to allow for meaningful public review and to aid the decision makers.
295	Page 1-13 3rd paragraph	Methodology used to assess the project impacts based on "…*the study area consists of an area of direct impacts (within 1.0 mile of the I-5 corridor) and a wider area of secondary and cumulative impacts.*	See above comment regarding various "study areas". As mentioned under the Methodology section, the study must be rewritten to include a full analysis broken down by each study area and project phase to allow for full disclosure of potential environmental impacts. Where required, mitigation measures (recommendations) must be provided to offset or reduce these impacts.
296	Page 2-54	Although a large portion	This assumption is incorrect. The City approved a Draft Local Coastal Program

RESPONSES

T-293 Please refer to the response to your Comment T-262.

T-294 It is standard practice in community impact analysis to primarily focus on direct impacts that would occur to property and people closest to the project, particularly those within the project footprint, but to also provide background environmental setting information and more generally discuss indirect and cumulative impacts that may occur within a larger study area. This does not represent a "fatal flaw," as the commenter suggests. The CIA follows the required FHWA and Caltrans template for this study and contains the required information. Please refer to the response to your Comment T-264.

T-295 Please refer to the responses to your Comments T-264 and T-294.

T-296 Please refer to the response to your Comment T-56.

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	5th paragraph	of Solana Beach is located within the California Coastal Zone, Solana Beach has not yet developed an LCP outlining issues and policies related specifically to the requirements of the California Coastal Act.	Land Use Plan in September 2009. The study must be revised to reflect the accuracy of the City's planning documents. This determination needs to be carried into the DEIR/EIS for full disclosure of impacts. As required under CEQA, the DEIR/EIS may also need to be recirculated if new significant information is added. Refer to State CEQA Guidelines §15088.5 for recirculation requirements.
297	Page 2-52 3rd paragraph	All of Solana Beach lies within the study area.	Based on this statement, the study needs be rewritten to discuss and analysis the project and its potential impacts regarding community impacts on the entire City. As currently written, the study fails to adhere to its own methodology regarding community impacts. The technical study must be revised to reflect this information.
298	Page 2-54 3rd paragraph	Solana Beach is a predominantly urbanized city and Figure 2.2-9 depicts commercial, industrial, and agricultural land uses located within and surrounding the Solana Beach study area.	This statement is incorrect and conflicts with earlier portions of the study where it is acknowledged that the entire City of Solana Beach is within the study area and that residential land uses make up more than 57% of the City. This section of the study needs to be revised to accurately portray the existing land uses within the City, which lies within the entire study area. Only then, can the analysis of the report contain accurate information to access project impacts to the City of Solana Beach. The technical study must be revised to reflect this information.
299	Page 3-1 3rd paragraph	Construction of the proposed alternatives would take place in four phases.	What is the estimated time span for each of the four phases? How will project impacts be addressed if the duration of the project lingers. Will another Community Impact Assessment report be prepared? What mitigation measures and performance standards have been proposed to manage the timing of the project? Responses to these questions must be incorporated into the revised DEIR/EIS as appropriate to assess environmental impacts under NEPA and CEQA.
300	Page 3-3 7th paragraph	Various locations within Solana Beach could experience temporary	The project is anticipated to be under construction for 38 years and therefore the concept that impacts from "construction-related" activities cannot be considered temporary impacts. The study needs to be revised to define

T-297 Community impacts to the City of Solana Beach have been accurately and adequately addressed in the EIR/EIS. Please refer to the response to your Comment T-264.

T-298 The term "urbanized" includes residential land uses.

T-299 There are three major construction phases in the EIR/EIS, as described in *Section 2.4, Phased Construction*. The construction phasing and time span will evolve as the project is refined based on the Preferred Alternative, if the project is approved. Although the implementation duration for the entire project spans many years, construction at any particular location would be of a much shorter duration. Analysis in the EIR/EIS that may be affected by construction phasing is considered to be adequately conservative to identify impacts. Refinement of project design and construction concepts would focus on reducing the extent, duration, and severity of impacts, consistent with the mandates of NEPA and CEQA; therefore it is not likely that a new CIA would be required. Many factors will determine the timing and duration of project construction phases, including the final design/phasing and the availability of funding. If the project is approved, Caltrans is also legislatively mandated to coordinate improvements at lagoon crossings with the construction of the LOSSAN double-track crossings where it is practical to do so and would serve to minimize impacts to the lagoons. The latest available information regarding project phasing has been included in the Final EIR/EIS.

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		disruptions to existing travel patterns, primarily on I-5, during construction activities due to lane restrictions, lane closures, or temporary detours. This could, in turn, affect other major roads within the study area in Solana Beach, specifically the I-5 interchanges, which include Via de la Valle and Lomas Santa Fe Drive.	temporary in days/months/years.
301	Overall Comment	Chapter 3.0 Impact Analysis	While it is helpful that this chapter discusses construction-related impacts and operational impacts, this chapter fails to address the impacts based on the Area of Direct Impacts and Area of Secondary Impacts as described in Sections 1.5 CIA Study Area Delineation and 1.6 Methodology. Revise the report and DEIR/EIS accordingly. Where required to do so, incorporate mitigation measures intended to offset or reduce impacts.
302	Page 3-3 7th paragraph	Various locations within Solana Beach could experience temporary disruptions to existing travel patterns, primarily on I-5, during construction activities due to lane restrictions, lane closures, or temporary detours.	Revise this statement to read: *Various locations within Solana Beach will experience disruptions to existing travel patterns, primarily on I-5, during construction activities due to lane restrictions, lane closures, or temporary detours.* Because the study area encompasses the entire City of Solana Beach, it is accurate to state the project will impact the entire City. The entire impact analysis section needs be revised to replace the terms: "could" and "may" with "will".

T-300 Construction activity along the I-5 North Coast Corridor would occur in phases in order to minimize disruptions. There are three proposed construction stages. During each phase, construction activities may disrupt vehicular and pedestrian access; however, any impacts related to these disruptions are considered temporary proximity impacts as they are not anticipated to result in permanent impacts. The term "temporary" therefore cannot be defined in specific days/months/years. A TMP would be implemented throughout the duration of construction activities that would be made available to the public. The TMP would further serve to minimize project-related construction disruptions and would include traffic mitigation strategies designed in coordination with the local communities. The suggested revision is not appropriate. Until the project is approved and detailed construction/phasing information and the TMP become available, such impacts are not definite. Please also refer to the response to your Comment 016.

T-301 The report includes extensive discussion of construction-related impacts that would occur within the area of direct, or primary impacts, and there is also discussion of construction impacts as they relate to indirect or secondary impacts.

T-302 The suggested revision is not more accurate and has not been incorporated in the EIR/EIS. Until detailed construction and phasing information becomes available, such impacts are not definite.

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303	Page 3-4 3rd paragraph	The one fire station in Solana Beach is not within the area of direct impacts but generally coordinates service and personnel on a mutual aid basis with Rancho Santa Fe, Del Mar, Encinitas, and San Diego and may experience traffic-related impacts from construction.	This statement is incorrect and needs to be revised. As mentioned throughout the study the entire City is within the study area. Any change in service time and travel patterns stemming from the proposed project is in fact a significant impact to the City, as well as to Rancho Santa Fe, Del Mar, Encinitas, and San Diego, of who also utilize the fire department services based out of Solana Beach. This assessment needs to be carried into the DEIR/EIS for full disclosure of service related impacts and safety impacts, and to sufficiently analyze and disclose the level of impact. Where required to do so, provide mitigation measures to offset or reduce the impacts. The DEIR/EIS needs to be revised to reflect this information and then recirculated for public review.
304	Page 3-18 10th paragraph	The streetscape enhancements for Ida Avenue, which is located on the west side of I-5 within the community of Eden Gardens, would replace the existing irregular street with travel lanes in both directions and would add a new pedestrian sidewalk on the west side of the street. Landscaping would provide a visual buffer between I-5 and Ida Avenue.	How is this possible? Ida Avenue is a narrow residential paved road without sidewalks. Please explain. Landscaping is not an appropriate visual buffer between I-5 and Ida Avenue. The DEIR/EIS mentions there will be a 42 foot sound wall there. The DEIR/EIS states this report is incorporated by reference; however, it because of these discrepancies is unclear if this is a factual statement. Further, the City has a pending application for development on Ida Avenue. Contact the City Planning Department for a project list and revise the study accordingly. Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
305	Page 3-19 2nd paragraph	Implementation of the proposed alternatives would result in increased vehicular capacity, and therefore higher ADT volumes on the	What are the operational impacts of the increased ADT on the northbound and southbound I-5 corridor and at the interchanges? Where is this analysis carried over into the DEIR/EIS? The study must be revised to include this information.

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T-303 The referenced statement is not incorrect. The subject fire station is not within the designated direct impact area (i.e., the disturbance footprint) of the project. However, it could be indirectly affected by impacts to fire service as the text suggests.

T-304 The concept of streetscape enhancements for Ida Avenue is illustrated in *Key View #3 – Ida Avenue in Solana Beach* in EIR/EIS *Section 3.7.3, Environmental Consequences*. The City's concerns about landscaping and planned development in the area of the potential soundwalls on Ida Avenue are noted. Community enhancements in this area would not be implemented without the City's concurrence. Also, the need for soundwalls and the design of such walls will be further evaluated in conjunction with the selection of a Preferred Alternative. The most recent available information has been incorporated into the Final EIR/EIS. The CIA is incorporated by reference into the EIR/EIS. The EIR/EIS summarizes information from the CIA and may include updates to some of that information or entirely new information as well. In addition, details within the CIA that are not summarized within the EIR/EIS may help to illuminate and expand upon the EIR/EIS discussions. The additional comments regarding CEQA and NEPA requirements are noted.

T-305 Operational impacts of increased ADT in the future are addressed in Draft EIR/EIS *Section 3.6, Traffic & Transportation/Pedestrian & Bicycle Facilities* and in the technical studies related to traffic.

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		northbound and southbound I-5 corridor and at interchanges.	
306	Page 3-19 3rd paragraph	Implementation of the proposed alternatives would improve circulation and access to a number of community facilities, residential neighborhoods, and commercial centers in Solana Beach.	Please explain the rationale in arriving at this conclusion and revise the study accordingly. How will access to community facilities, residential neighborhoods, and commercial centers improve? Consider deleting this statement in the study, unless evidence supports this conclusion.
307	Page 3-18 8th paragraph Page 3-19 4th paragraph Page 3-19 5th paragraph	Operation of either of the proposed alternatives in Solana Beach is not anticipated to affect any public parking lots, including Park and Ride lots. Conversion of existing uses to ROW could result in a loss of parking…. The lost parking could affect the existing land use. Additional parking impacts may occur under the proposed 10+4 with Barrier Alternative along Ida Avenue and Marine View Avenue.	These three areas of the DEIR/EIS conclude with varying analyses and conclusion. The study must be revised to remedy these conflicting statements.
308	Page 3-19 7th paragraph	As identified in the DRIR (Caltrans 2007c), the 10+4 with Barrier	What are the partial and full land acquisitions with each of the alternatives? What are the easement and right-of-way impacts?

T-306 Please refer to the response to your Comment T-102.

T-307 The statements are not conflicting. The first statement is regarding operation of the freeway and DAR facilities, which are not expected to interfere with public parking lots, including park and ride lots. The other two statements are related to the possible need for right of way acquisitions that may involve the loss of parking in lots or along streets.

T-308 Please refer to the response to your Comment T-264.

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		Alternative would result in the displacement of six condominiums in Solana Beach within the Eden Gardens community (Appendix A).	The report must be revised to assess these impacts on the community. This assessment needs to be carried into the DEIR/EIS for full disclosure of land use impacts, community impacts, and growth impacts.
309	Page 3-19 8th paragraph	Though land uses would shift from residential to transportation, it would be consistent with existing land uses, and no adverse impacts are anticipated.	Project implementation would modify existing and planned residential land uses to transportation land uses. This proposed change is not consistent, nor is it supported by any City planning or zoning document. Significant adverse impacts will occur to land use, community impacts, and growth regarding community impacts; in addition to impacts on air quality, noise, aesthetics, biological, cultural, hazards, environmental justice, soils, public services, safety, traffic/transportation, recreational use, educational centers, utility resources, and quality of life. This statement need to be deleted from the study as the conclusion is not supported by evidence. The study must be revised to include this information.
310	Page 3-21 3rd paragraph	No impacts to local businesses associated with operation of the proposed alternatives are anticipated.	Project implementation would modify existing and planned residential land uses to transportation land uses. This proposed change is not consistent, nor is it supported by any City planning or zoning document. Significant adverse impacts will occur to land use, community impacts, and growth regarding community impacts; in addition to impacts on air quality, noise, aesthetics, biological, cultural, hazards, environmental justice, soils, public services, safety, traffic/transportation, recreational use, educational centers, utility resources, and quality of life. This statement need to be deleted from the study as the conclusion is not supported by evidence. The study must be revised to include this information.

T-309 The referenced statement is regarding the specific impact of land use change for properties that are acquired within the final project footprint and should not be extrapolated to all environmental issues. The various issues cited are documented in the appropriate sections of the EIR/EIS within *Chapters 3* and *4*.

T-310 Please refer to the response to your Comment T-309.

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311	Page 3-21 8th paragraph	Property values in Solana Beach could be affected by displaced businesses and residences, changes in the visual environment, improved access to community facilities and other residential areas, and nearby community enhancement projects.	Please describe these impacts. What mitigation measures are provided for these impacts in the DEIR/EIS? The study need to be revised to include this information. Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
312	Page 3-22 3rd paragraph	When viewing the proposed project along the entire I-5 North Coast Corridor and the improvements to the region as a whole, property values would most likely improve.	Based on what evidence is this statement concluded? Prove the analysis and data that supports this conclusion. Consider deleting this statement. Conclusionary statements such as "would most likely improve" do not belong in a technical study. The study must be revised to include this information.
313	Page 3-18	Section 3.2.3	This section omits the analysis of several community related subjects such as schools and daycare centers, recreational centers and parks, trails, pedestrian and bicycle paths, growth impacts, increasing urbanization or isolation, and community cohesion. The study needs to be revised to include this information.
314	Page 3-20	Table 3.2-4. Consistency with City of Solana Beach General Plan	This table is fundamentally flawed and needs to be revised. The analysis which concluded the project consistency with the City's General Plan is absurd, at best. The study claims that the project "would not alter the existing community character". This is unreasonable and unjustified. This table must be revised to include a side-by-side comparison of the project with the City's General Plan goals and objectives (relating to community impact assessment) and then re-analyzed for project consistency. Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the

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T-311 Please refer to Topical Response "Property Valuation" for information on positive and adverse effects of highway-widening projects.

T-312 Please refer to Topical Response "Property Valuation" for information on positive and adverse effects of highway-widening projects.

T-313 The cited issues are addressed in various other sections of the CIA, as well as the appropriate sections of the EIR/EIS. Please also refer to the response to your Comment T-264.

T-314 *Table 3.1.1* in the EIR/EIS compares project consistency with local plans and policies, including the Solana Beach General Plan. For the purposes of this analysis, the proposed widening of an existing freeway within the City of Solana Beach is considered to be generally consistent with the existing character of a freeway and abutting land uses. It is not clear from this comment which of the City's goals and objectives that are relevant to the project are believed by the City to be missing. Please also refer to the response to your Comment T-264.

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			technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
315	Page 4-5 9th paragraph	Community cohesion for those residents in Solana Beach in areas that exhibit traits of elevated community cohesion, specifically those along Highway 101 and in Eden Gardens, could be affected by changes to existing access and circulation, growth, changes in quality of life, and increasing urbanization and isolation. The operation of the proposed project is likely to result in an increase in some trappings of urbanization, including some large retaining walls, sound walls, elevated noise levels, and a potential for increased traffic volumes.	This is a significant adverse impact to the City of Solana Beach, and needs to be acknowledged in a revised study and DEIR/EIS.
316	Page 4-5 11th paragraph	The streetscape enhancements along Ida Avenue would greatly improve the aesthetic quality along this stretch of road that would be visually affected by a large retaining wall.	Is this statement reflected in the DEIR/EIS? How would a large retaining wall improve the view shed quality? Provide the information that supports this statement. No such information has been supplied in the DEIR/EIS. It is hard to visualize improving aesthetic qualities.

RESPONSES

T-315 The issues mentioned in this comment are addressed in appropriate sections of the EIR/EIS. For example, community cohesion is addressed in EIR/EIS *Section 3.4.1, Community Character and Cohesion*. The EIR/EIS did not conclude the proposed widening of an existing freeway would have significant community cohesion impacts, particularly with the implementation of the proposed community enhancements. The *I-5 NCC Project* does not affect the entire City of Solana Beach, with respect to community cohesion. The statement that Solana Beach residents could be affected refers to a mix of positive and negative effects, which are not considered to result in a substantial adverse community cohesion impact. For example, improved access, circulation, and community enhancements are anticipated to improve quality of life for many residents.

T-316 This statement, which is in EIR/EIS *Section 3.4.1.3, Environmental Consequences,* on the discussion on community cohesion, is referring to the streetscape enhancements improving aesthetic quality, not the retaining wall improving aesthetic quality.

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317	Page 4-1	Chapter 4.0 Community Cohesion	Although this chapter acknowledges several adverse impacts to neighbor cohesion, what are the impacts to the City as a whole community? The study must be revised to include this information.
318	Page 5-1	Table 5.1 Cumulative Impacts	This table does not accurately portray the City's project list, nor does this table provide a date of when said projects were planned, or underway. Further, the References section does not cite any such list or correspondence with City Staff. Contact the City's Planning Department for an up-to-date list of cumulative projects. Re-assess the proposed project with the cumulative projects and revise both the study and DEIR/EIS. Where required to do so, incorporate mitigation measures intended to offset or reduce impacts.
319	Page 5-4 5th paragraph	Of the four proposed projects in Solana Beach with potential for cumulative community impacts, there is one commercial project, one mixed-use development, a Department transportation project and a seawall.	This statement is not correct because it does not accurately portray the City's project list, nor is it consistent with Table 5.1 Cumulative Impacts; therefore the cumulative analysis contained within the report is fundamentally flawed, and therefore it is assumed the DEIR/EIS analysis of cumulative impacts is flawed as well. Contact the City's Planning Department for a list of proposed projects, pending applications, and projects under construction. After which, the study must be revise to include this information.
320	Page 6-5 1st paragraph Page 6-14 2nd paragraph	With two block groups exhibiting total minority percentages meaningfully greater than that of the general population and over 50 percent, the study area within and surrounding Solana Beach is considered to contain minority populations that would be of potential Environmental Justice concern.	The City acknowledges the project would have significant adverse impacts to Environmental Justice and would disproportionately affect certain minority and income level groups. These impacts need to be disclosed and analyzed further before the DEIR/EIS is revised and recirculated.

RESPONSES

T-317 Community cohesion is addressed in EIR/EIS *Section 3.4.1, Community Character and Cohesion*. The EIR/EIS did not conclude that the proposed widening of an existing freeway would have substantial adverse community cohesion impacts in the City of Solana Beach, particularly with the implementation of the proposed community enhancements. The *I-5 NCC Project* does not affect the entire City of Solana Beach, with respect to community cohesion.

T-318 Please refer to the responses to your Comments T-245 and T-264.

T-319 Please refer to the response to your Comment T-318.

T-320 The referenced sentence in the CIA identifies the existence of populations who would be subject to environmental justice impacts. It is not a conclusion as to whether such impacts would occur. The EIR/EIS conclusions regarding environmental justice impacts are provided in EIR/EIS *Section 3.4.3, Environmental Justice*.

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321	Page 6-18	Section 6.6 Mitigation	The Environmental Justice mitigation measures need to be included for all communities impacted, including the City of Solana Beach. The use of passive language "should" needs to be replaced with "shall" to insure compliance with mitigation strategies. If it is not changed, and the mitigation not complied with, what are the residual impacts? These mitigation measures are not included in the DEIR/EIS; although the DEIR/EIS states that the report is incorporated by reference. The standard of practice when preparing an EIR/EIS is to include and list out all study recommendations and mitigation measures into the EIR/EIS for accuracy and inclusion of all required mitigation intended of offset or reduce potential impacts.
322	Page 8-2	Section 8.2 Mitigation Measures	Mitigation measures previously referenced in the study are not included here. Please explain. The mitigation measures need to be carried into the DEIR/EIS for full disclosure of land use impacts, community impacts, and growth impacts.
	Visual Impact Assessment (April 2009)		
323	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS needs to be revised to include citation referencing as per the requirements of NEPA and CEQA and then recirculated for public review.

RESPONSES

T-321 The measures cited are suggested for the mitigation of potential environmental justice impacts in northern Carlsbad associated with the 10+4 Barrier and 8+4 Barrier alternatives, and do not apply to Solana Beach. As noted in EIR/EIS *Section 3.4.1.3, Environmental Consequences*, overall, the project is anticipated to improve existing community character and cohesion by incorporating various design features into the project. Additionally, community enhancement features, if implemented, would further improve and facilitate connectivity between communities east and west of I-5 that were bisected when I-5 was originally constructed. These statements apply to Solana Beach.

T-322 Suggestions in the CIA are the basis for the selected measures provided in the EIR/EIS, which govern. Proposed community enhancements which have been incorporated into the proposed project, replace the mitigation measures identified in the CIA.

T-323 Please refer to the responses to your Comments 17, 18, and T-259.

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	Phase II Environment Site Assessment, North County (November 2005)		
324	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
325	Page 82-83	Project Alternative Exhibits	These pages provide a conceptual rendering for each of the project configurations: 8+4 with buffer, 8+4 with barrier, 10+ with buffer, and 10+4 with barrier. However, these exhibits are seriously flawed; whereas, the number of lanes portrayed does not match the title, and in some cases varies for northbound versus southbound traffic. To accurately assess the potential visual impacts and to provide an "after" photo, these rendering must be revised to reflect the actual scope of the project. This information must be included in the revised study.
326	Page 95	Conceptual renderings.	Cannot determine if these renderings are to scale. The study must be revised to include renderings to scale if not already done so.
327	Page 96	Ida Avenue has been widened in the area of this key view, but will be narrowed to comply with the Eden Gardens Master Streetscape Plan (Adopted April 17, 1995) as part of an I-5 Auxiliary Lane project to be constructed in	Will this project further narrow Ida Avenue? The study must be revised to clarify this exhibit to include full details on the new cross section of the roadway.

RESPONSES

T-324 Please refer to the response to your Comment T-262.

T-325 It is assumed that this comment and those that follow address the Visual Impact Assessment and not the Phase II Site Assessment. The project alternative labeling refers to the general number of main lanes and HOV/Managed Lanes in a typical cross section. While this labeling is used to easily distinguish between the various build alternatives, as described under the heading "Proposed Project Features" on page 4 of the Visual Impact Assessment, the proposed cross section varies based on factors including the need for auxiliary lanes in specific locations. In some locations, this would result in differing numbers of northbound versus southbound lanes. The number of lanes that would occur in specific locations are detailed in EIR/EIS *Section 2.2, Alternatives,* and the accompanying graphics. For example, where the existing I-5 segment contains four or more general purpose lanes in each direction, the only change to through lanes would be an addition of HOV/Managed Lanes in each direction. If there is already one HOV lane available, only one additional HOV/Managed Lane would be provided. This is considered the minimum amount of potential improvement. Where the existing facility currently contains six north- or southbound through lanes, however, an additional two HOV/Managed Lanes would still be added in each direction. Between the I-5/I-805 merge and SR-56, the existing facility contains up to seven general purpose lanes and one HOV lane in each direction. The *I-5 NCC Project* would add an additional HOV/Managed Lane both north- and southbound in this area. Please also see discussion of (non-through) auxiliary lanes in the EIR/EIS.

T-326 Please refer to the response to your Comment T-325. Conceptual renderings are typically not to scale.

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		2007.	
328	Page 98-99	Key View # 3 Visual Assessment graphs	These graphs must be included in the revised DEIR/EIS to provide a visual assessment of the adverse aesthetics impacts of project implementation. In addition, the study must provide corresponding text to assess these graphics in the technical study and DEIR/EIS.
329	Page 101 3rd paragraph	*An impact-minimizing alternative would include a narrow planted area between the wall and barrier, and architectural detailing.*	The study must be revised to provide an exhibit for visual assessment. Based on this statement, it would seem there is a gap between the [sound?] wall and [?] barrier. Is this correct? What will be the determining factor for this *impact-minimizing alternative* to get built? Where is this analyzed in the DEIR/EIS? If not in the DEIR/EIS, why not?
330	Page 102 1st paragraph	*Changes that block visual access to the coast would likely conflict with local goals and expectations….*	This assessment must be carried over into the DEIR/EIS for project analysis? This statement relates to visual impact assessment as well as land use and community impacts.
331	Page 103-105	Key View # 4 Visual Assessment graphs	These graphs must be included in the DEIR/EIS to provide a visual assessment of the adverse aesthetics impacts of project implementation. In addition, the technical study and DEIR/EIS must be re-written to provide corresponding text to assess these graphics.
332	page 171 1st paragraph	*Caltrans and the FHWA mandate that a qualitative/aesthetic approach should be taken to mitigate for visual quality loss in the project area.*	How will this be accomplished? Please be specific and revise the study to include these measures.
333	Page 171 2nd paragraph	*Visual mitigation for adverse project impacts addressed in the previous section would*	Adherence to design requirements is not mitigation, nor does it necessarily lessen the adverse impacts. See CEQA Guidelines §§15370 and 15126.4, and revise the study to reflect these guidelines.

T-327 Additional information regarding proposed community enhancements has been provided in the Supplemental Draft EIR/EIS and Final EIR/EIS. Implementation of this community enhancement would require the City's agreement and long-term maintenance support.

T-328 Availability of the graphs in the Visual Impact Assessment is sufficient, as this technical study has been incorporated by reference into the EIR/EIS.

T-329 The visual simulation is sufficient to illustrate that the visual impact in this location would be high. The design concept described in the cited text would involve a gap to support planting.

T-330 Consistency with the California Coastal Act in regards to land use is evaluated in *Table 3.1.1* in the EIR/EIS. Impacts to views of scenic resources are specifically analyzed in EIR/EIS *Section 3.7.3, Environmental Consequences*, and are concluded to remain high after mitigation.

T-331 Please refer to the response to your Comment T-328.

T-332 EIR/EIS *Section 3.7.4* addresses a number of design features that would be employed as applicable to address visual concerns. The height and design of retaining walls and soundwalls, community enhancements, and Design Guidelines: I-5 NCC Project (see Appendix L) have undergone refinement during the environmental process as described in the Final EIR/EIS, and will continue to be refined as design proceeds on the Preferred Alternative if the project is approved. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project that are recognized as remaining high, as stated in the EIR/EIS.

T-333 Design measures can serve to avoid, minimize, or mitigate adverse visual effects, regardless of whether they are identified as "mitigation measures" as defined by CEQA. EIR/EIS

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		consist of adhering to the following design requirements in consultation with the District 11 Landscape Architect (DLA).	
	Phase II Environment Site Assessment, North County (November 2005)		
334	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS must be revised to include citation referencing as per the requirements of NEPA and CEQA.
	Community Enhancement Plan and Project Notebook (January 2008)		
335	Page 47	Figure 43	This exhibit does not accurately portray the city boundary. Provide an accurate

T-333 cont. *Section 3.7.4* addresses a number of design features that would be employed to address visual concerns. These measures have been developed based on the long history of experience that Caltrans has with such installations. The height and design of retaining walls and soundwalls, community enhancements, and the Design Guidelines: I-5 NCC Project have undergone refinement during the environmental process, as described in the Final EIR/EIS, and will continue to be refined as design proceeds on the Preferred Alternative, if the project is approved. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project, which would remain high, as stated in the EIR/EIS.

T-334 Please refer to the responses to your Comments 017, 018, and T-259.

T-335 The city boundary is not on Figure 43, which presents a general, regional overview.

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			aerial exhibit and revise the analysis as necessary.
336	Page 50	Figure 50	The larger exhibit provides a reference to Via De LA Valle & I-5 intersection, yet the corresponding figures are labeled for various viewpoints from Lomas Santa Fe and I-5 intersection. Please correct this mistake and revise the study accordingly.
337	Page 51	Preliminary design meetings with Project team and Solana Beach staff dated 2/4/2005 and 7/6/2006.	The City notes there have been no preliminary design meetings in over four (4) years. These meetings need to be resumed as the design of the project moves forward. The revised DEIR/EIS must reflect this request.
	Natural Environment Study (NES) (June 2008)		
338	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS needs to be revised to include citation referencing as per the requirements of NEPA and CEQA.
339	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR must be revised and recirculated.

T-336 This error on the location aerial map is noted. The arrows are not essential to the analysis. Please also refer to the response to your Comment T-264.

T-337 The request of the City of Solana Beach to continue with preliminary design meetings is noted.

T-338 Please refer to the responses to your Comments 17, 18, and T-259.

T-339 Please refer to the response to your Comment T-262.

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340	Page iii	CEQA review for CESA compliance	The summary of the report omits any discussion pertaining to CEQA or the California Environmental Species Act (CESA). Please revise the study to include this discussion as it applied to the project. What resource agencies will be required to participate in the CEQA review process to ensure mitigation requirements for impacts to sensitive species and habitat will be carried out? What preliminary management plans and mitigation programs are underway? The City requests to be included in the review of resource management plan and mitigation programs which may affect the lands within the City boundary.
341	Overall comment	Worker Environmental Awareness Program(s)	What types of Worker Environmental Awareness Program(s) have been or will be incorporated in the project design to avoid construction impacts, and to ensure that project construction and operation occur within a framework of safeguarding environmentally sensitive resources? The Worker Environmental Awareness Program(s) must be included in the revised technical study and then recirculated along with the DEIR/EIS.
342	Page 3	*Based on the review of species with the potential to occur within the Study Area and the initial habitat assessment, protocol surveys for the following species were completed.* • *Coastal California gnatcatcher (Polioptila californica californica)* • *Light-footed clapper rail (Rallus longirostris levipes)*	These surveys have not been included in the appendices. The City needs these surveys in order to provide a thorough review of the DEIR/EIS. Include this information in the revised technical report and then recirculate the report along with the revised DEIR/EIS.

T-340 The reviewing resource agencies are the same for CEQA and NEPA. The request of the City of Solana Beach to be included in review of resource management plan and mitigation programs is noted.

T-341 These kinds of details are not available at this level of design and will be developed as the mitigation program is refined. Please also refer to the response to your Comment 30.

T-342 Results of the surveys are adequately presented in the figures and tables and text of the NES and summarized in the EIR/EIS. The survey reports were produced for the purpose of reporting to the U.S. Fish and Wildlife Service as required pursuant to the permits to survey for these species, which are issued by that agency, and are not a required element of the NES.

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		• *Least Bell's vireo (Vireo bellii pusillus)* *Pacific pocket mouse (Perognathus longimembris pacificus)*	
343	Page 3	Section 2.1 Studies Required	This section omits discussion of: California least tern (*Sterna antillarum browni*) Western snowy plover (*Charadrius alexandrinus nivosus*) Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*) Revise the technical report to include these discussions, as mentioned on page 3 and then recirculate for public review.
344	Page 6	Section 2.3 Personnel and Survey Dates *Due to the extensive nature of the project and the required surveys, a list of each separate survey date and personnel is not provided here.*	Please provide the complete list and revise the study to reflect this information.
345	Page 13	2.7. Limitations That May Influence Results *Due to the large, complex nature of this project, all surveys cannot be completed for all species every year until the project is constructed.*	Because the project is be constructed over several phases and out to the year 2050, the City does not accept this statement. Studies are required to determine the baseline physical environment (for the purpose of CEQA baseline environment); and therefore studies post-construction would not provide an accurate biological setting.
346	Page 79	4.12 Mitigation	The list of avoidance and minimization measures must be included in the DEIR/EIS. For example, the full discussion pertaining to avoiding potential impacts to the endangered Del Mar Manzanita is not found in the DEIR/EIS.

T-343 Although the general discussion of these species was not included in the NES, impacts to Del Mar manzanita, California least tern and Western snowy plover are discussed in EIR/EIS *Section 3.21, Threatened and Endangered Species*. Sensitive plant locations, including Del Mar manzanita, are illustrated in the figures in EIR/EIS *Section 3.19, Plant Species*.

T-344 Please refer to the response to your Comment T-342.

T-345 Sufficient surveys to establish baseline have been conducted. The statement referenced in this comment refers to continuing surveys. Surveys will also be completed as needed immediately prior to construction of each phase to identify the latest conditions for resources that must be protected during construction. Please also note that construction is expected to occur intermittently through 2035; not 2050 as stated in this comment.

T-346 The Draft EIR/EIS identified that the Del Mar manzanita would potentially be temporarily impacted, and indicated that it may be possible to refine the temporary impact area of the project during final design to avoid these endangered plants. Since the plants grow along a brow ditch that will likely need to be replaced, however, the plants would likely be impacted. If the plants cannot be avoided, EIR/EIS *Section 3.21, Threatened and Endangered Species* noted that they would likely be salvaged and placed in a compensatory mitigation site for the project. The specific mitigation measures for Del Mar manzanita are being determined in consultation with USFWS, as part of the Section 7 Consultation for the project. Six individual plants will be impacted by the refined 8+4 Buffer alternative, which is the Preferred Alternative. The latest refined mitigation measures for this species are provided in *Section 3.21* of the Final EIR/EIS.

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			In preparing an EIR/EIS, the standard of practice is to incorporate all technical study recommendations and mitigation measures into the document to reduce or offset potential impacts.
347	page 80	*A qualified biologist will be made available for both the pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, and monitor ongoing work. The biologist shall be familiar with the habitats, plants, and wildlife of the Project area, and maintain communications with the resident engineer, to ensure that issues relating to biological resources are appropriately and lawfully managed.*	The technical study refers to this statement as a conservation measure intended to minimize impacts to sensitive habitats and species during construction. In addition to reviewing grading plans, the qualified biologist should work with the project design team to educate on-site workers for potential biological issues through the implementation of a Worker Environmental Awareness Program. What types of compliance strategies will be employed to ensure adherence to the mitigation measure and to verify the measures are in fact appropriate? Will the biological monitor be on-site every day of construction? How many biological monitors will be employed to manage the 27 mile project boundary? What is the expected residual impact after implementation of the states conservation measure? The City requests the biological mitigation program be rewritten to include performance standards.
348	Page 81	Compensatory Mitigation Measures	The City requests to be involved in the consultation of and adoption of the compensatory mitigation program for biological impacts. We recommend the resource agencies implement mitigation ratios appropriate to the level of impact as required under resource agency mitigation guidelines/standards.
349	Page 83	*Caltrans is also considering out of kind mitigation, such as building a new inlet on Pacific Coast Highway 101, south of restaurant*	This is not mitigation. What will be the determining factor whether or not this happens? The nexus between impact and mitigation needs to be clearly identified and this mitigation must be included in the DEIR/EIS. If this is proposed "mitigation" is not implemented, what will occur in its place? Deferred mitigation is not mitigation in fact under CEQA and therefore impacts

T-347 Please refer to the response to your Comment 30, as well as the updated biological mitigation measures within the Final EIR/EIS (reflecting the latest agreements with the resources agencies) and the Environmental Commitments Record (Appendix D), provided in the Final EIR/EIS. Additional details will continue to be developed throughout the detailed project design phase.

T-348 As is appropriate for this project, the compensatory mitigation program was developed in consultation with the resource agencies having permit jurisdiction over the project. This includes the identification of appropriate mitigation ratios.

T-349 Please refer to the response to your Comment 30. Proposed biological resources mitigation is subject to the approval of the resource agencies having jurisdiction over each impacted resource. The latest available mitigation information based on consultation with the resource agencies is provided in *Sections 3.17* through *3.22* of this Final EIR/EIS.

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		row in Cardiff.	cannot be assumed to be reduced or minimized or avoided. The DEIR/EIS must be revised to include this information.
350	General comment	Re-vegetation Plan	There does not appear to be any type of re-vegetation plan(s). What types of re-vegetation plans are under consideration/consultation with the various resource agencies? A re-vegetation plan must be included with the revised DEIR/EIS and circulated for public review.
	I-5 Lagoons Marine Resource Investigation (June 2006) ***This study is found as Appendix C to the NES.***		
351	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS must be revised to include citation referencing as per the requirements of NEPA and CEQA.
352	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
353	Overall comment	Scope of Project	Page 1-11 of the DEIR/EIS states: "I-5 also crosses six lagoons – San Dieguito, San Elijo, Batiquitos, Agua Hedionda, Buena Vista and Los Peñasquitos

T-350 Please refer to the responses to your Comments 30 and T-349, as well as updated information that was provided in the Supplemental Draft EIR/EIS and incorporated in the Final EIR/EIS. The revegetation plans are being completed jointly with the resources agencies and are not required to be included within the EIR/EIS.

T-351 Please refer to the responses to your Comments 17, 18, and T-259.

T-352 Please refer to the response to your Comment T-262.

T-353 Please refer to Topical Response "Lagoon Evaluations" for information about continuing lagoon studies. Substantial additional information was circulated in a Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS.

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			Lagoon." It is unclear why this report only covers the San Elijo, Batiquitos, and Agua Hedionda lagoons and is silent on the remaining lagoons that are specifically identified. This study need to be revised to include analysis regarding potential project impacts to all lagoons within the project area.
	Noise Report for Sensitive Wildlife Receptors within the I-5 North Coast Project *This study is found as Appendix F to the NES.*		
354	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS must be revised to include citation referencing as per the requirements of NEPA and CEQA.
355	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
356	Overall comment	No discussion on the	It appears the technical study has omitted the discussion (and heading) for the

T-354 Please refer to the responses to your Comments 17, 18, and T-259.

T-355 Please refer to the response to your Comment T-262.

T-356 This comment is correct in that the heading for the San Elijo Lagoon discussion was inadvertently omitted from the Noise Report for Sensitive Wildlife Receptors included as Appendix F of the project NES. The analysis of potential project-related noise impacts to wildlife in San Elijo Lagoon is included in Appendix F of the NES on Pages 24 (beginning with the 4th paragraph) to 35.

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		San Elijo Lagoon	San Elijo Lagoon. The noise report discusses the San Dieguito (page 23), Batiquitos (page 35), Agua Hedionda (page 36), and Buena Vista Lagoon (page 36). The technical study must be revised to include this discussion in the recirculated DEIR/EIS.
357	Overall comment	Scope of project: The project will cross six (6) lagoons.	Page 1-11 of the DEIR/EIS states: "I-5 also crosses six lagoons – San Dieguito, San Elijo, Batiquitos, Agua Hedionda, Buena Vista and Los Peñasquitos Lagoon." Yet, not all lagoons are discussed in the *Noise Report for Sensitive Wildlife Receptors within the I-5 North Coast Project*. Explain why this information was omitted and revise the study to include it.
358	Page 1 2nd paragraph	*This noise report has been prepared to provide preliminary noise contour data to analyze potential project-related noise effects to biological resources located within the study area.*	This noise report fails to address the potential noise impacts from construction including the many types of equipment and construction vehicles expected to be used within the study area. Instead the noise report focuses solely on traffic considerations (existing versus estimated future conditions). This noise report needs to be revised to include this information.
359	Page 8 2nd paragraph	*Noise Report for Sensitive Wildlife Receptors within the Manchester Avenue Interstate 5 Interchange Project* (Manchester Report) (Department 2003)	Although referenced, this report is not included as an appendix and needs to be made available for public review as part of the recirculated EIR/EIS.
360	Page 10 2nd paragraph	Section 6 ANALYTICAL CRITERIA AND IMPACT METHODOLOGY	How were potential impacts for effects of noise on special status bird species determined? This information is lacking and needs to be included in a revised report that is made available for public review.

T-357 Noise effects on wildlife were addressed in the NES and are addressed in EIR/EIS *Section 3.21.3, Environmental Consequences*. Updated information from more recent lagoon studies was included in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS.

T-358 While the Noise Report attached to the project NES does not include a quantified evaluation of potential construction-related noise impacts, it does note in Section 4.5 that "[t]he periodic, point-source noise impacts typically associated with construction activities would result in short-term effects to wildlife species." These potential effects are addressed in *Section 3.21, Threatened and Endangered Species*, of the Final EIR/EIS, through mitigation measures that require pile driving to occur outside the bird breeding season and mitigation monitoring during construction by a qualified biologist. Additional measures have been added to the Final EIR/EIS, pursuant to the Biological Opinion issued the U.S. Fish and Wildlife Service. Each of these measures is included in the Environmental Commitments Record (Appendix D) of this Final EIR/EIS.

T-359 As indicated in this comment, the noted report is identified as a cited reference in Appendix F of the NES prepared for the project. This cited report was not prepared for the I-5 project, however, and was therefore not included as an appendix to the NES or other project studies. The full reference for this cited report is included in Section 9, References, of Appendix F to the NES as follows – 2003 Noise Report for Sensitive Wildlife Receptors within the Manchester Avenue / Interstate 5 Interchange Project.

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	T-360 This report was specifically about the Manchester Avenue Interchange and not widening I-5. The referenced statement is on Page 10 of NES Appendix F, which goes on to note that there is no single standard or threshold for determining significant noise effects on all bird species. It goes on to state that prior studies that have indicated a possible noise effects threshold for certain species of songbirds have not been scientifically shown to be valid for those species. Therefore, the analysis was based on a comparison of existing ambient noise levels within the study area with the predicted post-project noise levels in the vicinity of the proposed bridge crossings over the five coastal lagoons along the I-5 corridor in San Diego County. As indicated in this text and shown in Tables 2 and 3 of NES Appendix F, existing noise levels were measured and modeled for a number of noise receptor sites at the coastal lagoons (Table 2). The highest levels were then compared to modeled future (with project) noise levels at the same locations (Table 3). The relative differences in the existing and future noise levels were then used to assess potential noise-related impacts to sensitive avian species in each lagoon, along with site-specific considerations such as the documented locations of target species relative to the freeway corridor, the existing noise levels versus the amount of additional noise energy associated with project-related noise increases, and the effects of noise shielding conditions such as topographic features.

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		No noise thresholds were used to determine the potential for effects of noise on special status bird species.	
	Manchester Avenue/Interstate 5 Interchange Project NES Report (January 2004)		
361	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS needs to be revised to include citation referencing as per the requirements of NEPA and CEQA.
362	Overall Comment	Updated Technical Study and Revised & Recirculated DEIR/EIS	Where appropriate and mandated to do so under NEPA and CEQA, new findings and new conclusions resulting from responding to comments on the technical studies, and where new information requires the revision of the study, the DEIR/EIR is required to be revised and recirculated.
363	Overall Comment	Availability of this Technical Study	Public review for the DEIR/EIS commenced 7/12/10. This study was made available for public review 8/26/10 via http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html more than 44 days after the DEIR/EIS release date. This is a direct violation of the letter and intent of NEPA and CEQA as it thwarts full disclosure for public review and meaningful assessment for the public and decision makers. After all revisions are made to the technical studies and the DEIR/EIS, the entire DEIR/EIS (including all technical reports) needs to be

T-361 Please refer to the responses to your Comments 17, 18, and T-259.

T-362 Please refer to the response to your Comment T-262.

T-363 This NES for the Manchester Avenue / I-5 Interchange was prepared by other parties for the City of Encinitas. Analysis in the EIR/EIS was partially based on this project NES which was provided to the public on the Caltrans website on August 26, 2010. Adequate time was provided in the extended review period (ending November 22) for the public to assess this special technical study.

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			recirculated for public comments.
364	Overall Comment	Biological Mitigation	The following Chapters of the DEIR/EIS list this technical study as incorporated by reference: 3.19 Plant Species, 3.20 Animal Species, 3.21 Threatened and Endangered Species. However, because this study was prepared for another project and for the City of Encinitas as the CEQA Lead Agency, will the mitigation measures included in this study be included in the DEIR/EIS? Why or why not? The DEIR/EIS must be revised to reflect how the mitigation measures will be addressed.
365	Page iv	Table S-2 Special Status Species Impact Matrix	Has this impact matrix been carried into the DEIR/EIS for disclosure and analysis of potential impacts? If it has not, then the DEIR/EIS should be re-written and recirculated.
366	Page iv	Table S-2 Special Status Species Impact Matrix	This table lists 16 special status species with suitable habitat area and summary of impacts. Unfortunately, in many instances the "Maximum Compensatory Mitigation Amount or Area" column states N/A, in other places the response is "To be determined through discussions with the resource agencies". The response N/A is not adequate to meet the requirements of CEQA; whereas, CEQA requires mitigation measures intended to offset or reduce impacts. The response "To be determined through discussions with the resource agencies" should be revised to include *draft* mitigation program details for the terrestrial resources based on standard resource agency protocols for the special status species. Please recalculate this column and revise the study. As it applies to the DEIR/EIS analysis, the DEIR/EIS must be revised and recirculated.
367	Overall Comment	Biological Mitigation	The following Chapters of the DEIR/EIS list this technical study as incorporated by reference: 3.19 Plant Species, 3.20 Animal Species, 3.21 Threatened and Endangered Species. However, because this study was prepared for another project and for the City of Encinitas as the CEQA Lead Agency, will the mitigation measures included in this study be included in the DEIR/EIS? Why or why not?
	Paleontological		

T-364 Mitigation measures provided in the Manchester Avenue / I-5 NES, which emphasize avoiding and reducing impacts through project design, are not in conflict with the measures in the *I-5 NCC Project* EIR/EIS. Specific measures to be incorporated into the project will depend on the Preferred Alternative, if the project is approved, and the specific permit conditions imposed by the resources agencies.

T-365 Relevant information in technical studies has been disclosed through incorporation by reference into the EIR/EIS and provision of the studies on the project website. Impacts to the species referenced in the Manchester Avenue / I-5 NES that would be caused by the *I-5 NCC Project* have been addressed in the EIR/EIS. Specific impacts and required mitigation would be particular to the selected alternative and the permit conditions negotiated with the resource agencies.

T-366 Please refer to the response to your Comment 30, as well as updated information that was provided in the Supplemental Draft EIR/EIS and incorporated in the Final EIR/EIS. The EIR/EIS also contains updated information regarding mitigation for sensitive species based on the USFWS Biological Opinion.

T-367 Please refer to the response to your Comment T-364.

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	Resource Assessment, I-5 NCC Project, Caltrans District 11, San Diego County, California		
368	Overall Comment	The City of Solana Beach (Cooperating Agency / Responsible Agency)	The Paleontological Resource Assessment report is only available for cultural resource experts due to the sensitive nature of report content. This report is not posted on the project website due to sensitive location information. Per Shay Lynn Harrison, Chief, Environmental Analysis - Branch C. *[via email correspondence with City Consultant dated Monday, August 16, 2010 1:18 PM]*
369	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS must be revised to include citation referencing as per the requirements of NEPA and CEQA.
	Historic Property Survey Reports (HPSR)[Original] (March 2007) **First Supplemental HPSR (May 2008)** **Second Supplemental HPSR (May 2008)**		

T-368 Please refer to the responses to your Comments 18 and T-3.

T-369 Please refer to the responses to your Comments 17, 18, and T-259.

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370	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS must be revised to include citation referencing as per the requirements of NEPA and CEQA.
371	Overall Comment	The City of Solana Beach (Cooperating Agency / Responsible Agency)	As of November 1, 2010, this technical study has not been made available for review. As a Cooperating Agency under NEPA and Responsible Agency under CEQA, the Historic Property Survey Reports needs to be made available for professional peer review and to access the project for impacts to cultural resources. Since this technical study is still not available, the entire DEIR/EIS, including all technical studies, needs to be revised and recirculated for proper public review.
	Archaeological Survey Reports (ASRs [Original] ASR (2002) **Supplemental ASR (December 2006)** **Second Addendum ASR (July 2008)** **Third Addendum ASR (July 2008)**		
372	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150).

T-370 Please refer to the responses to your Comments 17, 18, and T-259.

T-371 Please refer to the response to your Comment 18.

T-372 Please refer to the responses to your Comments 17, 18, and T-259.

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			As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS needs to be revised to include citation referencing as per the requirements of NEPA and CEQA.
373	Overall Comment	The City of Solana Beach (Cooperating Agency / Responsible Agency)	As of November 1, 2010, this technical study has not been made available for review. As a Cooperating Agency under NEPA and Responsible Agency under CEQA, the Archaeological Survey Reports should be made available for professional peer review and to access the project for impacts to archeological resources. Since this technical study is still not available, the entire DEIR/EIS, including all technical studies, needs to be revised and recirculated for proper public review.
	Historic Resource Evaluation Reports (HRER) for Historic Structures [Original] HRER (July 2005) **First Addendum HRER (August 2006)** .		
374	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship

T-373 Please refer to the responses to your Comment 18.

T-374 Please refer to the responses to your Comments 17, 18, and T-259.

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			between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS needs to be revised to include citation referencing as per the requirements of NEPA and CEQA.
375	Overall Comment	The City of Solana Beach (Cooperating Agency / Responsible Agency)	As of November 1, 2010, this technical study has not been made available for review. As a Cooperating Agency under NEPA and Responsible Agency under CEQA, the Historic Resource Evaluation Reports should be made available for professional peer review and to access the project for impacts to cultural resources. Since this technical study is still not available, the entire DEIR/EIS, including all technical studies, needs to be revised and recirculated for proper public review.
	Location Hydraulic Studies (February 2008 and 2009)		
376	Overall comment	Incorporated by Reference	This technical report is incorrectly stated to be Incorporated by Reference into the DEIR/EIS (CEQ § 1502.21 and State CEQA Guidelines §15150). As currently prepared, the DEIR/EIS is inadequate to satisfy NEPA and CEQA requirements regarding the use of incorporated materials because the DEIR/EIS does not provide citation in the body of the analysis, no relationship between the incorporated part of the referenced document (this technical study) and the EIR is described, and in many cases said referenced materials have not been made available to the public. The DEIR/EIS needs to be revised to include citation referencing as per the requirements of NEPA and CEQA.
377	Overall Comment	The City of Solana Beach (Cooperating Agency / Responsible Agency)	As of November 1, 2010, this technical study has not been made available for public review. As a Cooperating Agency under NEPA and Responsible Agency under CEQA, the Location Hydraulic Studies should be made available for professional peer review and to access potential impacts. Since this technical

T-375 Please refer to the response to your Comment 18.

T-376 Please refer to the responses to your Comments 17, 18, and T-259.

T-377 Please refer to the response to your Comment T-260.

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			study is still not available, the entire DEIR/EIS, including all technical studies, needs to be revised and recirculated for proper public review.
378	Traffic report v47.pdf, Figure 3.7.1 (p. 14)		Using VMT data in Table 3.7.1, it appears that either "build" alternative (8+4 or 10+4) will accommodate greater VMT by 2030. Greater VMT will produce greater toxic air pollution and GHG emissions. CEQA obligates the lead agency to disclose all environmental impacts and does not allow the lead agency to ignore a baseline analysis. The SDAPCD is in non-attainment status for ozone, PM10, and PM2.5 by either California or Federal standards. All "build" alternatives lead to greater VMT and, therefore, greater toxic air pollution – aggravating an already non-compliant status for 3 critical toxic air pollutants. The DEIR/EIS must analyze the baseline situation, analyze the additional impact(s), and provide mitigation for those impacts of increased VMT. Revise and recirculate the DEIR/EIS.
379	Draft PR layouts.pdf, p. 26	Visuals	Why are aerial views preferable to faithful 3-dimensional rendering of freeway structures like DAR and flyovers along the 27-mile corridor? The visual elements presented in DEIR/EIS document(s) and attachments are predominantly aerial views which, because they have no depth or 3-dimensional component, mislead the viewer by failing to convey bulk, scale, and mass of very large structures, such as direct-access ramps (DAR) or flyovers. The I-5/Manchester DAR flyover is one example of this on p. 26. It is very difficult for the viewer to appreciate the enormous size of the proposed structure from a top-down view. The DEIR/EIS must be revised to present the reviewer with a more accurate picture of the true bulk, scale, and mass of the proposed alternatives so that these alternatives can be fairly evaluated for visual impact.
380	I-5 North Coast Corridor Project, Visual Impact Assessment, p. 105	Visuals	Some of the diagrams and photographs in the DEIR/EIS do not accurately portray dimensions of the features depicted and, therefore, the visual impact of certain construction features is reduced. In the parlance of graphic arts, this effect is called "forced perspective". A good example of this is shown on p. 105,

T-378 The baseline analysis for GHG emissions (expressed as CO_2 emissions) is shown in EIR/EIS *Chapter 4*. The quantitative GHG analyses show that, when compared to the No Build alternative, the Preferred Alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 340 tons per day, and the 10+4 alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 350 tons per day.

T-379 Aerial views of large regional projects are often the only way to illustrate the potential project footprint appropriately. With regard to changes to views, please refer to *Section 3.7* of the EIR/EIS. Please see *Figures 3-7.41* through *3-7.110*. These figures depict existing conditions and a simulation of the same view, taken from windshield or pedestrian viewpoints. These show the anticipated change at key locations, and accurately depict changes in mass, view shielding, etc. Use of actual photographs with future conditions superimposed upon them is standard practice as it is less subjective and more accurate than renderings. Please also note that the design for the proposed Manchester DAR has been revised from an overcrossing to an undercrossing, which would substantially minimize potential visual impacts associated with the DAR. A simulation of this revised proposal is included in this Final EIR/EIS.

T-380 The visual simulation is sufficient to illustrate that the visual impact in this location would be high. Please also refer to the response to your Comment T-379.

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			where before and after views of the I-5/Manchester interchange are shown at extreme distance in photographs that employ a "forced perspective" to minimize the apparent size of the DAR/flyover in the far distance. This forced perspective is achieved in a photographic simulation by showing the proposed flyover in the background against a wide expanse of simulated freeway in the foreground. The converging freeway lanes in the simulation meet at a vanishing point at about the same apparent "distance" as the DAR/flyover, thus making the flyover look trivially small. Only very careful study and analysis overcomes the viewer's initial impression that the flyover is not a significantly large structure. This must be corrected in a revised and recirculated DEIR/EIS.
381	I-5 North Coast Corridor Draft DEIR/EIS/EIS, p. A-32	Visuals	The San Elijo Ecological Reserve is cropped out of the rendering of the I-5/Manchester interchange. The aerial shot of the San Elijo Ecological Reserve just south of the I-5/Manchester interchange is misleading, in that it "crops" out the huge development of a park and ride lot plus the DAR/flyover that would appear just north of the photo's right-hand border. Nowhere in this section of the DEIR/EIS is the I-5/Manchester interchange shown in detail matching that displayed on p. A-32. Other architectural renderings are presented elsewhere in the DEIR/EIS, but only in tiny detail, so it is difficult to grasp the potential bulk, scale, and mass of the DAR/flyover in this region. Pictures and diagrams must be revised to accurately depict the relationship of the freeway and the lagoon property in a revised and recirculated DEIR/EIS.
382	I-5 North Coast Corridor Project, Visual Impact Assessment, entire document	Visuals	Many of the illustrations in the Visual Impact Assessment are irrelevant to the central question of environmental impacts to views from the I-5 widening project. The vast majority of the illustrations in the Visual Impact Assessment are irrelevant to the central question of impacts to views from the I-5 widening project itself. As only one of many possible examples that could be given here, a photograph of the Solana Beach Train Station – which cannot be seen from the freeway running through Solana Beach to the east – are meaningless in the context of assessing the visual impact of the freeway or of assessing view impairments from the freeway roadbed itself. View impairments from the freeway roadbed deserve much better illustration and much fuller discussion.

T-381 The figure referenced in this comment illustrates the area proposed for permanent use associated with the 10+4 Barrier alternative, which represents the greatest area of use among the four alternatives, for purposes of 4(f) analysis. This graphic is not intended for use in visual impact assessment. Please also refer to the response to your Comment T-379.

T-382 Many photographs and aerial views of various areas are provided to describe existing conditions and general visual quality and character of the area surrounding the freeway. Analysis of visual impacts is based on specific simulations along the corridor. Please refer to the response to your Comment T-379.

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			Similarly, aerial views of the freeway as it snakes its way through North County are irrelevant to assessing the view impairments and visual blight of roadway expansion and auxiliary structures, such as sound walls, bridges, and flyovers. The DEIR/EIS must be revised with appropriate illustrations that more accurately portray the visual impact of the entire project.
383		[Caltrans has ignored and failed to address previous published criticisms, by the Attorney General of California, of "freeway-heavy" planning]	The San Diego Association of Governments (SANDAG) is in the process of developing the next Regional Transportation Plan (RTP), which will guide all transportation projects and planning through the year 2050 (the 2050 RTP). The Attorney General of California criticized the 2030 RTP for being transit-deficient and freeway-heavy, and the document was found to have significant unavoidable and unmitigable impacts in almost every environmental category: "Significant unavoidable and unmitigable impacts would occur to land use, visual resources, energy, and biological resources and there would be cumulatively significant impacts to land use, visual resources, air quality, noise, energy, global climate change, geology/paleontology, water resources, and biological resources, cultural resources, hazards and hazardous materials." Other build alternatives should be evaluated based on the Attorney General's comments. This must be expanded upon in a revised and recirculated DEIR/EIS.
384	I-5 North Coast Corridor Project, Visual Impact Assessment, p. 192	Visuals	The artist's rendering of a BRT center at the Manchester Ave. intersection refers to a facility proposed for the I-15 corridor, not the I-5 intersection at Manchester. This rendering contains insufficient detail to evaluate its appropriateness for a biologically and visually sensitive location bordering the San Elijo Lagoon. Correct this error in a revised and recirculated DEIR/EIS.
385	Lead Investigation on the Route 5 (TSLEAD.PDF),	Toxic (lead-contaminated) soil	What documents incorporated by reference into the DEIR/EIS discuss the health risks and potential mitigations for handling hazardous lead-contaminated soil that is disturbed along the freeway during construction?

T-383 Please refer to the response to your Comment 9.

T-384 The figure referenced in this comment is a concept sketch intended to illustrate the type of amenities that could be provided for transit users. It is not intended to be a visual simulation of a facility at Manchester. Final design details are not available for any project facility, as such details would be developed for the Preferred Alternative if the project is approved, consistent with the Design Guidelines: Interstate 5 North Coast Corridor Project.

T-385 Technical studies supporting the assessment of lead and other hazardous waste/materials issues are listed at the beginning of *Chapter 3* and in EIR/EIS *Section 3.13.2, Affected Environment*. Impacts of aerially deposited lead and other issues are discussed in EIR/EIS *Sections 3.13.3* and *3.14.3, Environmental Consequences,* within the Hazardous Materials and Air Quality (MSATs) Sections.

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	Executive Summary		*"[L]aboratory … results … indicated that the upper 0.60 m[eters] of the soil excavated from the [test] site could potentially be classified as a hazardous waste according to … the California Code of Regulations …".* We have not been able to locate documents in the DEIR/EIS that relate to the disposal of this hazardous waste or documents that discuss mitigation of health risks when this hazardous lead-burdened soil is disturbed along the freeway during construction. The DEIR/EIS must discuss the hazards, the public health implications, and mitigation strategies for reducing risk to residents along the freeway construction sites. Revise and recirculate the DEIR/EIS.
386	TSCOMM07.PDF, p. 2-55	Solana Beach ethnicity	The La Colonia (Eden Gardens) area, where "relocation" is anticipated, is a historical "barrio" dating back to the 1920's. The west side of the present freeway, just south of the intersection with Lomas Santa Fe, closely abuts properties on Ida Ave. and therefore jeopardizes the cohesiveness of the old, established La Colonia barrio. It should be noted that, when Interstate 5 was first constructed, the La Colonia barrio was cut in half. The present I-5 expansion threatens to degrade the integrity of the barrio even further. The DEIR/EIS must analyze impacts on the Solana Beach La Colonia barrio in the same way that it has studied Barrio Carlsbad (see TSBARRIOCARLSBAD.PDF in the DEIR/EIS technical studies). The impacts on La Colonia are no less important than those of Barrio Carlsbad, which was established at approximately the same time. Revise and recirculate the DEIR/EIS.
387	Barrio Carlsbad Community Cohesion Report (TSBARRIOCARLSBAD.PDF), p. 7	Solana Beach ethnicity	Why does Barrio Carlsbad deserve exhaustive analysis in the DEIR/EIS, but Barrio La Colonia does not? The Caltrans Environmental Handbook Volume 4 defines community cohesion as: "…The degree to which residents have a "sense of belonging" to their neighborhood, a level of commitment of the residents to the community, or a strong attachment to neighbors, groups, and institutions, usually as a result of continued association over time. Cohesion refers to the degree of interaction

T-386 Please refer to the responses to your Comments T-76 and T-388.

T-387 Please refer to the responses to your Comment T-76 and T-388.

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			among the individuals, groups, and institutions that make up a community (1997:49)." The DEIR/EIS should explain why Barrio Carlsbad fits this definition but Barrio La Colonia in Solana Beach does not. Revise and recirculate the DEIR/EIS
388	Barrio Carlsbad Community Cohesion Report (TSBARRIOCARLSBAD.PDF), p. 2	Solana Beach Community Impact Assessment (CIA) lacking	Where in the DEIR/EIS is a complete analysis of short-term and cumulative impacts and benefits to Barrio La Colonia? Where in the DEIR/EIS is support and analysis of the idea that "the project would generally improve circulation throughout the study area through an increase in freeway capacity", especially when several properties in La Colonia will be "relocated" and/or obliterated? In support of the Environmental Impact Report (EIR) and Environmental Impact Statement (EIS) required for this project, a Community Impact Assessment (CIA) was prepared for the I-5 North Coast Corridor Project (Caltrans 2007). This CIA described the existing socioeconomic conditions and other community aspects within a large study area that included portions of San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside. The document also analyzed the impacts (direct, indirect, and cumulative) of four different project alternatives to a variety of different community aspects, including land use, population and housing, public facilities and services, economics, and community cohesion. Finally, the CIA contained an analysis to determine the potential to disproportionately impact low-income and minority populations, as defined in Executive Order 12898 (Environmental Justice). "At the overall project level, the CIA concluded that, once completed, the proposed project would generally improve circulation throughout the study area through an increase in freeway capacity. These circulation benefits would accrue not only to residents within the study area, but for people throughout the region who would use I-5 to travel along the North Coast corridor and places beyond. ... [T]he project as a whole – regardless of the final alignment – has the potential to beneficially affect the communities along the I-5 North Coast Corridor as well as the larger region, and the general atmosphere of the communities through which the proposed project passes would not be substantially altered or

T-388 Impacts at the particular place in Solana Beach referenced in this comment are included in general impacts discussion throughout the EIR/EIS and highlighted in relevant issues that would affect this area in particular. For example, Barrio La Colonia (Eden Gardens) is discussed in EIR/EIS *Section 3.4.1, Community Character and Cohesion*, *3.4.2*, *Relocations and Real Property Acquisition*, and *3.4.3*, *Environmental Justice*. Ida Avenue in Solana Beach is discussed specifically in *Section 3.7, Visual/Aesthetics*. Traffic analysis supporting the conclusion that the project would increase freeway capacity is provided in EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*.

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			affected (Caltrans 2007:p9-3)." Analysis in the DEIR/EIS does not support the idea that "the project would generally improve circulation throughout the study area through an increase in freeway capacity", because the DEIR/EIS does not give data or analysis to show that increases in freeway capacity will last long enough after project build-out to accrue long-term benefit to the communities affected. Furthermore, analysis in the DEIR/EIS does not support statements that "circulation throughout the study area" will improve if feeder streets and local arterials become congested as a result of an increase in traffic on the freeway. The DEIR/EIS presents no evidence that expansion of I-5 through Solana Beach will bring benefit in any form either to Solana Beach residents as a whole or to Barrio La Colonia residents in particular – especially if properties in Barrio La Colonia are "relocated" as described in the document contained in the TSCOMM07.PDFfile. The DEIR/EIS must give more complete analysis of short-term and cumulative impacts and benefits to Barrio La Colonia as well as Solana Beach. Revise and recirculate the DEIR/EIS.
389	I-5 North Coast Community Enhancement Plan, Jan 2008 (TSCOMM08.PDF)	"Community enhancement" and "synergy projects" planned for Solana Beach	How does the DEIR/EIS's "community enhancement" or "synergy projects" planned for Solana Beach quantitatively and significantly offset the environmental impact due to encroachment of R.O.W. on existing properties? What is the evidence and analysis that these auxiliary projects will "enhance" the community? The DEIR/EIS does not make clear how streetscape enhancements along Ida Ave. in Solana Beach will mesh with the "relocation" of properties along Ida Ave. The DEIR/EIS must clearly identify those properties that are targeted for "relocation" so that the Ida Ave. streetscape enhancements can be evaluated more fully. Revise and recirculate the DEIR/EIS.
390	Phase II	Due to the presence of	The DEIR/EIS does not present a comprehensive, site-specific health and

T-389 The concept of the community enhancement projects is discussed in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, which notes that these projects are not minimization measures for the *I-5 NCC Project*. Additional information regarding the proposed community enhancements was provided in the Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS. Enhancements located outside Caltrans right of way will not be implemented without the support of the responsible local jurisdictions. Regarding relocation, please refer to the response to your Comment T-271.

T-390 Please refer to the response to your Comment T-166.

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	Environmental Site Assessment (TSPHASENORTH.PDF), p. 3; Phase II Environmental Site Assessment (TSPHASESOUTH.PDF), p. 3	impacted [ie, contaminated] soils [along presently unpaved sections of I-5], construction activities should be performed in accordance with a site-specific health and safety plan and a soil management plan [from TSPHASENORTH.PDF; similar recommendations made in TSPHASESOUTH.PDF)]	safety plan, as well as soil management plan, to deal with construction activities near homes and schools which may be affected by toxic contaminants from earth moving and grading operations. These plans should be developed and incorporated into a revised and recirculated DEIR/EIS for public review.
391		Caltrans statements that GHG emissions will not be cumulatively considerable.	The DEIR/EIS claims that the Caltrans project is in conformity with the SANDAG Regional Transportation Plan without presenting evidence for this claim. The DEIR/EIS does not confirm or provide analysis that the proposed widening projects actually conform to the outline of the applicable Regional Transportation Plan. The DEIR/EIS must perform this analysis and be revised to show this conformity. Reference to the RTP alone does not substantiate this claim of conformity. Revise and recirculate the DEIR/EIS.
392		Caltrans statements that GHG emissions will not be cumulatively considerable.	The DEIR/EIS erroneously claims that the project is "exempt" from analysis of and mitigation for GHG emissions for these widening projects due to previous consideration of these projects in a Regional Transportation Plan. The DEIR/EIS is obligated under CEQA to show that cumulative GHG emissions resulting from operation or construction of widening projects actually does not make a significant contribution to a cumulative impact (i.e., GHG emissions). Cumulative impacts of GHG emissions can be reasonably expected from a project that adds lanes to a freeway and can be reasonably expected to cause considerable induced traffic. If a lead agency makes a determination that there is no cumulative impact in

T-391 The Preferred Alternative is consistent with the revenue constrained plan within the recently adopted 2050 RTP. Consistency with this recently adopted plan is described in the Final EIR/EIS. Please also refer to the response to your Comment 09.

T-392 Please refer to the response to your Comment T-378 and Topical Response "Climate Change."

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			GHG emissions, however, CEQA requires that the lead agency explain how implementing the particular requirement in the plan (e.g., a Regional Transportation Plan), regulation or program would ensure that the project's incremental contribution to the cumulative effect would not be cumulatively considerable. See CEQA guidance in http://www.ceres.ca.gov/ceqa/guidelines/art9.html : Cumulative impacts analysis must include reasonably anticipated future activities of a project or associated with the project. Whether these activities are addressed in the cumulative impact analysis section or in the impacts associated with the project, as defined, if there is substantial evidence indicating reasonable foreseeable future projects or activities, a DEIR/EIS must analyze the impacts of those future activities. The Court in *Laurel Heights* set forth the following two-pronged test to determine whether an DEIR/EIS must include an analysis of the environmental effects of future activities: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent these two circumstances, potential future expansion need not be considered. *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376. Consistent with the holding in *Antioch v. Pittsburg* (see discussion with Section 15126), a cumulative impact analysis needs to address the most probable development patterns. Revise and recirculate the DEIR/EIS.
393	GHG emissions	Viable alternatives not presented	The DEIR/EIS does not present a project alternative that will actually reduce air pollution and GHG emissions. The DEIR/EIS concentrates on comparing build and no-build freeway widening/HOV alternatives. In the DEIR/EIS, Caltrans – as lead transportation agency -- must include an alternative that will reduce air pollution and GHG emissions, rather than simply accommodate a business-as-usual increase. The analysis presented by Caltrans in the DEIR/EIS appears flawed because the DEIR/EIS presents only alternative solutions that allow a steady increase in automotive traffic.

T-393 Please refer to the response to your Comment T-378 and Topical Responses "Climate Change," "Multimodal System," "Rail Preference," and "Mass Transit."

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			Caltrans fails in its role as a lead transportation agency by not shouldering its share of planning for a reduction of GHG emissions, as mandated by Governor's Executive Order, and by presenting transportation alternatives that do not significantly reduce the number of single-passenger automobiles. The DEIR/EIS must be revised to include appropriate alternatives that will (a) reduce GHG emissions, (b) reduce toxic air pollutants, and (c) reduce – rather than accommodate – additional traffic on this major freeway. Recirculate the revised DEIR/EIS.
394	TRAFFICREPORTV 47.PDF, Table 3.7.1	I-5 Northbound and Southbound Daily VMT	Data presented in the DEIR/EIS contradict the need for expansion of I-5 to relieve peak roadway congestion and to accommodate additional traffic flow, as estimated by forecasted VMT. In the Figure 3.7.1 below, it is clear that both 2030 build alternatives (8+4 and 10+4) accommodate an insignificant additional volume of traffic flow, as estimated by forecasted VMT. For example, using I-5 N-bound traffic through the North Coast Corridor, the 8+4 and 10+4 alternatives would accommodate an additional 4% and 9% VMT (flow) increase, respectively, over the no-build alternative by 2030. A similar argument can be made for the essentially identical S-bound forecasted VMT situation. Our analysis yields a conclusion very similar to that shown above (in another comment) in our discussion of Tables 3.1 and 3.2. The conclusion is inescapable that widening the freeway will accomplish very little for congestion or traffic flow in the 2030 planning horizon.

T-394 As noted above in the responses to your Comments T-105, T-106, and T-107, substantially more traffic would use the I-5 segment between Via de la Valle and Lomas Santa Fe Drive under the project alternatives (8+4 and 10+ 4 with or without DARs) than for the No Build alternative. This increase would occur because of the addition of the proposed HOV/Managed Lanes and is a positive finding, as one of the principal strategies to improve mobility and reduce congestion on local highways is to encourage more carpool use and move more people in fewer vehicles. The accommodation of more travelers within the HOV/Managed Lanes is also expected to alleviate congestion on local streets compared with No Build conditions.

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			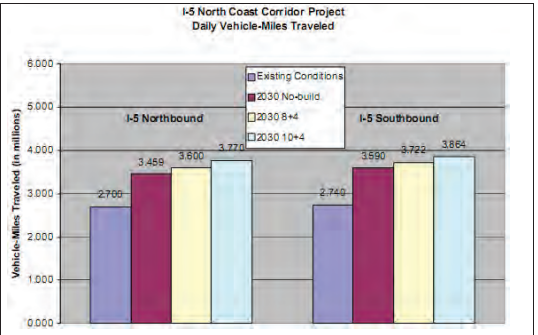 From this DEIR/EIS Comment Table 1, it is clear that both 10+4 build alternatives involving HOV lanes (with and without Direct Access Ramps) would carry only about 8% more total traffic in this segment than the 2030 no-build option (163470 versus 354370 and 354250 ADT, respectively). The DEIR/EIS does not discuss why it is necessary or desirable to double the width (i.e., lanes) plus addition of HOV lanes on the existing freeway in order to gain only about 8% more capacity (i.e., traffic ADT) with these particular alternatives by 2030. This must be discussed and analyzed thoroughly operationally, financially, economically, and environmentally. Such discussion is totally lacking in the current DEIR/EIS. The DEIR/EIS must be revised to reflect a more thorough analysis of congestion and traffic flow at the 2030 planning horizon. Revise the DEIR/EIS and recirculate.
395	DRAFTPRLAYOUT.PDF	Deceptive masking of bulk, scale, and mass of Manchester Ave direct	The DEIR/EIS gives little visual detail and simulation for the Manchester Ave. DAR flyover and park-and-ride lot, even though he I-5/Manchester intersection

T-395 The design for this proposed DAR was revised to minimize potential impacts. Specifically, the DAR facility would be constructed to pass underneath the freeway to reduce visual impacts, and the number of parking spaces at the park and ride has been reduced. Please also refer to the response to your Comment T-115.

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		access ramp (flyover) and Park-and-Ride lot	is presented as such an important transit point and transit center. One conceptual aerial view is given in the referenced document, showing a massive parking lot (indeterminate number of parking spaces) and a direct access ramp that clearly must "fly over" the lot onto the HOV lanes. No architectural modeling is presented to allow the reviewer to access bulk, scale, and mass of the proposed structures constructed in a sensitive lagoon estuarine setting. The DEIR/EIS must be revised to illustrate the bulk, scale, and mass of the proposed flyover and give more specific detail on the number of parking spaces proposed for the park-and-ride lot. The DEIR/EIS must give similar consideration to the treatment of other flyovers (i.e., DAR's) on the North County I-5 Corridor.
396		Air quality; non-attainment basin	The DEIR/EIS states that the proposed projects will not affect air quality in the San Diego Air Quality Basin, but there is ample evidence from the U.S. EPA and the SDAPCD that there were already 40 days (in 2008) that were "unhealthy air quality days for elderly and children"?

T-396 Please refer to the response to your Comment 3 and Topical Response "Air Pollutants."

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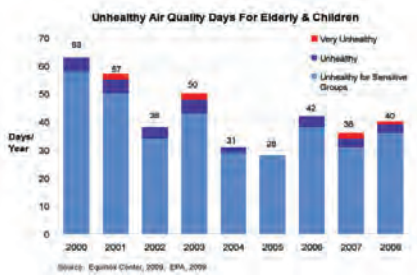
			According to data consolidated by the Equinox Center in Encinitas, CA from EPA records, the San Diego Air Quality Basin experienced 40 days in 2008 that were "unhealthy air quality days for elderly and children" (see graph above). As we have pointed out in another comment, the San Diego Air Pollution District is a non-attainment area for PM2.5 toxic air pollutants by California State criteria. The graph clearly shows that little progress has been made since 2006 in significantly reducing the number of toxic air days in San Diego.  The DEIR/EIS – by continuing "business as usual" with respect to encouraging automotive travel on Interstate 5 through widening proposals that do not solve the real transit crisis in the region – is enabling a policy of continued non-attainment in an already poor air quality basin. The DEIR/EIS must discuss and quantitatively analyze Caltrans' role in aggravating toxic air quality non-attainment in San Diego. As the lead planning agency for this project, Caltrans has a responsibility to (a) analyze toxic air pollutants generated by the operation and construction of this project, and (b) to

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			mitigate the generation of toxic air pollutants that add to the non-attainment burden in the San Diego Air Quality Basin. Revise the DEIR/EIS to include this analysis and recirculate the document.
397		Air quality; non-attainment	The DEIR/EIS fails to analyze the respiratory health impacts caused by the impacts of the projects on air quality, even though the legal precedent of *Bakersfield Citizens v. City of Bakersfield* (2004) requires a DEIR/EIS to do so. In *Bakersfield Citizens v. City of Bakersfield* (2004), the court found a DEIR/EIS inadequate because of its failure to analyze the respiratory health impacts caused by the impacts of the projects on air quality. In the court's opinion, "After reading the DEIR/EISs, the public would have no idea of the health consequences that result when more pollutants are added to a non-attainment basin." The DEIR/EIS has failed to properly analyze respiratory health impacts of known air quality pollutants like PM2.5. The DEIR/EIS has failed to properly assess the true health consequences of adding more pollutants to the San Diego non-attainment basin. In fact, the DEIR/EIS has dismissed the health consequences of PM2.5 and diesel particulate emissions by claiming that this widening project has already been "factored into" a Regional Transportation Plan (RTP). The widening projects proposed in the DEIR/EIS cannot have been considered in a RTP, because no details or analysis of these widening plans were known at the time of the RTP's writing and issuance. The DEIR/EIS has done a poor job of analyzing the health risks of known toxic air pollutants in highway projects known to be the primary cause of particulate emissions and also air quality non-attainment status. This must be corrected in a future DEIR/EIS. Revise and recirculate the DEIR/EIS.
398	TSTRAFFICJULY2010.PDF	Relationship between traffic speed and GHG emissions	There are no data to support the DEIR/EIS's claims that expanding lanes, widening the freeway, and building HOV lanes will reduce GHG emissions by allowing increased freeway speeds. As justification for expanding lanes, widening the freeway, and building HOV lanes, the DEIR/EIS presents an unusual but unsubstantiated theory. This unproven theory states that, by increasing freeway speeds through lessening of

T-397 Respiratory health issues are addressed in EIR/EIS *Section 3.14, Air Quality*. Additional information is provided in Topical Response "Air Pollutants."

T-398 Please refer to the response to your Comment T-378 and Topical Response "Climate Change."

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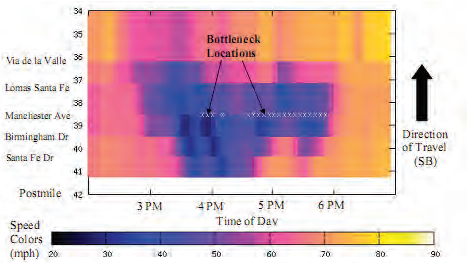
			"congestion" at freeway chokepoints, GHG emissions and the amount of toxic air pollutants will be reduced significantly. This justification is actually without foundation and the DEIR/EIS must be revised to present better and more complete research on this topic. As an example of one referenced current "chokepoint", we reproduce below Figure 3.8 (TSTrafficJuly2010.pdf) for a segment of I-5 between Via de la Valle and approximately Santa Fe Drive. For short segments of this 4-5 mile segment, freeway speeds are reduced to as low as 20-25 mph for very brief periods in the mid-afternoon rush hour. For most of the entire afternoon period, however, speeds may certainly average 40-50 mph.  **Figure 3.8 Aggregated Speed Plot for Bottleneck 6: SB Birmingham Dr to Manchester Ave** According to the Figure below (reproduced from a report entitled "Traffic Congestion and Greenhouse Gases" that relates driving speeds to GHG emissions in Southern California, by M. Barth and K. Boriboonsomsin [http://www.uctc.net/access/35/access35_Traffic_Congestion_and_Grenhouse_Gases.pdf]), speeds of 20-25 mph generate no more GHG emissions than vehicle speeds of 70-75 mph.

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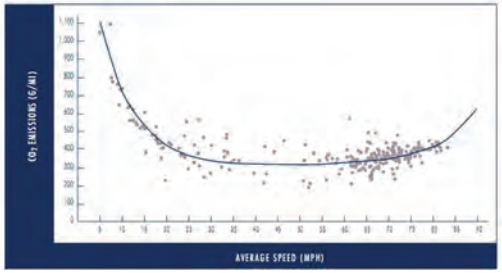
			FIGURE 5 Emission-speed plot of individual trips or trip segments  Thus, one of the essential elements of Caltrans' argument that decreasing "congestion" and increasing freeway speeds will actually reduce GHG emissions appears to be very weak and incapable of supporting one of the main arguments in favor of expansion. The DEIR/EIS must be revised to portray strategies that will reduce GHG emissions, comply with AB32, and allow Caltrans to live up to its obligations under the Governor's Executive Order mandating all California State agencies to reduce GHG emissions to 1990 levels by 2020.
399	TSTRAFFICJULY2010.PDF	Relationship between traffic speed and GHG emissions	The DEIR/EIS asserts that traffic "congestion" is the prevailing norm on I-5 through North County. As evidence, only the worst-case scenario of stopped traffic is presented as a measure of "congestion". The DEIR/EIS makes the error of presenting only the worst-case scenario of stopped traffic as its only measure of congestion. In fact, traffic speeds over freeway segments, such as those shown in Figure 3.8 below, requires mathematical integration (i.e., the integrated product of duration and speed). With proper integration, it would be possible to produce more exact

T-399 The traffic analysis summarized in the EIR/EIS and documented in the numerous technical studies that support the environmental document (as listed at the beginning of *Chapter 3* of the EIR/EIS) provides adequate quantitative substantiation to conclude that the proposed project would increase the capacity of I-5 and relieve congestion. Technical experts may disagree and still produce defensible technical analyses and conclusions adequate under CEQA and NEPA. Please also refer to the response to your Comment T-177.

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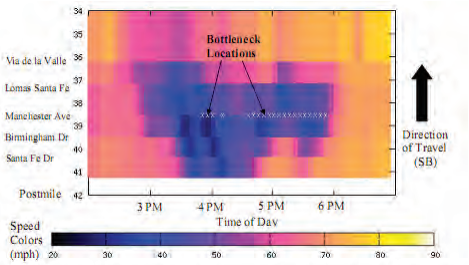
			mathematical modeling of the degree to which slow speeds actually generate significant additional air pollution or GHG emissions.  **Figure 3.8 Aggregated Speed Plot for Bottleneck 6: SB Birmingham Dr to Manchester Ave** The DEIR/EIS's qualitative assessment of "congestion" is lacking in quantitative substantiation. Without such substantiation, it is impossible to determine the significance of Caltrans' statements that emissions can actually be alleviated by roadway expansion. A quantitative analysis of integrated speed/duration must be performed in order to substantiate claims that congestion can be improved. The DEIR/EIS must be revised to reflect this quantitative analysis and then recirculated.
400		[DEIR/EIS ignores CEQA mandates to analyze significant impacts and propose effective mitigations to relieve cumulative deterioration in air quality]	The DEIR/EIS ignores the responsibility under CEQA to fully analyze significant impacts and to propose effective mitigations to relieve a cumulative impact of toxic air pollutants on an already overburdened and out-of-compliance ("non-attainment") San Diego Air Quality Basin. The DEIR/EIS passes the responsibility on a careful review of air quality impacts to SANDAG, and, in doing so, Caltrans ignores its responsibility under

T-400 The EIR/EIS determined that a quantitative assessment of the effects of air toxic emissions impacts on human health cannot be made at the project level, but there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions. Air quality was determined to not contribute to cumulative impacts in EIR/EIS *Section 3.25.2, Affected Environment*. Air quality impacts were determined to be not significant under CEQA. Please refer to Topical Response "Air Pollutants" for information on potential health effects associated with air pollutants. Regarding thresholds of significance, please refer to the response to your Comment 10.

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			CEQA to analyze significant impacts and propose effective mitigations to relieve a cumulative impact of toxic air pollutants on an already overburdened and out-of-compliance ("non-attainment") San Diego Air Quality Basin. CEQA-based significance thresholds are typically adopted by Lead Agencies, or the standards/guidelines from a responsible agency. Both Caltrans and SANDAG must operate under the current standards and guidelines of the San Diego Air Pollution District. Caltrans cannot simply declare itself in compliance with these regulations. CEQA guidelines define a potentially significant air quality impact as one that: 1. Conflicts with or obstructs implementation of the applicable air quality plan. 2. Violates any air quality standard or contributes substantially to an existing or projected air quality violation. 3. Results in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). 4. Exposes sensitive receptors to substantial pollutant concentrations. 5. Creates objectionable odors affecting a substantial number of people. The SDAPCD is in non-attainment status for State and/or Federal standards for PM10, PM2.5, and ozone. Freeway expansion will accommodate an increase in these criteria pollutants by 2030. The DEIR/EIS must analyze the cumulative impacts on air quality in the San Diego Air Quality Basin of each proposed alternative and propose effective mitigations for each alternative. Revise the DEIR/EIS to reflect the impacts and mitigation then recirculate the DEIR/EIS.
401		[DEIR/EIS ignores significant and unmitigable impacts already identified in SANDAG 2030 RTP]	In presenting plans for these freeway widening projects, the DEIR/EIS ignores the California Attorney General's criticisms of SANDAG's 2030 RTP and SANDAG's own "Statement of Overriding Considerations for the 2030 RTP", which have already identified significant and unmitigable impacts in many environmental categories.

T-401 Project specific analysis has been conducted for every issue addressed in the EIR/EIS to properly identify significant and unmitigable impacts under CEQA, which are discussed in *Chapter 4, California Environmental Quality Act Evaluation*, and supported by the analysis in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* as well as *Chapter 4*. The EIR/EIS is also required to evaluate conformance and consistency with the adopted RTP and this analysis has been updated, as required, in the EIR/EIS to reflect the recently adopted 2050 RTP.

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			SANDAG's current RTP, which planned growth through 2030 (the 2030 RTP), has been criticized by Attorney General of California. The Attorney General criticized the 2030 RTP for being transit-deficient and freeway-heavy, and found the document to have significant unavoidable and unmitigable impacts in almost every environmental category: "Significant unavoidable and unmitigable impacts would occur to land use, visual resources, energy, and biological resources and there would be cumulatively significant impacts to land use, visual resources, air quality, noise, energy, global climate change, geology/paleontology water resources, and biological resources, cultural resources, hazards and hazardous materials." [Source: SANDAG Statement of Overriding Considerations for the 2030 RTP] Since the DEIR/EIS relies so heavily on the 2030 RTP for its emphasis on highway expansion as a transit solution, the Attorney General's publicized criticisms must be discussed in the context of the identification of "significant and unmitigable impacts". This discussion of significant and unmitigable impacts must be included in a revision of the DEIR/EIS.
402	Addendum to [SANDAG] Final Environmental Impact Report, March 2003. Mobility 2030, the Transportation Plan for the San Diego Region	Table 2-3, 2030 RTP mobility network, major freeway/highway capital projects	Why is there no explanation in the DEIR/EIS about why some of the proposed projects do not conform to the 2030 RTP (2005 amendments) with respect to the number of lanes between Leucadia Blvd. and Vandergrift Blvd.? The DEIR/EIS does not explain how it conforms to the 2030 RTP (2005 amendments) with respect to the number of lanes between Leucadia Blvd. and Vandergrift Blvd. Table 2-3 specifies 12 lanes. The DEIR/EIS specifies at least 14 "lanes" (10+4) for certain build options, but more likely 16+ physical lanes would be constructed for this alternative when auxiliary lanes are considered. The DEIR/EIS must discuss why it has chosen not to conform to the 2030 RTP. Recirculate the revised DEIR/EIS.
403	DEIR/EIS – Chapter 4	Figure 4-2, Fleet CO2 emissions versus speed (highway), p. 4-4	The DEIR/EIS fails to include relevant and substantial evidence – instead of a "broken web link" -- for their contention that these projects will reduce GHG emissions. The web link to Figure 4-2 at the Center for Clean Air Policy (http://www.ccap.org/Presentations/Winkelman%20TRB%202004%20(1-13-

T-402 Please refer to the response to your Comment T-174.

T-403 Please refer to the response to your Comment 15. Please also refer to Topical Response "Climate Change."

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			04).pdf) no longer exists. Thus, the provenance of Figure 4-2 relating highway speed to GHG emissions is suspect. The DEIR/EIS must update this link or provide additional rationale for relying on these so-called data. This is a key piece of "evidence" for Caltrans' assertion that increasing highway speeds will benefit overall GHG emissions; it therefore deserves additional backup in a revised DEIR/EIS.
404	DEIR/EIS – Chapter 4	Figure 4-3, Outcome of strategic growth plan	The DEIR/EIS invokes Caltrans' completely untested and unverified Strategic Growth Plan as the best way to reduce congestion in this I-5 corridor. The subtitle of Figure 4-3 states "Conceptual framework for reducing congestion that needs to be verified through experience". As of the release date of the DEIR/EIS, this verification and this experience has not been obtained. The DEIR/EIS must give evidence that its "Strategic Growth Plan" is capable of reducing freeway emissions (GHG, particulates, etc.) before positing this strategy as a solution to congestion. It is not at all clear that the Caltrans strategy can accomplish its stated purpose to achieve the projected reductions through planning alone. The DEIR/EIS must be revised to provide evidence and verification that the Strategic Growth Plan will reduce congestion.
405	Chapter 4 – CEQA Evaluation, Table 4.2	[Caltrans "Climate Action Program" references not valid for I-5 corridor]	The DEIR/EIS refers to California statewide figures for CO2 reduction instead of calculating this reduction individually for the various I-5 expansion alternatives. There are no quantitative assurances (other than statements) that such "savings" can actually be achieved. Therefore these statements cannot be proposed as "mitigations". All project alternatives outlined in the DEIR/EIS are inconsistent with Caltrans' "Climate Action Program at Caltrans, December 2006" (http://www.dot.ca.gov/docs/ClimateReport.pdf). Table 4.2 gives the estimated CO2 "savings" as 2.17 MMT by 2020. This is a California statewide value and is out of the timeframe of the I-5 expansion (2030), so these values are not applicable to the current situation and cannot be used to claim significant CO2 "savings" due to any build option.

T-404 EIR/EIS *Section 4.6.5, AB 32 Compliance*, indicates that the California Strategic Growth Plan is updated each year. Please refer to Topical Response "Climate Change" for information on the Climate Action Program and anticipated project reductions in GHG emissions, as well as the updated analysis in *Chapter 4.*

T-405 Please refer to Topical Response "Climate Change."

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			The DEIR/EIS must present project CO2 savings in the context of the much smaller gains to be realized for the I-5 expansion. Revise the DEIR/EIS to more conservatively reflect the realistic CO2 reductions outlined. Recirculate the revised document.
406	Chapter 4 – CEQA Evaluation, Table 4.2	[Caltrans "Climate Action Program" references not valid for I-5 corridor]	The DEIR/EIS refers to California statewide figures for GHG reduction for limestone cement mix instead of calculating this reduction individually for the various I-5 expansion projects. If there is no quantitative assurance (other than statements) that such "savings" can actually be achieved, then these statements cannot be proposed as "mitigations". For example, the Climate Action Program document states that 3.6 MMT is to be realized statewide by 2.5% limestone cement mix, etc., but there is no verification or quantitative substantiation of the projected amount to be realized in the individual projects proposed in the DEIR/EIS. Revise the DEIR/EIS to more conservatively reflect the realistic CO2 reductions outlined. Recirculate the revised document.
407	Chapter 4 – CEQA Evaluation	[Caltrans cannot claim previous implementations as mitigation for current or future projects]	Caltrans claims previous implementations of climate action initiatives as mitigation for current or future projects. CEQA does not allow a DEIR/EIS to claim something that has already been implemented (e.g., the "Climate Action Program") to mitigate current projects or to serve as mitigation for future projects. Revise the DEIR/EIS to comply with CEQA requirements by removing reference to a previously-implemented program as mitigation for highway widening alternatives along the I-5 North County Corridor.
408	Chapter 4 – CEQA Evaluation, Table 4.1	[DEIR/EIS incorrectly uses regional data to support a local project]	The DEIR/EIS presents ***regional*** data for CO2 emissions in place of detailed calculations of CO2 emissions for various build and no-build alternatives.

T-406 Please refer to Topical Response "Climate Change" for information on the Climate Action Program and anticipated project reductions in GHG emissions. Additional information has also been provided in *Chapter 4*.

T-407 Air quality is listed in EIR/EIS *Section 4.2, Less than Significant Effects of the Proposed Project*, so it is not listed as requiring mitigation. The climate change analysis in EIR/EIS *Section 4.6.2, Project Analysis*, states that to the extent that a project relieves congestion by enhancing operations and improving travel times in high congestion travel corridors, GHG emissions (particularly CO_2), may be reduced. The average time for travel is projected to be less with the build alternatives. In EIR/EIS *Section 4.6.3, Quantitative Analysis*, the conclusion is that transportation efficiency would be increased and overall CO_2 emission would be reduced. In addition, it is noted that because the proposed project would reduce delay at ramp meters and intersections, there is the potential for further reduction in GHG emissions from vehicles spending less time idling.

T-408 Please refer to Topical Response "Climate Change" and the response to your Comment T-177.

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			Caltrans has not performed relevant calculations for CO2. Caltrans is comparing apples and oranges. Table 4.1 present "Average differences in ***regional*** CO2 emissions" to show that build vs. no-build options would generate an insignificant additional quantity of GHG emissions. What is required of the DEIR/EIS is to present CO2 emissions for just this 27-mile segment of the I-5 expansion (i.e., the current projects(s)). The DEIR/EIS must be revised to show true GHG emissions relevant to the freeway expansion plans alone in order to illustrate the impact of the project itself.
409	Chapter 4 – CEQA Evaluation, Table 4.1	[trivial reduction in GHG emissions proposed to support various build alternatives]	The DEIR/EIS invokes a very small 0.5% reduction in GHG emissions as justification and substantiation as support for two different build alternatives that carry numerous, unmitigated environmental impacts. According to Table 4.1 of the DEIR/EIS, Caltrans proposes to reduce CO2 (GHG) emissions by a nearly insignificant one-half percent (0.5%) with either of the aggressive 10+4 or 8+4 build options relative to the no-build option. Table 4.1 discloses that the 10+4 with DAR would "save" only 350 tons/day of CO2 compared to the no-build option (63,910 versus 64,260 tons/day of CO2 in regional annual emissions. Similarly, the 8+4 with DAR option would "save" only 340 tons/day of CO2 compared to the no-build option (63,920 versus 64,260 tons/day of CO2 in regional annual emissions). These results are poor justification for spending $3-4 billion on a project with numerous environmental issues. A revised DEIR/EIS should re-evaluate the cost-benefit equation and try to provide more robust justification for this project – that is, justification other than "saving" minute amounts of GHG emissions, which would be "eaten up" by both increased construction emissions and environmental damage.
410	Chapter 4 – CEQA Evaluation, Table 4.1	[no discussion of induced traffic]	The DEIR/EIS did not discuss the phenomenon of "induced traffic" that is so well recognized by traffic engineers throughout the world. The analysis of Table 4.1 is flawed because it assumes that there will be no "induced traffic" that will crowd into unused space on the freeway. Induced traffic may be drawn from feeder roads that now offer parallel routes, from

T-409 The City's comments regarding lack of justification for the project in terms of CO_2 savings are noted. Please note that the positive objectives and benefits of the project are addressed in *Chapter 1, Proposed Project*, and throughout *Chapter 3*, where applicable.

T-410 The regional transportation model already takes into account the perceived phenomenon of induced demand. Changes in travelers' mode choices reflecting capital improvements made to various transportation modes are also accounted for in the regional transportation model based on the travel behavior surveys used to calibrate the model. This means that the impacts of induced demand with respect to traffic, mobile source air toxics and GHG are already included within the EIR/EIS analyses for these topics. Please also refer to Topical Responses "Projected Growth" and "Project Lifespan" for additional related discussion.

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			increased numbers of outlying suburban homes that will spring up along the expanded I-5 corridor, and from drivers who now would ordinarily avoid the freeway or avoid driving at all because of the perceived crowding. The DEIR/EIS must be revised to more accurately reflect induced traffic and the toxic air pollution and GHG emissions that will accompany it.
411	Chapter 4 – CEQA Evaluation	Caltrans build proposals are out of compliance with its own Climate Action Program for GHG emissions and air pollution	Caltrans' build proposals outlined in the DEIR/EIS are out of compliance and non-conforming with their own Climate Action Program document. Caltrans' commitment to addressing GHG emissions [see "Climate Action Program at Caltrans, December 2006" (http://www.dot.ca.gov/docs/ClimateReport.pdf)] has stressed Caltrans' role as a planning agency in improving traffic efficiency in order to reduce GHG emissions. As documented in previous comments, no reduction in GHG emissions will result from expansion of I-5. Clearly, Caltrans is out of compliance with its own Climate Action Program by failing to plan effectively for reducing automotive traffic (particularly single-occupancy vehicles), reducing California's dependency on fossil fuels, improving air quality in the "non-attainment" San Diego Air Basin, and reducing GHG emissions that contribute to global climate disruption.
412			Caltrans has not adequately justified its position that expanding the I-5 freeway corridor will reduce traffic congestion and therefore improve air quality by 2030. The underpinning for the Caltrans argument appears to be their misunderstanding that the entire 27-mile corridor comes to a complete stop during rush hour periods and therefore that emissions of both GHG and toxic air pollutants are significantly greater than when freeway speeds are higher and continuous. We have addressed this argument with respect to GHG emissions in a separate comment. It should also be pointed out that integrated speed-duration figures do not bear out the contention of significant, sustained periods of stopped (idling) traffic for most of the day. Therefore, the quantitative – as opposed to qualitative -- underpinnings of this argument are faulty. There is no quantitative evidence presented in the DEIR/EIS that current "congestion" periods contribute significantly more GHG and toxic air pollutant emissions that are not already a result of heavy – rather than stopped or idling – traffic.

T-411 Please refer to Topical Response "Climate Change" for information on the Climate Action Program and anticipated project reductions in GHG emissions. Additional information has also been incorporated into *Chapter 4*.

T-412 Please refer to the response to your Comment T-399.

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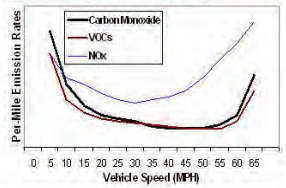
			In fact, data (see DEIR/EIS Comment Figure below) from the U.S. Transportation Research Board and Federal Highway Administration (see www.inro.ca/en/pres_pap/international/ieug07/Day3_3.ppt) contradict Caltrans' main arguments. There is little difference in NOx or VOC emissions – as two excellent examples of candidate toxic air pollutants – between 20 and 60 mph. There is little difference in CO emissions – as another excellent example of a candidate toxic air pollutant – between 10 and 40 mph. For all 3 pollutants shown in the Figure, emissions increase at high speeds owing to the inefficiency of the internal combustion of liquid hydrocarbon fuels. In simple terms, both GHG and toxic air pollutant emissions are directly related to quantity of fuel consumed which, in turn, is related to miles of travel rather than speed of travel. The aggregated speed plot shown in DEIR/EIS Figure 3.8 shows that, in the Solana Beach area, speeds do not drop below 20-25 mph for very long periods. Therefore, the integrated average current speed on I-5 does not place it in a region of the DEIR/EIS Comment Figure below that would suggest a significantly greater toxic air pollutant emission profile. ***2.2.1 Emission Factors - from a speed-emission curve (1995 TRB, 2005 FHWA, Finland)*** - 1995 TRB vehicle speed-emission curve  12

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			Similarly, Gillies et al. [Gillies, JA; Gertler, AW; Sagebiel JC; Dippel WA. 2001. On-road particulate matter (PM2.5 and PM10) emissions in the Sepulveda Tunnel, Los Angeles, California. Environmental Science & Technology, Vol. 35, No. 6, pp. 1054-1063 <http://cat.inist.fr/?aModele=afficheN&cpsidt=1006022> showed that traffic speed did not significantly affect PM2.5. In another study by the Federal Highway Administration [http://www.fhwa.dot.gov/environment/conformity/mpe_benefits/4.htm] particulate matter (PM2.5 and PM10) from exhaust and brake and tire wear, SOx, and NH3 do not vary measurably by speed. The DEIR/EIS must be corrected to accurately portray the integrated current traffic flow on the freeway. Without such data, Caltrans has failed to provide substantiation for their contention that current freeway "congestion" requires the overkill of a massive freeway expansion that will introduce numerous attendant environmental impacts. Revise the DEIR/EIS and recirculate the document.	
413		The DEIR/EIS does not present an air quality hotspot analysis for particulate matter (PM) demanded by 40 CFR 93.123(b)(1)	The DEIR/EIS does not present particulate matter (PM) "hotspot" analysis demanded by 40 CFR 93.123(b)(1). According to 40 CFR 93.123(b)(1), Environmental Impact Studies subject to PM hotspot analysis are: Federal Projects … • Within a PM nonattainment or maintenance area • Not exempt under either 40 CFR 93.126 or 93.128 • Fit criteria under 40 CFR 93.123(b)(1) – projects of local air quality concern Projects of Air Quality Concern … • New or expanded highway projects that have a significant number of or significant increase in diesel vehicles; • Projects affecting LOS D, E, or F with a significant number of diesel vehicles, or those that will change to LOS D, E, or F because of increased traffic volume from a significant number of diesel vehicles related to the project;	T-413 Please refer to the response to your Comment T-171.

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			• Projects in or affecting locations, areas, or categories of sites which are identified in the PM10 or PM2.5 applicable implementation plan or implementation plan submission as appropriate, as sites of violation or possible violation Every one of these federally-mandated criteria clearly applies to the I-5 expansion plans. The DEIR/EIS is deficient in ignoring these Federal mandates to perform hotspot analysis for particulate matter toxic air pollutants such as PM2.5. The DEIR/EIS must be revised to include and discuss new "hotspot" measurements, which may require additional mitigation. Revise and recirculate the DEIR/EIS.
414		Effect of freeway speed on noise is not addressed	The DEIR/EIS has failed to project the effect of increased speed on modeled noise levels since, as the DEIR/EIS claims, relief of traffic congestion will allow traffic speeds to increase. Faster traffic will increase noise levels. If, as the DEIR/EIS claims, relief of traffic congestion will allow traffic speeds to increase, what will be the effect of increased speeds on modeled noise levels? Was the projected speed increase taken into account in the modeling and subsequent calculations of noise mitigations planned or required? The DEIR/EIS must be revised to clarify the issue of projected freeway speeds on noise levels for the various build alternatives. Revise and recirculate the DEIR/EIS.
415		Ultrafine particle emissions not discussed	Ultrafine particles (UFP) – unquestionably the fraction of tailpipe particulate emissions that contribute the most severe health risk – are not considered, discussed, and analyzed in the DEIR/EIS? Ultrafine particles (UFP) from roadway tailpipe emissions – especially those from diesel engines -- are well known to cause and/or aggravate many health conditions, including asthma, bronchial disease, and are associated with lung cancer risk. Why were UFP not discussed in the DEIR/EIS? Regardless of whether UFP particulate emissions are classified as "criteria pollutants" – and therefore subject to regulation – they are well known among

T-414 The evaluation of project-related noise effects in the Noise Study Report (NSR) prepared for the project incorporates the projected improvements in traffic flow conditions, including increased vehicle speeds; this information is also included in the associated discussion in EIR/EIS *Section 3.15, Noise*. Specifically, as noted in Section 7.1, Traffic Data of the NSR:

> The highest traffic noise levels occur when traffic is heavy but remains free-flowing. Level-of-Service (LOS) C volumes were modeled to ensure the absolute worst-case scenario traffic noise for the future year. The LOS C volumes used for "No-Build" and "Build" scenarios of this project are 1,800 vehicles per hour per lane for I-5 mainline lanes. Table 7-1 presents the future traffic volumes and traffic distributions used for the noise analysis per direction of travel. The traffic distribution for the projected year 2030 has been applied to the LOS C volume limit of 1,800 vehicles per hour (vph) per lane to obtain these volumes. Speeds of 165 miles per hour (mph) are assumed for all vehicle types for I-5 mainline traffic.

T-415 Please refer to the responses to your Comments T-171 and T-177.

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			traffic experts, healthcare providers, and air pollution specialists to constitute perhaps the most harmful fraction of all tailpipe emissions. As such, their environmental impacts need to be discussed in great detail. Research into respirable air pollution particles (PM10) has focused on the role of ultrafine particles (diameter less than 100 nm) in inducing oxidative stress leading to inflammation and resulting in exacerbation of preexisting respiratory and cardiovascular disease. Epidemiological studies have repeatedly found a positive correlation between the level of particulate air pollution and increased morbidity and mortality rates in both adults and children. Such studies have also identified a link between respiratory ill health and the number of ambient ultrafine particles [IEEE Trans Nanobioscience. 2007 Dec;6(4):331-40.Air pollution, ultrafine and nanoparticle toxicology: cellular and molecular interactions. Stone V, Johnston H, Clift MJ.] Recent epidemiological studies have shown an association between increased particulate urban air pollution and adverse health effects on susceptible parts of the population, in particular the elderly with pre-existing respiratory and cardiovascular diseases. Urban particles consist of three modes: ultrafine particles, accumulation mode particles (which together form the fine particle mode) and coarse mode particles. Ultrafine particles (those of < 0.1 micrometer diameter) contribute very little to the overall mass, but are very high in number, which in episodic events can reach several hundred thousand/cu cm in the urban air. [Int Arch Occup Environ Health. 2001 Jan;74(1):1-8. Pulmonary effects of inhaled ultrafine particles. Oberdörster G.] The DEIR/EIS must discuss the relationship between traffic-generated UFP and human health in detail and reissue the document.
416		PM health risks ignored; "hotspot" analysis of particulate emissions adjacent to freeway not performed	The broad medical literature on the health risks of particulate matter emissions (PM) has been ignored in the DEIR/EIS. In addition, localized health risks due to particulate emissions were not analyzed, and, as a result, levels of particulate emissions were not subjected to a significance analysis. If particulate emissions had been adequately analyzed in the DEIR/EIS, a level of significance might have been found that would have triggered a "hotspot" analysis of PM immediately adjacent to the freeway. There is consensus among air pollution specialists around the world that fine

T-416 Please refer to the responses to your Comment T-171.

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			particulate emissions (PM10, PM2.5, and ultrafine particles [UFP]) pose greater health risk to susceptible populations than other so-called criteria pollutants (ozone, etc.) [see attached abstracts of peer-reviewed publications obtained from a PubMed search of the National Library of Medicine]. The San Diego Air Pollution Control District is currently in "non-attainment" status basin-wide for PM10 and PM2.5 according to California State criteria. It is well known from the recent studies of Zhou et al that concentrations of particulate emissions cluster near freeways and pose a greater threat to nearby residents, schools, and public institutions [BMC Public Health. 2007 May 22;7:89. Factors influencing the spatial extent of mobile source air pollution impacts: a meta-analysis. Zhou Y, Levy JI.]. Since the health risks associated with particulate matter are so well known and well studied, the DEIR/EIS is derelict in not performing "hotspot" measurements of PM near residences, schools, and public institutions along and near the I-5. As an environmental health document, the DEIR/EIS is obligated to disclose known and reasonably foreseeable health impacts and risks associated with increased traffic for all build and no-build options. The DEIR/EIS must perform "hotspot" analysis along the freeway, discuss the new data in detail, and disclose all potential health risks associated with increased traffic in a revised DEIR/EIS	
417		Recent data on ultrafine particles (UFP) along I-5 in Solana Beach not discussed in DEIR/EIS	The DEIR/EIS must be revised to incorporate recent data on dangerous levels of ultrafine particles (UFP) concentrations that accumulate near residences that are located near the freeway and its proposed expansion. Critical information on "hotspot" concentrations of criteria air pollutants is missing from the DEIR/EIS. The DEIR/EIS should have presented measurements of particulate emissions performed by Caltrans during the preparation of the DEIR/EIS. Since this was not done, the next best alternative is to incorporate new data performed in 2010 by the Department of Public Health at San Diego State University. The dissertation studies of Denise Parker include careful measurements and mapping of concentrations of ultrafine particles (UFP) within the geographic area of Solana Beach. Parker's data clearly show that UFP not only	T-417 Please refer to the responses to your Comments T-171 and T-177.

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			Figure A-1. Off Peak UFP Concentrations for 4-23-2010

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			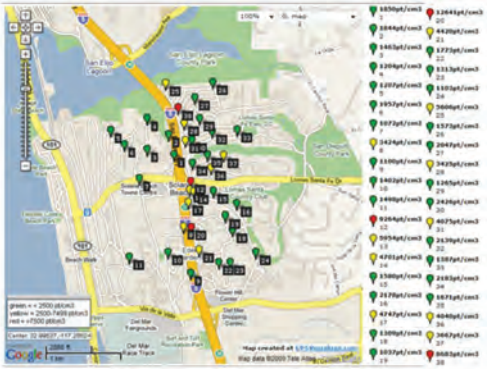 **Peak UFP Concentrations** 4/23/2009 The DEIR/EIS must incorporate and give consideration to Parker's thesis data in a revised DEIR/EIS. The DEIR/EIS must present similar data, gathered by Caltrans, for residential properties along the entire 27-mile corridor. The DEIR/EIS must be substantially revised and recirculated.	
418	TSMOBILE.PDF	Table D, p. 7: incorrectly identifies principal use of land along freeway	Principal land uses along freeway corridor through Solana Beach are misidentified. Table D ("Land uses within I-5 segments") incorrectly lists the principal land use along Segment 6 (Via de la Valle to Lomas Santa Fe) as well as that along Segment 7 (Lomas Santa Fe to Manchester) as "commercial & industrial". Segment 6 should be "residential & commercial". Segment 7 should be	T-418 The land uses along I-5 are correctly identified on *Figure 3-1.5* in the EIR/EIS, and are discussed correctly in EIR/EIS *Section 3.1.1.1, Affected Environment*. The specific abutting land uses in the MSAT analysis do not affect the associated analyses or conclusions in the EIR/EIS.

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			"residential". On the northeast corner of the I-5/Lomas Santa Fe intersection is a single (small) bank building; the remaining structures are residences. On the northwest corner of the I-5/Lomas Santa Fe intersection is a small grouping of 2 banks and an office building; the area contains predominantly residences. Correct this information in the DEIR/EIS and recirculate.
419	TSNOISE07.PDF	p. 1: noise prediction software outmoded	Current, state of the art noise prediction software was not used to obtain data for the DEIR/EIS's noise reports. Noise measurements and analysis presented in the DEIR/EIS were performed as long ago as Spring 2004. Noise prediction software used for the I-5 expansion DEIR/EIS is outmoded. According to the Caltrans website, "Sound 2000, Sound32 and LEQV2 are outdated models and are no longer supported by Caltrans. The federal model Traffic Noise Model (TNM) version 2.5 is currently the model used to predict traffic noise impacts" [http://www.dot.ca.gov/hq/env/noise/software.htm]. The DEIR/EIS must recalibrate the modeled data and perform new calculations. Old (2004) measurements are outmoded and outdated; they are of little value in proposing mitigation of noise along the I-5 North County Corridor. Revise the DEIR/EIS and recirculate.
420		Failure to discuss and recognize induced demand as a cumulative, unmitigable impact that renders roadway expansion ineffective as a means of relieving congestion and promoting rapid transit.	Current research and opinion on the impacts of induced traffic demand was not considered in planning transit improvements. The DEIR/EIS proposes that expanding any freeway can reduce short- and long-term congestion. A very large body of transportation research has been conducted to study this question on California roads, and the consensus is clearly that you cannot simply build your way out of traffic congestion [see review of the literature by Cervero, R. 2003. Road expansion, urban growth, and induced travel. Journal of the American Planning Association, Vol. 69, No. 2, pp. 145-163 <http://www.colorado.edu/geography/class_homepages/geog_4173_s08/Cevero_road_expansion.pdf >] This is illustrated by an excerpt from an authoritative review on this subject: "The idea of 'building our way out' of urban traffic congestion problems has been decisively rejected in the United States, both by the

T-419 Future noise modeling for the *I-5 NCC Project* utilized the Caltrans highway noise prediction computer model, SOUND2000, Version 3.3. SOUND2000 is based on the highway traffic noise prediction method specified in FHWA-RD-77-108, and was the FHWA-required methodology at the time the analysis was prepared. Because the final design has not been completed, rerunning the noise model to identify subtle noise contour changes that might result through use of TNM modeling would not be helpful. Please also note that use of the TNM model could also trigger use of the 2006 Caltrans Traffic Noise Analysis Protocol (Protocol), which specifies its use. Because this Protocol also has modified guidelines for the "reasonable" and "feasible" analyses (please see Topical Response "Soundwall Considerations" for explanation), modeling under the new Protocol could potentially result in the elimination of soundwalls determined to be "feasible" or required for "severely impacted" noise receptors under SOUND2000. Based on community coordination and comments received during public circulation of the Draft EIR/EIS, Caltrans has made a decision to retain the more conservative modeling and subsequent assessment (i.e., the modeling that would result in the greater number of soundwalls being installed if the project is approved).

T-420 Please refer to the response to your Comment T-410 regarding induced demand, as well as Topical Response "Multimodal System."

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			transportation community and the public at large. Beginning in the early 1970s, our society has turned away from urban road construction as a transportation improvement strategy. A major factor for the general rejection of "adding lanes" has been the emerging recognition that urban road improvements, by encouraging sprawl and discouraging transit use, generate new traffic and thereby undermine their benefit in reducing congestion. The relationship between road supply and road use is strong, so urban road construction becomes very hard to justify in light of its enormous cost, marginal congestion reduction benefit, and numerous adverse and unmitigable environmental and energy consequences." [see Hansen, M.; Huang, Y. 1997. Road supply and traffic in California urban areas. Transpn. Res.-A, Vol. 31, No. 3, pp 205-218.]. It has been established by our earlier comments that this I-5 widening project – although promoted as a HOV/managed lanes project – will in fact carry extremely low volumes of mass transit riders, as opposed to single-occupancy vehicles who gain access to HOV lanes by paying tolls. Since unleashing "induced demand", based on California research and California experience, is such a strong likelihood, then arguments for relieving short- and long-term congestion as well as tailpipe emissions are illusory. A revised DEIR/EIS would benefit greatly from a thorough study and re-appraisal of the excellent reviews of this topic on the "Induced Traffic" website < http://www.silurian.org/dot/induced.html>. The DEIR/EIS must be revised to fully discuss the potential of this widening project to induce additional demand. A full analysis of induced demand is essential to allow Caltrans to justify its expansion plans.
421		Failure to study induced demand renders DEIR/EIS's GHG analysis meaningless	The DEIR/EIS contends that I-5 lane expansion will reduce GHG emissions. Since there is a strong likelihood that expansion will induce additional traffic demand, this argument is not justified. The DEIR/EIS must thoroughly analyze the effect of induced demand as a potential significant immediate and cumulative impact on all forms of tailpipe emissions. The effect of additional traffic induced by freeway expansion must then be added to GHG emissions projected for all build and no-build options.

T-421 Please refer to the response to your Comment T-410, as well as Topical Response "Climate Change."

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422		Failure to study induced demand renders DEIR/EIS's air quality analysis meaningless	The DEIR/EIS contends that lane expansion will reduce air pollution in the long run. The DEIR/EIS contends that I-5 lane expansion will improve air quality by reducing tailpipe emissions from idling automobiles and trucks. Since there is a strong likelihood that expansion will induce additional traffic demand, this argument is not justified. The DEIR/EIS must be revised and thoroughly analyze the effect of induced demand as a potential significant immediate and cumulative impact on all forms of tailpipe emissions. The effect of additional traffic induced by freeway expansion must then be added to levels of criteria toxic air pollutants – already in non-attainment status in the San Diego Air Pollution Control District -- projected for all build and no-build options.
423	Chapter 3: MITIGATIONS, p. 3.7-49	Re: Manchester intersection roadway and transit center: Freeway lighting and signage would conform to the corridor design guidelines that includes directing lighting away from sensitive habitats, and reducing glare.	A sensitive estuarine habitat and the wildlife therein, are not enhanced by additional lighting. "Directing lighting away from sensitive habitats" and "reducing glare" are no substitute for the dark sky needed to provide sanctuary for the wildlife remaining in the San Elijo Lagoon. In addition to the horrendous noise volume attendant to increased traffic across the lagoon, additional lighting will create large impacts on the native and migratory wildlife that use the lagoon environment for their survival. The need for roadway and "transit center" lighting is not analyzed in sufficient detail to allow the reader (or Caltrans) to determine their true significance for environmental impact. The DEIR/EIS must be revised to include a discussion and analysis of real lighting requirements for this area rather than proposing lighting plans that are more appropriate for metropolitan areas. Inclusion of a lighting plan in the "Mitigations" section of the DEIR/EIS document is unwarranted. Additional lighting for a lagoon is not mitigation. Revise the DEIR/EIS to reflect this, and recirculate the document.
424	Chapter 3:	Consistency with	General question: Were the projects "approved" in the RTP's and by U.S. DOT

T-422 Please refer to the response to your Comment T-451 regarding induced demand. Please refer to the response to your Comment T-400 regarding air quality analysis.

T-423 Specific lighting design will not be known until the detailed project design phase, if the project is approved and a Preferred Alternative is selected. Caltrans does not use public resources to complete full design on multiple project alternatives in the "project analysis" phase of the project. However, the lighting would meet Caltrans and FHWA specifications, as well as USFWS permit requirements for the protection of wildlife. Lighting is typically directed away from nearby sensitive habitats to reduce impacts on wildlife and would be shielded. The lighting itself is not a mitigation measure; it is a project feature. Inclusion of the requirement to keep excess light directed away from sensitive habitat areas is an appropriate mitigation measure.

T-424 Please refer to the response to your Comment T-174. These project designs were "approved" at the regional plan level, similar to approved land uses and circulation within a local jurisdiction General Plan. They can be amended, as discussed in the response to Comment T-174.

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	MITIGATIONS, p. 3.1-23	SANDAG RTP and RTIP	the 8+4 alternative? Was the 10+4 really approved?
425	Chapter 3: MITIGATIONS, p. 3.14-1	"If the design and scope of the proposed transportation project are the same as described in the RTP, then the proposed project is deemed to meet regional conformity requirements for purposes of project-level analysis."	General question: Are the design and scope of most or all of the build alternatives the ones that are actually "approved" or incorporated into the RTP's.
426	Chapter 3: MITIGATIONS, p. 3.14-1	"The proposed project is fully funded in the 2030 RTP. The project is also included in SANDAG's 2008 RTIP, page 29."	The DEIR/EIS states that the proposed project – presumably including all build alternatives – is fully funded in the 2030 RTP. This statement is incorrect, since the entire project is not fully funded. Revise the DEIR/EIS to correct this statement.
427		Failure to delay I-5 widening DEIR/EIS until settlement-required comprehensive transit study is completed.	In May 2007, an environmental group led by Save Our Forest and Ranchlands (SOFAR) reached a settlement after the group threatened to bring a CEQA lawsuit against SANDAG. The settlement centered on SANDAG's failure to address greenhouse gas emissions in the Regional Transportation Plan (RTP) 2030 and calls on the agency to conduct a comprehensive transit study. SANDAG has promised that the comprehensive transit study will be completed by 2011. It is therefore premature for Caltrans to propose an expansion of the I-5 corridor without benefit of the study's findings, since the results will undoubtedly significantly affect the design of highway-oriented infrastructure. Plans for widening I-5 and the Caltrans DEIR/EIS must be postponed until they can take into account the results of a court-mandated comprehensive transit study for the San Diego region.
428		I-5 widening plans lack of conformity to SANDAG 2030 RTP's major capital improvements lists	Is the Caltrans I-5 widening proposals truly in conformity with SANDAG's 2030 RTP major capital improvements lists? The DEIR/EIS states in many, many places that the Caltrans I-5 widening proposal(s) are in conformity with the SANDAG 2030 RTP as amended. In

T-425 Please refer to the response to your Comment T-174.

T-426 This statement meant that based on projected revenues and the priorities for implementation of transportation improvements that were identified within the 2030 RTP, funding would be available within that time frame. The 2050 RTP has since been adopted and this information has been updated in the Final EIR/EIS. At this time it is expected that the Preferred Alternative would be fully funded and implemented by 2035.

T-427 The Draft EIR/EIS addressed adopted plans at the time it was prepared, including the 2030 RTP. Since then, additional studies were prepared and the 2050 RTP was completed. Updated information concerning the 2050 RTP is included in this Final EIR/EIS. The *I-5 NCC Project* is included in the 2050 RTP as part of a balanced, multimodal transportation network. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project and related planning fit within the regional transit system and RTP. Additional transit studies and plans have become available since the circulation of the *I-5 NCC Project* EIR/EIS.

T-428 The *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation being developed by SANDAG and other transportation agencies. Caltrans has been actively involved in this regional multimodal planning effort and is primarily responsible for implementing only the highway improvement portion of the plan. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants,

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			reality, the DEIR/EIS options are (1) out of conformity with the Major Capital Improvement list in the 2030 RTP, and (2) out of conformity with the "reasonably expected revenue scenario", and (3) out of conformity with even the unconstrained revenue estimates. In Table 6.2 of the "major capital improvements" section of the SANDAG Mobility 2030 document (the 2030 RTP) [2030_rtp_amendmentno1.pdf], I-5 widening from SR56 to Leucadia Blvd (Phase I) is listed as "10+4" at a cost of $530MM; Phase II, from Leucadia Blvd to Vandegrift Blvd is listed as "8+4" at a cost of $370MM. The cost of Phase I is lowered significantly in the "revenue constrained" scenario of Table A.9 down to $380 for a less ambitious "8+4" option. Using either cost figure, the total cost of combined Phases I and II is less than $1 BB, not $3-4 BB as detailed in the DEIR/EIS. Various Tables in the Appendix to this document give different scenarios, but, because there is little correspondence in the designation of freeway segments, there is little to no correspondence between the different "reasonably expected revenue' and "unconstrained revenue" scenarios of Tables A.1 ("revenue constrained"), Table A.5 ("reasonably expected revenue"), and Table A.10 ("unconstrained revenue") project listings. Cost estimates of the different scenarios vary considerably, but none even closely approaches the $3-4 BB price tag given in the DEIR/EIS. The DEIR/EIS is out of conformity with the SANDAG 2030 RTP and must be completely revised to present realistic proposals to solve transit problems.
429		DEIR/EIS does not really "conform" to the SANDAG 2030 RTP with respect to air quality or GHG emissions	The DEIR/EIS's freeway widening proposals do not truly conform to the SANDAG 2030 RTP with respect to air quality or GHG emissions. Appendix C of the SANDAG 2030 RTP makes no mention at all of PM10 or PM2.5 – two classes of particulate tailpipe emissions that have been implicated as causative or aggravating agents in asthma, respiratory disease, and cancer. The San Diego Air Pollution Control District has been out of compliance (i.e., in a state of non-attainment) with California State regulations for these two pollutants for several years. There is no planning in the 2030 RTP with regard to recognition or mitigation of toxic air particulate matter or GHG emissions.

T-428 cont. while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*). If implemented, these features would create and/or improve amenities, such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. The 2050 RTP includes projects for rail and bus services, bicycle, and pedestrian facilities, and demand management, as well as highways and local streets. Please refer to Topical Responses "Multimodal System" and "Mass Transit" for additional discussion about multimodal aspects of the transportation system, including transit. Transportation funding, including funding for the proposed project, is disbursed through the TransNet program. The $17 billion generated during the 60-year life of the program is distributed to transportation projects in general by SANDAG. TransNet monies are divided roughly into thirds, with approximately one-third each going to highways, transit, and local roadways, respectively. If the project is approved at the completion of the environmental process for the *I-5 NCC Project*, cost estimates for the alternative that is selected will continue to be refined. Differences from estimates in the 2030 RTP do not affect the conformance of the project with the RTP, invalidate the environmental analysis presented in this EIR/EIS, nor require revision of the environmental document for proposed freeway improvements. Updated analysis related to the 2050 RTP is provided in the Final EIR/EIS.

T-429 Please refer to the response to your Comment T-171, as well as Topical Responses "Multimodal System," "Air Pollutants," and "Climate Change."

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			By ignoring toxic air pollutants with known adverse health effects, the DEIR/EIS is therefore out of conformity with its underlying RTP. By ignoring the local and global impact of GHG emissions from freeway traffic, Caltrans has no basis for claiming that the DEIR/EIS complies with the 2030 RTP in any way. The DEIR/EIS must be revised to include discussion of the local and global health impacts of toxic air particulate matter and GHG emissions.
430		[Long-term reductions in peak-hour congestion are not realized by freeway expansion due to induced demand]	The DEIR/EIS does not fully analyze the effect of "induced demand" in destroying the long-term effectiveness of freeway expansion to relieve road congestion. There is a very large literature on this subject – particularly, the subject of "triple convergence" -- which deserves full discussion in the DEIR/EIS. Many strategies fail to achieve longer-term reductions in peak-hour congestion [see full discussion in Sorensen, P. et al. 2008. Moving Los Angeles: short-term policy options for improving transportation. RAND Corporation <http://www.rand.org/pubs/monographs/2008/RAND_MG748.pdf >]. Some of Sorensen's discussion is reproduced below in the hope that Caltrans will take this subject more seriously in a revised DEIR/EIS: Downs [Downs, Anthony, Still Stuck in Traffic: Coping with Peak-Hour Traffic Congestion, Washington, D.C.: Brookings Institution Press, 2004] has noted that many people already make a conscious decision to travel at other times of day, on different routes, or by different modes—even if this involves some inconvenience—so as to avoid congested travel conditions. If strategies are employed to improve the flow of traffic on crowded thoroughfares, however, travelers will soon notice the reduction in congestion and return to their preferred travel patterns. In other words, there will be a triple convergence on the newly freed capacity—as travelers shift from other times of day, from other routes, or from other modes—thus eroding the initial peak-hour congestion-reduction effects. Over the longer term, general increases in automotive travel demand resulting from economic expansion and population growth will further undermine the effectiveness of many strategies. Taken together, triple convergence and general growth in automotive travel limit the long-term sustainability of most approaches to reducing peak-hour traffic in

T-430 Please refer to the response to your Comment T-410.

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			the most congested areas. For instance, it is often seen that, when new lanes are added to a freeway, flow may improve for a short while, but the facility usually returns to former levels of congestion in just a few years. The same occurs with improvements to other modes, such as a new subway line or faster bus service. While such improvements can encourage some travelers to switch from driving to transit, others will soon converge upon the road capacity vacated by those travelers. Triple convergence can undermine both voluntary and regulatory demand-reduction approaches as well. Revise the DEIR/EIS to include full discussion of "induced demand" and "triple convergence". Recirculate the document.
431	TSMOBILE.PDF, p. 2	Between 2000 and 2020, FHWA projects that even with a 64 percent increase in vehicle miles traveled (VMT), these programs will …reduce on-highway diesel particulate emissions by 87 percent … .	The DEIR/EIS, in focusing only on on-road diesel particulate emissions, has failed to analyze the contribution of on-road gasoline engines from automobiles and light trucks to overall particulate emissions inventories. The DEIR/EIS assumes that total toxic – rather than diesel -- particulate emissions will be negligible by the time of project completion. Although U.S. EPA has mandated improvement in particulate emissions profiles for diesel trucks over the next several decades, there is no corresponding program for particulate emissions from automobiles and light trucks, fueled by gasoline. Therefore, diesel emissions are by no means the only source of on-road particulate emissions, and the proportions ("fractions") are known to be highly variable; see the following sources for details and examples: Fulper, CR; Bailey, CR; Baldauf, RW; Cook, JR; Somers, JH. Factors Influencing the Contributions of Diesel and Gasoline Exhaust to PM2.5 Emission Inventories EPA Emission Inventory Conference, Office of Transportation and Air Quality, US Environmental Protection Agency <http://www.epa.gov/ttn/chief/conference/ei12/poster/present/somers.pdf>. California Air Resources Board Emissions Inventory 2010 <http://www.arb.ca.gov/msei/onroad/EMFAC2002trends.htm> The DEIR/EIS must be revised to include an MSAT analysis of particulate emissions from all mobile sources of particulate matter -- especially PM2.5 –

T-431 Please refer to the responses to your Comments T-171 and T-177, as well as Topical Response "Air Pollutants."

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			under the assumption that particulate matter emissions from gasoline-powered automobiles and trucks will continue to be significant sources of these toxic tailpipe emissions for decades to come.
432	TSMOBILE.PDF, p. 15	"Some recent studies have reported that proximity to roadways is related to adverse health outcomes, particularly respiratory problems. Much of this research is not specific to MSATs, instead surveying the full spectrum of both criteria and other pollutants. The FHWA cannot evaluate the validity of these studies, but more importantly, they do not provide information that would be useful to alleviate the uncertainties listed above and enable us to perform a more comprehensive evaluation of the health impacts specific to this project."	The DEIR/EIS has failed to discuss -- or, less appropriately, deferred to the Federal Highway Administration a discussion of -- MSAT's like PM2.5, PM10, and ultrafine particles in the context of health risks that may occur in connection with construction and operation of each of the I-5 freeway widening alternatives. There is a considerable scientific and medical literature on the health effects and health risks associated with toxic fine particles generated through automotive tailpipe emissions (see U.S. EPA website for draft of the exhaustive "Integrated Science Assessment for Particulate Matter" and its appendices <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=201805#Download>). This information and this knowledge must be analyzed in the context of the environmental (i.e., health risk) impacts of particulate matter on people who live, work, and play near existing or potentially expanded freeways. It is not the function of the FHWA to "evaluate the validity of these studies". It is the function of the Caltrans DEIR/EIS to evaluate the applicability of these studies to the projects under consideration in the DEIR/EIS. The DEIR/EIS must be revised to include a thorough discussion of this topic, which is perhaps the most pressing health-related issue to be associated with freeway construction.
433	TSMOBILE.PDF	MSAT discussion ignores U.S. EPA guidance on quantitative hotspot analysis for both Federal and State PM nonattainment areas	The DEIR/EIS ignores the U.S. EPA's guidance on MSAT analysis with regard to hotspot analysis of particulate emissions in order to comply with Clean Air Act Amendments. Caltrans failed to consider the EPA's guidance on hotspot analysis in the DEIR/EIS. This failure is surprising, given the fact that Caltrans received a special briefing from EPA on this topic (see "Draft Guidance on Quantitative PM Hot-spot Analyses for Transportation Conformity, U.S. Environmental Protection Agency, Draft released May 26, 2010" <http://www.dot.ca.gov/hq/env/air/state_cwg/OtherInfo/Presentation_CAstatewidemeeting_DraftPMhot-spotguidance.pdf>).

T-432 Please refer to the response to your Comments T-171 and T-177, as well as Topical Response "Air Pollutants."

T-433 Please refer to the response to your Comments T-171 and T-177, as well as Topical Response "Air Pollutants."

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			The U.S. EPA has issued guidance for stakeholders to bring transportation projects into conformity with both Federal and State regulations for criteria toxic air pollutants like PM2.5 and PM10 [see "EPA Issues Public Draft of Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM2.5 and PM10 Nonattainment and Maintenance Areas", document EPA-420-F-10-036 ", May 2010 <http://www.epa.gov/otaq/stateresources/transconf/policy/420f10036.pdf>]. The DEIR/EIS needs to follow this guidance to conduct and analyze baseline hotspot measurements for Caltrans' various build vs. no-build alternatives. Revise the DEIR/EIS and recirculate.
434	TSMOBILE.PDF	MSAT discussion ignores Federal Highway Administration interim guidance on MSAT hotspot analyses in NEPA documents	The DEIR/EIS ignores the Federal Highway Administration's interim guidance on MSAT analysis in NEPA documents with regard to hotspot analysis of particulate emissions in order to comply with Clean Air Act Amendments. Interim guidance issued by the FHWA on 30 September 2009, sets forth criteria that projects with higher potential MSAT effects should be more rigorously assessed for criteria toxic air pollutant impacts. These would include projects that have the potential for meaningful differences in MSAT emissions among project alternatives (e.g., build vs. no-build). The freeway widening projects proposed in the DEIR/EIS comfortably meet guidance criteria for this category [see "Interim Guidance Update on Mobile Source Air Toxic Analysis in NEPA Documents" <http://www.fhwa.dot.gov/environment/airtoxic/100109guidmem.htm>]: • Projects that would create new or add significant capacity to urban highways such as interstates with traffic volumes where the AADT is projected to be in the range of 140,000-150,000 or greater by the design year. • Projects proposed to be located in proximity to populated areas. The DEIR/EIS must be revised, according to NEPA/FHWA guidance, to include an analysis of hotspot particulate emissions for the 27-mile corridor under consideration.
435	TRAFFICREPORTV 47.PDF, Table 3.8	[LOS Tables do not support congestion relief]	The DEIR/EIS presents the I-5 widening project(s) as a means of relieving freeway congestion over the entire 27-mile North County Corridor, although

T-434 Please refer to the response to your Comments T-171 and T-177, as well as Topical Response "Air Pollutants."

T-435 Please refer to the response to your Comment T-88.

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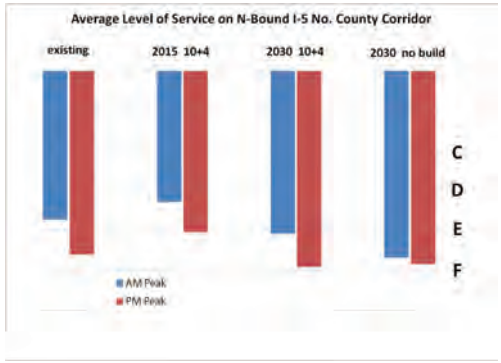
			there is little evidence from Table 3.8 that Level of Service at key intersections would be significantly improved in the long run. According to Level of Service (LOS) data presented in Table 3.8, traffic flow may show some short-term improvement for the "10+4" configuration but a return to baseline ("existing") LOS by the 2030 buildout. To illustrate this quantitatively, we have first converted LOS letter grades (A-F) to numerals in order to obtain numeric averages for the various configuration options over the entire 27-mile corridor. The bar graph below shows a treatment for only the N-bound lanes in order to illustrate our point. ***DEIR/EIS Comment Figure 3*** follows:  For the AM (morning) peak drive-time, existing service averages LOS D+ over

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			the entire corridor. For the "10+4" configuration, LOS improves slightly (C-) by 2015 but rather quickly worsens (D) by 2030 – only 15 years later. The 2030 "10+4" LOS (D) is marginally better than the no-build alternative LOS (E+). In other words, full lane widening does not alleviate traffic jams for more than a few years. The "10+4" buildout is hardly a transit solution for AM (morning) peak drivers. For the PM (evening) peak drive-time, existing service averages LOS E+ over the entire corridor. For the "10+4" configuration, LOS improves slightly (D) by 2015 but rather quickly worsens (E) by 2030 – only 15 years later. The 2030 "10+4" LOS (E) is even somewhat worse than the no-build alternative LOS (E+). In other words, full lane widening does not alleviate traffic jams for more than a few years. The "10+4" buildout is hardly a transit solution for PM (evening) peak drivers. The DEIR/EIS must do a better job of data analysis and data consolidation so that accurate conclusions about freeway traffic efficiency can be gleaned from the data. LOS data should be re-analyzed and presented in a revised DEIR/EIS together with rational discussion of what these data actually tell us about simply widening freeway lanes without seeking comprehensive transit solutions.	
436			The DEIR/EIS does not discuss likely scenarios of increased diesel truck traffic from increased commerce with Mexico and Canada. The DEIR/EIS does not discuss scenarios of increased particulate emissions from diesel trucks in the event – which can be given a high probability of occurring – that California Air Resources Board regulations for steadily reducing diesel PM emissions do not come to fruition on the planned timetable? The California Air Resources Board adopted the current Diesel Risk Reduction Plan (RRP) in September 2000. RRP recommends many control measures to reduce risks associated with diesel particulate matter (PM), designed to achieve a 75% reduction in diesel particulate matter this year, with an 85% reduction by 2020, by regulating all diesel engines in all industries. Citing the effects of the current economic downturn on the construction industry, the California Air Resources Board said In February 2010 that it would delay the March 2010 compliance deadline for new nitrogen-oxide and particulate-matter	T-436 Please refer to the response to your Comment T-171.

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			standards for large fleets. The regulations require fleet owners to replace old, high-emitting diesel equipment with newer equipment and/or retrofit equipment with diesel exhaust filters. The compliance deadline is being postponed at least until California obtains a federal Clean Air Act waiver. Such a waiver is necessary before the state can enforce stricter air-pollution rules than those set by the U.S. Environmental Protection Agency. The DEIR/EIS must factor in scenarios of increased diesel truck traffic that accompany NAFTA and free-trade agreements with neighboring foreign countries, as well as particulate emissions that will accompany this increased traffic in the event that planned reductions in PM emissions do not take place. Revise the DEIR/EIS and recirculate with updated PM scenarios.
437	PROPOSEDPROJECT.PDF, p. S-1	[One of] the objectives of the project [is] to: • Maintain or improve future traffic levels of service in 2030 over the existing levels of service;	The DEIR/EIS does not acknowledge that its own analysis shows that Level of Service (LOS) along the entire 27-mile North County Corridor is only marginally improved (for AM and PM peak traffic) over existing LOS in the short-term soon after buildout (2015). The DEIR/EIS does not acknowledge that its own analysis shows that Level of Service (LOS) along the entire 27-mile North County Corridor is only marginally improved (for AM peak traffic) or even slightly worsened (for PM peak traffic) over no-build LOS in the long-term. Please refer to TRAFFICREPORTV47.PDF, Table 3.8 for LOS data. Please refer to Comment Figure 2 (above) for LOS analysis of N-bound lanes of the entire I-5 North County Corridor, focusing in particular on the "10+4" build alternative. The DEIR/EIS must incorporate accurate analysis and appraisal of Caltrans' own LOS data. Recirculate the revised DEIR/EIS.
438	PROPOSEDPROJECT.PDF	[planning horizon is not clear – 2030? 2050?	Population throughout San Diego County is forecasted to increase about 40% over 2008 population, or about 1% annualized growth rate. If planning horizon is 2030 @1% growth, there could be a 23% increase in 2030 population measured against a doubling of freeway width. If planning horizon is 2050 @ 1% growth, there could be a 40% increase in 2050 population measured

T-437 LOS results for the No Build and build alternatives for the corridor and individual freeway segments are discussed in Final EIR/EIS *Section 3.6.3.1, Traffic and Transportation*, and *Tables 3.6.6* and *3.6.7.* Please also refer to the responses to your Comments T-88 and T-394.

T-438 Please refer to the response to your Comment T-105, as well as Topical Responses "Projected Growth" and "Project Lifespan" for information about consistency of the proposed improvements with growth projections and future congestion.

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			against a doubling of freeway lanes. It seems like under either scenario, the freeway is overbuilt relative to needed capacity, especially since HOV/ML carry so few vehicles.
439		[Many alternatives not presented in DEIR/EIS]	Among the alternatives presented, the DEIR/EIS doesn't consider conversion of general purpose lanes into HOV/HOT.
440	**3.4 COMMUNITY IMPACTS**	Consultant notes that these are in response to Meyerhoff references items 74 through 81 and 263 through 285	The Project will result in removal of six (6) residential units in the Eden Gardens community, also known as Barrio La Colonia, a historically Latino community adjacent to the Project. The DEIR/EIS fails to address the adverse impacts on community cohesion and property values in the Eden Gardens community, which will potentially result in disinvestment by residential property owners. The impact of the proposed project to the community cohesion needs to be fully analyzed and the DEIR/EIS needs to be revised and recirculated for public review.
441			The Project will result in construction of 30-foot high retaining wall with an additional 12-foot high noise wall (for a total of 42 feet) adjacent to the Eden Gardens community, also known as Barrio La Colonia, a historically Latino community adjacent to the Project. The proposed walls will effectively enclose the Eden Gardens community. These retaining/noise walls will have negative visual and aesthetic impacts on Eden Gardens due to substitution of existing views and open space with concrete barriers. The DEIR/EIS fails to address the deleterious impacts on quality of life and property values in the Eden Gardens community. The impact of the proposed project to the community cohesion needs to be fully analyzed and the DEIR/EIS needs to be revised and recirculated for public review.
442			The construction of retaining/noise walls adjacent to the Eden Gardens community, also known as Barrio La Colonia, a historically Latino community adjacent to the Project, will potentially result in graffiti accumulation. Graffiti on the neighborhood side of retaining/noise walls will have a deleterious impact on quality of life and property values. This will likely result in disinvestment by residential property owners. The DEIR/EIS fails to identify mitigation measures for this potentially significant physical impact. The DEIR/EIS needs to analyze these impacts and the documents needs to be recirculated for public

T-439 Please refer to the response to your Comment T-37 regarding the range of alternatives addressed in the EIR/EIS. Please refer to Topical Response "Corridor Alternatives" for information about the 20-year history of developing options to relieve congestion in the I-5 corridor. Efforts are summarized in EIR/EIS *Section 1.4, History and Background*.

T-440 Please refer to the response to your Comment T-76.

T-441 Visual impacts of the retaining wall on Ida Avenue were recognized as being high and remaining high after mitigation. Please refer to Topical Response "Soundwall Considerations" for additional information about noise abatement measures, Topical Response "Visual/Community Effects" and Topical Responses "Property Acquisition" and "Acquisition Valuation" for information about the effects of highway projects on property values.

T-442 Where walls are accessible to the public, Caltrans would employ a variety of measures to deter graffiti, such as using deep texturing or other graffiti-deterrent surfaces on walls, or covering walls with landscape materials.

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			review/comments.
443			Implementation of the Project will result in removal of between 20 and 25 parking spaces from an existing commercial use on Solana Hills Drive. The proposed acquisition of existing commercial property for construction of a 12-foot high retaining wall may result in a loss of commercial viability and disinvestment by the property owner. The DEIR/EIS fails to address whether this acquisition will create conditions leading to physical blight and urban decay. The DEIR/EIS needs to evaluate the impact of the property acquisition and the documents needs to be recirculated for public review and comment.
444			Increased traffic throughout the City of Solana Beach as a result of the Project will have deleterious impacts on the community's quality of life, property values, and visitor industry. Increased traffic volumes, slower travel times, and safety concerns for pedestrians and cyclists will potentially result in disinvestment by property owners in commercial and/or residential properties. . The DEIR/EIS fails to address these potentially significant physical impacts to the built environment as a result of worsened local traffic conditions, and whether these conditions will lead to physical blight and urban decay. The DEIR/EIS needs to evaluate the impact of the property acquisition and the documents needs to be recirculated for public review and comment.
445			The increased traffic levels resulting from the Project will cause an increased accumulation of trash in the Project area and throughout the City of Solana Beach. Higher traffic volumes will correlate with greater refuse generation, including trash deposits, littering, and falling debris. The DEIR/EIS fails to identify mitigation measures for this potentially significant physical impact. The DEIR/ES needs to be revised for public review and comment.
446	**3.7 VISUAL / AESTHETICS**		The Project will result in construction of retaining/noise walls along major stretches of Interstate 5 through the City of Solana Beach. The proposed retaining/noise walls will effectively enclose most residential areas of the City adjacent to the freeway. These walls will have negative visual and aesthetic impacts on adjacent neighborhoods due to substitution of existing views and open space with concrete barriers ranging from 12 to 42 feet in height. The DEIR/EIS fails to address the deleterious impacts on quality of life and property values in these

T-443 Please refer to Topical Response "Property Acquisition" for information about the ongoing effort to minimize the project footprint and subsequent need to acquire adjacent property. The Final EIR/EIS provides updated information regarding the potential impacts of the Preferred Alternative with respect to Solana Beach parking and businesses.

T-444 The project would not generate traffic. Increased traffic throughout the corridor in the future would be the result of regional and local population growth and economic development. The project would provide features that would accommodate future anticipated increases in traffic volumes and reduce travel times compared to the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. Please also refer to the response to your Comment T-103.

T-445 Please refer to the responses to your Comments T-103 and T-444. The project would not generate traffic; therefore, it would not be the cause of any increased accumulation of trash in the project area.

T-446 *Section 3.4* addresses the visual impacts of the project and those impacts are determined in *Chapter 4* to be unavoidable, significant impacts for the purposes of CEQA. Please also refer to the response to your Comment T-441 and Topical Response "Property Valuation."

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			neighborhoods, which will potentially result in disinvestment by residential property owners. This disinvestment further results in a loss of tax revenues to the City of Solana Beach. The DEIR/ES needs to be revised for public review and comment.
447			The construction of retaining/noise walls along major stretches of Interstate 5 through the City of Solana Beach will potentially result in graffiti accumulation. Graffiti on the neighborhood side of retaining/noise walls will have a deleterious impact on quality of life and property values. This will likely result in disinvestment by residential property owners. The DEIR/EIS fails to identify mitigation measures for this potentially significant physical impact. The DEIR/EIS needs to be revised to include the potential impacts of increased graffiti activities. The DEIR/EIS needs to be revised and recirculated for public review/comments.
448	**3.10 WATER QUALITY AND STORM WATER RUNOFF**		The increased traffic levels resulting from the Project will cause an increased accumulation of pollutants in the Project area and throughout the City of Solana Beach. Higher traffic volumes will correlate with an increase in sediment, oil, grease, heavy metals, organics, and other noxious waste that will likely seep into the storm drains. The Project will result in the requirement for new capital facilities such as a storm water runoff treatment control system and/or storm drain upgrades. The DEIR/EIR does not identify mitigation measures to offset these physical impacts, their associated capital costs, and their ongoing operating and maintenance costs. The DEIR/EIS needs to be revised and recirculated for public review/comment.
449	**3.14 AIR QUALITY**		Implementation of the Project will result in increased air contaminant levels for residential and commercial properties in the Project area. Increased air contaminant levels will have adverse impacts on the quality of life and property values in the Project area. The DEIR/EIS fails to address the potentially significant disinvestment by property owners in commercial and/or residential properties as a result of exposure to increased air pollutants, and whether these conditions will lead to physical blight and urban decay. The DEIR/EIS needs to be revised and recirculated for public review/comment.
450			Increased traffic throughout the City of Solana Beach will result in increased air contaminant levels, particularly along Highway 101, Via de la Valle, and Lomas Santa Fe Drive. Increased air pollutants will have deleterious impacts on quality of life and property values throughout the City of Solana Beach. The

T-447 Please refer to the response to your Comment T-442.

T-448 Please refer to the response to your Comment T-444. Providing "treatment" control systems for local and arterial streets due to future traffic that would occur with or without the project is beyond the scope of the *I-5 NCC Project*; however, water quality "treatment" systems along I-5 will be improved during project construction, in order to meet current storm water management requirements for BMPs (refer to *Section 3.10*).

T-449 Please refer to the response to your Comment T-407, as well as Topical Responses "Air Pollutants" and "Property Valuation."

T-450 Please refer to the response to your Comment T-407, as well as Topical Responses "Air Pollutants" and "Property Valuation."

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			DEIR/EIS fails to address the potentially significant disinvestment by property owners in commercial and/or residential properties as a result of exposure to increased noise levels, and whether these conditions will lead to physical blight and urban decay. The DEIR/EIS needs to be revised and recirculated for public review/comment.
451			The DEIR/EIS fails to address the disproportionate impacts of increased air pollutants in the Eden Gardens community as a result of the Project. Eden Gardens, also known as Barrio La Colonia, is a historically Latino community adjacent to the Project. Implementation of the Project will result in a significant increase in air contamination levels in this community, which may result in a reduction in quality of life and negative impacts on community cohesion. The DEIR/EIS does not address these potentially significant impacts, nor does it identify mitigation measures to alleviate increased air pollutants in the Eden Gardens community. The DEIR/EIS needs to be revised and recirculated for public review/comment.
452	**3.15 NOISE**		Implementation of the Project will result in increased noise levels for residential and commercial properties in the Project area. Increased noise levels will have deleterious impacts on the quality of life and property values in the Project area. The DEIR/EIS fails to address the potentially significant disinvestment by property owners in commercial and/or residential properties as a result of exposure to increased noise levels, and whether these conditions will lead to physical blight and urban decay. The DEIR/EIS needs to be revised and recirculated for public review/comment.
453			Increased traffic throughout the City of Solana Beach will result in increased noise levels, particularly along Highway 101, Via de la Valle, and Lomas Santa Fe Drive. Increased noise levels will have deleterious impacts on quality of life and property values throughout the City of Solana Beach. The DEIR/EIS fails to address the potentially significant disinvestment by property owners in commercial and/or residential properties as a result of exposure to increased noise levels, and whether these conditions will lead to physical blight and urban decay. The DEIR/EIS needs to be revised and recirculated for public review/comment.

T-451 Please refer to the response to your Comment T-76.

T-452 Noise impacts are fully addressed in *Section 3.15* and *Chapter 4.* Please refer to Topical Response “Soundwall Considerations” for additional information about noise-abatement measures, and Topical Response “Property Valuation” for information about the effects of highway projects on property values.

T-453 Please refer to the response to Comment T-444. Please also refer to Topical Response “Soundwall Considerations” for additional information about noise-abatement measures.

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Via U.S. Mail and E-Mail

August 25, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation, District 11
Division of Environmental Analysis
MS 242
4050 Taylor Street
San Diego, CA 92110

Re: North Coast Corridor Draft Environmental Impact Report/Statement - Comment Period Extension Request

Dear Ms. Harrison:

01 The City of Solana Beach (City) requests a forty-five (45) day extension for the public comment and review period of the Interstate 5 North Coast Corridor Project Draft Environmental Impact Report / Draft Environmental Impact Statement (Draft EIR/EIS) issued by the California Department of Transportation (Caltrans). There are several compelling reasons which necessitate an extension, including the failure of Caltrans to make available reports referenced in the Draft EIR/EIS, the late release of studies and the complex and voluminous nature of the Draft EIR/EIS and accompanying documents. The public must receive the entirety of the Draft EIR/EIS and then be provided the adequate time to properly review and comment.

Failure to Release Referenced Studies

02 As you are aware, the public review process is a critical component of CEQA environmental review. "Public participation is an essential part of the CEQA process," 15 CCR § 15201. In order to facilitate public review of environmental documents, such information should, "whenever possible . . . [be] available in electronic format in the Internet, on a web site maintained or utilized by the public agency." 15 CCR § 15201.

Although Caltrans has posted the main portion of the Draft EIR/EIS online, it has failed to make available a number of studies referenced in the environmental document. Under CEQA, when another document is incorporated by reference, these documents must be made available for inspection, and the public must be informed where the documents may be reviewed. 15 CCR § 15150. The information must specify the specific address where the EIR

Responses to David Ott, City Manager of Solana Beach

01 Thank you for your comments, which are part of the public record. The public review period for the Draft EIR/EIS was subsequently extended for an additional 45 days from October 7, 2011 to November 22, 2011.

02 The I-5 / Manchester Avenue Interchange Natural Environment Study was added to the website www.keepsandiegomoving.com on August 26, 2010, making it available for review during the extended public review period. It is Caltrans' policy to protect historical and paleontological resources by not releasing to the public technical studies (Historic Property Survey Reports, Archaeological Survey Reports, Historic Resource Evaluation Reports, Paleontological Resources Assessment) that locate such resources. As noted at the beginning of Section 3.8, *Cultural Resources*, the location of archaeological sites is exempt from disclosure to the public by law,

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and all referenced documents are available for review, and the documents should be accessible during the lead agency's normal working hours. 15 CCR § 15087(c)(5).

We have counted at least eleven references in the Draft EIR/EIS to other technical studies and reports which were not provided to the City as part of the Draft EIR/EIS. Surprisingly, these documents have not been made available for public review online, either. Our consultant, Leslea Meyerhoff, has requested that Caltrans make these reports available for review, and has yet to receive a response. The missing documents include the following:

02 cont.

(1) Manchester Avenue/Interstate 5 Interchange Project NES Report (January 2004)
(2) Historic Property Survey Reports (HPSR) [Original] HPSR (March 2007)
(3) First Supplemental HPSR (May 2008)
(4) Second Supplemental HPSR (May 2008)
(5) Archaeological Survey Reports (ASRs [Original] ASR (2002)
(6) Supplemental ASR (December 2006)
(7) Second Addendum ASR (July 2008)
(8) Third Addendum ASR (July 2008)
(9) Historic Resource Evaluation Reports (HRER) for Historic Structures - [Original] HRER (July 2005)
(10) Historic Resource Evaluation Reports - First Addendum HRER (August 2006)
(11) Paleontological Resources Assessment

The failure to provide these studies and reports renders the Draft EIR/EIS made available for public review incomplete. Caltrans should provide the public with a transparent and comprehensive review process by providing these referenced documents online and at local public libraries for public review. This would allow the public to have sufficient access to critical portions of the Draft EIR/EIS.

Late Release of Studies

03

Further, the initial release date of the Draft EIR/EIS was July 2, 2010. However, a number of critical documents were released on four separate occasions after that date. The documents and their release date include:

(1) July 8, 2010 - ten additional independent supporting technical transportation documents;
(2) July 14, 2010 - twenty additional technical documents were posted relating to topics such as noise, air quality, community impacts, hydrology, flooding and visual impacts;
(3) August 2, 2010 - three additional reports/studies were posted the, I-5 North Coast Freeway Operations Report; I-5 Project Report Exhibit A; Draft Project Report Layouts; and
(4) August 6, 2010 - the Community Enhancement Plan Notebook January 2008.

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02 cont. to protect sites from looters. Both the Archaeological Resources Protection Act and National Historic Preservation Act (16 U.S.C. 470) provide for the protection of information about cultural resources from public disclosure.

03 As indicated in response to your Comment 01, the public review period for the Draft EIR/EIS was extended another 45 days, which provided the City with the additional time requested to review the additional documents that became available after the initial start date of the public review period.

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03 cont. The continuing slow, trickle release of these documents has not provided the public with the proper amount of time to review the entirety of the Draft EIR/EIS. This piecemeal approach to public review and comment does not comply with CEQA's requirements for full public review and comment. Thus, Caltrans should allow the public an extended period of time to review and comment on a complete Draft EIR/EIS.

Voluminous Nature of Draft EIR/EIS

04 Even if Caltrans had complied with CEQA in providing the complete Draft EIR/EIS for public review and comment, the requested 45-day extension is warranted based upon the voluminous nature of the record and the complex associated environmental impacts. As Caltrans is fully aware, the document has been a work-in-progress for almost a decade. As such, it contains an enormous amount of data, analysis and commentary. A 45-day extension for review is minute in comparison to the time and opportunity Caltrans has had to prepare this information.

In light of the fact that there are so many of these additional reports and studies, it is unreasonably burdensome to expect the public to review and absorb the Project's entire scope within the time allotted. Some of the individual reports cited above are upwards of 2,000 pages. As Caltrans previously acknowledged, this Project is complicated and required the maximum review time with its initial release.
The public is entitled to an adequate amount of time to review and analyze these dense and highly technical documents. In addition to the technical studies and reports, the document itself is broken into several parts that should be considered in comparison to each other for a full understanding of the proposed project and its implications.

Conclusion

In consideration of the foregoing circumstances, the City deems a 45-day extension to the deadline for public comments as both reasonable and necessary to provide a truly adequate timeframe for meaningful public participation. It is our sincere hope that Caltrans will consider the controversial nature of this Project and its far reaching environmental and community impacts and grant this reasonable request.

The current public review and comment period is presently set to expire on October 7, 2010, and a 45- day extension from that date would extend the public review and comment period through Monday, November 22, 2010.

Thank you for your consideration of this request. I would appreciate a response at your earliest convenience.

Respectfully,

David Ott
City Manager

RESPONSES

04 As indicated in response to your Comment 01, the public review period for the Draft EIR/EIS was extended another 45 days, which provided the City and the public with additional time to review the EIR/EIS and associated technical documentation.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
Ms. Harrison Extension Request | 4 Cc: Laurie Berman Allan Kosup Pam Slater-Price, Chair Gary Gallegos, Executive Director	

REGIONAL AND LOCAL AGENCIES – COMMENTS

County of San Diego

DEPARTMENT OF PARKS AND RECREATION

BRIAN ALBRIGHT
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www.sdparks.org

November 23, 2010

Shay Lynn Harrison
4050 Taylor Street,
MS-242 San Diego, CA 92110

The County of San Diego Department of Parks and Recreation (DPR) staff has completed its review of the Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement dated June 2010 and provides the following comments:

GENERAL COMMENTS:

01 Thank you for the opportunity to comment on the Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) which discusses the project impacts and proposed mitigation from the Interstate 5 (I-5) North Coast Corridor expansion project. The proposed project crosses five lagoons within the project limits – San Dieguito, San Elijo, Batiquitos, Agua Hedionda, and Buena Vista, and is adjacent to the eastern border of Los Peñasquitos Lagoon. These waterways offer habitat and wildlife that are both state and federally protected.

As acknowledged in the Draft EIR/EIS, the County of San Diego (County) is a major landowner at San Elijo Lagoon Ecological Reserve (Reserve). Other land owners include the State of California Department of Fish and Game (CDFG) and the San Elijo Lagoon Conservancy. The County's DPR operates and maintains the Reserve pursuant to a co-operative agreement signed by all land owners. Please add DPR to the distribution list.

The Reserve is designated as a baseline preserve in the County's draft North County Multiple Species Conservation Program (MSCP) Plan. The MSCP coordinates regional conservation planning efforts for the unincorporated county. The goal of the MSCP is to ensure the long-term survival of sensitive plant and animal species and protect the natural vegetation communities found throughout San Diego County while providing for economic development of the region.

02 It should be noted that as an official with jurisdiction of the San Elijo Lagoon Ecological Reserve Section4(f) resource, the County does not currently concur with the de minimis finding. We request that a meeting be held that includes DPR and other Reserve representatives to discuss and clarify the concerns outlined below.

9150 CHESAPEAKE DRIVE, SUITE 200 • SAN DIEGO, CA 92123

RESPONSES

Responses to Brian Albright, Director of County of San Diego Department of Parks and Recreation

01 Thank you for your comments regarding proposed community enhancements near County park land. Caltrans is aware of the County's ownership of land at San Elijo Lagoon and Department of Parks and Recreation's (DPR) operation and maintenance activities.

02 The project crosses two regional habitat conservation planning areas: the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan and SANDAG's Multiple Habitat Conservation Program (MHCP), encompassing the seven incorporated cities in northwestern San Diego County. Both

REGIONAL AND LOCAL AGENCIES – COMMENTS

DRAFT EIR/EIS COMMENTS:

Chapter 2 - Project Alternatives
The project proposes two community enhancement components (page 2-8) which would directly affect the Reserve. We look forward to working with the various agencies in the planning and implementation of these enhancements. The following items should be addressed in the EIR/EIS:

1. **Page 2-8, City of Solana Beach; Trailhead at Solana Hills Drive** (abuts County property)
   This trailhead is proposed to include street improvements enhancements along the northern end of Solana Hills Drive. Amenities are proposed to include a shade structure, picnic tables, drinking fountain, litter receptacles, pet waste station, interpretive displays and information board and street/security lighting.

   03 a. There is an existing trailhead at Solana Hills Drive and it is considered a relatively minor access point due to the fairly steep terrain from the road terminus to the lagoon itself. DPR suggests exploring possible enhancements at the well-used North Rios Avenue trailhead as an alternative (see comments 1.b below).

   04 i. If enhancements and amenities are to be constructed at Solana Hills Drive, confirm who will own, manage, and maintain the trailhead and its amenities. It is assumed that the City of Solana Beach will take on these responsibilities. If they are proposed to be managed and maintained by the County, as managers of the Reserve, the improvements and amenities must be consulted and approved by County DPR - please contact Cailin Hunsaker, District Park Manager, at (858) 966-1367 or via email at cailin.hunsaker@sdcounty.ca.gov.

   05 ii. Include a site plan that shows where the shade structure, picnic tables, etc. would be located, (Figure 2-2.14o, Page 2-41).

   06 iii. The trailhead leads to a combined easement road/pedestrian trail. Please clarify if the easement road will still be accessible with the proposed amenities in place to Reserve vehicles, emergency and utility vehicles (particularly communications companies). If not, an alternative access road in this general location must be constructed and impacts analyzed.

   07 iv. As discussed in the County's draft North County MSCP Plan, artificial lighting adversely impacts habitat value of the Reserve, particularly for nocturnal species. Therefore, lighting along preserve edges and major highway lighting should be limited to low pressure sodium sources directed away from the Reserve. Additionally, the Reserve is open during daylight hours only. The location of proposed lighting should discourage the use of the Reserve after dark.

   08 v. The draft EIR/EIS should be revised to clarify if the retaining wall to be screened with planting is existing or proposed. If it is proposed, please state how high the retaining wall is and explain how it is compatible with the character of an adjacent Reserve.

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RESPONSES

02 cont. regional plans covering the project area are approved but the subsidiary plan for the City of Encinitas is undergoing review and is not yet approved. Caltrans and FHWA are not signatory agencies to the MSCP. Therefore, the regional highway projects were not covered. Please note, however, that although Caltrans is not granted coverage for projects under the MHCP/MSCP, and does not have the ability to use mitigation habitat identified in the MHCP, Caltrans does strive to be consistent with MSCP/MHCP mitigation requirements and to identify and purchase appropriate mitigation parcels within desired connected MHCP/MSCP preserves. Final EIR/EIS *Table 3.1.1* evaluates consistency with natural community conservation plans of the jurisdictions crossed by the project, and impacts to the MSCP and MHCP areas are discussed in the biological resource sections of this Final EIR/EIS. DPR's non-concurrence in 2010 with the *de minimis* finding with regard to the San Elijo Ecological Reserve is noted. The County's *de minimis* impacts concurrence dated September 10, 2013 is appreciated. Please refer to responses to Comments 03 through 12 below for specific comments.

03 The locations of proposed community enhancements were discussed in detail with associated local agencies, resource agencies, and other stakeholders. Specifically, with regard to the City of Solana Beach enhancements, as discussed in the Community Enhancement Plan circulated with the Draft EIR/EIS, meetings were held with stakeholders, including the City of Solana Beach Planning Department, City staff, and the City Manager. The proposed location of the each community enhancement represents the preferred location by the local jurisdiction. Accordingly, improvements to the existing trailhead at Solana Hills Drive were prioritized by the City of Solana Beach, which would manage the proposed amenities. Improvements to other access points and various enhancements, however, including means of controlling erosion, could be a point of the ongoing stakeholder discussion.

REGIONAL AND LOCAL AGENCIES — COMMENTS | RESPONSES

04 Caltrans concurs that the City of Solana Beach would manage and maintain the trailhead at Solana Hills Drive, as well as its proposed amenities. Prior to construction of the improvements, a Maintenance Agreement would be developed for the trailhead with the City.

05 The trailhead enhancement plan is conceptual at this stage; however, a conceptual drawing of the trailhead was provided in the Community Enhancement Plan circulated with the Draft EIR/EIS (see *Figure 47*). Proposed improvements as described in this Final EIR/EIS (*Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*) include parking, a drop-off area, interpretive exhibits, native planting, and security lighting.

06 The easement road would still be accessible by Reserve vehicles, as well as utility and emergency vehicles even with the proposed enhancements in this area.

07 Lighting would only be provided for safety reasons along the I-5 Bike Trail connected to the I-5 freeway; therefore, lighting would be of the lowest illumination practicable. Lighting of shared pedestrian and bicycle trails would be shielded and directed away from the Reserve. Unless lighting is required by the cities, no lighting for the trails within the Reserve is anticipated. Daytime lighting of undercrossings may be required on some trails, although no night lighting is proposed by the project for trails within the Reserve, which would help discourage nighttime use. Trails are anticipated to be used by wildlife at night.

08 The retaining wall referred to in this comment is a proposed wall. The exact height of the wall is currently unknown as the project is still in the preliminary design stage. With regard to the compatibility of the retaining wall with the character of the adjacent Reserve, the purpose of the retaining wall is to minimize encroachment into slope and adjacent habitat, and it would need to be 30 to 40 feet tall in order to do so. Freeway travelers would see the face of the wall. Trail users would be above the retaining wall. Planting to screen the wall is committed to as part of project design, diminishing perceived incompatibility with the character of the Reserve. Please refer to Draft EIR/EIS page 2-8. The proposed retaining wall is still planned

REGIONAL AND LOCAL AGENCIES – COMMENTS

09 vi. Figure 2-2.14p – The trail referenced in the text on the south side of the lagoon should be shown on this figure.

10 vii. The portion of the trail that is the pedestrian bridge undercrossing should accommodate all San Elijo Lagoon restoration project alternatives to provide feasible walkway access.

11 viii. A trail shown west of I-5 (within ROW and east of proposed bioswale) appears to dead end. Please clarify within the figure if this connects to an existing trail

12 b. The trailhead at the end of North Rios Avenue is well-used. DPR suggests exploring possible enhancements and amenities at this location. For example, the trailhead is currently experiencing some erosion. Steps leading down to the lagoon, approximately 75-100ft, would assist in controlling the erosion and will improve access to the lagoon and trail system. Proposed enhancements and amenities within this portion of the Reserve should be coordinated and approved by County DPR and the CDFG. Please contact Cailin Hunsaker, District Park Manager, at (858) 966-1367 or via email at cailin.hunsaker@sdcounty.ca.gov and please contact Karen Miner, Lands Program Supervisor, at (858) 627-3939 or via email at klminer@dfg.ca.gov.

2. **Page 2-8, City of Encinitas; Manchester Avenue Pedestrian Bridge and trail** (abuts County of San Diego and CDFG properties)
This proposed trail will provide a direct, all-weather crossing from Manchester Avenue to trails within the Reserve, in a new location. DPR and CDFG should be consulted regarding the design and uses of this trail access point, including:

13 a. Night-lighting of the suspended pedestrian walkway and the trail along Manchester Avenue is not required or desirable. The Reserve is closed to the public after dark. In addition, the detrimental effects of night lighting on wildlife have been well documented, and lighting impacts are noted in the biology section of the draft document (see page 3.21-5) which also points out the significance of darkened trails as wildlife corridors (1.17.2, Wildlife Corridors).

b. The suspended walkway should be designed to invite access and not provide for nefarious activities. If lighting is a necessity, it shall be designed to provide for safety as well as meet North County MSCP lighting standards (see comment 1.a.iv above).

14 c. Trail improvements on the west side of the I-5 should extend the length of the berm to connect to the existing trail along the south shore of the lagoon. A current foot trail at the toe of the slope should be removed during construction of the bio-swale, and the area returned to salt marsh.

15 Bicycles and other vehicles are not allowed in the Reserve. Design of the pedestrian access should preclude these vehicles.

16 d. DPR requests the proposed paved trail along the north and south side of the lagoon be surfaced with **stabilized decomposed granite** rather than be paved.

17 e. Retaining walls adjacent to the proposed trail along the south side of the lagoon do not fit the natural character of the lagoon and may interfere with

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RESPONSES

08 cont. as part of the enhancements at Solana Hills Drive. Caltrans is in ongoing, extensive coordination with the California Coastal Commission (CCC), and only native plant species would be planted. The Design Guidelines for I-5 strive to be consistent with the character of the adjacent community landscape. Therefore, Caltrans would coordinate with the stakeholders and the CCC to determine if non-native drought tolerant plans would also be feasible to screen the retaining walls in certain areas.

09 The trail on the south side of San Elijo Lagoon is an existing trail and is visible on the aerial photograph base used in Final EIR/EIS *Figures 2-2.3, Sheet 25*.

10 All improvements and/or enhancements proposed as part of the *I-5 NCC Project* in San Elijo Lagoon would be compatible with any restoration alternative ultimately selected as part of the San Elijo Lagoon Restoration Project.

11 The proposed trail referenced in this comment would connect to existing trails on either side. Although it may be difficult to see due to schematic representation of proposed project elements, the existing trails can be seen on the aerial photograph base used in Final EIR/EIS *Figures 2-2.3, Sheet 25*. As the trail trends from north to south, there appears to be a small break in the alignment, after which point it continues to trend southerly, but on a slightly more western alignment. As can be seen on the aerial, however, there is disturbed ground between the two "break" points, indicating that trail activity continues between the two segments.

12 Enhancements are not proposed to the trailhead at the end of North Rios Avenue for the reasons stated in response to Comment 03 of this letter.

As a primary manager, County DPR would be consulted during final design. As a state resource and regulatory agency, the California Department of Fish and Wildlife (CDFW; previously the California Department of Fish and Game) would be included in coordination. CDFW staff has been actively participating in

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	12 cont. resource team meetings held in 2011 through 2013, with a focus on lagoon impacts and mitigation measures proposed for the project. Community enhancement location, justification, impacts, and benefits have been a focus of these discussions. Please refer to *Chapter 5* of this Final EIR/EIS for a listing of meetings and topics covered.
	13 The Manchester Avenue pedestrian bridge and suspended trail would comprise part of the regional I-5 North Coast (NC) Bike Trail to provide for and improve public access. Night lighting would be provided along Manchester Avenue and on the suspended bridge, for safety purposes. It would be shielded to focus on the trail, however, and light spill would be shielded from Reserve areas.
	14 A retaining wall would be installed to support a 12-foot-wide paved trail along the south side of the lagoon for bicycles and pedestrians. The use of retaining walls would reduce the size of the impacted area and, along with fencing, help keep users out of more sensitive areas. In certain locations, signage would also be used to discourage access into sensitive areas and to advise users that the Reserve is closed after dark. The bike trail is not within the Reserve. Requested access points between the I-5 Bike Trail and the Reserve would be coordinated with the DPR, CDFW, and the San Elijo Lagoon Conservancy (SELC) to install features that restrict bicycle access to the Reserve trails. A pedestrian trail would also be continued on the east side of the lagoon. This would eliminate the need for the existing trail at the toe of slope in this area. The impact area at the toe of the slope will be revegetated with salt marsh species. The bioswales will not be placed within the wetland.
	15 A sample sign identifying sensitive habitat and restricted activities was circulated for comment as *Figure 2-2.6* in the Supplemental Draft EIR/EIS and has been carried forward into this Final EIR/EIS as *Figure 2-2.7*. This type of sign would be installed where appropriate; for example, it would likely exclude portions of the NC Bike Trail.
	16 Co-located bike/pedestrian trails are proposed to consist of eight feet of paved surface and an adjacent soft-surface trail for pedestrians. Pedestrian-only trails would be decomposed granite.

REGIONAL AND LOCAL AGENCIES – COMMENTS

17 cont. proposed restoration efforts. Please design the trail such that a retaining wall is not required.

18 f. The Reserve currently experiences after-hour problems in the area known as "the bluffs" in the form of trespassing (for example, illegal bon-fires and firework use) after the Reserve has closed. Portions of the bluffs have eroded and the drop-off is approximately 100ft. There are safety concerns, i.e. slipping/falling from the bluffs and fire-risk concerns, from the anticipated increase of access from Manchester Avenue with the construction of the proposed park and ride. The proposed suspended walkway will shorten the distance to the bluffs site. Signage should be placed in this area notifying the public that the Reserve is closed after dark and that violators may be cited for trespassing.

Chapter 3 – Affected Environmental, Environmental Consequences, and Avoidance, Minimization, &/or Minimization Measures

19 3. **Page 3.1-19, Section 3.1.2.1 Affected Environment and Page 3.1-26, Table 3.1.1 Project Consistency with Local Plans and Policies** – Section 3.1.2.1 and Table 3.1.1 are inadequate because they lack analysis of the effects of the proposed project on planned land uses as detailed in the County's Community Trails Master Plan (CTMP). The CTMP is the implementing document for the County Trails Program and includes a Chapter on the Regional Trails Plan (Chapter 10). The County Trails Program is described in the Public Facility Element of the County of San Diego General Plan. Regional trails have characteristics and conditions that serve a regional function by covering long linear distances, transcending community and/or municipal borders, having state or national significance, or providing important connections to existing parks and open space preserves. The proposed project has the potential to impact three regional trails: California Coastal Trail, Coast to Crest Trail, and the Trans County Trail. It is recommended that the draft EIR/EIS be revised to include an analysis of any connections to, potential conflicts with, or impacts to these regional trails. If you have any questions regarding trail locations, and potential connection options, please contact Maryanne Vancio, County Trails Program Coordinator, Department of Parks and Recreation at 858-966-1372 or via e-mail at maryanne.vancio@sdcounty.ca.gov.

20 4. **Section 3.1.3.1 Regulatory Setting** - Section 4(f) codification is incorrect. Replace 49 U.S.C. 303 with 23 U.S.C. 774

5. **Section 3.1.3.3 Environmental Consequences**

21 a. Section 3.1.3.3 states that the project proposes to impact up to 0.05 ha (0.13 acres) of the Reserve. Appendix A states that the 10+4 with Barrier Alternative may impact up to 0.09 ha (0.22 acres). Please rectify or clarify the discrepancy.

22 b. DPR looks forward in continuing to work with Caltrans, adjacent Cities and the Resource Agencies in determining appropriate mitigation/restoration sites for the I-5 widening project.

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RESPONSES

17 The retaining wall proposed on the south side of the lagoon would support the trail mid-slope rather than down at toe of slope where it is currently sited. The purpose of the wall is to minimize slope spread, separate trail users from more sensitive portions of the lagoon such as areas along the water edge, and retain construction and use impacts to within Caltrans right-of-way. Lack of a retaining wall would result in additional environmental impacts and is therefore currently not under consideration for final design. The retaining wall is being developed in coordination with the restoration efforts.

18 Signage would be placed in the area to advise visitors that the Reserve is closed after dark. Please refer to the response to Comment 15.

19 The County's Community Trails Master Plan (CTMP) does not constitute a land use planning document, but rather is a supporting document to the County's General Plan. The proposed project is not located in any unincorporated areas of the County that are governed by the County's General Plan. Project elements including various pedestrian and bicycle trail enhancements would be expected to improve the movement of users throughout the corridor, including those traveling a local, short distance and those traveling further, and is consistent with goals for the area. By facilitating improved pedestrian and bicycle movement along the project area, access to other local or regional trails is also enhanced whether or not these other trails are contiguous with trails along the I-5 corridor. This results from the reduction or elimination of non-contiguous segments would otherwise force users onto surface streets, and thereby improves movement throughout the region. The one exception to the overall enhancement of affected trails would be the elimination of the southern toe of slope trail per DPR's wishes. The Final EIR/EIS was updated to clarify the assessment for the California Coastal Trail, Coast to Crest Trail, and the Trans County Trail, which are considered consistent with the planning goals of these trails.

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	20 The code cited is an implementing code for the original codification at 23 USC 303. The original (and still accurate) reference is cited as part of the Caltrans template for joint California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) environmental documents.
	21 Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined and the project was reviewed relative to park effects. The refined 8+4 Buffer alternative is the smallest of the build alternatives presented in the EIR/EIS and has been determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. The amount of impact under the Preferred Alternative is anticipated to be 0.23 acre of permanent impacts and 0.56 acre of temporary impacts. Approximately 0.66 acre of this use would be on property owned by the County. The numbers in *Section 3.1.3* and Appendix A now match.
	22 An extensive mitigation package has been developed in concert with the wildlife agencies, with specifics developed following receipt of comments on the Draft EIR/EIS and completion of project lagoon studies. With all this information, the agencies have been closely coordinating on appropriate mitigation locations and activities to occur at each locations, with respect to preservation, restoration, and/or establishment, as well as long-term management. Overall, and as described in this Final EIR/EIS and as shown in the I-5 portion of the Resource Enhancement and Mitigation Program (REMP; see also the Public Works Plan/Transportation and Resource Enhancement Program ([PWP/TREP]), project mitigation would be part of a comprehensive solution to coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach.

REGIONAL AND LOCAL AGENCIES – COMMENTS

23 c. The EIR/EIS should include a 'sensitive plant locations' map for the San Elijo Lagoon. Several sensitive species are mentioned as occurring within the lagoon however no map is provided.

Appendix A - Resources Evaluated Relative to the Requirements of Section 4(f)
Section 4.2 San Elijo Lagoon Ecological Reserve

24 6. **Section 4.2.1 Impacts.** Access - Trails that parallel the freeway on Caltrans property and ultimately connect the east and west basin are shown on Figure 12 and also on trail maps available online and at the Nature Center. It should be noted that while not officially sanctioned by Caltrans or shown on trail maps, a trail currently exists under the I-5 bridge, connecting the trails on the berms on the east and west sides of I-5. This trail is in constant use by 100+ visitors per day. In addition, the trails to the east and west of and paralleling I-5 are on Caltrans property, and are not maintained by DPR staff. This project is providing a more formal accommodation for these trails but it is requested that Caltrans maintenance responsibility be clearly specified.

25 7. **Section 4.2.3.** The City of Encinitas is not the official with jurisdiction in accordance with Section 774.17 23 U.S.C. 774. In the case of public parks, recreation areas, and wildlife and waterfowl refuges, the official(s) with jurisdiction are the official(s) of the agency or agencies that own or administer the property in question and who are empowered to represent the agency on matters related to the property. As stated above under General comments the County is a major landowner of the Reserve. Although it appears that the mitigation measures may qualify the project for a de minimis finding, no replacement parkland has been proposed. At this point in time the County (DPR) has not been consulted with. Prior to any concurrence with the de minimis finding we would like to meet with Caltrans to discuss and be assured the proposed avoidance and mitigation measures meet the de minimis standards.

DPR appreciates the opportunity to participate in the review process for this project. We look forward to receiving future environmental documents related to this project or providing additional assistance at your request. If you have any questions or comments please contact Megan Hamilton, Group Program Manager at (858) 966-1377 or e-mail Megan.Hamilton@sdcounty.ca.gov.

Sincerely,

Trish Boerfor

Brian Albright, Director
Department of Parks and Recreation

cc: Sachiko Kohatsu, Policy Advisor, Board of Supervisors, District 3 (via email)
Megan Jones, CAO Staff Officer, DCAO, (via email)
Renee Hilton, Assistant Director, DPR (via email)
Megan Hamilton, Program Manager, DPR, (via email)

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RESPONSES

23 A figure showing the sensitive plant species on San Elijo Lagoon slopes is included as *Figure 3-19.1d, Sensitive Plant Locations*, in this Final EIR/EIS.

24 The existing trail mentioned in this comment as paralleling I-5 would be replaced by new 12-foot-wide trails on both sides of the freeway. The trails would provide east-west connectivity at the south abutment. A separate east-west connection for wild life crossing would also be provided. And a pedestrian/bike bridge would provide north-south access over the lagoon. All trail maintenance would be the responsibility of the DPR, City, or the lagoon foundation as part of a Maintenance Agreement reached prior to construction. If the agreement is not in place prior to the beginning of construction, Caltrans would not construct the trail or pedestrian bridge.

25 Caltrans will continue to coordinate with agencies having jurisdiction over Section 4(f) properties, with regard to specific impacts anticipated as part of refined design efforts, as well as anticipated mitigation requirements. The function of the Reserve, potential effect the proposed I-5 improvements would have on it, and any actions necessary to avoid, minimize or mitigate those effects, will be reviewed. As described in this Final EIR/EIS, I-5 Reserve effects are expected to be neutral or even beneficial with regard to changes from existing conditions relative to human disturbance. Footprint effects into habitat would be fully addressed through implementation of the project mitigation plan and associated PWP/TREP. Please note that replacement parkland per se is not required under Section 4(f) protections. The small amount of acreage required would trigger the need for compensation sufficient to acquire substantially equivalent substitute parkland under the California Public Park Preservation Act of 1971, as described in EIR/EIS *Section 3.1.3.1.*

REGIONAL AND LOCAL AGENCIES – COMMENTS	RESPONSES
	25 cont. As the project design is still in the preliminary phases, further coordination with the CDFW, DPR, and the Lagoon Conservancy will occur regarding the following: • Continuing discussions on separation between pedestrians and bicyclists. • Ensuring that access control coordination for signage and gates with the Reserve is continued; in particular, Solana Hills Drive and the NC Bike Trail. • Continuing discussions in which existing trails should be tied into the bench trail under the south abutment. • Continuing discussions to ensure trails and maintenance roads are open for use during construction. • Working with all stakeholders on design details (fencing, retaining walls, signage, access, pavement surface, plants, and maintenance). • Providing information on the cut and fill volumes associated with impacts to San Elijo triggered by Section 4(f). • Continuing discussions regarding right-of-way exchange. Furthermore, Caltrans acknowledges the CDFW, DPR, and the Lagoon Conservancy may identify other concerns besides those listed above. For that reason, Caltrans looks forward to continued coordination throughout the project life cycle.

Appendix H:

Responses to Comments
Volume III of V

Final
Environmental Impact Report/
Environmental Impact Statement

October 2013

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Chapter 4.4

ELECTED OFFICIALS

ELECTED OFFICIALS – COMMENTS

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FAX (916) 327-2188

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SAN DIEGO, CA 92101
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California State Senate

SENATOR
CHRISTINE KEHOE
THIRTY-NINTH SENATE DISTRICT

STANDING COMMITTEES:
- APPROPRIATIONS, CHAIR
- BANKING, FINANCE AND INSURANCE
- BUDGET AND FISCAL REVIEW
- ENERGY, UTILITIES AND COMMUNICATIONS
- LOCAL GOVERNMENT
- NATURAL RESOURCES AND WATER
- TRANSPORTATION AND HOUSING

MEMBER:
- LEGISLATIVE LESBIAN, GAY, BISEXUAL AND TRANSGENDER CAUCUS
- LEGISLATIVE WOMEN'S CAUCUS

November 22, 2010

Shay Lynn Harrison
Environmental Analysis Planning Branch Chief
California Department of Transportation, District 11
Division of Environmental Analysis, MS 242
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Re: Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement

Dear Ms. Harrison:

Thank you for the opportunity to respond to the Draft Environmental Impact Report/Draft Environmental Impact Statement (Draft EIR/EIS) for the Interstate 5 (I-5) North Coast Corridor Project. I also appreciate the granting of additional time for submitting public comments on the transportation improvements proposed for the 27-mile I-5 North Coast Corridor.

01 This project is unprecedented in its scope, bulk and scale within San Diego County. Currently, two-thirds of daily trips in the North County take place on I-5. The freeway travels through some of the most scenic areas of California, with the Pacific Ocean on one side and six unique coastal lagoons on the other. Those who live along I-5 know that it's not like the old days when congestion was experienced only during weekday rush hours. Now it's seven days a week beginning early in the morning and ending well after dark. Ribbons of red taillights and white headlights are a common sight in the corridor.

02 The proposed project has significant statewide significance because of its sheer size, the estimated cost of up to $4.5 billion, the greenhouse gas emissions that would be generated from a freeway-based approach to moving people and goods, and the number of homes and businesses that could be lost depending upon which alternative is selected.

03 For this reason, I requested that the Senate Transportation and Housing Committee convene a hearing on the proposed project. On November 8, 2010, Senator Alan Lowenthal invited California Department of Transportation (Caltrans) District 11 Director Laurie Berman, I-5 Corridor Director Allan Kosup, and Gary Gallegos, the Executive Director for the San Diego Association of Governments (SANDAG), to present the

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Responses to Christine Kehoe, California State Senator, 39th District

01 Thank you for your comments, which are part of the public record. The need for I-5 improvements is currently demonstrated by existing congestion.

02 This is an important project, which, because of the importance of this region to the State of California and because of I-5's status as part of the Strategic Highway Network (SHN), is also of Statewide and even nationwide importance. The alternatives considered (and therefore size of the proposed project) directly correlate to the regional projected growth forecast. Please refer to Topical Response "Projected Growth" for a detailed discussion. Please

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	02 cont. also refer to Topical Response "Project Lifespan" regarding projection of future freeway requirements. Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Please also note that all build alternatives, including the Preferred Alternative, are projected to reduce greenhouse gas (GHG) emissions associated with I-5. Please refer to Topical Response "Climate Change" for additional discussion of this topic. With regard to your comment concerning the loss of homes and businesses, it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system. Please refer to Topical Response "Property Acquisition" regarding specifics of property acquisition and support that may be available. In every instance, however, avoidance and minimization are the first steps. The Preferred Alternative would involve 8 potential relocations of single-family residences, 12 multi-residential relocations, and 7 business relocations, compared with 16, 34, and 10 relocations, respectively, for the 8+4 Buffer alternative originally in the Draft EIR/EIS, and 25, 87, and 13, respectively, for the 10+4 Barrier alternative. Continued refinement of the Preferred Alternative during final design may result in even greater minimization of these impacts. 03 Please refer to Topical Response "Climate Change" for a discussion of the project's impacts associated with GHG and consistency with California Assembly Bill (CA AB) 32 and California Senate Bill (CA SB) 375.

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03 cont. proposed project with its five alternatives to the public. The public, in turn, then had the opportunity to personally share their concerns in a public forum with Caltrans and SANDAG representatives. In their responses to the DEIR/DEIS, many members of the public have raised the issue of how a major freeway expansion could meet the requirements within AB 32 and SB 375 to reduce greenhouse gas emissions. Mary Nichols, Chair of the California Air Resources Board (CARB), testified during the hearing that it is entirely within the discretion of the SANDAG Board of Directors to determine how the region will meet the goals of a 7 percent reduction in greenhouse gas emissions by 2020 and 13 percent reduction by 2035. To date, that strategy has not been adopted by the SANDAG Board.	
04 During the hearing, members of the public provided thoughtful comments on the proposed project. In addition, individual cities within the I-5 North Coast Corridor have submitted their official comments on the DEIR/DEIS, as have local organizations and individual residents. In general, their concerns are focused on the limited options presented in the five alternatives, the emphasis on freeway expansion rather than a true multimodal approach to congestion reduction, and for many the belief that the DEIR/DEIS is inadequate and incomplete under California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) regulations.	04 Many alternatives have been evaluated by transportation agencies and the public during the consideration of transportation within the North Coast Corridor. Please refer to Topical Response "Corridor Alternatives" with regard to other functional alternatives reviewed during the past 20 years, as well as the Topical Response "Multimodal System" with regard to implementing a multimodal approach to congestion reduction. The Draft EIR/EIS is adequate. The Draft EIR/EIS fulfills requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). A Supplemental Draft EIR/EIS was circulated in August 2012; this document provided newly available information on potential effects to lagoons, as well as clarification of issues related to latent traffic demand, sea level rise, water quality, and common design features and community enhancements proposed by the project. The information contained in that document has been incorporated into this Final EIR/EIS.
05 Several alternatives are missing from the DEIR/DEIS including one based on the 8 + 4 Barrier or Buffer Alternative that would add the new managed lanes in two phases, one lane in either direction at a time based upon identified need, with a goal of having the project take place entirely within the existing right-of-way with special emphasis on preserving coastal views, minimizing impacts on coastal lagoons, enhancing transit, minimizing noise and paying particular attention to air quality, especially fine particulate matter associated with freeways.	05 The 8+4 alternatives depicted in the Draft EIR/EIS (and now in this Final EIR/EIS) is responsive to this comment. Only one High Occupancy Vehicle (HOV)/Managed Lane in each direction would be added at a time (as needed) on stretches of I-5. Additional HOV/ Managed Lanes would be added decades later when needed. Please note that since the circulation of the Draft EIR/EIS, and responsive to concerns regarding potential lagoon impacts, Caltrans has explored accelerating the construction of HOV/Managed Lanes on new bridges being built across lagoons in order to minimize the number of times lagoon resources may be affected by construction. Funding has been attained to complete these improvements at the I-5 Batiquitos Lagoon Bridge sooner in the interests of environmental concerns. It is expected that lane striping would still match demonstrated need rather than providing excess capacity.
06 A particular concern has been raised by local scientists on the completeness of the DEIR/DEIS analysis of air quality changes that could occur with an expansion of I-5. At issue are the locations of the sensors being used in the analysis, the alleged links to childhood asthma and other health impacts, including the September 2010 release by the California Air Resources Board of the results of a study alleging that each year more than 9,000 Californians are dying prematurely due to the health effects of pollutants emitted by heavy vehicles and trucks using diesel fuel. Given the potential health effects on the large number of people who live, work, attend school and travel within the 27-mile I-5 North Coast Corridor, Caltrans and the Federal Highway Administration should re-evaluate the adequacy of the modeling used in the DEIR/DEIS, incorporate the results of the most current scientific studies and re-circulate the DEIR/DEIS. Special emphasis should be focused on the role that fine particulate matter associated with freeway travel has on human health, and on the six lagoons and sensitive species within the corridor.	
07 Caltrans and the Federal Highway Administration should provide additional alternatives to reduce current and future congestion and meet the long term transportation needs for the I-5 North Coast Corridor and then re-circulate the DEIR/DEIS. Simply proposing to construct wider freeways to get us through the next 40 years will not do when the level of service would not be improved to a significant level. The public clearly wants realistic transit options and is committed to reducing greenhouse gas emissions, as evidenced by the strong vote November 2, 2010, rejecting Proposition 23 that would have suspended implementation of AB 32 in California.	
08 It's true there are unique challenges in this corridor due to the six lagoons, the several major employment centers, the beautiful coastline that attracts tourists year-round, recreational opportunities that draw people from all over the county to the coast, the unique coastal cities along the corridor, and short hop drives on I-5 that contribute to the congestion because there are no alternative local streets that drivers can use.	

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	06 Project modeling addresses the change from existing conditions. All of the build alternatives proposed in the Draft EIR/EIS are anticipated to result in improvements to air quality when compared to existing conditions. This includes the Preferred Alternative, the smallest of the build alternatives evaluated. This has been confirmed with updated (2013) modeling of Mobile Source Air Toxics (MSATs) analysis for the Preferred Alternative. Please refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and anticipated decrease in emitted pollutants with project implementation, as well as EIR/EIS *Section 3.14, Air Quality,* for more detail. Recirculation is not necessary.
	07 The request for "additional" alternatives is not understood. A "reasonable range of alternatives" to address project purpose and need is required by CEQA and NEPA. As this is an existing facility, and non-highway improvements are already under evaluation, "reasonable" design alternatives include number of lanes, types of potential restrictions on those lanes, and elements that would support activities such as bus rapid transit (BRT) by others. The *I-5 NCC Project* alternatives address each of those criteria. The EIR/EIS evaluated different numbers of lanes, allowing for some to be general purpose while others would be controlled (as to passenger number, vehicle type, and revenue producing), as well as incorporating both direct access ramps (DARs) and park and ride locations to support existing and future ridesharing and future BRT. The level of service would be improved. As discussed in *Chapter 1* of the Final EIR/EIS, during baseline (2006) traffic monitoring, non-peak and "free flow" traffic took between 23 and 25 minutes northbound and southbound, respectively. During baseline peak travel (congested) periods, the driver experienced up to a 16-minute delay northbound and up to a 21-minute delay southbound over the non-peak and more free-flowing traffic. In year 2030, this same trip is projected to take up to 69 minutes northbound (up to 46 minutes longer than the baseline condition) and up to 54 minutes southbound (up to 31 minutes longer than the baseline condition). The number of hours for which levels of congestion would occur also would substantially expand—from

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	07 cont. no period of delay for northbound travelers to over three hours of congestion; and p.m. peak period travel would increase from five to six hours of congestion. With the proposed project, the 3.5 hours of northbound congestion would drop to no hours of congestion for the a.m. peak period. For southbound conditions, duration of congestion would drop by a minimum of one-half hour in the a.m. peak and by five hours in the p.m. peak. This translates into hours of a commuter's time saved or lost on a weekly basis. Realistic transit options are desired by regional voters. Please note that in part, *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of HOV/Managed Lanes, for example, would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of the regional and community enhancement features proposed by the project (refer to *Section 2.3* of the EIR/EIS) also would create and/or improve amenities, such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. With regard to the project's impacts associated with GHG, please refer to response to Comment 02 of this letter.

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09 The preferred alternative should be cost effective, avoid damaging the environment, include community enhancements to mitigate the project, protect viewsheds, reduce noise impacts and provide multi-modal transportation options. None of the four "build" alternatives in the DEIR/DEIS accomplish that goal.	08 The North Coast Corridor is very constrained and presents challenges for designing transportation improvements.
10 A Draft Environmental Impact Report for proposed improvements to the LOSSAN Heavy Rail Corridor plus the environmental document for proposed completion of the I-5/State Route 56 Connectors project are due to be released shortly. While the law requires the projects to be individually analyzed as to their environmental impacts, it is difficult to truly assess the cumulative impacts of the projects without considering all three projects since they share the same transportation corridor. The California Coastal Commission will play an important role in assessing the direct and indirect impacts of the proposed I-5 expansion, I-5/SR-56 Connectors project and LOSSAN Corridor improvements. The Commission will consider the mitigation projects proposed through the North Coast Transportation and Resources Enhancement Program and Highway Public Works Plan. When this plan is considered by the Commission, it may provide the only opportunity for public input on how the projects should be prioritized, their cumulative environmental impacts, whether the proposed mitigation efforts are adequate, and whether there will be enough funds to complete all the identified projects.	09 The project would attain each of these goals. If the Preferred Alternative is approved for construction, the least expensive build alternative would be approved. This is also the alternative with the smallest footprint. Community enhancements comprise an important part of the project, and they are anticipated to be the most highly desired enhancements by the cities crossed by the highway as they were developed in close association with city staff and community input. Please refer to the I-5 North Coast Community Enhancement Plan on www.keepsandiegomoving.com, which details the outreach program resulting in the identification of each of the community enhancements proposed. Viewsheds and noise are addressed in *Sections 3.7* and *3.15*, respectively, of the EIR/EIS. Although some substantial impacts would be expected to occur, protection of viewsheds and reduction of noise has been fully explored. Views to the west and the scenic coastline have been prioritized, with some soundwalls (or sections of soundwalls) in part not recommended because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. And in all instances, residences considered "severely impacted" noise receptors are proposed to receive noise attenuation. Specifically with regard to multimodal transportation options, the project must be compatible with future bus rapid transit and other modal options, and it is. Please refer to response to Comment 07, above.
11	
12 The DEIR/DEIS identifies four goals for the I-5 North Coast Corridor Project: • More travel choices on a multi-modal transportation system that accommodates commuter rail, intercity rail, goods movement, bicycles, pedestrians, carpools and transit as well as Single Occupant Vehicles (SOVs). • Shorter travel times by providing additional capacity with a focus on moving people, instead of vehicles, along existing highway and transit facilities to keep pace with increasing demand and thus avoid increases in congestion. • More reliable travel times by addressing existing rail bottlenecks and operational conflicts and incorporating facilities and services that give priority to carpools and transit, and allowing these modes to bypass congestion. • Better coordination of transportation and land use to encourage growth in existing developed areas, to minimize adverse environmental impacts, and to preserve open space and natural habitats. These are laudable goals, but the project is self-limiting because the four build options identified are all based on the same strategy of adding managed lanes to an existing freeway. In fact, that means there is really only one alternative besides the No Build Alternative.	
13 The I-5 North Coast Corridor Project would add highway lanes and make operational improvements along 27 miles between La Jolla Village Drive and Camp Pendleton. The purpose of the project is to maintain or improve traffic levels of service and travel times within the corridor both now and in the future, and to provide facilities compatible with future bus rapid transit and other modal options. The project is part of a larger vision for the corridor and is intended to be multimodal, including improvements to regional bus and heavy rail train systems. However, its emphasis is the expansion of vehicle capacity on I-5 by adding as many as six new free-flow and high-occupancy vehicle/toll lanes. The proposed project improvements include one or two high-occupancy vehicle lanes (managed lanes) in each direction, plus possibly one general purpose lane in each direction, and auxiliary lanes where needed. The HOV/managed lanes would be available for carpools, vanpools and buses at no cost and to single-occupant vehicles for a fee when there is sufficient capacity. SANDAG would use value pricing (congestion pricing) to manage demand for the lanes.	10 To varying extents, these projects have different lead agencies, provide different functions, have different logical termini, serve different usership, and have different footprints. They are appropriately addressed within different focused environmental documents. Both the I-5 / SR-56 Direct Connectors project and the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Improvements project are included in the cumulative analysis in the EIR/EIS (see *Section 3.25, Cumulative Impacts*).

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	11 Topical Response "Lagoon Evaluations" addresses the importance of the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP). This program is being coordinated by Caltrans with oversight by the California Coastal Commission and wildlife resource agencies and would address transportation-related impacts on a regional scale. The Resource Enhancement and Mitigation Program (REMP) has been developed in coordination with these agencies and identifies both program elements costs and funding sources, as well as project phasing.
	12 The actual objectives of the project were enumerated in *Section S.2, Purpose and Need*, and *Section 1.2, Purpose for the Project*, of the Draft EIR/EIS. As discussed throughout the responses to this letter, this is a project-specific EIR/EIS focused on I-5. The objectives also focus on I-5. One objective mentions "compatibility" with BRT and other modal options, but direct improvements to those systems are not part of the project objectives. There is not only one build alternative. The EIR/EIS discusses the four build alternatives that were determined to be the most feasible in order to fulfill the goals and objectives of the project. As indicated throughout your comments, those alternatives vary with regard to impacts and benefits. Please refer to Topical Response "Corridor Alternatives" with regard to other alternatives considered and rejected during the past 20 years.
	13 The characterization of the project in this comment is generally correct. Please note, however, that since circulation of the Draft EIR/EIS, two of the DARs (at Cannon Drive and Oceanside Boulevard) have been deleted from the project; a third, at Manchester Avenue, has been substantially redesigned to minimize biological and visual impacts.

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13 cont. The project also envisions the use of four Direct Access Ramps (DARs) at major intersections. These grade-separated interchanges would provide direct access into the managed lanes, consistent with DARs currently in use on sections of I-15.	
14 No preferred alternative has been identified in the DEIR/DEIS. The five alternatives include: 1. No-Build Alternative: Keep existing conditions of the highway to eight general purpose lanes (four in each direction) and two partial high-occupancy vehicle (HOV) lanes – one in each direction. No other improvements to accommodate future travel demand are provided other than ongoing operations and maintenance. 2. 8+4 Buffer Alternative: Add four managed lanes (two in each direction) that are separated from the general purpose lanes with a buffer created by road striping. 3. 8+4 Barrier Alternative: Same as above but the managed lanes are separated from the general purpose lanes by a concrete barrier. 4. 10+4 Buffer Alternative: Add two general purpose lanes – one in each direction – between Del Mar Heights Road and State Route 78, four managed lanes – two in each direction – and separate the managed lanes from the general purpose lanes with a buffer created by road striping. 5. 10+4 Barrier Alternative: Same as above, but the managed lanes are separated from the general purpose lanes with a concrete barrier.	14 The comment is correct. A Preferred Alternative was not identified in the Draft EIR/EIS because to do so would have preceded project comments received during public review from resource agencies, abutting cities, and members of the public. Based on public input, CA SB 468, and environmental considerations, the Final EIR/EIS identifies the refined 8+4 Buffer alternative as the Preferred Alternative.
15 Depending upon which alternative is selected, the project is estimated to cost up to $4.5 billion and is proposed to be funded using a combination of federal, state and local funds including local voter-approved TransNet funds. SANDAG maintains that when voters supported the TransNet extension in 2004 that they were supporting the 8+4 managed lane approach. However, the TransNet extension also offers enhanced transit opportunities in the region, and it is just as likely that voters expected a more innovative approach to moving people and goods in the region.	15 Voters are looking for a multimodal solution. Inclusion of the 8+4 scenario is not only supported by the San Diego Association of Governments (SANDAG), but also by members of the public and local elected officials (e.g., please see the letter from Supervisor Pam Slater-Price in this Final EIR/EIS).
16 Since 2004, the effects of climate change and international interest in reducing global warming have prompted many changes. In California, the Legislature approved AB 32 and SB 375 and San Diego County will be the first county in the state to adopt a Sustainable Communities Strategy to meet the recently approved goals of reducing greenhouse gas emissions by 7 percent by 2020 and by 13 percent by 2035. SANDAG is the Metropolitan Planning Organization tasked with implementing that strategy by the state. The transportation sector accounts for approximately 40 percent of the greenhouse gas emissions in California. SB 375 (Steinberg), Chapter 728, Statutes of 2008 implements portions of AB 32. The goal of SB 375 is to have jobs and housing located in closer proximity to each other and thus reduce vehicle miles traveled in the region. Where in the DEIR/DEIS is a comprehensive analysis of how the selection of a preferred alternative contributes to the region meeting the requirements of SB 375 and AB 32?	16 State agencies (including Caltrans) understand the challenges that global warming presents to planning actions. Because all project build alternatives would reduce emissions from slowly moving or idling vehicles, each of them also would improve GHG emissions over projected conditions without the project. Please also refer to Topical Response "Climate Change" for a discussion of the project's effects relative to GHG emissions and consistency with CA AB 32 and CA SB 375.
17 During the review period for the DEIR/DEIS for the I-5 North Coast Corridor project and during the November 8th Senate Transportation and Housing Committee hearing, the public consistently questioned whether the four "build" alternatives are the best way to move people and goods within the corridor. Given the limited funding available and the minimal reduction of congestion within the I-5 North Coast Corridor, why should any of the four "build" alternatives be selected as the preferred alternative? Missing is an alternative that completes the existing two partial HOV lanes, with an option to add two additional HOV lanes when needed, plus expansion of light rail service north of the University of California San Diego/University City, double-tracking the LOSSAN corridor, constructing bicycle facilities in the regional bicycle plan, and implementing a state-of-the-art bus rapid transit program within the I-5 North Coast Corridor, and the mitigation projects that would improve conditions in the six lagoons.	17 Many members of the public have questioned why I-5 should be improved. One of the build alternatives should be selected because I-5 must continue to function as a link in the SHN and because I-5 improvements comprise a critical element in the multimodal solution to North Coast Corridor transportation issues. This Final EIR/EIS has been amended to clarify this point and reiterate that improvements to all modal opportunities are required in order to present the widest and most effective choices for travelers and residents within this corridor. As described in Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit," most of the modal elements noted in this comment

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17 cont.

Missing from the DEIR/DEIS is an analysis of the effect that expanded light rail service north of the University of California San Diego/University City and double-tracking of heavy rail to facilitate additional passenger travel and goods movement, would have on congestion in the I-5 North Coast Corridor in terms removing passenger vehicles and trucks from the freeway.

Missing from the DEIR/DEIS is an alternative based on implementing a comprehensive goods movement strategy in the region, to connect with the Los Angeles, Riverside and San Bernardino rail corridors.

Missing from the DEIR/DEIS is an alternative that incorporates improvements in technology that would enhance multimodal options not based on adding new lanes to the freeway.

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While there are several innovative mitigation and community enhancement projects included in the "build" alternatives, including significant improvements to tidal flow within the lagoons, bicycle and pedestrian connection options, and improvement in bridge designs, there are also places where communities are divided by an impossibly wide freeway, the addition of huge noise and retaining walls that block views along the corridor while boxing in the freeway, and impacts on water quality and air quality by the hundreds of thousands of vehicles traveling within the corridor each day.

19

Missing is a quality of life alternative that includes the community enhancements identified in the "build" alternatives, protects the lagoons and habitat areas, emphasizes transit, bicycle and pedestrian options, incorporates the use of technology, increases the frequency of Coaster service, expands the proposed Mid-Coast light rail project further north, and implements a goods movement program that gives priority to truck traffic during non-congestion periods. The selection of a preferred alternative for this project will directly affect the quality of life for residents within the corridor, and for those who travel the I-5 corridor. The central question should be, is the public willing to give up the elements that define "quality of life" in our region: clean air, clean water, scenic views, enhanced transit, and a regional bicycle and pedestrian strategy, for just a few minutes of faster travel in a chronically congested corridor?

20

And what will we do when the congestion continues to build on an expanded I-5 ten or twenty or thirty years from now? Add even more lanes?

21

Missing is the list and a map of the individual parcels that would be affected by the four "build" alternatives. The 8+4 Buffer Alternative is proposed to affect up to 171 parcels. The 10+4 Buffer Alternative is proposed to affect up to 302 parcels. The 8+4 Barrier Alternative is proposed to affect 284 parcels. The 10+4 Barrier Alternative is proposed to affect 298 parcels.

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Missing is the option of adding <u>only</u> the managed lanes in the four "build" alternatives.

23

Missing is an analysis of the role that congestion can play in moving people out of their vehicles. Instead, the DEIR/DEIS adopts a "business as usual" approach by assuming we can somehow build our way out of congestion.

24

Missing is a comprehensive analysis of the direct and indirect effects of the proposed project on lagoons and habitat areas within the 27-mile corridor including the effect of noise and light on nesting, foraging and breeding areas, and the possible effects on wetlands and upland habitats and the sensitive species common to those areas. The 8+4 Buffer is proposed to affect 24 acres of coastal wetlands and 70 acres of coastal sage scrub. The 10+4 Buffer is proposed to affect 27 acres of coastal wetlands and 73 acres of coastal sage scrub. The 8+4 Barrier is proposed to affect 29 acres of coastal wetlands and 73 acres of coastal sage scrub. The 10+4 Barrier is proposed to affect 32 acres of coastal wetlands and 74 acres of coastal sage scrub.

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17 cont. (bicycle facilities, BRT, and double-tracking of heavy rail) are all elements simultaneously being evaluated and/or implemented by the agencies with jurisdiction over them—and all are necessary. As noted in your Comment 10, LOSSAN is moving forward. SANDAG and North County Transit District (NCTD) are working on improvements to BRT and the Coaster. Since circulation of the Draft EIR/EIS, and consistent with this comment, the I-5 North Coast (NC) Bike Trail (providing a non-motorized alternative for the entire length of the *I-5 NCC Project*) and mitigation programs for I-5 have been substantially expanded. Mitigation for lagoon crossings has been the subject of extensive review and coordination by and with resource agencies on this project and was a primary focus of coordination carried out in 2011 through 2013. An extensive mitigation package has been developed and is discussed in this Final EIR/EIS (see *Section 3.17.3.3, Compensatory Mitigation*). Please also see *Chapter 5* of this document for a listing of meetings with these agencies and topics discussed. Although future evaluation by agencies with jurisdiction may include trolley, light rail was eliminated as part of the solution for North Coast Corridor transportation issues during programmatic evaluations (please refer to Topical Response "Corridor Alternatives"). With regard to comprehensive goods movement, the existing condition is that truck traffic comprises approximately five to seven percent (average six percent) of I-5 traffic. This is also the projected future condition. Given this relatively small percentage, as well as the fact that HOV/Managed Lanes could be managed to exclude truck traffic if desirable, it is not necessary to include an alternative based on comprehensive goods movement. This regional plan would extend (and affect) numerous routes, users, businesses, and delivery actions—potentially on a Statewide basis—and would not address a number of other project objectives. It would therefore not be a viable alternative.

The comment regarding "improvements in technology" is not clear. If this is a reference to the potential for telecommuting, the 2050 Regional Transportation Plan (RTP) states:

> In our region's efforts to identify cost-effective strategies for reducing peak period congestion and the associated

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17 cont. greenhouse gas emissions, telework rises to the top. However, telework is a solution that currently lacks a dedicated program. To promote it, iCommute proposes to launch a regionwide telework program that includes incentives and technical assistance to support employers with developing telework policies and programs.

Support of the iCommute program by the citizenry would help improve telecommute percentages, with corresponding reductions in congestion. Until the percentage of individuals participating is much higher than five percent, however, ongoing transportation upgrades will be needed.

18 New transportation corridors can divide communities. With regard to the incremental expansion of an existing major transportation corridor, however, the proposed project would not worsen existing conditions with respect to community cohesion, with the exception of the 10+4 Barrier alternative in the community of Barrio Carlsbad. Please refer to *Section 3.4.1, Community Character and Cohesion*, of the EIR/EIS for a discussion of potential impacts. Please also note that this adverse impact would not occur with implementation of the Preferred Alternative. Overall, the project is anticipated to improve existing community cohesion by incorporating various design features into the project. In addition, if implemented, community enhancement features would further improve and facilitate connectivity between communities east and west of I-5 that were bisected when I-5 was originally constructed.

Please refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project visual effects anticipated as the viewer leaves I-5 itself. As noted above, minimization of impacts to views to the west and the scenic coastline have been prioritized, with some soundwalls (or sections of soundwalls) in part not recommended because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed.

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	18 cont. Since circulation of the Draft EIR/EIS, additional detailed studies have been prepared and/or completed regarding the biology and hydrology of the lagoons and potential project impacts, as well as additional analysis on potential project water quality effects. As noted in the Supplemental Draft EIR/EIS for water quality information, and incorporated into this Final EIR/EIS, the *I-5 NCC Project* would treat more hardscape than would be installed as part of the project, thereby improving the quality of runoff from existing areas of untreated or less stringently treated hardscape. This would be a net benefit, and additionally supports the findings in the Draft EIR/EIS. Potential water quality impacts are discussed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff,* with improvements in treatment percentage specifically addressed in *Section 3.10.3* under the heading *Build Alternatives.* As noted in the response to Comment 06 above, the project is anticipated to result in improvements to air quality when compared to existing conditions. Please refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and anticipated decrease in emitted pollutants with project implementation, as well as EIR/EIS *Section 3.14, Air Quality,* for more detail.
	19 The proposed project either incorporates or is consistent with each of these elements. The project: incorporates protection of lagoons and habitat areas through bridge redesign, community enhancements that would result in improved and restricted access to lagoon trails, as well as an extensive mitigation program developed in concert with the resource agencies that would best benefit coastal resources; demonstrates an emphasis on bicycle and pedestrian options with community enhancements throughout the project, including more clear development of the NC Bike Trail; and incorporates technology through the use of Intelligent Transportation System to monitor HOV/Managed Lanes. The project would be consistent, or compatible, with the increase in frequency of Coaster service, expansion of a mid-coast light rail, and/or implementation of a goods movement program. Please also refer to response to Comment 17 in this letter. Based on the proposed community enhancements, improvement of an existing major facility, and additional efforts to avoid, minimize, and/or mitigate project-related impacts described

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	19 cont. in Topical Response "Visual/Community Effects," implementation of the project is not expected to have an adverse effect on the quality of life in coastal San Diego. Specific to bridge design, please refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since circulation of the Draft EIR/EIS in 2010. Based on those studies, the existing lengths of I-5 crossings at Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons were determined to be appropriate, while crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. Topical Response "Lagoon Evaluations" also addresses the importance of the TREP. This program is being coordinated by Caltrans with oversight by the California Coastal Commission and resource agencies and addresses transportation-related impacts on a regional scale. The central question proposed in this comment pre-supposes that the choice is an "either/or" proposition. Excluding some substantial visual effects (described in the Draft EIR/EIS but lessened in this Final EIR/EIS due to elimination of two DARs and redesign of a third), all of these issues would be improved through implementation of a build alternative and completion of other projects (by others) highlighted in the Regional Transportation Plan. As noted above, please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion regarding transit options. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), however, these measures are not a substitute for freeway widening. Please also refer to responses to Comments 17 regarding truck traffic, 06 regarding projected improvements in air quality (i.e., anticipated decrease in emitted pollutants), the above-referenced Topical Response "Visual/Community Effects" regarding visual effects of the project relative to I-5 viewers, and 09 regarding community enhancements. A number of community enhancements are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create

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	19 cont. and/or improve such amenities as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. Finally, future conditions are not accurately characterized as "just a few minutes" of time. The extended congestion (duration of time on I-5 and the number of hours during which such congestion would occur) affects users of this facility to a greater extent than indicated in this comment. Please refer to response to Comment 07 of this letter for information regarding projected time delays.
	20 The time for which the proposed project would accommodate I-5 needs is projected to extend to 2040 to 2050 (see EIR/EIS *Section 3.6*), which includes the periods of concern (12, 20, and 30 years) in this comment. Future solutions after 2050 would incorporate technological possibilities and changes in San Diego County residents' travel patterns current at that time. Please also refer to Topical Responses "Projected Growth" and "Project Lifespan."
	21 This figure is not "missing." Please refer to Topical Response "Property Acquisition" for information regarding why specific detail is not provided at the Draft EIR/EIS point in the design process. Please also note that Caltrans technical staff have coordinated directly with individuals wishing to discuss their particular parcels.
	22 The Preferred Alternative (refined 8+4 Buffer alternative) includes adding only HOV/Managed Lanes for through traffic. If this comment suggests deletion of auxiliary lanes, that cannot occur due to safety reasons. Auxiliary lanes are defined in the Caltrans Highway Design Manual (HDM) as the portion of roadway used for weaving, truck climbing, speed change, or for other purposes supplementary to through traffic movement. The American Association of State Highway and Transportation Officials (AASHTO) additionally describes auxiliary lanes as the portion of the roadway adjoining the traveled way for speed change, turning, and storage for turning. In a freeway environment, auxiliary lanes may be provided downstream of an entrance ramp to accommodate merging traffic, upstream of an exit ramp to accommodate diverging traffic, or between two closely spaced interchanges to accommodate weaving traffic. They reduce

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	22 cont. turbulence in the traffic stream due to lane changing and changes in speed (including lower average speeds). In addition, auxiliary lanes may be carried through one or more interchanges to serve one or more of the listed purposes. Proposed auxiliary lane locations were determined in accordance with the Level of Service (LOS) D Method (weaving analysis) documented in HDM Index 504.7. LOS D weaving limits of 2,000 vehicles per hour per lane (vphpl) are specified for non-weaving main through lanes, and 1,800 vphpl are specified for weaving lanes. Auxiliary lanes help reduce congestion due to weaving traffic.
	23 Using congestion to stimulate I-5 users to choose alternative transportation methods would not be acceptable to Caltrans, a State agency with responsibility for maintaining safe and effective highway travel for commuters, emergency vehicles, and national defense efforts. This course would be likely to have safety implications and certainly would adversely affect air quality due to increased vehicle travel under 25 miles per hour and/or idling. Caltrans must be both responsive and proactive to highway conditions in order to fulfill its obligation to I-5 users. In addition, please note that in part, *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. As noted in response to Comment 07 of this letter, I-5 improvements would comprise only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Although Caltrans has been actively involved in this regional multimodal planning effort, the agency is responsible only for implementing highway improvements. Nonetheless, proposed use of HOV/Managed Lanes, for example, would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods, and should result in ridesharing being seen as desirable, thereby cutting the number of single-occupancy vehicles. The community enhancement features discussed in *Section 2.3* of the EIR/EIS also would create

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	23 cont. and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. Also as noted, although a variety of non-highway transportation modes are under evaluation and/or construction, based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening.
	24 Potential impacts to biological resources (habitat and sensitive species) at the six coastal lagoons and/or associated waterways within the I-5 corridor are evaluated under the *Biological Environment* heading of the EIR/EIS in *Sections 3.17, 3.18, 3.19, 3.20,* and *3.21*. Based on those analyses, all project impacts would be avoided, minimized, and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Please also refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since circulation of the Draft EIR/EIS in 2010. The Supplemental Draft EIR/EIS addressed the specific issues of habitat impacts, noise, and indirect effects such as lighting, and those findings have been incorporated into this Final EIR/EIS, as well as an enhanced discussion of bridge shading, which has been added to *Section 3.18*. Topical Response "Lagoon Evaluations" also addresses the importance of the PWP/TREP. This program is being coordinated by Caltrans with oversight by the California Coastal Commission and resource agencies and would address transportation-related impacts on a regional scale.

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25 Missing is a comprehensive analysis of the environmental justice impacts of the use of HOV/managed lanes on low/moderate income families since single drivers can pay to use the HOV/managed lanes and those with limited funds are essentially precluded from using lanes subject to congestion pricing.

26 Missing is a quantification of the impacts that construction will cause over the almost 40 years it may take to implement the plan, including construction noise, traffic delays, grading, the impact on the use of aggregates and other construction materials on other projects in the region, and greenhouse gas emissions.

27 Missing is the realistic effect on property values and the potential loss of property taxes to local governments by the construction of massive retaining walls and noise walls from 12 to 42 feet in height, and changes to the seaside communities by essentially walling in streets adjacent to the freeway. Noise generated by the freeway is already a problem. The response in the DEIR/DEIS that the addition of the immense noise and retaining walls will add to the value of the homes and businesses is not complete, given the bulk and scale of the proposed improvements.

28 Adding up to six more lanes and essentially doubling the footprint of I-5 within the 27-mile corridor will result in increases to air pollution, water pollution and health effects on humans and sensitive species in the lagoons and habitat areas.

29 Missing is an analysis of the cumulative impacts of the other proposed major construction projects within the corridor including the proposed Del Mar Fairgrounds Master Plan, proposed improvements in the Carlsbad area near the Encina Power Plant, cumulative construction impacts should the I-5/SR-56 Connectors project and/or the LOSSAN Corridor improvements move forward, impacts to natural resources, traffic, loss of viewsheds due to the construction of large transportation projects that include 21 miles of sound walls up to 16 feet high and massive retaining walls up to 42 feet high.

Questions

30
1. According to federal and state law, the Regional Transportation Plan must be based on an achievable financing strategy. In light of the passage of Proposition 26 on November 2, 2010, and given the constrained state, federal and local funding for transportation projects, can funds for this massive project be "reasonably expected to be available" over the life of the plan?
2. Will Caltrans and SANDAG prepare a financing plan for the North Coast Transportation Improvement Program that includes the proposed I-5 North County Corridor Project, improvements planned for the LOSSAN Corridor and the proposed I-5/State Route 56 connectors? If so, will it be subject to environmental review? When will it be released?
3. In addition to the construction costs for the three major projects proposed within the I-5 North Coast Corridor, there are extensive mitigation projects proposed. Please provide a financing plan that includes the strategy for the order in which the mitigation/enhancement projects will be completed and a timeline for their construction.

31
4. Two-thirds of vehicle trips in the North County take place on I-5, but the trips for the most part end on local streets. The effect an expansion of I-5 will have on local streets has not been evaluated. It appears that most of the traffic will travel to employment centers mainly in the City of San Diego such as University City, Torrey Pines, in and around the University of California at San Diego and Sorrento Mesa/Sorrento Valley and in the Interstate 805 employment centers including Kearny Mesa and Clairemont Mesa. Where in the DEIR/DEIS is the determination been made that there is adequate capacity on local streets to handle the huge influx of traffic as vehicles exit the expanded freeway? How does this added traffic support the sustainable community concepts and other community development

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25 As mandated by Executive Order 12898, "Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Consistent with this mandate, the EIR/EIS evaluated the potential environmental justice effects associated with siting improvements through the communities crossed by I-5. The example noted in this comment, however, is not an environmental justice issue. The ability to pay for access to an HOV/Managed Lane would be a benefit to those who could afford (and wished) to do so, but the inability to make such a payment would affect convenience and would not result in an "adverse health or environmental effect."

26 Quantification of impacts is presented in the EIR/EIS when such comparison would support choice between alternatives. In other instances, because the total worst-case assessed impact would be less than substantial, incremental variations between the build alternatives would not vary so substantially as to provide a basis for choosing one alternative over another (see the discussion of GHG below for an example).

Long-term noise exposure descriptors are difficult to quantify due to the intermittent nature of construction noise. Specifics of noise levels associated with particular construction equipment, however, has been added to the Final EIR/EIS in *Table 3.15.47*. *Section 3.15.4* of the EIR/EIS includes a section entitled *Measures to Minimize Construction Noise*. Although a temporary increase in noise levels would occur during construction, implementation of the measures presented in that section would reduce construction noise impacts at sensitive noise receptors.

As detailed in *Chapter 2, Project Alternatives*, of the EIR/EIS, a construction phasing plan has been proposed to identify the sequence of construction and help minimize traffic delays. Traffic delays would be controlled to the extent practicable during periods of many simultaneous construction operations, as discussed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle*

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	26 cont. *Facilities*, of the EIR/EIS. I-5 through lanes would not be closed during construction, thereby minimizing impacts to drivers. A comprehensive Traffic Management Plan (TMP) to further minimize delays would be developed prior to the start of construction. The TMP would be designed to increase driver awareness, ease congestion, and minimize delay during construction. The TMP would encompass a Public Awareness Program, as well as a Traffic Operations Strategies Program. Please also refer to Topical Response "Construction Traffic." Potential impacts associated with grading are discussed in detail in *Section 3.11, Geology/Soils/Seismicity/Topography*, of the EIR/EIS, including embankment stabilization. This section of the EIR/EIS also includes measures to reduce potential impacts from grading activities. *Section 3.24, Irreversible and Irretrievable Commitments of Resources that Would be Involved in the Proposed Project*, of the EIR/EIS describes the materials necessary for construction of the project, including aggregate and fossil fuels. As described in *Section 3.14, Air Quality*, construction of the *I-5 NCC Project* would result in a temporary addition of pollutants to the local airshed caused by soil disturbance, dust emissions, and combustion pollutants from on-site construction equipment, as well as from off-site trucks hauling construction materials. Bridge construction modeling assumed a project length of 0.036 miles and an area of 4.3 acres, constructed during a 12-month period. Daily maximum area disturbed was assumed to be 0.9 acres per day, and no soil import or export haul trucks trips would be made. Roadway widening modeling assumed a project length of 1.3 miles and an area of 28 acres, also constructed within a 12-month period. For this scenario, daily maximum area disturbed was assumed to be 4.6 acres per day and 4,000 cubic yards of soil import was assumed per day, resulting in 200 round-trip haul truck trips per day. For the purposes of estimating emissions, construction phasing for both the bridge construction and roadway widening assumed: grading/land clearing within 1.2 months; grading/excavation within 5.4 months; drainage/utilities/sub-grade within 3.6 months; and paving within 1.8 months.

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	26 cont. Construction emissions are assessed against the federal general conformity *de minimis* thresholds, which are used to determine conformity of a federal action with existing air quality plans. Based on the applicable maintenance plan standards, as appropriate, the *de minimis* thresholds for volatile organic compounds (VOCs), nitrogen oxides (NO_X), carbon monoxide (CO), and particulate matter (PM) in an area under a maintenance plan are each 100 tons per year. Based on the above construction criteria for combined bridge and roadway implementation, the estimated tons per year of VOCs, NO_X, CO, PM_{10} and $PM_{2.5}$ would be 2.7, 20.7, 21.9, 7.1, and 2.7 tons, respectively. Each of these is so substantially below the threshold of 100 tons that minor differences between the build alternatives would be negligible for purposes of distinguishing between build alternatives.
	27 Factors affecting property values have been clarified in this Final EIR/EIS (please refer to Topical Response "Property Valuation" for more information). Overall, however, substantial adverse impacts to property values and associated property taxes are not anticipated from project implementation. The localized adverse effects would be outweighed by the benefits of owning property in a coastal location in southern California, with all the amenities afforded by that location (including easy freeway access). Please also note that specific to views of walls, retaining walls would largely be viewed by travelers on I-5, passing through. Where soundwalls would obstruct a westerly view to the ocean for residential viewers sited east of I-5, transparent materials may be used.
	28 Please refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations, anticipated decrease in emitted pollutants with project implementation, and health effects, as well as to EIR/EIS *Section 3.14, Air Quality,* for more detail. Please also see responses to Comments 18 and 24, respectively, regarding water quality and sensitive species at the lagoons.
	29 A cumulative impact analysis is included in the EIR/EIS (see *Section 3.25, Cumulative Impacts*), and both the I-5 / SR-56 and LOSSAN projects are listed on *Table 3.25.2* and addressed in text with regard to cumulative effects to natural resources and visual issues.

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	29 cont. The 2008 Master Plan for the Del Mar Fairgrounds and Horsepark is discussed in EIR/EIS *Section 1.3.7, Other I-5 Projects*, and has been included in the cumulative projects analyzed in Final EIR/EIS *Section 3.25, Cumulative Impacts.* The immediately proposed projects in the Master Plan are focused on maintenance and improvement to the current Fairgrounds' facilities and are not deemed to contribute to regional cumulative impacts of the *I-5 NCC Project*. The Master Plan has been added to *Table 3.25.2* in this Final EIR/EIS, and the projects incorporated into the cumulative analysis for the issues of visual/aesthetics, natural communities, and wetlands. Clarification of the potential Master Plan projects in the cumulative discussion has not changed the conclusions in *Section 3.25*. Regarding traffic impacts of the Fairgrounds, it is the responsibility of the 22nd District Agricultural Association to address impacts that the implementation of its Master Plan may generate. Traffic impacts of the *I-5 NCC Project* are discussed in Final EIR/EIS *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities. Table 3.6.6* discloses that in 2030, the northbound I-5 segment from Del Mar Heights Road to Via de la Valle is projected to operate at LOS F/F in the a.m./p.m. peak for the No Build alternative, LOS E/F for 10+4 alternatives, and LOS D/F for 8+4 alternatives. In the northbound direction, therefore, either build alternative would improve LOS in the a.m. peak and maintain LOS compared to the No Build alternative in the p.m. peak in this freeway segment. *Table 3.6.7* discloses that in 2030, the southbound I-5 segment from Via de la Valle to Del Mar Heights Road is projected to operate at LOS E/E in the a.m./p.m. peak for the No Build alternative, LOS F/E for 10+4 alternatives, and LOS F/D for 8+4 alternatives. In the southbound direction, therefore, both build alternatives would diminish LOS in the a.m. peak and maintain or improve LOS compared to the No Build alternative in the p.m. peak in this freeway segment. The Encina Power Plant also is discussed in EIR/EIS *Section 1.3.7, Other I-5 Projects* and has been included in the cumulative projects analyzed in Final EIR/EIS *Section 3.25.* As noted, the Project would redevelop a portion of an existing power facility to continue power generation uses through replacement of generators

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31 cont. goals envisioned by the City of San Diego and other affected cities within the corridor? The DEIR/DEIS should not ignore or underestimate traffic and operational costs to cities along the 27-mile route that must accommodate commute travel after vehicles leave the freeway. If more lanes on city streets become necessary, or sophisticated traffic control technologies are required, who will pay for those improvements and how much are they estimated to cost?

32 5. SANDAG is proposing to use TransNet funds designated for transit to fund a portion of the cost of managed lanes should one of the four "build" alternatives be selected as the preferred alternative. While it may be legal to do so, is it consistent with what the public expected when they voted to support TransNet, thinking that they would see more light rail, bus rapid transit projects and other innovative transit options rather than the addition of more lanes to an existing freeway?

33 6. It's unclear exactly how the passage of Proposition 26 will affect the proposed fees to fund various elements of a new Regional Transportation Plan for San Diego County. Has an initial look been taken at how the new law would affect the fees that had been anticipated to be collected as part of this project?

34 7. It appears that the basic premise behind the corridor strategy being proposed by Caltrans, SANDAG and the Federal Highway Administration is that we know that there will be increased traffic within this corridor, and by adding two free-flowing lanes in combination with HOV/managed lanes congestion would be relieved – if only minimally. Why not assume that the goal is to have new jobs and housing located closer to existing development that would reduce the number of vehicle miles traveled, which is the goal of Senate Bill 375? Using that concept, it would make sense to add the HOV/managed lanes but not any new free flowing lanes. Please analyze that scenario for each of the alternatives.

35 8. There is no indication that the funding required to complete all the projects called for within the 27-mile corridor will be identified. Will projects be prioritized so that if funds become constrained that the projects at the front of the queue actually work in combination to reduce congestion? For example, by requiring that improvements to the LOSSAN Corridor be done first, there would be transit options for drivers during the long construction period on I-5.

36 9. The DEIR/DEIS appears to look at the projects within the corridor as one huge project. Adopting a Corridor System Management Plan is required by the California Transportation Commission. While there are benefits in taking a big picture approach, what is lost is determining the effectiveness of each individual project, where it falls on a priority list, and how or whether each project would move the region forward in both reducing greenhouse gas emissions and keeping San Diego moving. Please provide a ranking of all the projects within the 27-mile corridor and a prioritization list for their construction.

37 10. The Air Resources Board has set standards and goals for greenhouse gas reductions in San Diego County, and SANDAG is required to implement the Regional Transportation Plan within those agreed upon parameters. What specific reporting dates or benchmarks must be met in order to comply with SB 375, AB 32 and the Regional Transportation Plan?

38 11. The Coastal Commission will adopt a North Coast Corridor Transportation and Resource Enhancement Program and Highway Public Works Plan that will address mitigation for three major projects: the proposed I-5 expansion, the I-5/State Route 56 Connectors, and the proposed LOSSAN Corridor heavy rail improvements. When will the Public Works Plan be submitted to the Coastal Commission? What environmental review will it undergo before it is submitted to the Coastal Commission?

39 12. What percentage of drivers carpool or take transit today within the I-5 corridor? How will this percentage change over time with the addition of the HOV/managed lanes, and at what cost per person?

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29 cont. (steam boiler units) with air cooled units. This would not convert land outside the power plant to energy uses and is anticipated to result in substantial air quality and biological improvements (i.e., reduction in existing impacts) due to the change in energy generation mode. The project therefore would not cumulatively contribute to biological impacts identified for I-5.

30 With regard to funding, SANDAG is the regional planning agency responsible for disbursing local and regional funds to various modes of transportation throughout the County. SANDAG has committees designed to provide opportunities for citizens, elected officials, agency staff, and representatives of civic and community groups to become involved in programs within the region. One such committee, the TransNet Independent Taxpayer Oversight Committee, was formed to provide a higher level of accountability for expenditure of funds. More information about this committee and SANDAG is available at www.sandag.org.

The SANDAG RTP outlines proposed phasing and funding of all of the region's projects based on expected revenue through 2050. The Federal Highway Administration (FHWA) does requires that a financial plan for major projects be developed. The Environmental Mitigation Program (EMP), part of TransNet, has funding for mitigation that will begin prior to the majority of impacts.

31 The *I-5 NCC Project* would not generate traffic. Transportation facilities may redistribute traffic, but the actual volumes in the region are generated by other factors, including population growth and employment opportunities. The build alternatives would accommodate more traffic than no build conditions on I-5, and approximately four percent of drivers are expected to choose a time-certain travel without stop-and-go traffic over local roadways (latent demand). As a result, the project would result in some local drivers being siphoned from local parallel streets and carried on the freeway. Table 3.9 of the project Draft Technical Report No. 6, Freeway Interchange Operations Report (August 2007), addresses traffic impacts on local streets. The study shows more traffic on surface streets for the 8+4 alternatives than the 10+4 alternatives, due to the former having less capacity than the latter, which results in more

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31 cont. traffic using local streets. In general, however, any build alternative would be expected to lessen congestion on local streets and carry that traffic more efficiently (i.e., at higher speeds and with fewer stops and starts). Chapter 3.0, Impact Analysis, of the I-5 North Coast Corridor Project Community Impact Assessment covers construction-related impacts, which may variably include service delays/disruptions and economic effects (positive and negative), as well as noise and dust generation. These reports were prepared in support of the EIR/EIS, are available on www.keepsandiegomoving.com for review, and are incorporated by reference.

32 Managed lanes are one of a number of various innovative options funded by TransNet. Only about one-third of TransNet funds are disbursed for highway improvements including projects such as this, with approximately one-third towards transit and one-third towards local roads. Please refer to response to Comment 15 of this letter.

33 California Proposition 26, or the Supermajority Vote to Pass New Taxes and Fees Act, was passed by California voters on November 2, 2010. This proposition will not affect the funding for the proposed project if the project is approved.

34 Consistent with this comment, the Preferred Alternative includes adding only HOV/Managed Lanes for through traffic. No other free-flowing through lanes are proposed. Please refer to response to Comment 22 with regard to auxiliary lanes, which are not considered through lanes.

35 Identification of funding is necessarily dependent upon timing. Surety is higher when proposed projects are closer in time and potential funding sources clearer about available monies. For this reason, SANDAG identifies projects that are within revenue-constrained funding windows, or for which funding has not been specified. Projects have been prioritized by when they would be required to move traffic. Regardless, and consistent with the senator's CA SB 468, LOSSAN improvements across the constrained lagoons in the corridor would occur simultaneously with I-5 improvements unless environmental review indicates

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	35 cont. it would be environmentally advantageous to the resources to split construction periods. Within non-lagoon sections of the corridor, transit options are moving forward subject to their own environmental documentation and need identified by their lead agencies. The phasing plan in the PWP/TREP identifies a balance of I-5, LOSSAN, mitigation and community enhancements to occur in each phase.
	36 The prioritization of all transportation projects is not within the purview of Caltrans or this project-specific EIR/EIS. Please refer to the SANDAG 2050 RTP and the North Coast Corridor CSMP for ranking and prioritization.
	37 CA AB 32, the California Global Warming Solutions Act, focuses on source point polluters or manufacturers who can address emissions through such issues as fuel components, tire pressure, or vehicle mileage efficiency. CA SB 375, also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. These are reflected in regional transportation plans that Metropolitan Planning Organizations (MPOs) develop. The SCS adds more detail to the traditional land use allocations used by MPOs and is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The result is reduced GHG emissions from passenger vehicles along with other benefits, which, where practicable, meet GHG targets set by the California Air Resources Board. The SANDAG 2050 RTP is responsive to transportation goals under these plans. The *I-5 NCC Project* is compliant with the 2050 RTP, and is also consistent with these two acts. Please also refer to EIR/EIS *Section 4.6*, *Climate Change*, and *Section 4.6.5,* which specifically addresses CA AB 32 compliance and Caltrans participation on the Governor's Climate Action Team.
	38 The Public Works Plan (PWP)/TREP is a separately bound and circulated document used by the California Coastal Commission for purposes of permitting coastal projects. Compilation of a number of Caltrans, LOSSAN, and local agency North Coast

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	38 cont. Corridor projects into a single mitigation and enhancement effort ensures that the most accurate assessment of total potential impacts is being made and that the best overall options for mitigation of that total effect are being evaluated. The Draft PWP/TREP was circulated in summer 2010, revised, and re-released as the Updated Draft PWP/TREP on March 1, 2013. The Final PWP/TREP was completed in fall 2013. It is available for review on www.keepsandiegomoving.com.
	39 Within the project corridor, approximately 13 percent of weekday peak period vehicles are High Occupancy Vehicles (HOVs, anticipated to increase to roughly 15 to 20 percent by 2030), while approximately 60 percent of vehicles within the project limits during weekend peak periods are HOVs (refer to EIR/EIS *Section 3.6.3.1*, *Traffic and Transportation*). Carpooling is an important option for drivers in the I-5 corridor, now and in the future. Accordingly, the proposed use of HOV/Managed Lanes is intended to provide incentive for I-5 users to carpool and to establish a reliable option for carpoolers to reach their destination in a timely manner. Individuals engaged in ridesharing and using the HOV/Managed Lanes as prescribed would not incur any cost.

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40 13. What are the greenhouse gas emission impacts of the I-5 North Coast Corridor Project for each of the five alternatives? Do these impacts account for induced demand for I-5 from single occupant vehicles? If the project will increase emissions, how will it affect SANDAG's ability to meet the SB 375 greenhouse gas emission reduction target? Will it require the implementation of greater emission reduction strategies in other parts of the region, and if so, where and what type? How is the project consistent with the spirit of SB 375 to reduce the number and length of vehicle trips? The goal of SB 375 is to reduce vehicle miles traveled, yet this project focuses entirely on enabling more vehicle miles to be traveled by having the four "build" alternatives based on expanding an existing freeway.

41 14. Will the project rely on funds that would have otherwise been expended on transit operations and capitol improvements to construct the HOV/managed lanes? What transit projects will not be constructed based upon this policy decision by the SANDAG Board?

42 15. The DEIR/DEIS does not identify a preferred alternative, which affects the public's ability to consider the full extent of the impacts of the project. On what was the decision to not identify a preferred alternative based?

43 16. There are other options available to the region to reduce congestion on local freeways, streets and highways including accelerating construction of the regional bicycle plan, working with employers to implement employee trip reduction programs including telecommuting, using road and parking pricing to manage driving demand, staggered work hours, and other congestion reducing programs. The region could also accelerate double tracking in the LOSSAN Corridor so that Coaster service times could be expanded. Designating more funds to bus service to increase the frequency, routes and rider experience through an enhanced bus rapid transit option could move single drivers out of their vehicles. This option is not analyzed in the DEIR/DEIS and should be provided as one of the alternatives.

44 17. The DEIR/DEIS does not address the impact that parking supply, parking costs and parking management could play on reducing congestion, and how the combination of increased transit service and increased parking prices could affect the number of single occupancy vehicles on I-5. Page 9 of a document issued by SANDAG entitled, "2050 Regional Transportation Plan: Draft Policy Options to Support the Transit Network," dated November 5, 2010, says, "99 percent of all automobile trips end in free parking. (1990 Nationwide Personal Transportation Survey (NPTS)). In the San Diego Region, 88 percent of solo driver work trips have free parking at the place of employment." And, "Employer paid parking increases the propensity for workers to travel alone in single-occupant vehicles (SOV) to work. (Vaca, Kuzmyak, 2005)" – impact on vehicle miles traveled and increase in transit mode share. On page 10: "In SANDAG's recent 2050 RTP Public Opinion Survey, nearly half (47%) of the respondents who currently drive alone to work and have free parking (88 percent of all work trip commuters) indicated that a $10 a day charge for parking would get them to change their travel behavior to alternative mode." Why wasn't this option included in an alternative to the No Build Alternative or to the four "build" alternatives, each of which is based on the addition of managed lanes?

45 18. How do the four "build" alternatives comply with the state's requirement to protect visual resources in the coastal zone as stated in Chapter 3, Article 6, Section 30251 of the Coastal Act? The Act states that, "The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas." Are highway projects somehow exempt from this requirement?

RESPONSES

40 With regard to the project's impacts associated with GHG emissions, please refer to Topical Response "Climate Change," as well as *Section 4.6, Climate Change*, of the EIR/EIS. Induced, or latent, demand would draw approximately four percent of drivers from local streets to I-5. Because these cars would be moving at higher speeds with less stop-and-go traffic, this would be a beneficial effect with regard to GHG. Because project implementation would be expected to decrease rather than increase GHG emissions, it would neither adversely affect SANDAG's ability to meet CA SB 375 targets, nor would it require implementation of greater reduction strategies in other parts of the region. The proposed project would be expected to reduce vehicle miles traveled over those traveled without the project as a result of the HOV/Managed Lanes. HOV lanes have been demonstrated to encourage ridesharing, thereby resulting in the removal of single-occupancy vehicles from the road, with a corresponding reduction in trips overall.

41 Funding of I-5 would not result in transit projects not being funded. TransNet funds are allocated in rough thirds to highways, transit, and local roadways. The federally required Annual Listing of Obligated Projects requires SANDAG to publish an annual listing of projects obligated for federal funds. These projects include highway, transit, major local projects, and pedestrian walkways and bicycle transportation facilities. "Obligation" refers to the federal government's commitment to pay or reimburse the Lead Agency for the federal share of a project's cost. It anticipated that federal funds earmarked for highway improvements would simply be reallocated to another qualified highway project in the event the project is not approved.

42 Not identifying a preferred alternative early in the review process supports equal attention to all potential alternatives, making it easier to consider potential impacts. Please also refer to response to Comment 14 of this letter. A preferred alternative was not identified in the Draft EIR/EIS, but based on public input and environmental considerations, the Final EIR/EIS identifies the refined 8+4 Buffer alternative as the Preferred Alternative. Please refer to the response to Comment 02 of this letter.

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	43 Please refer to the response to Comment 23 within this letter with regard to alternative transportation. All of the suggestions in this comment are good ideas that are worthy of evaluation. Caltrans can only implement transportation ideas that fall within its purview. Alternatives considered by a Lead Agency for implementation must satisfy project purpose and need and be implementable by that agency. For instance, although Caltrans encourages the use of public transportation by its own employees, Caltrans has no control over non-Caltrans employees and no ability to impose requirements to use public transportation or telecommute. Local agencies control parking costs within their boundaries; this is beyond Caltrans' jurisdiction. Please also see response to Comment 17 regarding telecommuting and BRT. Caltrans does intend to implement pricing strategies on the HOV/Managed Lanes that would not only result in revenue, but might also support some drivers making a change to mass transit. The increased work put into the NC Bike Trail between circulation of the Draft EIR/EIS and this Final EIR/EIS may result in the acceleration of this element of the regional bicycle plan. Double-tracking of the LOSSAN system is already under way.
	44 Please see the response to Comment 43, immediately above, with regard to implementing increased parking fees. Caltrans has no authority to independently require or authorize such activities. With regard to increased transit service, Caltrans' responsibility is to use transportation monies provided for the upgrade of the state highway system in the most beneficial way, considering a combination of driver need, environmental effects, and project cost for those highway facilities. Additional improvements (beyond project community enhancements) to rail, bus transit, bikeway, and pedestrian/trail systems are also being pursued by other transportation and land use planning agencies responsible for these facilities within the North Coast Corridor.
	45 The project, as well as other highway projects, is not exempt from Coastal Act requirements. Please refer to *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs*, of the EIR/EIS for a discussion of how the project would be consistent with the Coastal Act. I-5 aesthetics issues, however, do not exist in

ELECTED OFFICIALS — COMMENTS	RESPONSES
	45 cont. a vacuum. By virtue of being located in a unique and constrained corridor (see your Comment 08), almost any improvement would impact some resource or existing use. Although this means that adverse impacts would be certain to occur, incremental changes to this major transportation facility would be less impactive overall than building a new facility in the vicinity. It is therefore a question of balancing sensitive habitat or private property concerns against use of (potentially visually impacting) retaining walls to minimize footprint, or balancing use of noise attenuating soundwalls with aesthetic concerns over view blockage or visual "tunneling" along the corridor. This will require complex and sophisticated balancing of often competing interests. All of these design elements, with appropriate minimization and mitigation measures, are discussed in the EIR/EIS, with mitigation additionally addressed in the PWP/TREP. The PWP is the document provided to Coastal Commission staff to support attainment of a consistency determination for the project with the California Coastal Act. The PWP/TREP has been developed in coordination with Commission staff input and it is expected to support a consistency determination.

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46 The DEIR/DEIS, as currently written, continues the practice of accommodating automobile use at all cost, especially for commute purposes. It then uses TransNet funds earmarked for transit improvements to pay for adding managed lanes to I-5 and thus expand the freeway. This approach would shift the SB 375 requirement to reduce greenhouse gas emissions away from the I-5 North Coast Corridor to somewhere else in the county.

47 Either there is a local commitment to address the challenges that global warming and climate change will bring to our region, including potential sea rise, effects on agriculture and water resources, or there isn't. The DEIR/DEIS should expand the alternatives beyond a No Build and a managed lanes option, and re-circulate the document.

48

49 It is evident from the hundreds of people who have turned out for the public meetings on the proposed I-5 North Coast Corridor improvements, and the independent analysis of the environmental impacts commissioned by City Councils within the 27-mile corridor, that all eyes are on how Caltrans, the Federal Highway Administration and SANDAG will respond to the comments received. Caltrans and the Federal Highway Administration would be well served by considering the breadth and depth of the comments received, expand the potential alternatives, and continue the dialogue that has begun within our region on finding the best solution to reducing congestion in the corridor.

50 I look forward to the process continuing, and working with Caltrans to adopt an approach that will energize the region in support of an alternative that goes beyond a "business as usual" approach and sets a new standard within the state.

Sincerely,

Christine Kehoe

CHRISTINE KEHOE
Senator, 39th District

RESPONSES

46 Please refer to responses to Comment 02 regarding the Preferred Alternative being the least expensive and having the smallest footprint, and Comment 23 regarding support of future planning. As noted throughout this letter, the project is compliant with a number of alternative transportation modes, and substantial time and effort have been expended on design and incorporation of non-motorized enhancements that are likely to be built as part of the project if approved. Funds earmarked for transit would not be inappropriately used for I-5 improvements. Please refer to responses to Comments 07, 15, 16, and 32, on these points.

47 Caltrans is committed to addressing the challenges of climate change; representatives sit on the Governor's Climate Change Task Force. With regard to the project's impacts associated with GHG emissions, please refer to response to Comment 16 of this letter, as well as Topical Response "Climate Change," and *Section 4.6* of the EIR/EIS. Additional information was provided relative to sea level rise in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS in *Sections 3.9* and *3.17*. With regard to agriculture, EIR/EIS *Section 3.3* specifically focuses on Farmland Protection Policy Act regulations. Potential project-related farmland impacts would be below levels set by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Farmland Mapping and Monitoring Program as requiring consideration for protection. Subsequent to that finding by the NRCS, potential farmlands impacts were additionally reduced through elimination of the Cannon Road DAR from the project. Impacts would be further minimized with implementation of the Preferred Alternative, as that alternative would require the least amount of new right-of-way.

48 Detailed analysis of additional build alternatives is not warranted. The EIR/EIS discusses the four build alternatives that were determined to be the most feasible in order to fulfill the goals and objectives of the project. Please refer to Topical Response "Corridor Alternatives" with regard to other alternatives considered and rejected during the past 20 years. Given these considerations, as well as the information clarified in response to Comment 47, there is no need for recirculation relative to these issues.

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	49 Serious responses have been provided to all comments received on the Draft EIR/EIS. The responses to comments, and project refinements undertaken in response to those comments, are all included as part of this Final EIR/EIS. The regional dialogue on North Coast Transportation issues began approximately 20 years ago. Please refer to Topical Response "Corridor Alternatives" with regard to other alternatives considered and rejected during this time period, as well as the ongoing evaluation of and improvements to other transportation modes addressed in Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit." This important dialogue continues. Community enhancements and design features of the project have been modified, and development of the regionally important NC Bike Trail has continued, in response to public input. In addition, substantial new work has been completed and incorporated into lagoon analyses; in part due to comments received. All of this new information has been shared with the public in the Supplemental Draft EIR/EIS circulated in August 2012, and the public has provided additional comment. Additional representation is provided through ongoing coordination with the local cities and resource agencies. 50 There is a spirit of cooperation evidenced by CA SB 468. If approved, the I-5 improvements would be consistent with that legislation.

ELECTED OFFICIALS – COMMENTS

COUNCILMEMBER SHERRI S. LIGHTNER

FIRST DISTRICT
CITY OF SAN DIEGO

November 22, 2010

Ms. Shay Lynn M. Harrison, Chief Environmental Analysis, Planning Branch C
California Department of Transportation, District 11, MS 242
4050 Taylor Street
San Diego, CA 92110
Via email: I-5_NCC_EIR_EIS@dot.ca.gov

Subject: Comments on the Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement

Dear Ms. Harrison,

01 I represent the communities of Torrey Pines, Torrey Hills, Carmel Valley, La Jolla and University City in the City of San Diego. I also serve as the Vice Chair of the San Dieguito River Valley Joint Powers Authority (JPA), as the representative for the City of San Diego. I appreciate the opportunity to comment on the Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) prepared by the California Department of Transportation (Caltrans).

I also appreciate the extension of time which was granted for the public review period, although an additional time extension was merited given Caltrans' failure to provide all of the technical reports and associated documentation at the beginning of the review period (as documented in Attachment 1).

02 I have included as attachments to this letter the comment letters from the Torrey Pines Community Planning Board, the City of San Diego, the Carmel Valley Planning Board and the JPA. These comment letters may not be the final versions they submit to you, and I respectfully request to update the attachments and their references if the need arises. If there is any difficulty finding the reference material or citations for any of the attachments, please contact my office.

03 In the letters we see a recurring theme: the DEIR/DEIS is flawed and did not adequately consider alternatives, impacts or mitigations. Particularly, my constituents desire a reliable multi-modal transportation system that does not include freeway expansion and provides transportation options for both residents and tourists. Frustration has been conveyed that this was never explored as an option or alternative. Additional alternatives should be coupled with

04 the No Build alternative, along with better and more appropriate technical studies and evaluations of the various Build alternatives. The evaluations should be performed using current data and the currently required simulation techniques. The comments on the DEIR/DEIS are substantial. A recirculation of the DEIR/DEIS is warranted to allow for a more informed review of the document by the public. All inadequacies, questions and comments

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RESPONSES

Responses to Sherri S. Lightner, Councilmember, 1st District, City of San Diego

01 Thank you for your comments, which are part of the public record.

02 Comment letters from the Torrey Pines Community Planning Board, City of San Diego, Carmel Valley Planning Board, and JPA were received and have been responded to separately from this letter.

03 The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please note that in part, *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by

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	03 cont. increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), however, these measures are not a substitute for freeway widening. All of the improvements are necessary for resident and tourists. Please also note that a number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities, such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities.
	04 The Draft EIR/EIS does not require recirculation. A Supplemental Draft EIR/EIS was circulated in August 2012, which provided newly available information on potential effects to lagoons, as well as clarification of issues related to latent traffic demand, sea level rise, water quality, and common design features and community enhancements proposed by the project. The Supplemental Draft EIR/EIS also had an expanded section on the drat Resource Enhancement Plan that is currently the Resource Enhancement and Mitigation Plan (REMP). The information contained in that document has been incorporated into the Final EIR/EIS, with primary discussion in *Chapter 2; Sections 3.9*, *3.10*, and *3.17*; *Chapter 4*; and *Executive Summary Table ES.13*. These documents combined satisfy the requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Additional alternatives do not need to be analyzed in detail. The EIR/EIS discusses the four build alternatives that were determined to be the most feasible in order to fulfill the goals and objectives

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04 cont. should be answered, and additional alternatives that are more consistent with the policies and goals of the relevant planning documents should be considered.

05 Possible alternatives to be considered should include immediate, substantial and aggressive investment in transit and freight infrastructure and improvements to encourage the use of transit. This should occur before there is any further widening of the freeway infrastructure. Creative changes to and temporal uses of the existing infrastructure may offer more environmental benefits over any of the build alternatives and allow for the better utilization of multi-modal transportation. For example, create the managed lanes from existing lanes. Then use the managed lanes during certain hours for BRT and HOV, and during other times to facilitate goods shipment with trucks and semi-trailers. Other ideas have included different types of infrastructure for different types of vehicle loads – single passenger vehicles confined to one type of roadway, transit to another and goods and freight with heavy trucks to another.

06 Of the alternatives proposed in the current DEIR/DEIS, the only option at this time is the No Build alternative, because the DEIR/DEIS is so deficient and the decision maker does not have adequate information to evaluate the limited alternatives presented for review.

07 I look forward to CalTrans' responses to the omissions and substantial limitations of the DEIR/EIS that are clearly identified by various comment letters including:

1. **The comment letter from the City of San Diego.** The project is not consistent with the City of San Diego General Plan Mobility Element and the Transportation elements of the Torrey Pines Community Plan, the Carmel Valley Community Plan and the Torrey Hills Community Plan. In particular the failure to address transit and multi modal transportation solutions in a meaningful way is inconsistent with the General Plan and Community Plans, which emphasize the importance of transit and transportation alternatives. The impacts on streets/arterials in communities adjacent to the expanded freeway have not been evaluated. The Mira Mesa Community Plan area is included in the project area and is not included in the DEIR/EIS. The University Community Plan goals and policies for open space and trails are not discussed.

Some specific comments from the City's comment letter (Attachment 2) are as follows:

08 a. "Please provide detailed information about how the proposed project is consistent with the City's General Plan Policies in the Mobility Element of the General Plan, specifically ME-C.6.a-n…The Mobility Element contains policies designed to promote walking, bicycling, transit use, and car pooling to help achieve transportation and environmental goals." Please demonstrate consistency with these policies. (Attachment 2, page 2)

09 b. "The General's Plan's Conservation Element has established goals and policies regarding air quality…Please discuss how the proposed project meets the…General Plan goals and policies of meeting federal and state regional air quality standards and reducing greenhouse gas emission." (Attachment 2, page 2)

10 c. For the Torrey Pines Community, there are specific goals and policies that have not been addressed by the DEIR/DEIS, including the use of mass transit and multi-modal transportation before adding more roadway capacity, the protection of landforms from visual impacts, and the protection of the scenic and visual resources of the coastal areas and open space areas. There is a commitment in the Torrey Pines Community Plan to protect the community's quality of life from the proliferation of single vehicle transportation and its ever increasing infrastructure needs.

RESPONSES

04 cont. of the project. The *I-5 NCC Project* alternatives are consistent with the applicable transportation planning documents: the North Coast Transportation Study, Congestion System Management Plan, and 2050 Regional Transportation Plan (RTP).

05 Please refer to response to Comment 03 in this letter with regard to alternative transportation. With regard to goods movement, truck traffic comprises approximately five to seven percent (average six percent) of I-5 traffic in the existing condition. This is also the projected future condition. Given this relatively small percentage, as well as the fact that HOV/Managed Lanes could be managed to exclude truck traffic if desirable, it is not necessary to include an alternative based on comprehensive goods movement. Restricting single-occupancy vehicles to one road and transit to another is a project beyond the scope of this EIR/EIS. This type of regional plan would extend (and affect) numerous routes, users, businesses, and delivery actions—potentially on a Statewide basis—and would not address a number of other project objectives. It would therefore not be a viable alternative.

06 Your preference for the No Build alternative is part of the public record. The project is not deficient. Many alternatives have historically been considered. Please refer to Topical Response "Corridor Alternatives" as well as EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*. The alternatives carried forward for consideration were all evaluated in the same level of detail.

07 Please refer to responses to your Comments 08 through 21 for detailed responses to the City of San Diego's comment letter.

08 As stated in EIR/EIS *Section 3.1, Land Use*, applicable community plans within San Diego reflect the larger goal of providing a transportation system with convenient linkages to the rest of the metropolitan region. The referenced EIR/EIS discussion also states that a reduction in congestion along the freeway system is a primary goal outlined in the Mobility Element of the San Diego General Plan. The proposed HOV/Managed Lanes would improve

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08 cont. mobility (reduce congestion) along I-5 within the City of San Diego limits and beyond. The proposed HOV/Managed Lanes could also potentially facilitate future Bus Rapid Transit (BRT) along the I-5 corridor and encourage carpool usage. Meeting multimodal transportation corridor needs is the justification of the proposed Direct Access Ramp (DAR) at Voigt Drive (near the UCSD campus) and of the proposed enhanced park and ride facility at Sorrento Valley Road/Carmel Valley Road west of I-5.

In addition, the project proposes construction of community enhancement projects (such as bicycle and pedestrian trails) that, if implemented, would improve the project interface with adjacent communities. These projects would enhance the local communities by incorporating context-sensitive design with proposed community enhancement projects in the City of San Diego, including (1) Carmel Valley Bicycle/Pedestrian trail connection; (2) Old Sorrento Valley Road Bicycle/Pedestrian Enhanced Trail Connections from Carmel Valley Road to Carmel Mountain Road; (3) Bicycle/Pedestrian Enhanced Trail and Bridge on west side of I-5 at San Dieguito Lagoon; (4) Pedestrian Overpass Connection north of Del Mar Heights Road; (5) Enhanced Park and Ride at Carmel Valley Road; and (6) I-5 North Coast (NC) Bike Trail in the City of San Diego, intended to provide a non-vehicular alternative along the entire I-5 project corridor.

Proposed project features, such as the HOV/Managed Lanes, DAR at Voigt Drive (near UCSD), and park and ride facilities, would encourage carpooling along the *I-5 NCC Project* corridor. In addition, the HOV/Managed Lanes would also potentially accommodate BRT service, thereby enhancing opportunities for mass transit use. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit,” for additional discussion regarding public transportation (including mass transit and multimodal options). As stated in the response to your Comment 04, the *I-5 NCC Project* is part of a balanced, multimodal transportation network. The proposed use of HOV/Managed Lanes is intended to provide incentive for I-5 users to carpool, and to establish a reliable option for carpoolers to reach their destination in a timely manner. Specifically, HOV/Managed Lanes have been shown to provide an important

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08 cont. commuting option, encourage ridesharing and, as stated in EIR/EIS *Section 1.3.5*, *Managed Lanes*, provide additional highway capacity within a constrained corridor while minimizing impacts to the environment and surrounding communities. Combined, these project design features would help accomplish the goals of the City of San Diego's General Plan Mobility Element.

09 EIR/EIS *Sections 3.14*, *Air Quality*, and *4.6*, *Climate Change*, provide detailed information regarding air pollutants and GHG. The project is anticipated to result in improvements to air quality when compared to existing conditions. Please refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and anticipated decrease in emitted pollutants with project implementation.

By relieving congestion in a high-congestion travel corridor, the proposed project would result in decreased GHG emissions. Please refer to Topical Response "Climate Change" for additional discussion of the global warming/climate change issue. These potential beneficial effects of the project would be consistent with the City of San Diego General Plan Conservation Element air quality related goals.

10 The *I-5 NCC Project* is part of a balanced, multimodal transportation network that will help accomplish the referenced goal of the Torrey Pines Community Plan. Please refer to Topical Response "Multimodal System" for a discussion of how the project and related planning fit within the regional transit system. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs.

Please refer to Topical Responses "Visual/Community Effects" for discussion of visual effects of the project and proposed mitigation measures. Avoidance, minimization, and mitigation measures identified include the incorporation of terraced designs for applicable walls to accommodate associated landscape screening. EIR/EIS *Section 3.7*, *Visual/Aesthetics*, concludes that implementation of the measures would partially mitigate adverse effects of the project for all build alternatives. The overall visual

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	10 cont. impact of each mitigated build alternative would remain high. Implementation of erosion-control measures would be consistent with the described goals of the Torrey Pines Community Plan. Consistency with the California Coastal Act is addressed in detail in *Table 3.1.1* of EIR/EIS *Section 3.1*. The project would be consistent with some key goals and inconsistent with others. As noted in the EIR/EIS, the San Diego Association of Governments (SANDAG) and Caltrans have prepared a Public Works Plan/ Transportation and Resource Enhancement Program (PWP/ TREP) in coordination with California Coastal Commission staff to recommend measures that would support a consistency determination with relevant coastal regulations under the California Coastal Act. *Table 3.1.1* of the EIR/EIS concluded that the project would be consistent with key goals of the Torrey Hills Community Plan.

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11 d. The Torrey Hills Community establishes an additional, specific goals in its Community Plan: "Provide a transportation system that maximizes the opportunities for public transit." The Plan also discusses the northerly extension of the LRT line along the western edge of Torrey Hills. This was not evaluated in the DEIR/EIS.

12 e. Property Acquisition. "An analysis should be conducted and a determination made as whether or not a community plan amendment will be required to amend the city and state jurisdictional line," if it is necessary to acquire property in the Carmel Valley Community Plan area. (Attachment 2, page 4)

13 f. I-5 Managed Lanes. "The project alternatives do not appear to meet the purpose of the CSMP (corridor system management plan) or the project's purpose and need statement related to transit. While the ...HOV lanes can be used for by BRT, the DEIR/DEIS does not identify BRT station facilities including platform locations and station and HOV parking. The DEIR/DEIS does not consider any options that include improve Coaster commuter rail options between Oceanside and Downtown San Diego beyond those considered in the Final Program EIR/EIS for LOSSAN corridor that was released in September 2007. To reduce visual and noise impacts associated with the proposed alternatives and greenhouse gas emissions, it is the City's recommendation that additional alternatives be included that focus on improving transit service including commuter rail and BRT. (Attachment 2, page 6)

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15

16 g. There are detailed concerns raised by the City of San Diego's Development Services Department, Transportation Review, including comments about the evaluation tools used and the evaluations performed. "The information presented in the DEIR/DEIS's technical study, 'A Summary of Traffic Reports November 2008,' suggests" that the different alternatives would have "cumulative impacts at" identified "intersections in the City of San Diego...These impacts should be acknowledged in the DEIR/DEIS in accordance with the significance thresholds listed on pages 70 – 71 of the *City of San Diego's Significance Determination Thresholds, January 2007* and mitigation proposed." (Attachment 2, page 7-8)

17 h. The Development Services Department, Environmental Analysis Section recommends that "impacts to biological resources should be quantified for each jurisdiction in order to assess the impacts to the resources within the City of San Diego boundaries. Mitigation should be provided to the maximum extent feasible in the same jurisdiction where the impacts occur, and should be provided in accordance with the mitigation ratios established by the City of San Diego Biology Guideline." (Attachment 2, page 8)

18 i. The Environmental Services Department is concerned that the DEIR/DEIS does not address solid waste management, and no rationale is provided for the "No Impact" label in the "CEQA environmental Checklist...in appendix G section XVII Utilities and Service Systems...items F and G concerning landfill capacity and compliance with federal, state, and local statutes regarding solid waste."

19 j. The Mira Mesa Community Plan area is included in the project area but is not included in the DEIR/EIS. Please provide an analysis of the relevant policies from the Mira Mesa Community Plan.

20 k. The University Community Plan policies for open space and trails are not discussed, yet there are specific and relevant goals within this community plan which may be impacted by the proposed project. (Attachment 2, Pages 4 – 5)

21 l. The San Diego Police Department provides lengthy comments on issues related to the proposed pedestrian bridge that would be located north of Del Mar Heights Road. (Attachment 2, pages 10 – 14)

RESPONSES

11 The proposed HOV/Managed Lanes would potentially accommodate BRT service, thereby enhancing opportunities for mass transit use. Please refer to Topical Response "Multimodal System" for a discussion of how the project fits within regional plans to encourage the use of mass transit, consistent with Goal 3 of the Torrey Hills Community Plan. While extension of rail through Torrey Hills is not included in the 2050 RTP, the proposed project would not preclude such an extension in the future.

12 As stated in EIR/EIS *Section 3.1.1.2* (under the discussion of *City of San Diego)*, the proposed project would potentially affect some of the open space areas located directly adjacent to the freeway. These areas would be used for freeway right-of-way. These impacts would not result in large land use pattern shifts, however, because the affected areas are preserved as open space and are not ideal for development due to terrain and resource restrictions. The land use plans contained in the Torrey Pines, Torrey Hills, and University Community Plans are schematic in nature, depicting I-5 as a single line on a map or a conceptual outline and so these plans may not need to be revised. Improvements to existing freeways typically do not trigger formal plan amendments, and Caltrans is not required to process local plan amendments. Local jurisdictions may choose to alter the depiction of I-5 in their plans as a result of the proposed project, at their discretion; this decision would be outside of Caltrans' jurisdiction.

Unavoidable impacts to open space areas within the City of San Diego would be mitigated at the property known as the Dean mitigation site, a 23.1-acre parcel located immediately north of the Crest Canyon Open Space Park. The Dean mitigation site would be restored to native upland habitat.

13 The I-5 San Diego North Coast Corridor System Management Plan (CSMP) assessed several options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding managed lanes on I-5, and improving

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	13 cont. regional arterials, bicycle and pedestrian routes, and bus, rail, and vanpool and carpool services. These various transportation modes are now preparing project-level CEQA and/or NEPA documentation, as appropriate. This EIR/EIS is the project-level document for this segment of I-5 only. It is consistent with the CSMP in that HOV/Managed Lanes provide the linchpin element in each of the build alternatives. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. If the Preferred Alternative is approved, only the HOV/Managed Lanes would provide through lane additions to the existing facility.
	14 As noted in the response to Comment 13, above, this project is focused on I-5 improvements, consistent with regional planning document direction. An objective of the project is to provide an I-5 facility that is *compatible* with future BRT and other modal options (emphasis added). Project elements providing compatibility with future BRT and other modal options include the provision of park and ride and DAR facilities that would not only provide current benefit but also be compatible with future BRT uses, as well as the incorporation of bike and pedestrian trails to support non-motorized travel. The project would support future BRT in the North Coast Corridor by allowing direct access through the DARs to the HOV/Managed Lanes, thus eliminating the need for buses to access the HOV/Managed Lanes through the general purpose lanes. The project proposes construction of multimodal DAR facilities at Manchester Avenue (including the San Elijo Multi-use Facility) and Voigt Drive, which would support and facilitate future BRT service. As described in EIR/EIS *Section 3.6.2*, *Affected Environment* (under the discussion of *Park and Ride Lots*), a park and ride lot works not only with HOV/Managed Lanes users, but also can work with other transit options when the site is served by transit (such as BRT). There are six park and ride lots along the project corridor: Sorrento Valley Road (at Carmel Valley Road west of I-5), Birmingham Drive (off Villa Cardiff Drive) in Encinitas, Calle Magdalena in Encinitas, La Costa Avenue in Carlsbad, Moreno Street in Oceanside, and Maxson Street in

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	14 cont. Oceanside. The project proposes an enhanced park and ride facility at Sorrento Valley Road/Carmel Valley Road west of I-5. The project also would not conflict with Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line or future Coaster improvements built along parallel but separate rights-of-way. Any transit stations that are built within the I-5 right-of-way would not be anticipated to function for rail travel. 15 As discussed in the response to Comment 14, above, the project is supportive of, and/or compatible with, improved transit, including both BRT and rail. Other lead agencies are pursuing improvements to both systems. Addition of alternatives to the I-5 document duplicating those efforts would be inefficient and unnecessary. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 RTP to encourage the use of mass transit and provide compatibility with BRT lines. 16 In general, 2030 delay with the build alternatives would be less than the delay in 2030 with the No Build alternative. Caltrans and the Federal Highway Administration (FHWA) have identified the refined 8+4 Buffer alternative as the Preferred Alternative for the project after extensive public outreach, receipt of comments on the Draft EIR/EIS, and consideration of input from the community and resource agencies. It should also be noted that the project proposes to widen key freeway interchange on-ramps to improve ramp intersection operations. The ramps to be widened include the Roselle Street southbound on-ramp, the Genesee Avenue to northbound I-5 on-ramp, and the Del Mar Heights Road to northbound I-5 on-ramp. In addition, the project proposes lane geometry improvements at the terminus of the Del Mar Heights Road northbound off-ramp that include adding a second left-turn lane. These improvements would benefit such intersections as Genesee Avenue/I-5 northbound ramps, Del Mar Heights Road/I-5 northbound ramps, and Roselle Street/I-5 southbound on-ramp. These proposed improvements can be found in Technical Report No. 6, available on www.keepsandiegomoving.com. The proposed interchange/ramp

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16 cont. reconfiguration improvements are also provided in *Table 2.2.2*, *Interchange/Ramp Reconfiguration*, of the EIR/EIS.

Caltrans has determined that any mention of "Roselle Street/I-5 northbound on-ramp" should read "Roselle Street/I-5 northbound off-ramp." That is, there is no northbound entrance ramp from Roselle Street, although there is a northbound exit ramp to Roselle Street.

17 The *I-5 NCC Project* is regionwide, and the corridor traverses or is near seven jurisdictions: San Diego, Del Mar, Encinitas, Solana Beach, Carlsbad, Oceanside, and Camp Pendleton. As discussed in EIR/EIS *Sections 3.17, Natural Communities,* and *3.21*, *Threatened and Endangered Species*, compensatory mitigation measures would be used to mitigate for unavoidable impacts to biological resources. As described in detail in these EIR/EIS sections, proposed project avoidance, minimization, and mitigation/enhancement features (the project Resource Enhancement and Mitigation Program, or REMP) comprise a substantial part of the TREP presented with the PWP and developed to support future permitting by the California Coastal Commission if the project is approved. The PWP/TREP addresses all impacts and proposed mitigation for the *I-5 NCC Project*, the LOSSAN projects, and local agency projects listed in that document. Compilation of those North Coast Corridor projects into a single mitigation and enhancement effort ensures that the most accurate assessment of total potential impacts is being made and that the best overall options for mitigation of that total effect are being evaluated. The proposed approach to mitigate impacts to natural resources from corridor-wide transportation development in advance of construction would result in greater regional benefits to coastal resources than if only ratio-based, project- and site-specific mitigation were employed. Mitigation planning is being developed on a watershed basis to address the resources impacted and not necessarily on municipal boundaries.

18 Project impacts to solid waste are addressed in EIR/EIS *Section 3.5, Utilities and Emergency Services*. As noted in that section, the project would not affect any landfill services and would comply with all applicable solid waste regulations. Also, as noted in EIR/EIS *Section 3.16, Energy*, project efforts to minimize

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	18 cont. energy consumption during construction would include recycling of materials and use of recycled materials (e.g., asphalt and concrete roadway materials).
	19 The western boundary of the Mira Mesa Community Planning Area is located along I-805 south of the merge with I-5. This community planning area is not deemed to be close enough to the affected I-5 corridor to warrant inclusion in the land use analysis.
	20 The goals of the University Community Plan are evaluated in EIR/EIS *Table 3.1.1*. The project is disclosed to be potentially inconsistent with key goals of the Open Space and Recreation Element.
	21 The input from the San Diego Police Department on ways to make the proposed pedestrian bridge located north of Del Mar Heights Road safer is appreciated. Caltrans will coordinate with the City of San Diego to address the City's needs with regard to personal safety measures in bridge locations as designs are refined following approval of the environmental document and selection of an alternative by decision makers.

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22 2. **The comment letter from the Torrey Pines Planning Board (TPPB).** This letter (Attachment 1) emphasized the failure of the DEIR/EIS to address the policies of the Community Plan related to transportation. In particular:

23 a. The validity of the noise study for the area abutted by both the Torrey Pines and Carmel Valley communities is questioned on both the assumptions and methodology used. The results may be grossly under-predicting the noise levels that will be experienced with any of the alternatives. The noise study indicates that twelve sound walls are needed for mitigation along this corridor. However, the conclusion that the sound walls are too costly to be constructed is unacceptable and will create a loss in quality of life, possible health effects, damage the utility of a public school and adjacent playing fields, and most likely cause a serious reduction in property values for the affected properties.

24 b. The proposed amenity for the communities – a pedestrian bridge over I-5 – requires further evaluation and interaction with the communities, the City's Park and Recreation, Environmental Services and Police Departments. There is great concern for personal safety in regards to the bridge location, bridge design, and bridge use, as outlined in the comments from the Northwestern Division of the San Diego Police Department. (Attachment 2, pages 10 – 14)

25 c. Of particular importance is the assertion that "CalTrans has failed to properly include the I-5/SR-56 Direct Connectors, Project 11, as an integral component of the I-5 NCC DEIR as outlined in 40 CFR 1502.4." (Attachment 1, Page 11). This project is contingent upon the completion of the I-5 NCC, and appears to be a significant omission by CalTrans.

26 3. **The comment letter from the Carmel Valley Planning Board (CVPB) (Attachment 3).** The letter from the CVPB states that "in its almost exclusive focus on the personal automobile, the 'I-5 North Coast Corridor Project' DEIR/EIS is in conflict with all relevant transportation policies and land use plans in the region. While (these) other policies and plans call for balanced, multi-modal transportation corridors, this plan can only suggest that the completed project might eventually lead to a mass transit system…the DEIR/DEIS remains relatively free of real analysis or what a massive investment in transit might accomplish, and the impacts of transit solutions are depicted as minimal." Some additional specific comments in the CVPB's comment letter are as follows:

27 a. "Each of the 'Build Alternatives' would significantly change the character of the I-5 coastal corridor throughout its 27-mile length, yet, the DEIR/DEIS fails to address the project's impact on communities." (Attachment 4, page 2) The Project "focuses on the automobile while suggesting that this project will lead to a mass transit system, thus it is in conflict with all relevant transportation policies and land use plans in the region. Given obvious attempts to (unjustifiably) minimize impacts, Caltrans further hurts communities by failing to make this project a true multi-modal one…Caltrans must rethink its role in shaping the environment." (Attachment 3, page 17)

28 b. "The four 'build alternatives' reflect no comprehensive regional transportation solutions to traffic congestion because they perpetuate automobile use and relegate mass transit to some vague future." They are inconsistent with the Mobility Element of the San Diego General Plan (2008), the Carmel Valley Community Plan and SANDAG's current Regional Transportation Plan (RTP) and the North Coast Transportation Study." (Attachment 3, page 2-3)

29 c. "Each build alternative would change the character of the coastal region and communities by virtue of high retaining walls, noise abatement walls and, as the

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22 Please refer to responses to your Comments 23 through 25, below, for detailed responses to the Torrey Pines Planning Board's (TPPB's) comment letter.

23 The assumptions and methodology applied in the noise study are appropriate. Future noise modeling for the *I-5 NCC Project* utilized the Caltrans highway noise prediction computer model, SOUND2000, Version 3.3, which was the FHWA-required methodology at the time the analysis was prepared. Because final design has not been completed, re-running the noise model to identify subtle noise contour changes that might result through use of the more recent TNM modeling program is not anticipated to change conclusions of analysis. Use of the TNM model could trigger use of the 2006 Caltrans Traffic Noise Analysis Protocol, which specifies its use. Because this Protocol also has modified thresholds for the "reasonable" and "feasible" analyses, modeling under the new Protocol could potentially result in the elimination of soundwalls determined to be "feasible" or required for "severely impacted" noise receptors under SOUND2000. Based on community coordination and comments received during public circulation of the Draft EIR/EIS, the decision was made to retain the more conservative modeling and subsequent assessment that the modeling would result in the greater number of soundwalls being installed if the project is approved.

It is true that, following the procedures outlined in Title 23, Part 772, of the Code of Federal Regulations (CFR) (Procedures for Abatement of Highway Traffic Noise and Construction Noise), the 12 soundwalls mentioned in the Torrey Pines Planning Board letter were determined not to be "reasonable" because the estimated construction costs would exceed the "reasonable" cost allowance. As noted in *Section 3.15* of the Final EIR/EIS, however:

<u>Segment 4</u>

- Soundwall S543 would not be "reasonable" due to the estimated construction cost exceeding the "reasonable" cost allowance (*Table 3.15.10*). Cost of acquisition for

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23 cont. right-of-way is assumed to be $94,010 for this wall, and when added to the construction cost, it exceeds the "reasonable" allowance. If the estimated construction cost could not be reduced to less than or equal to the "reasonable" allowance, construction of S543 would not be recommended (*Table 3.15.10*).

- It is preliminarily recommended that interior abatement be provided to Receptor R4.11 (13131 Portofino Drive) and the existing glass/block wall be left in place as this receptor would be "severely impacted" (vicinity of soundwall S551).

- It is recommended that interior abatement be provided to Receptor R4.23 (Casa Del Mar Apartments – Ruette Le Parc) as this receptor would be "severely impacted" (vicinity of soundwall S557).

Segment 5

- Soundwall S567 would not be "reasonable" due to the estimated construction cost exceeding the "reasonable" cost allowance (*Table 3.15.12*). Cost of acquisition for right-of-way is assumed to be $96,670 for this wall, and when added to the construction cost, it exceeds the "reasonable" allowance. If the estimated construction cost could not be reduced to less than or equal to the "reasonable" allowance, construction of S567 would not be recommended (*Table 3.15.12*).

Please refer to Topical Response "Soundwall Considerations" for additional details about the evaluation of "feasibility" and "reasonableness" for soundwall construction. Please also refer to Topical Response "Property Valuation" for additional information about the positive and adverse effects of highway-widening projects on adjacent residential and business properties.

24 The history of communication regarding the proposed pedestrian bridge crossing at the Del Mar Hills Elementary School is now part of the public record. The public review period for the EIR/EIS was extended to November 2010 to allow for sufficient time to review various materials that were not provided at the beginning of the review period.

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	24 cont. The trail and pedestrian overcrossing just north of the I-5/Del Mar Heights Road interchange was proposed as a community enhancement project to connect adjacent neighborhoods currently divided by the freeway. The bridge is proposed to include pedestrian lighting and safety fencing. Following circulation of the Draft EIR/EIS and receipt of comments, the connection to/from the neighborhood to the west was refined so the overcrossing now connects with the north-south I-5 North Coast Bike Trail. With respect to safety issues and related input from the San Diego Police Department regarding the proposed pedestrian bridge, please refer to the response to your Comment 21.
	25 The TPPB asked why the I-5 / SR-56 project was not included in Draft EIR/EIS *Section S.8, Other Projects and Considerations*. The projects in *Section S.8* were discussed in conformance with the Caltrans Standard Environmental Reference (SER) recommendation to describe any major actions proposed by other government agencies for the same general area as the proposed project in order to help describe the environmental setting for the project. Please note that the Final EIR/EIS provides a revised *Executive Summary* which eliminates *Section S.8*. The I-5 / SR-56 project has not been omitted from the *I-5 NCC Project* EIR/EIS. As a Caltrans project in the same corridor as the *I-5 NCC Project*, the I-5 / SR-56 project is included as a cumulative project in EIR/EIS *Table 3.25.2*. The I-5 / SR-56 project is also included in the list of projects in EIR/EIS *Section 1.3.7, Other I-5 Projects*. This discussion notes that the *I-5 NCC Project* would not preclude alternatives for various operational improvement projects that are included in the RTP. The *I-5 NCC Project* has independent utility because it does not require the I-5 / SR-56 project to be implemented nor is the *I-5 NCC Project* required because of the I-5 / SR-56 project. Whether or not the I-5 / SR-56 project moves forward, the *I-5 NCC Project* can proceed; therefore, it is not an omission for Caltrans to treat the I-5 / SR-56 project in a separate environmental document. The Draft EIR/EIS for that project was released in May 2012, and a public meeting was held on June 13, 2012. The public comment period ended in July 2012.

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	26 The *I-5 NCC Project* does not solely focus on the automobile. Community enhancement features included in the project are described in EIR/EIS Section *2.3, I-5 North Coast Regional and Community Enhancement Projects*, and include bicycle and pedestrian trail connections, new trails, park and ride facilities, streetscape improvements, and other opportunities that would be constructed simultaneously with the *I-5 NCC Project*. Transportation planning has been ongoing within the North Coast Corridor for decades. The study identifying the appropriate mix of transportation uses was completed in 2000 (please see Topical Response "Corridor Alternatives"). Since then, more specific environmental clearance has occurred for the variety of transportation upgrades required for each of the transportation modes. The project is only one element of a multi-agency, multimodal ongoing improvement effort for North County corridor transportation. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. The *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2050 to allow the region to work toward complex solutions that take extended time to implement. These projects together result in precisely the massive investment in transit proposed in the comment. Similarly, the environmental impacts associated with each individual project are appropriately being addressed by the respective Lead Agency responsible for implementation and management of the improvement.
	27 Please refer to the response to your Comment 26. The EIR/EIS addresses the full range of environmental issues in the 27-mile corridor, without minimizing impacts on affected communities. Furthermore, the *I-5 NCC Project* does not solely focus on the automobile. Regional and community enhancement features included in the project are described in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, and include bicycle/pedestrian trail connections, new trails, park and ride facilities, streetscape improvements, and other opportunities that would be constructed simultaneously with the *I-5 NCC Project*. Please refer to *Section 3.4* of the EIR/EIS and Topical Response "Visual/Community Effects" for discussion of how the project would not be expected to have an overall adverse effect on community character.

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29 cont. DEIR/DEIS points out, the widened freeway would be experienced as double the current size. The DEIR/DEIS accurately states that this project would change the corridor from suburban to an urban setting. There are significant and unmitigable environmental consequences, which are judged inconsequential in the document. ...The entire 'Project' is presented as the only way to manage congestion in the region even though the character of each community in the corridor will be strongly urbanized and each community will become isolated by large barriers." (Attachment 3, page 3)

30 d. "'The Project' could likely return the corridor to failed levels of service (LOS) from 5-10 years after completion." (Attachment 3, page 2)

31 e. "Given the impacts to the coastal environment, to visual and aesthetic values, to communities, to noise and air qualities, and given the questionable success of reducing congestion with these alternatives, Caltrans and other transportation planners should begin anew with alternatives which would not totally alter the coastal corridor." (Attachment 3, page 2) "Such alternatives should incorporate the multi-modal principles of the City of San Diego, and numerous community plans, by evaluating a regional-serving and efficient mass transit system. Caltrans should evaluate alternatives with all transit or multi-modal proposals with appropriate supporting infrastructure (DAR's) and compare the near and long-term congestion management capability of these alternatives to the congestion management capability of the four build alternatives. Include in the evaluation the effects of local, community-serving and frequent public conveyances that would connect homes, businesses, commercial/office use and the recreation/entertainment with core communities." (Attachment 3, page 16-17)

32 f. "The DEIR/SEIS is flawed in not explaining why these multi-modal and TDM (Transportation Demand Management) alternatives ['strategies to maximize efficiency of the existing I-5 (ride-sharing; replacing stop signs with traffic signals at intersections to improve peak hour flow; 'integrating multiple forms of transportation modes, such as pedestrian, bicycle, automobile, rail and transit;' 'promoting mass transit...' (2-12)] were not included since the overall Project goal was to improve traffic congestion by 2030 using multi-modal transportation. We are provided no data of how much more efficient I-5 would be by incorporating mass transit now on portions of I-5." (Attachment 3, page 5)

33 g. The build alternatives conflict with the City of Villages formula for transportation planning that was adopted by the City of San Diego into its General Plan policies and SANDAG into the 2030 RTP. "Planners coined the term 'Transit First' to emphasize that the region can no longer improve traffic congestion by paving and widening more roads." (Attachment 3, page 7)

34 h. As indicated in the comments from the Northwestern Division of the San Diego Police Department (Attachment 2, pages 10 – 14), the proposed Pedestrian Bridge at Del Mar Heights Road connecting the communities of Torrey Pines and Carmel Valley raise serious safety concerns. Additionally, "...there is no 'benefit' because these communities do not rely on I-5 in order to access each other." (Attachment 3, page 9)

35 i. "Most of the neighborhood (Carmel Valley) is above the freeway, making it impossible to block the noise with traditional sound walls. Sound walls are designed to reduce noise impacts to areas at the same level or below the noisy environment." (Attachment 3, page 13) The build alternatives, as compared with the No-Build alternative, state that "The difference between the No-Build and Build traffic noise levels would be three decibels or less..." Additionally, "sound energy must be doubled to produce a 3-db increase..." As noted in the Carmel Valley comment

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28 Regarding the reduction of congestion within a comprehensive regional transportation program, please refer to the response to your Comment 26. Consistency with local plans was evaluated in EIR/EIS *Section 3.1.2*, *Consistency with State, Regional, and Local Plans and Programs,* including *Table 3.1.1*. The Mobility Element of the San Diego General Plan explicitly outlines an increase in capacity and a reduction in congestion along the freeway system as a primary goal. In the assessment of consistency with the Carmel Valley Community Plan, *Table 3.1.1* notes that the proposed project would not adversely affect the community's desire to provide a transportation network that is integrated, complementary, and compatible with other citywide and regional goals. The proposed project is included in SANDAG's Regional Transportation Improvement Program (RTIP), and SANDAG's 2050 RTP. The project has undergone and is undergoing refinement as comments from the public are incorporated and consultations with permitting agencies proceed. Upon selection of an alternative, if the project is approved, any discrepancies between descriptions of project features in the RTIP, the RTP, and the finalized project will be resolved.

29 The EIR/EIS does not categorize urbanization or any other identified effects as "inconsequential." Significant and unmitigable impacts identified under CEQA are discussed in EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects*. These include visual/aesthetics because all four alternatives would result in highly adverse changes to the existing visual environment along the project corridor, and community character and cohesion because the 10+4 Barrier alternative would displace units in a 47-unit apartment complex in northern Carlsbad within an area identified as exhibiting traits of elevated community cohesion. The project continues to be refined to minimize impacts, and, as noted above, the refined 8+4 Buffer alternative has been identified as the Preferred Alternative, which is the smallest of the build alternatives proposed in the EIR/EIS. The Preferred Alternative would avoid impacts to this apartment complex. Caltrans also

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	29 cont. continues to assess the need for soundwalls in order to minimize construction of large barriers, and to work with communities on enhancement projects that could help offset the urbanization effects of the freeway widening. With regard to isolation of communities—connectivity between the communities abutting the freeway has been substantially reduced by the existing freeway. As described in EIR/EIS *Section 3.4.1.3*, the proposed project would include community enhancement features in the City of San Diego. In addition to the reconfigured interchanges, overpasses, and underpasses (all of which would be constructed with pedestrian and bicycle facilities), the community enhancement features in four general locations, if implemented, would increase connectivity between neighborhoods east and west of I-5 and provide residents with the ability to reach community facilities with greater ease. As a result, impacts to community cohesion in San Diego from the proposed project are likely to be positive. Regarding the reduction of congestion within a comprehensive regional transportation program, please refer to the response to your Comment 26, above.
	30 EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities* evaluates existing and future traffic conditions with and without project alternatives. *Tables 3.6.6* and *3.6.7* present projected levels of service (LOS) for these scenarios for I-5 freeway segments. It is true that LOS does not improve for every segment due to the magnitude of increased traffic in 2030 and limited widening of some alternatives; however, the factors of total delay, congested hours, and travel time compiled in *Table 3.6.3* are projected to improve over no build conditions for all build alternatives.
	31 The development of alternatives for reducing congestion in the I-5 corridor is summarized in EIR/EIS *Section 1.4, History and Background*. Additional information is provided in Topical Response "Corridor Alternatives." For discussion regarding how the freeway modifications fit within regional transportation planning efforts, please also refer to the response to your Comment 26. Also as noted in that response, the EIR/EIS includes the evaluation

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	31 cont. of multiple regional and local community-serving enhancement features that improve multimodal connections, such as bicycle/pedestrian trail connections, new trails, park and ride facilities, streetscape improvements, and other opportunities.
	32 Transportation Demand Management (TDM) and Transportation System Management (TSM) features are discussed in EIR/EIS *Section 2.2.3, Transportation System Management, Multimodal and Transportation Demand Management Alternatives*, which notes that although TSM measures alone could not satisfy the purpose and need of the project, TSM measures have been incorporated into the build alternatives for this project. In addition, the project is proposed to be flexible. The provision of HOV/Managed Lanes in association with the project does not preclude long-term future replacement with alternate transportation modes. As noted elsewhere within these responses, the proposed project is a critical element of the overall solution to North Coast Corridor transportation, along with rail, bus, non-motorized vehicles, etc.
	33 EIR/EIS *Section 3.1.2, Consistency with State, Regional, and Local Plans and Programs*, concluded that the proposed project would be generally consistent with the City of San Diego General Plan because the project involves the expansion of an existing transportation corridor, would not result in any substantial land use changes within the project corridor, and would minimize effects to adjacent existing land uses. The project was likewise concluded to be generally consistent with associated community plans. In the evaluation of the Carmel Valley Community Plan in *Table 3.1.1*, for example, the EIR/EIS concluded that the proposed project would not adversely affect the potential to provide a transportation network that is integrated, complementary, and compatible with other citywide and regional goals. Please refer to the response to your Comment 27. Also, as noted in the response to your Comment 30, the factors of total delay, congested hours, and travel time compiled in *Table 3.6.3,* are projected to improve over No Build conditions for all build alternatives. Please also refer to Topical Responses “Multimodal System” and “Mass Transit” for additional discussion of transit options.
	34 Please refer to the response to your Comment 24 regarding the Del Mar Heights Road overcrossing.

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35 cont. letter, "... the sound energy will double (on average) the entire length of the project." (Attachment 3, page 14). This is an unacceptable and unmitigable effect of the proposed build alternatives.

36 j. The build alternatives do not appropriately address mitigation measures for the significant visual blight associated with this project. The "vastly-increased amount of asphalt, retaining walls and losses of open view of the coastal area cannot be considered 'minor inconsistencies' with State, Federal, Regional, City, and community plans in this area." (Attachment 3, page 11) Particularly, the DEIR's description that "The additional lanes...(of) the I-5 NCC project would not substantially alter views' is not supported by the descriptions in the document of the retaining walls and widened roadway and bridge across the river valley and the San Dieguito Lagoon." (Attachment 3, page 11) These issues must be addressed in accordance with CEQA and NEPA guidelines and subsequently re-circulated to all responsive parties.

37 4. **The comment letter from the San Dieguito River Joint Powers Authority (JPA).** As the Vice-Chair of the San Dieguito River JPA, I am in full support of the organization's comment letter. This letter identifies 24 specific concerns ranging from the need for the project, the aesthetics and biological impacts, to apparent inconsistencies in the evaluation and outdated information in the technical studies which must be corrected.

In particular, the following statements are illustrative of the DEIR/EIS' inadequacies with respect to CEQA and NEPA:

38 a. "The Draft EIR/S does not adequately address the need for the project as required by NEPA, in particular the need relative to or in combination with the proposed LOSSAN rail corridor. In Section 1.3 (Need for the project), a statement is made 'even with the improvements (to the rail corridor), capacity would not be sufficient to address anticipated travel demand along the I-5 corridor in 2030,' yet no further explanation or analysis is provided to justify why widening of the I-5 to 14 lanes is needed if public transit along the LOSSAN corridor is expanded (i.e. double tracking). Caltrans' NEPA guidance regulations require explanation of and justification for the purpose and need of a project in an EIS. The Draft EIR/S should provide a quantified comparison of vehicular and rail trips within the I-5 corridor and how implementation of both the I-5 widening project and double tracking affects those trips." (Attachment 4, item 1)

39 b. The project does not fit with the I-5 NCC Corridor System Management Plan (CSMP). It does not consider a multi-modal approach to transportation in the corridor. "The Draft EIR/S does not adequately convey how the different modes of transit work together to meet demand and how public transit would reduce vehicular travel. If Caltrans continues to widen freeways to improve level of service and decrease vehicular travel times then there is no incentive for the public to use public transit. Impacts associated with widening the freeway are numerous and significant and are not adequately justified." (Attachment 4, item 2)

40 c. "The first paragraph on page A-29... completely dismisses any impacts to the (Coast to Crest) trail and San Dieguito River Park as *de minimis*. We strongly disagree with that assessment, which is based on vague unsubstantiated statements that appear to ignore the addition of 120 feet of freeway lanes, tall retaining walls, higher traffic volumes, increased shadowing...loss of habitat and new R/W over the Coast to Crest Trail." (Attachment 4, item 6)

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35 The severity of noise increases is not evaluated in terms of raw sound energy. As explained in EIR/EIS *Section 3.15, Noise*, in accordance with the Caltrans Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects, August 2006, a noise impact occurs when the future noise level with the project results in a substantial increase in noise level (defined as a 12 decibel [dBA] or more increase) or when the future noise level with the project approaches or exceeds the Noise Abatement Criteria (NAC), which have been established for various types of land uses. For example, the acceptable sound level, or NAC, for residences, motels, hotels, schools, churches, libraries, and hospitals is 67 dBA, as shown in EIR/EIS *Table 3.15.1*. EIR/EIS *Section 3.15.4, Avoidance, Minimization, and/or Mitigation Measures,* summarizes the existing and future predicted noise levels for both no build and build conditions, soundwall analyses, estimated costs, and preliminary abatement decisions for each freeway segment in the project area.

Future traffic noise levels with the project are predicted to be between approximately zero and one dBA higher compared to future no build noise levels for residences between Carmel Valley and Del Mar Heights roads; and between zero to two dBA higher between Del Mar Heights Road and Via de la Valle. Changes of three dBA or less generally are not detectable by the average healthy human ear. In a number of locations, however, the NAC would be approached or exceeded, and abatement is considered.

The Noise Abatement Decision Report (NADR) presents the preliminary noise abatement decision based on acoustical and non-acoustical feasibility factors, as well as the relationship between noise abatement allowances and the engineering cost estimate (as identified in the draft environmental document). The final overall "reasonableness" decision will take this information into account, along with other factors identified during the environmental review process. Specifically, these factors may include: impacts of abatement construction; public and local agency input; life cycle of abatement measures; views/opinions of impacted residents; and social, economic, environmental, legal, and technological factors.

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	35 cont. Please refer to Topical Response "Soundwall Considerations" for additional information regarding anticipated noise impacts and potential mitigation measures.
	36 Impacts on views of and from the freeway are evaluated in EIR/EIS *Section 3.7*, *Visual/Aesthetics*. San Dieguito Valley is highlighted as an existing visual resource on *Figures 3-7.10* and *3-7.11*. EIR/EIS *Section 3.7.4, Avoidance, Minimization, and/or Mitigation Measures* states that because the project has not yet entered final design, specific visual mitigation measures cannot be proposed at this time. *Chapter 3* of the EIR/EIS also explains that alternative mitigation measures may be necessary in each viewshed as project designs are developed and mitigation design guidelines are applied, that the overall visual impact of each mitigated build alternative would remain high under NEPA. *Chapter 4* notes that impacts to Visual/Aesthetics would remain significant under CEQA after mitigation identified in *Chapter 3*. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project. Please note, however, that the quote is specific to the changes to views seen by individuals within San Dieguito River Park (SDRP) and specific to addition of lanes only. The area is bisected by a long-term major transportation facility. Addition of lanes to such a facility would not introduce a new visual experience—it is an incremental change to the existing condition.
	37 The specific concerns of the JPA have been responded to directly in their letter. Please see individual responses below for the comments you have incorporated into this letter.
	38 Please refer to Topical Response "Multimodal System" with regard to implementing a multimodal approach to congestion reduction, as well as Topical Response "Corridor Alternatives" with regard to other functional alternatives reviewed during the past 20 years. The *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Consistent with regional transportation plans, all modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies.

ELECTED OFFICIALS — COMMENTS	RESPONSES
	38 cont. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. This document does not need to quantify rail versus vehicular trips within the corridor because reviews of types of improvements needed were completed as part of regional planning. The current EIR/EIS is a project-specific CEQA/NEPA document, as are the individual double-tracking documents now being pursued by SANDAG for LOSSAN.
	39 Corridor System Management Plans (CSMPs) are "living" documents that are updated based on new information and roadway performance monitoring. The Interstate 5 San Diego North Coast CSMP includes a range of strategies for addressing congestion, performance measures or criteria for identifying when action is needed, and a system for prioritizing which congestion management strategies would be most effective. This resulted in a solution that includes double-tracking the rail corridor, adding managed lanes (now identified as express lanes) on I-5, and improving regional arterials, bicycle/pedestrian routes and bus, rail, and vanpools/carpool services. The *I-5 NCC Project* is consistent with the CSMP. Information augmenting the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function at peak efficiency.
	40 *Section 3.1.3* of the EIR/EIS provides a summary of detailed analysis regarding park and recreational facilities. Please see EIR/EIS Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f). A portion of the Coast to Crest Trail traverses underneath the bridge crossing the San Dieguito River Bridge. This portion of the trail is on a revocable easement and is not subject to Section 4(f) at this specific location. Discussion of this portion of the Coast to Crest Trail has been carried into the Final EIR/EIS in *Section 3.1.3*.

ELECTED OFFICIALS — COMMENTS	RESPONSES
	40 cont. Following circulation of the Draft EIR/EIS, all alternatives have been refined to avoid permanently adversely impacting land within the SDRP. The issues of access, noise, visual, vegetation, and wildlife, were all specifically considered for adverse impact. As noted in the summary of effects, the SDRP is being developed as a regional open space greenway and park system by preserving and restoring land that would be integrated by a corridor of walking, equestrian, and bicycle trails that would extend from the Pacific Ocean to Volcan Mountain. Implementation of a build alternative would not permanently adversely affect any of the existing trails within the SDRP. The portion of the Coast to Crest Trail crossing under I-5, within Caltrans right-of-way, could be subject to temporary closures during construction activities, although efforts would be made to route hikers around the area of construction, with potential construction of a retaining wall to support the trail. This retaining wall would not be required under the Preferred Alternative. No permanent use of the trail would occur. The SDRP Administrator (the JPA) has confirmed that impacts associated with "connecting" trails would be beneficial in nature and exempt from Section 4(f) 23 CFR 744.13(g).

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41 d. "Minimizing the project footprint should be one of the project objectives." (Attachment 4, item 7)

42 e. "Of great concern to the JPA is the lack of community enhancements proposed for this portion of the North Coast Corridor that includes the western gateway to the regional 55-mile long San Dieguito River Park. … The I-5 NCC does not contribute to any enhancements in the San Dieguito River Park area, a substantial deficiency in the project." (Attachment 4, item 14)

43 f. "Because of the negative visual impact that sound walls would create through the lagoon area, the Draft EIR/S should address other design solutions to attenuate freeway noise…as feasible mitigation measures required by CEQA/NEPA…alternative freeway surface materials that reduce vehicular wheel sound should be examined as a mitigation measure…shorter noise walls that may reduce noise at sensitive receptor below the freeway elevation could also be examined as a mitigation measure. The DEIR/S should address other design solutions to attenuate freeway noise." (Attachment 4, item 16)

44 g. "The information in the Draft EIR/S about widening (39 feet on each side) the San Dieguito Bridge over the river lacks the specificity needed to accurately determine impacts to habitat, hydrology, tidal flushing and to the existing trail undercrossing." (Attachment 4, item 19)

45 h. The DEIR/S does not address a potential DAR at the Del Mar Fairgrounds. (Attachment 4, item 22)

46 i. "The biological analysis must be updated to reflect the current condition of the lagoon…The biological surveys were conducted prior to the (SCE) restoration (lagoon technical study is dated June 2006, which is during construction of the restoration project) and do not reflect the existing condition…. Inaccurate information misleads the decision makers and does not allow for an accurate assessment of impacts." (Attachment 4, item 23)

47 j. "The floodplain and hydrologic analyses are based on conditions that existed prior to the …restoration and must be updated." (Attachment 4, item 24)

48 k. "We strongly recommend that Caltrans recirculate the DEIR/S prior to its certification as it is presently inadequate in its evaluation of significant effects and mitigation regarding the San Dieguito River Park." (Attachment 4, item 1)

49 Additional groups have commented on the inadequacies, the outdated information and the inconsistencies in this DEIR/EIS related to the alternatives selected for evaluation and the failure to consider changes in the law, which should have had a significant impact on the alternatives. Please correct the DEIR/DEIS and present alternatives which are realistic for a sustainable environment and economy.

If I can be of further assistance, please contact my office at (619) 236-6611.

Best regards,

Sherri S. Lightner
Councilmember, District One
City of San Diego

RESPONSES

41 Minimization is important. Design refinement has continued since the circulation of the Draft EIR/EIS. As noted in response to Comment 13 of this letter, based upon continued environmental review, as well as comments by resource agencies and the public, the Preferred Alternative has been identified. This is based on the smallest (and the least costly) of the build alternatives evaluated in the EIR/EIS. If the Preferred Alternative is selected for implementation, impacts would be minimized to the extent practicable, as that alternative would require the least amount of new right-of-way, and no part of the SDRP would be adversely affected.

42 Specifically with regard to community enhancements, the EIR/EIS addresses a bicycle/pedestrian enhanced trail and bridge on the west side of I-5 (elements of the NC Bike Trail) in the vicinity. Additional proposed enhancements to the San Dieguito River Planning Area were clarified in *Section 3.1.3.2, Compensatory Mitigation*, in the Supplemental Draft EIR/EIS circulated in August 2012, and now incorporated into this Final EIR/EIS in *Section 3.17.3.3, Compensatory Mitigation*. A feasibility study was prepared for the establishment of coastal wetlands at the W19 plot in the San Dieguito River Planning Area (refer to *Figures 3-17.3a* and *3-17.4a* in the Final EIR/EIS). Hydrodynamic and fluvial modeling was completed on several options that would establish at least 50 acres of coastal wetlands and up to 14 acres of brackish marsh; they would not adversely impact the existing Southern California Edison (SCE) San Onofre Nuclear Generating Station (SONGS) project (a large San Dieguito Lagoon restoration project) or result in substantial changes to downstream sediment transport. The minimum 50 acres of established coastal wetland would be used at a 1:1 ratio for no net loss of wetlands for the *I-5 NCC Project*, as well as the LOSSAN double-tracking project. The newly established brackish marsh would likely be used to mitigate for impacts associated with local street and road projects, including the City of San Diego's new El Camino Real bridge. The JPA is working closely with Caltrans and SANDAG on this project, which will include trails proposed by the JPA.

ELECTED OFFICIALS — COMMENTS	RESPONSES
	43 Impacts to the view from the I-5 corridor towards the coastline, lagoons, and river valleys would be minimized where practicable as a matter of project design. Also, consistent with the preference stated in the referred JPA comment, no soundwalls would cross San Dieguito Lagoon. As outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners. Please refer to Topical Response "Soundwall Considerations" for discussion regarding the general soundwall evaluation and location analysis in accordance with the Caltrans Traffic Noise Analysis Protocol. Regarding the use of alternative roadway surfaces such as "rubberized asphalt" for noise reduction, the Federal Highway Administration (FHWA) does not acknowledge the use of such surfaces as a means to minimize noise. The surfacing increases maintenance cost, which is a factor being considered in applicability. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures. As a result, the use of alternative surfacing is not proposed for I-5. Soundwalls must block "line of sight" in order to block noise. If a listener can see over a wall, it will not block sound. For this reason, "shorter" walls than those proposed are not likely to attenuate noise.
	44 Specific to bridge design, please refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since circulation of the Draft EIR/EIS in 2010. The Supplemental Draft EIR/EIS addressed the specific issues of habitat impacts and hydrology, and those findings have been incorporated into this Final EIR/EIS. With regard to the San Dieguito bridge, impacts of the current design of the Preferred Alternative to federal waters of the U.S. and State wetland have been minimized and are provided in Final EIR/EIS *Section 3.18*.

ELECTED OFFICIALS — COMMENTS	RESPONSES
	45 The comment is correct. A DAR from I-5 to the Fairgrounds is not proposed as part of the project. As presented in *Section 2.2*, *Alternatives*, DARs proposed in the Draft EIR/EIS were located at Voigt Drive, Manchester Avenue, Cannon Road, and Oceanside Boulevard. The Cannon Road and Oceanside Boulevard DARs were removed from the proposed project subsequent to public review. Proposed changes at I-5 and Via de la Valle are compiled in *Table 2.2.2*.
	46 Since circulation of the Draft EIR/EIS, additional detailed studies have been prepared and/or completed regarding the biology and hydrology of the lagoons and potential project impacts, as well as additional analysis on potential project water quality effects. The 2012 Supplemental Draft EIR/EIS addressed SCE restoration of the lagoon and consistency with it. Vegetation mapping has been updated since the SONGS restoration and is identified in the Supplemental Draft EIR/EIS and Final EIR/EIS. The bridge improvements would not constrict the SONGS-improved tidal prism. The San Dieguito Lagoon impacts and mitigation package were part of the detailed review and coordination with the resource agencies that continued following public review and will continue through project permitting if a build alternative is approved. Information specific to evaluation of the I-5 bridge crossing of the San Dieguito River is located on Final EIR/EIS *Table 3.17.6*. Please see *Chapter 5* of this Final EIR/EIS for a listing of meetings and topics, including those specifically addressing the SDRP.
	47 Please see response to Comment 44 of this letter. The studies carried out for the lagoons were conducted in 2011 and 2012. Phase 2 hydrodynamic modeling was completed for San Dieguito Lagoon during this time period. The same scientists who modeled the SONGS restoration project completed the modeling on the I-5 bridge widening, and determined that no change to hydrology would result from the I-5 bridge modifications.
	48 The Draft EIR/EIS does not require recirculation. As indicated in the responses above, a wealth of accurate information relative to the SDRP was available in the Draft EIR/EIS. A Supplemental

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	48 cont. Draft EIR/EIS was circulated in August 2012, which provided newly available information on potential effects to lagoons, as well as clarification of issues related to latent traffic demand, sea level rise, water quality, as well as common design features and community enhancements proposed by the project. The information contained in that document has been incorporated into this Final EIR/EIS. These documents combine to satisfy the requirements of CEQA and NEPA.
	49 Letters received from others have received independent responses. The EIR/EIS is not considered deficient and additional alternatives are not necessary, as illustrated in these responses.

ELECTED OFFICIALS — COMMENTS

CITY OF OCEANSIDE

COUNCILMEMBER
ESTHER SANCHEZ

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California Department of Transportation – District 11
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Mr. Cesar Perez, Senior Transportation Engineer
Federal Highway Administration
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Subject: Comments on the Draft EIR/EIS Interstate 5 North Coast Corridor Project

Dear Ms. Harrison and Mr. Perez:

I, City of Oceanside Council Member Esther Sanchez, have reviewed the Draft Environmental Impact Report (EIR) Environmental Impact Statement (EIS) for the proposed Interstate 5 North Coast Corridor Project (proposed project). I appreciate the opportunity to provide comments on the Draft EIR/EIS to the California Department of Transportation and Federal Highway Administration.

01 I respectfully submit these comments to help ensure that State and federal agency decision-makers fully comply with NEPA 42 U.S.C. §4321 et seq, CEQA Public Resources Code §21000 et seq, and the CEQA Guidelines §§15000-15387 with respect to the proposed project. I am very concerned about the disproportionate and long term significant adverse environmental effects on our community.

What are the impacts and what is the mitigation for the local and regional traffic/circulation network impacts – during and after construction – of the project, aside from the direct access ramp (DAR) at Oceanside Boulevard and the HOV "managed" lanes?

02 What are the traffic impacts to the segment of Oceanside Boulevard between Interstate 5 and El Camino Real due to the proposed Oceanside Boulevard DAR? What is the mitigation for these traffic impacts?

What is the reason for citing the DAR at Oceanside Boulevard? What is the need behind the proposed DAR at Oceanside Boulevard, given that the Draft EIR/EIS acknowledges that the resulting level of service does not change with or without the DAR?

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RESPONSES

Responses to Esther Sanchez, Deputy Mayor, City of Oceanside

01 Thank you for your comments. Answers to your comments are provided below. These comments are part of the public record.

EIR/EIS *Section 3.6* requires the preparation of a Traffic Management Plan (TMP) to minimize delays during construction. The TMP would encompass a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please also refer to Topical Response "Construction Traffic."

Long-term impacts to local streets are addressed within the traffic studies that were prepared in support of the EIR/EIS and are summarized within EIR/EIS *Section 3.6*. These studies are available at www.keepsandiegomoving.com. The Oceanside

ELECTED OFFICIALS – COMMENTS

CITY OF OCEANSIDE

COUNCILMEMBER
ESTHER SANCHEZ

03 What would be the advantages, disadvantages, costs and impacts of an alternative DAR connecting to Camp Pendleton?

04 What is the mitigation for the elimination of almost an acre of land at the designated-public park known as the Center City Golf Course? What is the plan for getting approval for the taking of this land, which would require voter approval?

05 What are the considerations for public/mass transit alternatives? How do the advantages and goals of the Draft EIR/EIS Alternatives compare if the proposed project focused on public/mass transit alternatives instead?

06 Why was an 8 + 2 Alternative not studied? What would be the impacts and comparative advantages of an 8 + 2 Alternative?

07 How is the 10 + 4 Alternative consistent with the TransNet Extension Ordinance, including in regards to funding? (http://www.sandag.org/uploads/publicationid/publicationid_1283_6596.pdf p. 5, paragraph (a)(3))

08 Is the removal of the eastbound Vista Way to northbound I-5 loop ramp required because of the right-of-way required for the I-5 expansion, or because of the limited weave length for eastbound traffic on Vista Way with eastbound SR-78 coming from southbound 1-5? How will the number of trips displaced be mitigated for with the closure of the loop ramp?

09 Why does the Draft EIR/EIS segment the proposed project from other related actions, such as the I-5/SR-78 Interchange improvements? What is the impact if the I-5/SR-78 Interchange improvements do not occur or are completed at a much later date?

10 How will the City of Oceanside be reimbursed and/or provided mitigation for the costs incurred to study the Draft EIR/EIS, which was necessary due to the deficiencies in the document?

11 What is the mitigation proposed for the impacts to the Buena Vista Lagoon? Why is the Buena Vista Lagoon not being revitalized/repaired as mitigation for the proposed project?

12 How will mitigation measures such as soundwalls be applied in such a manner that minimal impact is realized to the visual corridor?

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RESPONSES

01 cont. Boulevard Direct Access Ramp (DAR) is no longer part of the proposed project.

In addition to the TMP, which provides the construction-period mitigation plan, please refer to http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSComm07.pdf (I-5 North Coast Corridor Community Impact Assessment) for project-related impacts and mitigation, including temporary or construction-related impacts, and long-term operational impacts to the surrounding community. This document is also available at www.keepsandiegomoving.com.

02 Please note that the Oceanside Boulevard DAR has been eliminated from the project, and the impacts associated with implementation of this facility would no longer occur. Draft EIR/EIS *Section 3.6.3.1, Traffic and Transportation,* listed the criteria used to select the proposed DAR locations along the *I-5 NCC Project*. Those criteria include: potential land availability, proximity to employment/activity centers, potential to serve local/regional transit services, proximity to park and ride facilities, proximity to underrepresented communities, engineering feasibility, local community support, and projected traffic demand. In some instances, some of these criteria have changed since completion of the Draft EIR/EIS. That occurred in this case, where the City has subsequently informed Caltrans that the City is still considering a range of land use opportunities in this vicinity, choice of which could be affected by DAR implementation. This resulted in the DAR being withdrawn from the proposed project.

03 Such a location would be specific to Camp Pendleton and would not serve the broader local and regional traffic that is not military base-directed. A park and ride in this area would not be advisable due to security concerns and requirements of the military base. Similarly, it would impact federal government land with potential

ELECTED OFFICIALS — COMMENTS	RESPONSES
	03 cont. national security implications and additional agreements required that could involve other federal agencies/branches of the government, including the U.S. Navy.
	04 The cited impacts to the Center City Golf Course were related to the Oceanside Boulevard DAR, which is no longer part of the proposed project (please refer to response to Comment 02 of this letter).
	05 Regarding public or mass transit transportation modes, the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. All modes of transportation (rail, bus, and highway) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), however, these measures are not a substitute for freeway widening. Solely focusing on a public/mass transit alternative also would not meet the project purpose and need.
	06 Please see *Section 2.6.1, Rejected Build Alternatives*. A Freeway/HOV 8+2 alternative was considered in the Major Investment Study (MIS) conducted by SANDAG from 1997 to 2000. This alternative would not meet the project purpose and need. An 8+2 facility would incur pre-project congestion 5 to 10 years after project construction. It would not maintain or improve travel times within the corridor through the design period; nor would it be compatible with bus rapid transit (BRT) and other modal options as the proposed project would.

ELECTED OFFICIALS — COMMENTS | RESPONSES

07 Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

In accordance with Section 4 of the TransNet Ordinance and Expenditure Plan, the Preferred Alternative is consistent with the long-range 2050 Regional Transportation Plan (RTP) and the short-range, multi-year Regional Transportation Improvement Program (RTIP).

08 The removal of the eastbound Vista Way to northbound I-5 loop includes the following factors and considerations:

1. Accommodate right-of-way expansion needed for the proposed I-5 widening (refer to Draft PR layouts http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/ExhibitAJune2010.pdf).
2. Minimize impacts to the Buena Vista Lagoon.
3. The eastbound Vista Way to northbound I-5 loop has extremely low traffic volume. Year 2030 “No Build” volumes are expected to be 400 Average Daily Traffic (ADT), 50 vehicles per hour (a.m. peak hour volume), and 80 vehicles per hour (a.m. peak hour volume) (refer to I-5 North Coast Freeway Operations Report http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf).

The traffic studies prepared for the *I-5 NCC Project* assume closure of this ramp.

With the eastbound Vista Way to northbound I-5 ramp closed, the nearest alternative to access northbound I-5 is California Street. Project traffic studies reflect that the California Street northbound on-ramp would accommodate 2,300 ADT, including 250 vehicles per hour in the a.m. peak hour and 280 vehicles per hour in the p.m. peak hour, in the year 2030 with the 8+4 alternatives. These volumes include the diverted volumes from the eastbound Vista

ELECTED OFFICIALS — COMMENTS	RESPONSES
	08 cont. Way to northbound I-5 ramp (refer to I-5 North Coast Corridor Freeway Operations Report http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf).
	09 Improvements to the existing I-5 / SR-78 Interchange connectors are proposed as part of the *I-5 NCC Project* (see *Figures 2-2.3, Sheet 56,* of the Final EIR/EIS) and Draft PR layouts: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/ExhibitAJune2010.pdf), which mainly addresses the widening of the I-5 freeway. A separate project from the *I-5 NCC Project* for the missing connectors is needed to address extensive traffic congestion and failing levels of service on these interchange facilities, freeway mainline facilities, and local streets surrounding these interchange connectors. The I-5 / SR-78 Interchange project is independent of *I-5 NCC Project*, as it requires substantial funding and separate environmental studies due to the project's wide area of coverage and complexity (e.g., proximity to the environmentally sensitive Buena Vista Lagoon and business establishments as well as residential areas). Please refer to the I-5 NCC Impact Assessment and Traffic Report for the traffic impact due to the I-5 widening project without the separate I-5 / SR-78 project. A detailed traffic impact for the I-5 / SR-78 Interchange would be part of the I-5 / SR-78 project's traffic studies. In addition: • The *I-5 NCC Project* and the I-5 / SR-78 project have independent utility. That is, the *I-5 NCC Project* deals with regional north to south traffic for 27 miles, while the I-5 / SR-78 project deals with local congestion at one location. • The *I-5 NCC Project* does not preclude any of the potential alternatives in the I-5 / SR-78 project. • For construction purposes, Caltrans will only build one combined project for I-5 North Coast Corridor and I-5 / SR-78.
	10 Although there are legal requirements to make California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA) documents available to interested parties, tribes, and local, state, and federal agencies, there is no requirement to compensate agencies or individuals for reviewing or studying a

ELECTED OFFICIALS — COMMENTS	RESPONSES
	10 cont. CEQA or NEPA document. Please refer to Title 14 California Code of Regulations, Chapter 3 Guidelines for Implementation of CEQA Section 15087(a), and Council on Environmental Quality Regulations for Implementing NEPA, Section 1503.1, 23 CFR 771.123.
	11 The *I-5 NCC Project* is regionwide, and the corridor traverses land in or adjacent to seven jurisdictions: San Diego, Del Mar, Encinitas, Solana Beach, Carlsbad, Oceanside, and Camp Pendleton. The proposed project avoidance, minimization, and mitigation/ enhancement features (the project Resource Enhancement and Mitigation Program, or REMP) comprise a substantial part of the Public Works Plan/Transportation Resource and Enhancement Program (PWP/TREP), which was developed to support future permitting by the California Coastal Commission if the project is approved. The PWP/TREP addresses all impacts and proposed mitigation for the *I-5 NCC Project*, the Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail projects, and local agency projects listed in that document. Compilation of all North Coast Corridor projects into a single mitigation and enhancement effort ensures that the most accurate assessment of total potential impacts is being made and that the best overall options for mitigation of that total effect are being evaluated. The proposed approach to mitigate impacts to natural resources from corridor-wide transportation development in advance of construction would result in greater regional benefits to coastal resources than if only ratio-based, project- and site-specific mitigation were employed. Mitigation specifics provided a major focus of inter-agency coordination in 2011 through 2013 and the Final EIR/EIS contains this augmented, clarified, and refined information regarding the mitigation program as well. This information is also provided in the PWP/TREP. The Buena Vista Lagoon optimization review identified a longer bridge and deeper, wider channel in this lagoon to allow for a reasonable range of restoration alternatives. A large-scale lagoon restoration is planned to be funded as part of the REMP. The choice of lagoon to be restored is up the resource agencies. These changes were described in detail in the Supplemental Draft EIR/EIS circulated in August 2012 and have been incorporated into the Final EIR/EIS (please refer to discussion in *Sections 3.9* and *3.17* and *Table 3.17.10*).

ELECTED OFFICIALS — COMMENTS	RESPONSES
	12 As described in the Draft EIR/EIS *Section 3.7*, a number of avoidance, minimization, and mitigation measures have been identified to address project visual/aesthetic and community character concerns. Specifically, these include such efforts as: the corridor-wide replacement and/or installation of landscaping enhancements to provide visual screening and blending; use of retaining walls in applicable locations to reduce grading requirements; incorporation of landscaped earthen berms as noise-abatement facilities where practicable, use of articulated or textural facades on retaining walls and soundwalls to provide contrast and avoid a monolithic appearance; use of transparent materials in soundwall design where practicable to retain desirable views; and incorporation of terraced designs for applicable walls to accommodate associated landscape screening (refer to EIR/EIS *Figures 3-7.113* through *3-7.149*).

ELECTED OFFICIALS – COMMENTS

CITY OF OCEANSIDE

COUNCILMEMBER
ESTHER SANCHEZ

13 How will adverse impacts to property values – as well as the related decline in property tax revenue – and community cohesion in neighborhoods located near the proposed project be mitigated?

14 How does the project help achieve California's goals for reducing greenhouse gas emissions?

How will California Senate Bill SB375 mandates be addressed and conformed to in the proposed project?

How will California Assembly Bill AB32 mandates be addressed and conformed to in the proposed project?

15 What will be the air quality impacts to the schools nearby by the proposed project? How will the air quality impacts to these schools be mitigated?

16 What are the impacts of air contaminants (PM2.4 and PM10) associated with the proposed project at a localized level?

17 Why is the proposed project's expansion not limited to the existing right-of-way? Would the proposed project be within the existing right-of-way if no more than two (one in each direction) HOV/HOT lanes were considered?

18 What are the advantages – comparative to the proposed project as well as other alternatives – and impacts of the conversion of two existing general purpose lanes (one in each direction) to HOV/HOT lanes?

19 Why is there no identification of a preferred alternative, which is a fundamental requirement of CEQA?

20 Why does the Draft EIR/EIS use outdated (2004) baseline noise level data?

21 Why does the noise study not show interior noise measurements for residential areas, hotels, schools, etc.?

22 How does the Draft EIR/EIS meet the requirements of CEQA and NEPA with respect to:

Sufficiently addressing the Project's main purpose?

The proposed project's flawed description preventing meaningful public review?

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Email: esanchez@ci.oceanside.ca.us

RESPONSES

13 Substantial adverse impacts to property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value. Because local property values are not anticipated to be substantially affected, project implementation also would not be expected to result in substantial adverse effects to associated property tax revenues. The potential for loss of value specifically related to I-5 improvements is addressed in the project Community Impact Assessment as well as EIR/EIS *Section 3.4, Community Impacts*.

Specifically with regard to community cohesion, please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County community character and why those effects are not expected to result in a substantial adverse overall effect in the communities already crossed by this highway. In addition, please note that Caltrans has worked with the City of Oceanside to develop a number of potential enhancement projects, including: (1) Pocket Park and Pedestrian Path at California Street; (2) Oceanside Boulevard Streetscape Enhancement; (3) Division Street Bicycle/Pedestrian Enhancements; (4) Mission Avenue Bicycle/Pedestrian Enhancements; (5) Bush Street Bicycle/ Pedestrian Enhancements and Community Gardens; (6) Community Open Space Park and Gardens; (7) SR-76 Underpass New Parking and Trailhead; (8) Pedestrian Underpass Improvements north of San Luis Rey River; (9) Harbor Drive/Camp Pendleton Pedestrian and Bicycle Enhancements; (10) I-5 North Coast Bike Trail in the City of Oceanside. Because the project would generally improve (rather than adversely impact) recreational facilities and would enhance access within the community, the implementation of new project features is not expected to have an adverse effect on regional community character.

ELECTED OFFICIALS — COMMENTS	RESPONSES
	14 Please refer to Topical Response "Climate Change." By enhancing operations and improving travel times through reduction of congestion along the I-5, emissions associated with stop-and-go traffic would decrease. As noted in EIR/EIS *Section 4.6*, compared to no build conditions, implementation of an 8+4 alternative is estimated to reduce 2030 carbon dioxide (CO_2) emissions in the San Diego Region by up to 340 tons per day. California Assembly Bill (CA AB) 32, the California Global Warming Solutions Act, sets goals for reaching 1990-level emissions by 2020 in order to address GHG issues. California Senate Bill (CA SB) 375, also known as the Sustainable Communities and Climate Protection Act of 2008, requires regional transportation plans to include a Sustainable Communities Strategy (SCS) that links transportation and land use planning together into a more comprehensive, integrated process. These are reflected in regional transportation plans that Metropolitan Planning Organizations (MPOs) develop. The SCS adds more detail to the traditional land use allocations used by MPOs and is a mechanism for more effectively linking a land use pattern and a transportation system together to make travel more efficient and communities more livable. The result is reduced GHG emissions from passenger vehicles along with other benefits, which, where practicable, meet GHG targets set by the California Air Resources Board. SANDAG's 2050 RTP incorporates the preferred 8+4 Buffer alternative in the revenue constrained scenario, and the RTP EIR provides a regional analysis of GHG emissions. With implementation of SANDAG's SCSs, in compliance with CA SB 375, the 2050 RTP would achieve the State-imposed goal to reduce GHG emissions to 1990 levels by 2020. The RTP EIR analysis evaluates the cumulative GHG emissions of the proposed project and other highway system improvements, in combination with other primary infrastructure projects. Impact projections from the CA AB 32 scoping plan would meet the goal of achieving 1990 GHG emission levels by 2020. Please refer to EIR/EIS *Section 4.6*, *Climate Change* and *Section 4.6.5* which specifically addresses CA AB 32 compliance

ELECTED OFFICIALS — COMMENTS	RESPONSES
	14 cont. and Caltrans participation on the Governor's Climate Action Team. As described in that section, Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing these smart land use strategies: job/housing proximity, developing transit-oriented communities, and high density housing along transit corridors. Caltrans works closely with local jurisdictions, but does not have land use planning authority. Caltrans supports efforts to improve energy efficiency of the transportation sector through supporting ongoing research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. Inasmuch, the proposed project responds to the need for modal options through HOV/Managed Lanes and the proposed bicycle and pedestrian enhancements.
	15 The project is anticipated to result in improvements to air quality when compared to existing conditions. Please refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and anticipated decrease in emitted pollutants with project implementation, as well as to EIR/EIS *Section 3.14, Air Quality,* for more detail. Because the decrease would occur project-wide, air quality related to I-5 operations also would be expected to improve at nearby schools. Impacts would beneficially lessen, rather than increase, with the project. No mitigation is required.
	16 As described in Draft EIR/EIS *Section 3.14*, based on screening using USEPA particulate matter (PM) guidance, the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against a no build condition. The proposed project's improvement of traffic operations by smoothing traffic flow would contribute to lower PM emissions when compared to no build conditions. The project, therefore, is in conformance for federal standards for particles with a diameter of less than 10 microns (PM_{10}) and particles with a diameter of less than 2.5 microns ($PM_{2.5}$); and is unlikely to increase the frequency or severity of any existing exceedances regarding state PM_{10} and $PM_{2.5}$ standards.

ELECTED OFFICIALS — COMMENTS	RESPONSES
	17 The footprint of the proposed project has been contained within the existing right-of-way to the maximum extent possible. Even with only two lanes, it is likely the proposed project would extend beyond the existing right-of-way due to the need for auxiliary lanes, interchange improvements, DARs as applicable, and lagoon bridge reconstruction. Please note, however, that a two-lane HOV alternative was rejected from detailed study during early alternatives evaluation as noted in response to Comment 06 of this letter because it would not meet project purpose and need. Please see *Section 2.6.1* of the EIR/EIS.
	18 Existing conditions demonstrate congestion and increased travel time during peak hours. Project modeling demonstrates that the existing numbers of lanes on I-5 will continue to experience increasing congestion due to the need for I-5 to accommodate additional future trips based on projections of regional population growth (please refer to Topical Response "Projected Growth"). The conversion of two existing general purpose lanes to HOV lanes would worsen existing congestion in the remaining general purpose lanes with resultant travel delays. This would result from the restriction of existing general purpose lanes that carry single-occupancy vehicles (still the largest ridership during peak commuter hours) to ridesharing vehicles. The maintenance of the existing number of lanes also would not provide any future capacity for projected increased usership. As discussed in Topical Response "Multimodal System," improvements to I-5 are a necessary part in improvement of all transportation modes in the North Coast Corridor overall. The scenario proposed would answer neither project purpose and need, nor would it support the regional vision for transportation improvement laid out in the 2050 RTP. No transportation benefits are identified for this suggested scenario.
	19 A single "preferred alternative" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before having decision makers consider whether to approve the project and select an alternative for final design. This approach is specifically allowed by 40 CFT 1502.14(e), which states, "Identify the agency's preferred alternative or alternatives, if one or more exists, [emphasis

ELECTED OFFICIALS — COMMENTS	RESPONSES
	19 cont. added] in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This refined alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Public input regarding the alternatives will be considered at this time. Additional details about the project, including the refined 8+4 Buffer alternative and proposed community enhancements that have been refined based on public comment and coordination between Caltrans and various affected municipalities, were provided in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS.
	20 The purpose of ambient noise measurements in a noise study is to provide a calibration of the noise planning model for existing conditions. In other words, it is used to make sure that the model will accurately reflect the way noise will spread and be heard when future conditions are predicted based on the comparison with real world conditions. It is not used to project future conditions. As a result, the precise date of the calibration is not anticipated to change the outcome of this project noise study.
	21 The Noise Study was prepared in accordance with the Caltrans Traffic Noise Protocol and 23 Code of Federal Regulations 772. Planning is based on residential exterior use areas and exterior of structures. Consideration was given to interior noise only when "excessive" noise (projected to be at or above 75 decibels [dBA]) is present at the outside of a structure and cannot be mitigated.

ELECTED OFFICIALS — COMMENTS

CITY OF OCEANSIDE

COUNCILMEMBER
ESTHER SANCHEZ

22 cont. The proposed project's inadequate discussion of means to mitigate the impacts, including with respect to the proposed project's effects on air and water quality, noise levels, visual and aesthetic considerations, and wetland preservation?

An adequate analysis of alternatives to the proposed project? and

The failure to make the factual findings required by law?

23 In order to cure the numerous defects in the Draft EIR/EIS, the document must be revised to fully and accurately describe all of the proposed project's components, and substantial new information must be obtained to adequately assess the proposed project's environmental impacts and to identify effective mitigation measures and alternatives capable of alleviating these impacts. CEQA and NEPA require that the public have a meaningful opportunity to review and comment upon the significant new information necessary for a full environmental review of the Project, and this new information should be presented to the public in the form of a revised and re-circulated Draft EIR/EIS.

I urge Caltrans District 11 and FHWA staff to revise and recirculate the Draft EIR/EIS. Please contact me with any questions at (760) 435-3057.

24 Thank you for your consideration of these questions and comments. I await your responses.

Respectfully Submitted,

Esther C. Sanchez
Council Member, Deputy Mayor
City of Oceanside
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Oceanside, CA 92054

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RESPONSES

22 The EIR/EIS thoroughly and completely addresses the proposed project's purpose and need, provides a thorough description and analyses of the build and no build alternatives, and discusses the cause, nature, and magnitude of potential impacts and proposed mitigations associated with implementation of the identified build alternatives and the No Build alternative. CEQA Findings need not be completed for the draft document. They are required for approval of the project and must be available by the time of project approval following environmental document certification (CEQA Guidelines Section 15091).

Please refer to the following EIR/EIS sections for more detailed project information on the cited topics. *Section 1.2* provides discussion of the proposed project's purpose. *Sections 2.1* and *2.2* provide discussion of the project description and the proposed project alternatives. *Chapter 3* provides analyses of the environmental consequences of the alternatives and proposed measures to avoid, minimize, and/or mitigate potential impacts. In addition, *Chapter 4* discusses Climate Change and Adaptation Strategies. Appendix A addresses resources evaluated relative to the requirements of Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 and proposed *de minimis* determinations.

Specific to air quality, *Section 3.14.4* discusses measures to minimize emissions during construction activities. The proposed project would be in conformance with federal $PM_{2.5}$ and PM_{10} standards and would be unlikely to increase the frequency or severity of any existing exceedances regarding the nonattainment of State $PM_{2.5}$ and PM_{10} standards. Project implementation would be expected to improve, rather than degrade, future conditions assuming the No Build alternative. As project effects would

ELECTED OFFICIALS — COMMENTS	RESPONSES
	22 cont. be beneficial rather than adverse, no project-level emissions mitigation is required. *Section 3.10.4* discusses avoidance, minimization, and/or mitigation measures for potential water quality impacts. Proposed measures would be best management practices (BMPs) during construction, maintenance, and design pollution prevention. Additional clarification on water quality was circulated as part of the 2012 Supplemental Draft EIR/EIS. With the proposed project, there would be an increase in water "treatment" in the corridor over existing conditions. This information has been incorporated into this Final EIR/EIS (please see EIR/EIS *Section 3.10.3* under the heading "Build Alternatives"). *Section 3.15.4* identifies the recommended measures to abate highway traffic noise. *Section 3.7.4* discusses recommended measures to avoid, minimize, and/or mitigate visual quality loss. In addition, design guidelines have been developed and will be reviewed by community groups, staff members of corridor cities, regulatory agencies, and the general public (please see Appendix L, Design Guidelines: I-5 NCC Project). Mitigation measures proposed outside the Caltrans right-of-way that would require regular maintenance and/or require the installation of non-standard equipment within the right-of-way can be implemented only if the responsible local jurisdiction would maintain them in perpetuity. *Sections 3.17.4* and *3.18.4* of the EIR/EIS discuss the measures to avoid, minimize, and/or mitigate impacts to wetlands and waters. Please also refer to the response to Comment 11 of this letter. As noted, substantial additional information was compiled and analyzed following public circulation of the Draft EIR/EIS that relates directly to potential project effects to wetland resources and the appropriate mitigation, including preservation, enhancement and restoration. This was circulated as part of the 2012 Supplemental Draft EIR/EIS and is now incorporated into this Final EIR/EIS. 23 As described throughout this letter (and particularly in response to Comment 22, above), information required by the decision makers in order to make a decision, as well as by the public in order to complete an informed review, were available at the time of public circulation of the Draft EIR/EIS. Since then, a Supplemental Draft EIR/EIS was prepared and circulated in August 2012 that

ELECTED OFFICIALS — COMMENTS	RESPONSES
	23 cont. expanded upon and clarified information provided in the Draft EIR/EIS. That document identified the locally preferred alternative, provided results of the Phase 2 lagoon optimization studies, as well as additional clarifications related to water quality, sea level rise, additional information related to community enhancements, etc. This information supported conclusions reached in the Draft EIR/EIS and is now incorporated into this Final EIR/EIS. There is no need to recirculate the document.
	24 Thank you for your interest and participation in the *I-5 NCC Project*.

ELECTED OFFICIALS – COMMENTS

PAM SLATER-PRICE
CHAIRWOMAN
SUPERVISOR, THIRD DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

November 19, 2010

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Pacific Beach
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Sabre Springs
San Carlos
Scripps Ranch
Solana Beach
Tierrasanta
Torrey Hills
Torrey Pines

Shay Lynn M. Harrison
Branch Chief
Environmental Planning Branch C
Caltrans District 11
4050 Taylor Street
San Diego, CA 92110

RE: Comments on Interstate 5 North Coast Corridor Draft EIR/EIS

Dear Ms. Harrison,

01 I am writing to express my concerns regarding the Interstate 5 (I-5) North Coast Corridor Draft EIR/EIS (I-5 Draft EIR/EIS). First, I will not be repeating the highly-detailed comments forwarded by the San Dieguito River Park Joint Powers Authority nor those of the Torrey Pines and Carmel Valley Community Planning Group Boards, and the cities of Del Mar, Encinitas, and Solana Beach, all within San Diego County District 3, as well as those of the cities of Carlsbad and Oceanside. I do, however, support all of their concerns and specific comments on the I-5 Draft EIR/EIS. I believe the only acceptable project is the 8 + 4, which was approved by the voters in the *TransNet* Extension. The best alternative would be one that attempts to build entirely within the existing right-of-way wherever possible.

02 Now, to my specific comments, SANDAG and the North County Transit District (NCTD) have been planning to increase the COASTER headways on the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (LOSSAN) rail corridor to 15 minutes. This is the primary transit option being offered to residents who must commute between downtown San Diego and the City of Oceanside and the cities between them. One of the major drawbacks for users of the COASTER is that there is inadequate transit circulator access to go from the COASTER stops to job destinations. The I-5 Draft EIR/EIS is proposing to add Bus Rapid Transit (BRT) with direct access ramp (DAR) to stations and parking structures for potential users of the BRT.

The I-5 BRT component will be in direct competition for the same riders as currently use the COASTER. With an investment of millions of dollars in commuter rail serving the same corridor, it makes no sense to provide another service. More importantly, the biggest drawback for commuters using the COASTER is inadequate transit infrastructure to move from the COASTER stations to employment centers in the communities where the COASTER stops. The same issue will befall the BRT. How does one get from the BRT

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RESPONSES

Responses to Pam Slater-Price, Chairwoman, San Diego County Board of Supervisors

01 Thank you for your comments, which are part of the public record. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

02 Subsequent to circulation of the Draft EIR/EIS, SANDAG released the 2050 Regional Transportation Plan. In that plan, BRT along I-5 has been curtailed within the current planning window. Although specific BRT facilities would not be constructed as part of this project, future use of the HOV/Managed Lanes by BRT would not be precluded. Consistent with this, please note that two of the Direct Access Ramps (DARs) proposed in the Draft EIR/EIS have been eliminated from the current project (Cannon Road and Oceanside Boulevard). The other two (Voigt Drive and Manchester Avenue) have been sited in coordination with ongoing transportation planning by others as well as the local cities. Please also note that proposed transportation upgrades under evaluation and implementation by a number of transportation agencies are the result of a multi-agency, multimodal improvement effort for

ELECTED OFFICIALS — COMMENTS

02 cont. transit center adjacent to the freeway to jobs, shopping, and homes outside the station? If our ultimate goal is to get individuals out of their cars and onto mass transit to reduce congestion and greenhouse gas emissions, then we should be focusing on improving transit in and around the existing COASTER stations, not adding another parallel transit system with inadequate access from stations to jobs, shopping, schools, and housing.

03 The money saved by not constructing DARs and BRT transit centers might better be used to set up circulator transit routes from COASTER stations to major job or shopping centers. For example, there has been an outcry from constituents in Carmel Valley who would like to see a service from the Solana Beach COASTER station traveling along Camino Del Mar then east on Del Mar Heights Road, turn around at Carmel Valley Road, and travel west on Del Mar Heights Road back to Camino Del Mar traveling north to the Solana Beach COASTER station. This loop would provide access to homes, shopping, schools, and jobs.

04 When the citizens of San Diego County voted to approve the *TransNet* Extension, they did so with very specific projects in mind. They expect their elected officials to honor those commitments. The two 10 + 4 alternatives are not what the citizens approved. With limited financial resources, we need to plan wisely and adding another form of transit in the I-5 corridor without circulator transit systems to get people from the stations to jobs, shopping, schools, and home will not work – you set up two systems to be underutilized. We need to look at the whole network, not just the freeway.

Sincerely,

Pam Slater-Price

PAM SLATER-PRICE
Chairwoman
San Diego County Board of Supervisors
PSP/sk

RESPONSES

02 cont. North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) ultimately are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options.

03 Regarding your comment about funding, and potential elimination of DARs and BRT stations, please see the response to Comment 02 of this letter. SANDAG is the regional planning agency responsible for disbursing funds to various modes of transportation throughout the County. SANDAG has committees designed to provide opportunities for citizens, elected officials, agency staff, and representatives of civic and community groups to become involved in programs within the region. The TransNet Independent Taxpayer Oversight Committee was formed to provide a higher level of accountability for expenditure of funds. More information about this committee and SANDAG is available at www.sandag.org.

You are also encouraged to visit the TransNet Dashboard at www.transnettrip.com, to view the status of the *I-5 NCC Project*. This website was created to keep the public informed on TransNet projects and provides up-to-date schedule, budget, and expenditure information.

04 The focus in this EIR/EIS is the I-5. Consistent with your comment, approval of the Preferred Alternative would be consistent with the 8+4 alternatives and the overall referenced network as discussed in the North Coast Transportation Study, the Interstate 5 San Diego North Coast Corridor System Management Plan, and the 2050 Regional Transportation Plan.

ELECTED OFFICIALS — COMMENTS RESPONSES

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Chapter 4.5

NATIVE AMERICAN TRIBES

NATIVE AMERICAN TRIBES – COMMENTS

PALA BAND OF MISSION INDIANS
Tribal Historic Preservation Office
35008 Pala Temecula Rd. PMB 445
Pala, CA 92059

Ph: (760) 891-3591
Fax: (760) 742-4543

July 23, 2010

Susanne Glasgow
Deputy District Director, Environmental
Department of Transportation
District 11
4050 Taylor Street, M.S. 242
San Diego, Ca 92110

Re: Draft Environmental Impact Report/Environmental Impact Statement, Interstate-5 North Coast Corridor Project

Dear Ms. Glasgow,

01 The Pala Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Robert Smith, Tribal Chairman.

We have consulted our maps and determined that the project as described is not within the boundaries of the recognized Pala Indian Reservation. The project is also beyond the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Therefore, we have no objection to the continuation of project activities as currently planned and we defer to the wishes of Tribes in closer proximity to the project area. However, we would like to point out that the area in question is near known archaeological sites, and would like to recommend that you consider Native American monitoring as a requirement for the project.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone at 760-891-3591 or by e-mail at sgaughen@palatribe.com.

Sincerely,

Shasta C. Gaughen, MA
Tribal Historic Preservation Officer
Pala Band of Mission Indians

ATTENTION: THE PALA TRIBAL HISTORIC PRESERVATION OFFICE IS RESPONSIBLE FOR ALL REQUESTS FOR CONSULTATION. PLEASE ADDRESS CORRESPONDENCE TO **SHASTA C. GAUGHEN** AT THE ABOVE ADDRESS. IT IS NOT NECESSARY TO ALSO SEND NOTICES TO PALA TRIBAL CHAIRMAN ROBERT SMITH. PLEASE ALSO NOTE THAT JOE NIXON NO LONGER WORKS FOR THE PALA THPO.

Consultation letter 1A

RESPONSES

Responses to Shasta C. Gaughen, MA, Tribal Historic Preservation Officer, Pala Band of Mission Indians

01 Thank you for your comments, which are part of the public record.

NATIVE AMERICAN TRIBES — COMMENTS

RESPONSES

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November 22, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
California Department of Transportation
District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street, MS 242
San Diego, CA 92110

VIA ELECTRONIC MAIL
I-5_NCC_EIR_EIS@dot.ca.gov

RE: COMMENT LETTER ON INTERSTATE 5 NORTH COAST CORRIDOR DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT

Dear Ms. Harrison:

Thank you for the opportunity to submit the following comments regarding Interstate 5's ("I-5") North Coast Corridor Expansion Project ("Project"). We, the San Luis Rey Band of Mission Indians ("Tribe"), have had strong working relationships with the California Department of Transportation ("CALTRANS") throughout the years and look forward to continuing our relationship during this Project.

As you are already aware, we are a San Diego County tribe whose traditional territory encompasses the cities of Oceanside, Carlsbad, Fallbrook and Vista, in addition to San Marcos and Escondido, among others. As you are also aware, we are resolute in the protection and preservation of our cultural resources.

01 For the purpose of providing comments in regards to this Project, we will be focusing our concerns to the traditional Luiseño territory as it relates to the CALTRAN's Right-of-Way ("ROW") of the northern potion of I-5 at Harbor Drive to the southern locale of Batiquitos Lagoon. Moreover, due to the fact that the effects to Luiseño cultural resources will be the same regardless of which build alternatives are selected for the Project, we will be refraining from any opinion in that regard.

We have reviewed the Project's Draft Environmental Impact Report/Environmental Impact Statement ("DEIR") as well as the provided studies conducted specifically for the analysis and protection of cultural resources. We commend CALTRANS in their decision to conduct their cultural analysis studies by employing the broadest possible footprint or

Responses to Merri Lopez-Keifer, Tribal Legal Counsel, San Luis Rey Band of Mission Indians

01 Thank you for your comments, which are part of the public record.

NATIVE AMERICAN TRIBES — COMMENTS

RESPONSES

01 cont.

largest area of impact possible when discerning if a particular archaeological site would be negatively impacted. In doing so, not only were inadvertent discoveries made, but an increased amount of sites will now be protected by Environmentally Sensitive Area ("ESA's) protocols.

It is important for you to realize that the Tribe does not oppose the Project in general, but that we *are* passionately opposed to any plans that may damage or destroy any potentially significant cultural or sacred sites and human remains that may be located within the Project's proposed Area of Potential Effect ("APE") and Area of Direct Impact ("ADI").

The following comments are in direct relation to the information provided through Section 3.8 *Cultural Resources* of the DEIR.

02

I. THE TRIBE RESPECTFULLY REQUESTS TO BE MADE A PARTY TO THE MEMORANDUM OF AGREEMENT.

The Tribe respectfully requests to be made a party to the Memorandum of Agreement ("MOA") that is being prepared to complete the Section 106 process prior to the completion of a Final EIR/EIS ("EIR") [1]. According to the DEIR, the MOA defines the roles and responsibilities of the agencies involved in the undertaking and provides a detailed understanding of the adverse effects and potential adverse effects to cultural resources prior to the completion of construction. The Tribe does not recognize any previously listed interested parties as official designates of the Tribe. We respectfully request that the Tribe be made an interested party and/or signatory to the MOA prior to the completion of the EIR and prior to the signature of the District Director of CALTRANS being obtained.

03

II. CA-SDI-12670 HAS POTENTIAL TO CONTRIBUTE INFORMATION IMPORTANT IN PREHISTORY, AND AS SUCH, SHOULD BE PROTECTED FROM BEING DESTROYED FROM THE CONSTRUCTION OF A SOUND WALL.

The prehistory of this region is of great concern for our Tribe, our sister Luiseño tribes and the general public. It should therefore, not be surprising that the Tribe would prefer SDI-12670 to be excluded as a site for the placement of the sound wall. We are aware that Luiseño monitors were present for most, if not all, site checks and no opposition or opinion was provided regarding this site to CALTRANS. However, according to CALTRAN's own Finding of Effect (FOE) Report, even though the site has been disturbed by development "the site area [of CA-SDI-12670] within the right-of-way/APE seems to retain integrity.[2]" And moreover states, "the remaining intact portions of the site offer tremendous potential for future archaeologists employing vast different

[1] The Tribe understands that the MOA will not be "effective" until the public comment period is completed. It is our further understanding that only at that time will the District Director of CALTRANS sign the MOA.

[2] Finding of Effect (FOE) (November 29, 2007), page 10.

DEIR Comment Letter to CALTRANS-District 11
Interstate 5 North Coast Corridor Expansion Project
Page 2 of 9

02 Caltrans has revisited the project features since circulation of the Draft EIR/EIS and has determined that avoidance of adverse effects to the historic properties within the area of potential effect (APE) is possible. Because adverse effects to the historic properties within the APE are now being avoided, a memorandum of agreement (MOA) will not be required for this undertaking.

03 This site will now be avoided as the soundwall will no longer be built.

NATIVE AMERICAN TRIBES — COMMENTS | RESPONSES

03 cont. technologies and strategies.[3]" Our concern centers on the reality that with the construction of a sound wall, all future access to the deeper portions of the site will be precluded and any information that could otherwise be obtained lost forever. We therefore respectfully request that either the sound wall be located to a different site, or in the alternative, if it must be placed at the current proposed location that it is done with the most unobtrusive or least destructive method possible. It is clear through the process and progress of this Project that enough of our history has been destroyed for purposes of development.

A. The Proposed Data Recovery Excavation Plan Is An Acceptable Mitigation Measure.

04 We have reviewed the Cultural Resources Treatment Plan ("CRTP") (2007) and the Data Recovery Plan Within the Area of Direct Impact for a Sound Wall at Prehistoric Site CA-SDI-12670 (November, 2007) and are by and large comfortable with the proposed investigation and procedures it lays out as a measure of mitigation to the adverse effect on the site. The only point of contention we do have is as to it relates to the dissemination of the information. We formally request that such portion of the CRTP and the Data Recovery Plan as it relates specifically to CA-SDI-12670 be amended and include the Tribe as a recipient of any and all reports and/or analyses of any data recovered from the excavation of the site. As we stated earlier, any information that can aid us in better understanding the areas Luiseño history is of the utmost importance to us.

04 Excavation of the site will no longer be required.

B. Geomorphic Testing Should Be Utilized As Stipulated In The Geomorphic Assessment for Buried Archaeological Resource Report.

05 We have also reviewed the 2005 Phase I Geomorphic Assessment for Buried Archaeological Resources Report ("GABARR"). According to the GABARR many of "the earliest sites along the California coast are buried[4]" and that "it is quite possible that the earliest record of human settlement in coastal California has not yet been discovered because it is deeply buried.[5]" After reviewing the GABARR it is clear that almost all sites near a body of water within our traditional Luiseño territory has a high probability of buried sites containing cultural resources. CA-SDI-12670 is located near a body of water and as such may contain buried sites. Given this information, we respectfully request that the Data Recovery Excavation team utilize the most efficient, least evasive methods in obtaining the potentially invaluable information contained within this site.

05 Excavation of the site will no longer be required.

06 ***C. Use of Cadaver Dogs Should Be Utilized Given The Past Discovery Of Human Remains At CA-SDI-12670.***

06 Excavation of the site will no longer be required.

[3] Id.
[4] Phase 1 Geomorphic Assessment for Burid Archaeological Resources, Interstate 5 and State Route 76 Expansion Projects, San Diego County, California (May, 2005), page 1
[5] Id.

NATIVE AMERICAN TRIBES — COMMENTS

RESPONSES

06 cont. According to the Data Recovery Plan as it relates to CA-SDI-12670, "special sensitivity[6]" should be given to the site due to the previously documented human burials at the site. We'd ask that the Institute for Canine Forensics (ICF) be contracted, as in the case of CA-SDI-17928, to inspect the sound wall location for any evidence of existing human burial sites. If the dogs "alert" within the area surrounding the sound wall that human remains may be present, we'd ask that all construction plans for the sound wall being re-assessed and that appropriate measures be taken to avoid the site.

III. THE ESA ACTION PLAN IS THOROUGH AND REFLECTS CALTRANS COMMITMENT TO PROTECT NATIVE AMERICAN CULTURAL RESOURCES; HOWEVER WE BELIEVE THE LANGUAGE MUST BE AMENDED TO CLEARLY REQUIRE THE PRESENCE OF NATIVE AMERICAN MONITORS, AND CLEARLY STATE THEIR POWERS AND THEIR RESPONSIBILITIES.

In Paragraph 1 of the ESA Action Plan it states that a Native American monitor, from the appropriate cultural affiliation, will be hired to work with the prehistoric archaeological monitor. However, as the document proceeds "monitor" is used without distinction. In those instances, it is unclear whether the ESA Action Plan is referring to the archaeological monitor or the Native American monitor, of if both are simply interchangeable[7].

07 For instance, in Paragraph 2, where the ESA Action Plan discusses the definition of "ground disturbance," it states that, "[a] monitor shall be present in the field wherever ground-disturbing activities are occurring within 15 meters (50 feet) of an ESA . . ." There is no distinction made as to which monitor must be present. It's our opinion that both archeological and Native American monitors should be present, however the document itself is absent of such distinction.

In addition, Paragraph 3 of the Proposed ESA Action Plan refers to the importance of the preconstruction meeting and whom is to attend such meeting. Currently, the second sentence states, "This meeting will serve as the venue for the Engineer, Contractor, Monitor, and other project-related personnel to be informed about the ESAs and the requirement to avoid all other physical disturbances within them." Again no distinction is made as to which monitor is being included, and once again it would be the Tribe's position that both monitors be required to be present. In paragraph 4, a "monitor" is to be present during the installation of any temporary fencing around an ESA. Again, no distinction is made as to which monitor they are referring, but it is the position of the Tribe that both the archaeological and the Native American monitor be present.

[6] 2007 Cultural Resources Treatment Plan, Caltrans-District 11, Appendix A: Data Recovery Plan within the Area of Direct Impact for a Soundwall at Prehistoric Site CA-SDI-12670, (November 2007), page 7.
[7] We do note, however that the chart following the ESA Action Plan breaking down the "Tasks and Responsible Parties" does specify the presence of a Native American monitor as it relates to Paragraphs 2, 3, 4 and 7. Yet, we would prefer the actual document's language to be drafted in a less ambiguous manner prior to the Final EIR.

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07 As discussed in EIR/EIS *Section 3.8, Cultural Resources*, efforts to avoid causing indirect impacts to eligible archaeological sites would include archaeological and Native American monitoring. Native American monitor(s) would be present during grading activities in areas considered culturally sensitive. Recommendations made by the Native American monitor(s) would be taken into account by the project's archaeological monitor. Caltrans and FHWA are the lead agencies for this project and have independent responsibilities as State and federal agencies, respectively. Only the construction inspector or resident engineer (RE) can stop work. The archaeological monitor would be required to contact the construction inspector or RE.

NATIVE AMERICAN TRIBES — COMMENTS

RESPONSES

In the recent past, a situation arose whereby sacred items of our Tribe had been unintentionally destroyed during the installation of protective fencing around known sacred areas. It is now the Tribe's position that in this Project and all future projects, that whenever a fence is to be implemented and/or erected around a sacred or known culturally sensitive area, that a Native American monitor be present to observe and ensure that no cultural resources be negatively impacted. Therefore, we request that the Final ESA Action Plan include language requiring a Native American monitor be present during the preparation and implementation of the temporary fencing around any culturally sensitive and/or significant and/or any other ESA presented in the Final EIR.

In Paragraph 5, the Contractor of the Project is required to provide the "monitor(s)" with at least 5 days advanced notice of work commencement. Here, it could be interpreted that the use of "(s)" would include a Native American monitor. We respectfully request that the language be amended to read as follows, "The Contractor shall notify the Engineer, the archaeological monitor and the Native American monitor at least five days in advance . . ."

07 cont.

Lastly, in Paragraph 7 the "monitor's" authority to halt construction operations is discussed. We believe that the archaeological monitor's authority to stop construction operations is imperative. We also believe a Native American monitors authority to halt construction operation is just as essential. The archeological monitor and the Native American monitor should share this crucial responsibility due to the fact that each professional weighs the cultural deposits and/or resources differently. For instance, the archaeologist looks at a cultural deposit's value for research purposes and its scientific worth. Whereas, the Native American monitor looks at the cultural deposit's importance as it relates to religious significance and cultural relevance. Each opinion is equally important and both should be taken in equal consideration. When amending the language of the ESA Action Plan, it is the Tribe's request that Native American monitors be accorded the same amount of respect for their opinion and training in regards to cultural resources as the contracted archaeologist.

IV. GIVEN THE CONSIDERABLE AMOUNT OF SIGNIFICANT, INSIGNIFICANT, AND RECENTLY INADVERTENTLY MADE DISCOVERIES AND THE HIGH POTENTIAL FOR BURIED SITES, NATIVE AMERICAN MONITORS SHOULD BE UTILIZED DURING ALL GROUND DISTURBING ACTIVITIES.

08

A. Throughout The Cultural Resource Survey Process, Inadvertent Discoveries Were Made Thereby Making It Imperative That A Native American Monitor Be Present At All Times During All Ground Disturbing Activities.

Up and down the ROW of CALTRANS I-5 Coastal Corridor there are countless archaeological sites. Many of these sites will be protected by the aforementioned ESA Action Plan. However, we believe that inadvertent discoveries will be made just as they were made during the cultural resource study period. We believe that given the

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08 Please refer to the response to your Comment 07. Caltrans would work with the project's qualified archaeologist and/or archaeological monitor to determine the areas within the project footprint that would require monitoring.

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sheer number of sites and the probability of more being located, Native American monitors should be utilized during all ground disturbing activities.

08 cont.

B. The Geomorphic Assessment for Buried Archaeological Resources Report Supports Tribe's Belief That More Resources Lay Buried.

The GABARR supports the Tribe's belief that more resources may lay buried under ground. In order to protect those potential cultural resources, we will refrain from citing specific locations that are suspected of containing a high probability of cultural artifacts that are not necessarily protected by the Proposed ESA Action Plan. Therefore, we are requesting that Native American monitors be utilized throughout the ROW of the I-5 North Coast Corridor.

09

V. ANY AND ALL UNCOVERED ARTIFACTS OF LUISEÑO CULTURAL IMPORTANCE SHOULD BE RETURNED TO THE MOST LIKELY DESCENDANT AND NOT BE CURATED AS STATED IN SECTION 106 OF THE PROGRAMMATIC AGREEMENT OR THE PROPOSED MEMORANDUM OF AGREEMENT.

According to Section 106 of the Programmatic Agreement and the Proposed Memorandum of Agreement, the government has taken the position that if any previously unidentified cultural resources are discovered, all material collected shall be processed and curated at an approved facility. This however goes against the Tribes beliefs and wishes. Just as when Native American human remains are uncovered during the course of a Project's progress and those remains are returned to the Native American Tribe of the Most Likely Descendants, we believe that to ensure the proper treatment of any cultural resource, that item or items must be returned to the Native American Tribe of the Most Likely Descendant as well and not curated by the government. Any plans to curate any such items would blatantly disregard the respect due to these cultural resources. Instead of what is promulgated by the government, any such items should be returned to the Most Likely Descendent ("MLD") as determined by the Native American Heritage Commission. This Project is located within the traditional and aboriginal territory of our Tribe and our sister tribes. The Tribe considers all cultural items found in this area to belong to their ancestors, and the ancestors of their sister tribes, rather than to the State and/or County. This request should be included in the Final EIR.

10

VI. ADDITIONAL MEASURES OF MITIGATION SHOULD ALSO BE REFLECTED IN THE FINAL EIR WHICH INCLUDE THE USE OF FILL DIRT, OFF SITE DIGGING WHICH PERTAINS TO THE PROJECT ITSELF, CONSTRUCTION STAGING AND THE BUILDING OF UTILITY FACILITIES.

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09 Caltrans and FHWA will follow all applicable State and federal requirements on this project.

10 Any soil used as fill on site would be obtained from an established area approved by Caltrans. Fill materials would be free of significant cultural resources.

NATIVE AMERICAN TRIBES — COMMENTS

RESPONSES

A. Any Fill Material Utilized During the Project Must Be Documented Fill and Not Fill Material Containing Cultural Resources From Other Sites.

10 cont. It was unclear in the DEIR if fill material would be used during the Project, besides its proposed use in newly created parks. If fill is used during the Project, the Tribe would ask that the fill be "clean fill" and be absent any cultural resources from other locations. Unfortunately, it has been a practice of many in the construction profession to utilize fill materials that contained cultural resources from other "unknown" areas thereby contaminating the potential cultural landscape of the area being filled. This type of fill material is unacceptable. We therefore respectfully request a requirement that fill material be absent of any and all cultural resources as an additional mitigation measure in the Final EIR.

B. Native American Monitors Should Be Present During All Off-Site Digging Which Pertains To The Project Itself.

11 For our purposes, off-site digging refers to and includes all infrastructure developments and/or improvements that pertain to this Project but are physically located outside of the Project's boundaries. It is our collective understanding that such land that would be considered "off-site" for this Project may be a part of the CALTRANS right of way and as such would require CALTRANS permission to access and expel any earth from the area. We request that any such permission granted by CALTRANS for the purpose of digging into native soil in areas within a one (1) mile radius of any Native American cultural resource, be coupled with a requirement that a Native American monitor be present throughout the proposed digging. We ask that this mitigating factor be added to the Final EIR as an additional measure of protection and preservation of Native American cultural resources.

C. Native American Monitors Should Be Present For Any and All Construction Staging of the Project That May Affect Luiseño Cultural Resources.

12 Construction staging is defined as the steps the contractor will need to take during construction in order to build the road. This includes maintaining traffic within the existing corridor, minimizing disruption to local residents and businesses, and providing a safe and large work zone for construction. It is providing a safe and large work zone for construction that raises concerns for the Tribe. First, if there is to be any "staging" within a one (1) mile radius of any known site, a Native American monitor should be present. We'd also ask that all subcontractors be informed that if during their work an artifact is found, that they contact the Project Manager immediately and that the Project Manager then immediately contact the contracted archaeologist and the contracted Native American monitor.

13 This request may seem unwarranted, or even far-fetched, but there has been more than several instances where construction workers have told our tribal members that

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11 Please refer to the response to your Comment 10. Because fill materials would only come from sites approved by Caltrans and free of significant cultural resources, no Native American monitors or archaeological monitors would be necessary to monitor the collection of off-site fill material.

12 If clearing and grading of construction staging areas are required in a culturally sensitive area, both archaeological and Native American monitors would be present to observe clearing and grading activities.

13 All construction crews (including subcontractors) would be informed of proper procedures with regard to discovered cultural resources.

NATIVE AMERICAN TRIBES — COMMENTS

13 cont. while they were working their construction vehicles and/or equipment that they found Native American artifacts and chose to destroy and bury those artifacts in order to keep the job moving. We therefore respectfully request that (1) Native American monitors be present for any and all construction staging within a one (1) mile radius of Luiseño cultural resources and (2) that as a condition of all contracts with subcontractors for this Project that the subcontractors be made aware of CALTRANS desires to preserve and protect Native American cultural resources and to follow an acceptable protocol whereby if a Native American artifact is found, that said protocol will be followed and the proper individuals notified.

D. Native American Monitors Must Be Present During the Construction of Any and All Utility Facilities Due to the Depth of Their Trenches and Should Be Incorporated As A Condition of Receiving Any Grading Permit By the County and/or Other State Agency.

14 Whenever a new cell tower is proposed, or a new communications facility is contemplated, Native American tribes are asked to participate in the determination of whether a Native American monitor will be required during the construction and erection of such facilities. This is due to that fact that such utility facilities often need to expel into the ground at least four (4) to six (6) feet, thereby disturbing native soil. If in addition to potentially disturbing native soil, the area is also in close proximity to Native American cultural resources, then a Native American monitor's presence is required. It is the Tribe's position, therefore, that a mitigation measure be added to the Final EIR requiring that Native American monitors must be present during the construction of any and all utility facilities that propose to expel into the earth at a depth that will disturb the native soil and/or is within a one (1) mile radius of a Native American cultural resource.

E. A Pre-Excavation Agreement Must Be Entered Into With the Tribe Prior to Any Further Earth Disturbances and Should Be Included In the Final EIR.

15 The Tribe requests that CALTRAN'S, and/or the Federal Highway Administration, be required to enter into a pre-excavation agreement with the Tribe prior to obtaining any and all grading permits for the Project and/or any further disturbances of earth. This agreement will contain provisions to address the proper treatment of any cultural resources or Native American human remains inadvertently uncovered during the course of the Project. In many regards this is consistent with Section 106 of the Programmatic Agreement, *as amended*, and the Proposed Memorandum of Agreement. However, such agreements are still necessary.

Moreover, the agreement will outline the roles and powers of the Native American monitors and the archeologist as it specifically relates to cultural resources and Native American remains and funerary objects. Such an agreement is necessary to guarantee the proper treatment of cultural resources or Native American remains

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14 If grading related to utilities is required in a culturally sensitive area, both archaeological and Native American monitors would be present to observe the grading activities.

15 It is not Caltrans' policy to enter into pre-excavation agreements such as the one you are requesting. Caltrans is unable to condition the other permits required for this project.

NATIVE AMERICAN TRIBES — COMMENTS

15 cont. displaced during the Project development. The Tribe requests that the Pre-Excavation Agreement be added as a requirement to obtain any and all grading permits, in addition to any other existing requirements.

16 As always, we look forward to working with CALTRANS to guarantee that the requirements of CEQA are rigorously applied to this Project and all projects. We thank you for your continuing assistance in protecting our invaluable Luiseño cultural resources.

Sincerely,

Merri Lopez-Keifer
Tribal Legal Counsel

cc: Mel Vernon, SLR Captain
Carmen Mojado, SLR Secretary of Government Relations and President of Saving Sacred Sites

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16 Caltrans looks forward to continuing to work with the Tribe with regard to the proposed project.

NATIVE AMERICAN TRIBES — COMMENTS

SOBOBA BAND OF LUISEÑO INDIANS
EST. JUNE 19, 1883

July 15, 2010

Attn: Susanne Glasgow
Department of Transportation
District 11
4050 Taylor Street, M.S. 242
San Diego, CA 92110

Re: Notice of Availability of Draft Environmental Impact Report/ Environmental Impact Statement, and Notice of Public Hearings

01 The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. At this time the Soboba Band does not have any specific concerns regarding this project, but wishes to defer to the Viejas Band of Kumeyaay Indians.

[SPECIAL NOTE (for projects other than cell towers): *If* this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Traditional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in **formal, government-to-government** consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.

Sincerely,

Joseph Ontiveros
Soboba Cultural Resource Department
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

RESPONSES

Responses to Joseph Ontiveros, Soboba Cultural Resource Department, Soboba Band of Luiseño Indians

01 Thank you for your comments, which are part of the public record.

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Chapter 4.6

ORGANIZATIONS

ORGANIZATIONS — COMMENTS

November 22, 2010

Arturo Jacobo
I-5 Widening Project Manager
State of California, Department of Transportation
District 11 MS: 27
P.O. Box 85406
San Diego, CA 92186-5406

Subject: Batiquitos Lagoon Foundation (BLF) Comment on Draft Environmental Impact Report / Environmental Impact Statement (EIR/EIS) on *Interstate 5 North coast Corridor Project* dated June 2010

Dear Mr. Jacobo:

01 The Batiquitos Lagoon Foundation (BLF) has reviewed the I-5 North Coast Corridor Project EIR/EIS document and welcomes the opportunity to submit our comments. While the document provides extensive information on the proposed project, we feel that there is a lack of specificity pertaining to the impact to coastal lagoons and wetlands of North San Diego County. Without addition information regarding the design of the project, we are unable to fully assess and comment on potential impacts to Batiquitos Lagoon. Our areas of greatest concern are included below.

02 1. **Incomplete list of design options:** The document includes a *No Build* option and four options. We feel that there are other options that should have been included. One option would be *8+2* (existing four lanes plus a HOV lane in each direction without a barrier or buffer, no managed lanes, with no direct access option (e.g., at Cannon Road in Carlsbad).

03 We also feel that it is vital to consider a balance between expansion to support motor vehicle traffic and other alternative such as rail (commuter and commercial) and other mass transit options (e.g., bus, light rail, San Diego Trolley extension further north). Since Batiquitos Lagoon is impacted by both the I-5 bridge crossing and the existing rail crossing, the expansion of either are related and impact the overall health of the lagoon.

What are the relative merits of other options and how do their environmental impacts compare?

RESPONSES

Responses to Fred C. Sandquist, President and Board Member, Batiquitos Lagoon Foundation

01 Thank you for your comments, which are part of the public record. Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons (including Batiquitos) and/or related waterways, with important new information provided in the August 2012 Supplemental Draft EIR/EIS and incorporated into the Final EIR/EIS, as appropriate. Please also refer to Topical Response "Lagoon Evaluations" for additional information on potential impacts to coastal lagoons.

02 With regard to project alternatives, the EIR/EIS fully evaluates four build alternatives, as well as the No Build alternative, which are described in EIR/EIS *Section 2.2, Alternatives*. EIR/EIS *Section 2.6, Alternatives Considered but Eliminated From Further Discussion Prior to Draft EIR/EIS*, also provides descriptions of eight additional alternatives that were eliminated from detailed environmental review due to their inability to provide adequate highway capacity to meet the year 2020 (projected to 2030/2035) travel demands within the project's boundaries. One of the alternatives considered was an 8+2 alternative, which is discussed in the EIR/EIS as the "Freeway/HOV (8+2) Alternative." That alternative, consistent with your comment, included the existing four general purpose lanes and the addition of one High Occupancy Vehicle (HOV) lane in each direction.

The two-lane HOV facility would operate at steady, yet saturated levels. Travel times and congestion levels on the existing eight-lane freeway would revert back to pre-project conditions approximately

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	02 cont. 5 to 10 years after the project's completion. As a result, that alternative was not carried forward for full environmental analysis. Although the configuration of 8+2 was not found adequate, please note that consistent with this comment, the Cannon Road direct access ramp (DAR) was deleted from the proposed project following the circulation of the Draft EIR/EIS. Please also refer to Topical Response "Corridor Alternatives" for additional discussion of alternatives evaluated as part of the transportation planning process for the North Coast Corridor. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative includes the DARs at Voigt Drive and Manchester Avenue, with the Manchester DAR design modified from a flyover bridge to an undercrossing. The DARs at Cannon Road and Oceanside Boulevard have been eliminated from the Preferred Alternative based on the following considerations: (1) funding for the eliminated DARs is not certain; and/or (2) decisions as to future land uses in the associated areas are still under consideration. Deletion of these DARs from the proposed project does not eliminate the possibility of future implementation of I-5 DARs at these or other locations within these cities following additional environmental review. 03 Transportation planning agencies agree that the future of transportation is multi-pronged, with continuation of vehicular travel as well as other modes of transportation. As such, the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort. Other elements of the improvement effort for the North Coast Corridor would be conducted by other agencies and would have separate utility in terms of transportation function and users served. Those projects

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	03 cont. would require separate environmental analysis from that contained in this document, as this document only addresses the I-5 facility and is focused on highway improvements. The environmental analysis documents prepared for other transportation projects in the North Coast Corridor can be compared to this document when they are circulated for public review. Please refer to Topical Responses "Multimodal System," "Rail Preference" and "Mass Transit" for additional discussions regarding mass transit options. Please also refer to Topical Response "Corridor Alternatives" for information regarding several alternatives that were considered before the build alternatives were chosen as the most viable options to meet the project's purpose and need. With respect to your question on the relative merits and environmental impacts of other project alternative options, please refer to the response to your Comment 02. As discussed in that response, additional alternatives that were determined not to meet the project objectives prior to preparation of the Draft EIR/EIS were eliminated from detailed environmental review.

ORGANIZATIONS — COMMENTS

2

04

2. Mitigation Opportunities at Batiquitos Lagoon: On page S-14 of the EIR/EIS, the statement was made that "No large-scale mitigation opportunities have been identified at this lagoon …". We strongly disagree with this statement and has addressed this issue further in our response.

The flow construction of the existing I-5 bridge causes rapid sedimentation in the lagoon that requires ongoing mitigation by dredging. The high cost associated with this dredging is not sufficient and requires additional mitigation, particularly east of I-5 to El Camino Real. In addition, there are a number of additional necessary projects to sustain the lagoon. (See attached list).

Can the I-5 Project fund ongoing maintenance dredging and other suggest projects for Batiquitos Lagoon as an integral part of mitigation?

05

3. **No Bridge Design Provided for Crossing Batiquitos Lagoon:** The design of the I-5 bridge crossing is the single most important factor for sustaining the health of Batiquitos Lagoon Ecological Reserve and future Marine Protected Area (Under the California Marine Life Protection Act). The existing narrow span significantly restricts tidal exchange leading to bridge scour, sedimentation buildup, and elevated water levels upstream. The specific design of the replacement bridge (e.g., cross-sectional area and pilings) is critical. The EIR/EIS on page 3.9.7 describes anticipated effects of a new bridge on lagoon hydrology without providing any specific on the proposed bridge design.

Will the channel beneath the I-5 Batiquitos Lagoon bridge be enlarged to reduce flow restriction?

06

4. **Underestimate of potential impacts to sensitive bird species**. The Batiquitos Lagoon Ecological Reserve is recognized as one of the major estuarine and salt marsh habitats in San Diego County. We feel that the EIR/EIS minimizes potential ecological impacts based on cursory evaluations of species distributions. Specifically, the report gives the impression that very few sensitive birds occur in the project area and would therefore not be impacted significantly. We question this conclusion in the case of four threatened or endangered species: California least tern, western snowy plover, Belding's savannah sparrow, and light-footed clapper rail.

The report states that "no nesting areas for any of these three species would be directly impacted. However, there are least tern nesting areas relatively close to where construction would be completed at San Dieguito and Batiquitos Lagoons" (page 3.21-4). Least tern impacts are omitted from Table 3.21.3 and no least tern observations are shown in Figure 3-20.1d.

The largest restored nesting site for California least terns at Batiquitos is located immediately adjacent to the Park and Ride and I-5 ramp at La Costa Ave. Figure 3-20.1d (annotated and included below), clearly shows this area just slightly outside

RESPONSES

04 Regarding potential project-related impacts and mitigation opportunities at Batiquitos Lagoon, these issues are addressed in the EIR/EIS under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. As discussed, project-related impacts to biological resources in the six coastal lagoons (including Batiquitos) and related waterways would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed in concert with the wildlife agencies. Overall, and as shown in *Section 3.17* and the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach.

Also as noted in the response to your Comment 01, since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor, including Batiquitos Lagoon. These studies incorporate the results of associated technical analyses, including biological assessments, hydrologic and hydraulic studies, and Caltrans' interaction with lagoon scientists; the associated information is provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. The described analyses identify appropriate bridge lengths and channel dimensions to reduce the level to which levees or other man-made features restrict tidal flushing (water movement and exchange), while meeting the stated project objectives. The modified bridge and channel designs would maximize the health and function of the lagoons through enhanced tidal exchange and other related efforts, such as habitat preservation, enhancement, and creation. To this end, the I-5 bridge at Batiquitos Lagoon is

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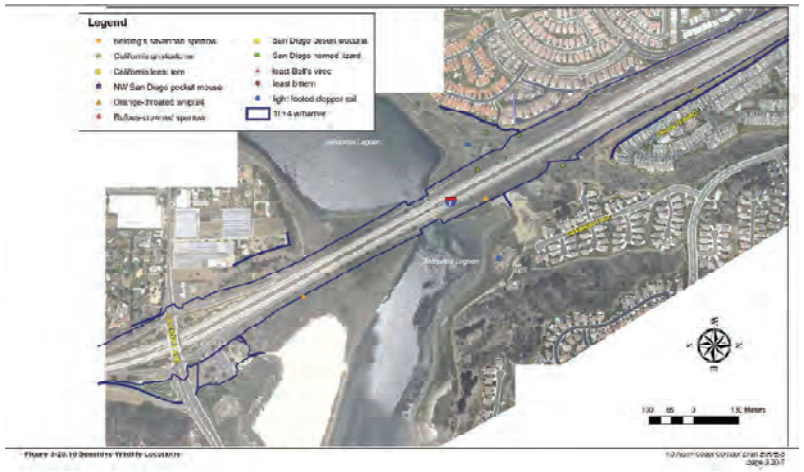
	04 cont. proposed to be extended to provide a wider and deeper channel under the two separate north- and southbound bridges (similar to the existing design) with a gap between the two structures (refer to EIR/EIS *Table 2.2.4*). In addition, mitigation efforts identified for project-related impacts at Batiquitos Lagoon would include the establishment/creation of appropriate acreage of wetland habitat and upland habitat to comply with regulatory "no net loss" criteria. An endowment for funding lagoon mouth dredging at Batiquitos Lagoon is proposed in the REMP. Please also refer to the Environmental Commitments Record (Appendix D to this Final EIR/EIS) for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons.
	05 With respect to the potential design of the Batiquitos Lagoon bridge crossing, please refer to the response to your Comment 04 above. The existing bridge would be lengthened and the channel would be widened to enhance tidal exchange and improve associated hydrologic, hydraulic, and biological conditions. The proposed bridge design is illustrated on Final EIR/EIS *Figure 3-18.2e*. The proposed bridge would be longer than the existing bridge, and the channel bottom would be widened and deepened.
	06 Regarding biological resources in the Batiquitos Lagoon Ecological Reserve, the EIR/EIS analysis evaluates direct and indirect impacts to sensitive species. The Supplemental Draft EIR/EIS identified, and this Final EIR/EIS now includes, discussion of additional potential impacts to light-footed clapper rail and Belding's savannah sparrow at Batiquitos Lagoon as a result of changes in habitat and more birds moving closer to the freeway. It is understood that there is a significant nesting area for least terns and western snowy plover approximately 200 feet from I-5, although this area will not be directly impacted and is already subject to noise from I-5. Analysis for long-term noise increases found a two to three decibel (dBA) increase at the referenced nesting area. The nature center and trail at the southeastern

ORGANIZATIONS – COMMENTS

3

06 cont.

the blue line (10+4/barrier). The site produces a significant number of Southern California's least terns each year. In 2009 there were 149 active nests observed, along with 3 active nests for Western snowy plover. While it might be optimistic to think that these birds won't be bothered by the "blue line", the inevitable heavy usage of the Park and Ride as a staging area during construction, generating noise, lights, and dust, will likely be a significant deterrent to nesting birds.



Source of nesting data added to figure: Squires, L.D., and S. M. Wolf, 2010. The status of california least tern and western snowy plover at Batiquitos Lagoon, California in 2009 breeding season, prepared under contract for CDFG by Avian Research Associates.

07

Information on the distribution of Belding's savannah sparrow is also down-played in the EIR/EIS report. Figure 3-20.1d shows three occurrences along the Batiquitos Lagoon bridge crossing, and Table 3.21.3 suggests one individual would be temporarily impacted by the project. A more complete map of savannah sparrow habitat surrounding the bridge area that shows possible occurrences throughout area is provided below.

RESPONSES

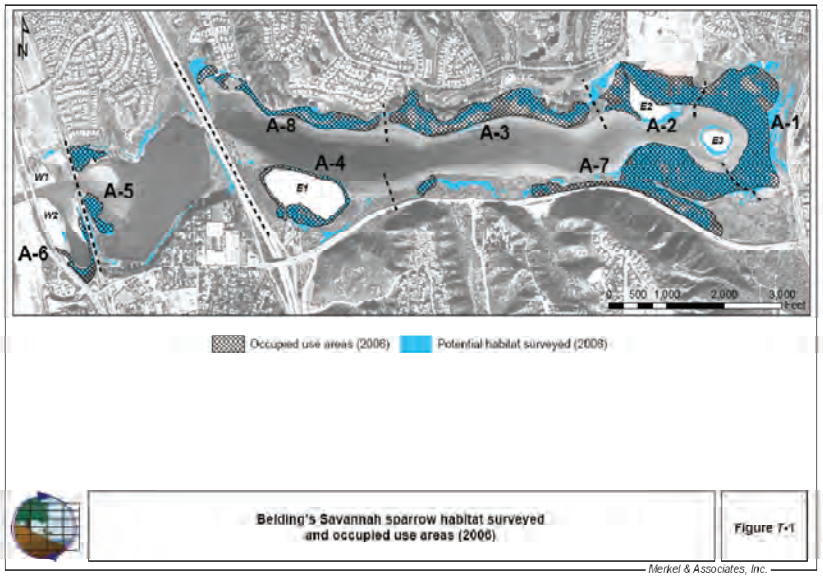
06 cont. abutment have been removed from the project design due to associated potential impacts to wetlands adjacent to the I-5 that are currently not accessible to the public. As noted, additional detailed study of all six coastal lagoons has occurred since the circulation of the Draft EIR/EIS, including review of biological resources and associated project impacts in Batiquitos Lagoon. Based on those investigations, *Sections 3.17* and *3.21* of this Final EIR/EIS note that five species listed as threatened or endangered are known to occur at Batiquitos Lagoon in the vicinity of I-5, including the California least tern, western snowy plover, Belding's savannah sparrow, and light-footed clapper rail. A number of augmented avoidance, minimization, and mitigation measures also are identified in EIR/EIS *Sections 3.17* and *3.21,* as well as the Environmental Commitments Record in Appendix D of this Final EIR/EIS, which would address associated potential impacts from project implementation. Specifically, these encompass efforts associated with potential construction-generated noise, lighting and dust, including effects related to project soundwall installation and construction staging at the noted park and ride facility. Enhanced discussion of bridge shading has been added to *Section 3.18, Wetlands and Other Waters*, of the Final EIR/EIS.

07 Please refer to the response to your Comment 06. As noted in that response, additional locations of Belding's savannah sparrow have been identified in the Supplemental Draft EIR/EIS and are incorporated in this Final EIR/EIS where appropriate. All permanent impacts to salt marsh habitat would be mitigated, and areas temporarily impacted by construction would be revegetated and returned to pre-existing conditions.

ORGANIZATIONS — COMMENTS

4

07 cont.



Source: Merkel & Associates, Inc. 2009. Batiquitos Lagoon Long-term Biological Monitoring Program Final Report**.** M&A Doc. No. 96-057-01-F. Prepared for City of Carlsbad Planning Department and Port of Los Angeles, Environmental Management Division. San Diego, CA.

08 Finally, the report omits clapper rails from the list of possible impacts (Table 3.21.3) but states that they were observed near the Park and Ride (page 3.21-2). An independent survey in 2006 found 19 pairs at Batiquitos (Zembal, R., S. Hoffman, C. Gailband, and L. Conrad. 2007. Light-footed Clapper Rail Management Study, and Propagation in California, 2006. Prepared for Clapper Rail Recovery Fund. Huntington Beach Wetlands Conservancy).

09 Batiquitos Lagoon serves as an important nesting, foraging, and staging area for many shore birds and other coastal species besides the few sensitive species discussed here. The EIR/EIS anticipates that Batiquitos Lagoon will have an increase in noise level of 4 dB, which is the greatest increase among the lagoons in the project (Table 3.21.2). Given the significance of this ecological reserve, it is very important that the EIR/EIS give careful consideration to the best project design possible to minimize impacts to wildlife and critical habitats.

Question: *How will construction activities during bridge modification, at sound barriers, and at the Park and Ride are conducted to avoid disturbance to critical habitats and wildlife?*

RESPONSES

08 Light-footed clapper rail at Batiquitos Lagoon have not been omitted from the report. As stated on page 3.21-4 of the Draft EIR/EIS, they would be within lagoon areas impacted by noise. Although the effect of increased noise on the species is not certain, heightened concern was noted for Batiquitos Lagoon on Draft EIR/EIS page 3.21-5: "An increase from 66 to 68 dBA L_{eq} [A-weighted decibels averaged over time] requires a relatively greater amount of acoustic energy, than an increase from 56 to 58 dBA L_{eq}. As such, the birds within the future 66 dBA L_{eq} noise contour may be affected to a greater degree than the rest of the populations of these species." The majority of the least tern nesting area east of I-5, however, would experience a two dBA increase. In addition, as noted in the August 2012 Supplemental Draft EIR/EIS, one pair of light-footed clapper rail has been identified within the permanent project impact footprint, and an additional pair is identified within the temporary impact area.

ORGANIZATIONS — COMMENTS	RESPONSES
	09 With respect to the importance of Batiquitos Lagoon as a nesting, foraging, and staging area for shore birds and other coastal species, as well as associated potential project-related noise effects, please refer to the responses to your Comments 04 through 08 above. Mitigation measures were provided in the Supplemental Draft EIR/EIS specific to these concerns; measures incorporated into this Final EIR/EIS include the following: • All native or sensitive habitats outside and adjacent to the permanent and temporary construction limits would be designated as Environmentally Sensitive Areas (ESAs) on project maps. ESAs would be temporarily fenced during construction with orange plastic snow fence, orange silt fencing, or in areas of flowing water, with stakes and flagging. No personnel, equipment or debris would be allowed within the ESAs. Fencing and flagging would be installed in a manner that does not impact habitats to be avoided and such that it is clearly visible to personnel on foot and operating heavy equipment. • Because the project is expected to be phased over approximately 21 years, Caltrans would conduct updated surveys for the gnatcatcher, rail, and manzanita within one year prior to the commencement of vegetation clearing and construction activities for each project phase to ensure that survey information remains up to date. FHWA and Caltrans acknowledge that Section 7 consultation would be re-initiated if survey results indicate that additional impacts to these species may occur beyond those addressed in the project Biological Opinion. • All removal of native vegetation or non-native shrubs and trees located within the impact areas would be completed outside of the bird breeding season (February 15 to August 31), if possible, to avoid impacts to nesting birds. Otherwise, a qualified biologist would thoroughly survey all vegetation prior to removal to ensure there are no nesting birds on site. If nesting birds are identified on site, vegetation removal would be delayed until the chicks have fledged or the nest has failed.

ORGANIZATIONS – COMMENTS	RESPONSES
	09 cont. • Pile driving for bridge construction near the lagoons and San Luis Rey River would be completed between September 16 and February 14 to minimize construction noise impacts to rail and gnatcatcher breeding. Pile driving may commence earlier in the fall if a biologist knowledgeable of gnatcatcher and rail biology and ecology approved by the USFWS demonstrates to the satisfaction of the USFWS that all rail and gnatcatcher breeding is complete within the area where construction noise would exceed ambient levels as a result of pile driving. • A USFWS-approved biologist (Biological Monitor) would be on site during: (a) initial clearing and grubbing; and (b) weekly during project construction within 500 feet of off-site gnatcatcher, rail, goby, and manzanita habitat to ensure compliance with all conservation measures. The Biological Monitor and a Caltrans Project Biologist would be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. • Permanent project lighting would be of the lowest illumination necessary for safety and directed toward the roadway, park and rides, and other project facilities, and away from sensitive habitats. Light glare shields would be used to reduce the extent of illumination into sensitive habitats. Lighting adjacent to lagoons would be fitted with bird control spikes to ensure that raptors would not be able to perch on project lighting to prey on listed bird species. • Perpetual biological conservation easements or other conservation mechanisms acceptable to the USFWS would be recorded over the areas established, restored, and/or preserved / enhanced by the project at the San Dieguito Lagoon W19, Hallmark, Dean, San Elijo Uplands, Deer Canyon, Laser, and La Costa properties.

ORGANIZATIONS — COMMENTS

5

5. **Human use (e.g., trails, Nature Center, noise, bridge design, sound barriers; connectivity for the under-bridge trail to the required Coastal Commission bluff-top trail).**

The BLF assigns a very high priority to extending the Batiquitos Lagoon public trail system under I-5, and access over and/or under the railroad. Specific recommendations include:

10
- Design and build a public access trail across the right-of-way and under I-5 on the north side of the lagoon to connect the trail at the end of Gabbiano Lane with the bluff area on the northwest side of the right-of-way in the Rosalena and San Pacifico communities. Note that any sound barrier mitigation should be planned so that they do not block trailheads within the communities. The EIR/EIS includes a trail under the I-5 bridge, but does not currently have it connecting to a trailhead for continuing it west along the bluff-top. The California Coastal Commission (see attached letter) has directed the City of Carlsbad to build this trail segment.

11
- Design and build a pedestrian bridge over the railroad tracks in the bluff area on the north side of the lagoon. This bridge would permit the public to walk the trail to the beach area. Note that this construction would be linked to the proposed Ponto Beachfront Community Vision Plan that has been approved by the City of Carlsbad. A general Environmental Impact Report (EIR) has been developed for the Ponto Beachfront Community Development Vision Plan.

12
- Consider constructing a pedestrian bridge and associated trail linking the La Costa Avenue Park 'N Ride on the southeast side with the North Shore Trail on the northeast side of the lagoon. We support the proposed concepts presented in the EIR/EIS.

13
- Consider, under the LOSSAN Rail Trail Program, co-locating a public trail along the railroad right-of-way across the lagoon. We would propose including this trail in the railroad bridge replacement design.

14
- The Batiquitos Lagoon Foundation is in the process of locating a site and building a permanent Nature Center. In conjunction with a pedestrian bridge connecting the northeast and southeast sides of the lagoon, consider allowing the BLF to have a new Nature Center in the La Costa Avenue I-5/Park 'N Ride right-of-way area. The BLF would work with Caltrans to identify funding opportunities (e.g., grants, donations) and obtain funding for building a permanent Nature Center in return for being able to build and operate it on state land. The BLF would also support providing information to the public and giving public walks and talks in this area. This would provide an excellent partnership opportunity between Caltrans, California's Department of Fish and Game, the City of Carlsbad, and the BLF to benefit of the general public. Appropriate noise buffering would be required to reduce the noise associated with I-5. The Batiquitos Lagoon Foundation would welcome the opportunity to assist in the design, and to provide

RESPONSES

09 cont. Please also refer to the Environmental Commitments Record (Appendix D) for a list of additional avoidance, minimization, and mitigation measures associated with the six coastal lagoons and related waterways within the project corridor.

10 Regarding trail connections at the lagoon, the proposed project includes a suspended Class I bike path under the Batiquitos Lagoon Bridge and connecting trails. This Class I bike path is part of the proposed I-5 North Coast (NC) Bike Trail, which is one of the regional and community enhancements being coordinated with local cities along the project corridor. The NC Bike Trail would connect off-street bike lane portions located in Caltrans' right-of-way to city street bike lanes throughout the North Coast Corridor (refer to EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*). Near the lagoon, the NC Bike Trail would include a Class I bike path along the west side of I-5 between La Costa Avenue, crossing over Batiquitos Lagoon on the suspended bridge, and connecting to Avenida Encinas, as shown in Final EIR/EIS *Figure 2-3.4f*. Additionally, another trail is proposed as a community enhancement on the northeast side of the lagoon that would extend from a Class I bike path to the freeway right-of-way. This trail would ultimately connect to the planned trail that is referenced in your comment, which would be implemented as part of a separate project by the City of Carlsbad. The trail improvements at Batiquitos Lagoon proposed as part of the I-*5 NCC Project* would provide connectivity to the trail system currently severed by the lagoon and freeway, as well as provide enhanced access for communities to coastal areas and the lagoon.

11 Regarding your suggestion for a pedestrian bridge over the railroad tracks on the north side of Batiquitos Lagoon, this area is located off the State highway system approximately 0.5 mile west of the freeway right-of-way; therefore, no improvements within this area are proposed as part of the project. As your comment references, such improvements would be constructed as part of a separate project by the City of Carlsbad.

ORGANIZATIONS — COMMENTS	RESPONSES
	12 With regard to pedestrian facilities connecting the La Costa park and ride to a trail on the north side of the lagoon, the Nature Center at La Costa Avenue and associated southern trail that were previously proposed as community enhancements were eliminated from current proposals based on coordination with the California Department of Fish and Wildlife (CDFW; previously the California Department of Fish and Game) and the identification of potential impacts to sensitive resources within the area. Pedestrian and bicycle access across the lagoon would be provided by the NC Bike Trail and the suspended Class I bike path under the Batiquitos Lagoon bridge as discussed in the response to your Comment 10.
	13 Regarding a public trail within the railroad corridor, the railroad corridor is located off the State highway system approximately 0.5 mile west of the freeway right-of-way; therefore, no improvements within this area are proposed as part of the project.
	14 The Nature Center at La Costa Avenue and associated southern trail have been eliminated from current proposals based on coordination with the CDFW and the identification of potential impacts to sensitive resources within the area previously proposed in the Draft EIR/EIS. The removal of the Nature Center from the project does not preclude future coordination between the Batiquitos Lagoon Foundation (BLF) and other noted agencies to construct a permanent Nature Center.

ORGANIZATIONS — COMMENTS

6

14 cont. and update display information, and provide periodic public talks by our volunteer docents. We support the proposed concepts presented in the EIR/EIS.

15
- Investigate how public access can better be provided by linking the trail systems from the cities of Carlsbad and Encinitas. Traditionally, La Costa Avenue has presented a physical barrier between the two trail systems. The City of Encinitas has been acquiring land in the bluff area on the south side of the lagoon. The I-5 Expansion Project offers the opportunity to address safe crossing alternatives for crossing La Costa Avenue. These alternatives include the possibility of constructing one or more pedestrian bridges across La Costa Avenue. With the possibility of a pedestrian bridge across the Lagoon, a better public crossing alternative could be designed for walking access to the La Costa Avenue Park 'N Ride area.

Question: Would you consider one or more of our recommendation? If so, please indicate to us how they will be addressed.

16 You and your staff have been given a very daunting task and are to be commended for developing a very detailed EIR/EIS draft document for comment. This large and complex project will take many years to complete and will have an extremely large impact on the involved communities along the coast. The BLF's position is that it is vital that the full environmental impacts be thoroughly researched and that the final project represents the best balance between our transportation needs while preserving our environment and outdoor treasures along the California Coast. Our position is that while a lot of work is represented in the draft EIR/EIS, it does not provide the information needed to make an informed decision, especially in the area of other viable alternatives and associated mitigation needs. The Draft EIR/EIS discusses the issue of bridge replacements over all of the lagoon crossings. However, without providing more specific information as to their actual designs, it is impossible to evaluate their environmental impacts and the adequacy of mitigation measures. We also feel that there needs to be stronger links with the various railroad projects (e.g., double tracking, bridge replacement) and regional mass transit options (e.g., light rail, extending the San Diego Trolley System further north, integrating Coaster and bus transportation connections). Without this linkage and associated information, it is impossible to fully assess the cumulative impacts the I-5 Widening Project will cause.

The BLF welcomes the opportunity to comment on your draft EIR/EIS and work with you to improve it. As indicated, our position is that in its current form, it is not ready for final approval. If you have any questions, please don't hesitate to call me (760) 918-2408.

Sincerely,

Fred C. Sandquist
President and Board Member
Batiquitos Lagoon Foundation

Attachments:

RESPONSES

15 The project would contribute directly to the linking of trail systems between the City of Encinitas and City of Carlsbad. The NC Bike Trail would provide a non-motorized alternative for the entire length of the *I-5 NCC Project*. This bikeway would connect off-street bike lane portions located in the Caltrans right-of-way to city street bike lanes throughout the North Coast Corridor (refer to EIR/EIS *Section 2.3*). Near Batiquitos Lagoon, the NC Bike Trail would include a Class I bike path within the I-5 right-of-way along the west side of I-5 from south of La Costa Avenue, crossing over Batiquitos Lagoon on a bridge suspended from I-5 and connecting to Avenida Encinas, as shown in the Supplemental Draft EIR/EIS on *Figure 2-2.4f* and Final EIR/EIS *Figure 2-3.4f*. Additionally, another trail is proposed as a community enhancement on the northeast side of the lagoon that would extend from a Class I bike path to the freeway right-of-way.

16 Thank you for your commendation on the EIR/EIS. As noted in response to your Comment 02, the Preferred Alternative is a refined 8+4 Buffer alternative, which is the smallest of the build alternatives proposed in the EIR/EIS and is considered the best balance between I-5 improvement and minimization of environmental impacts. The potential impacts and benefits of the project are described in detail in EIR/EIS *Chapter 3.* As discussed in the response to your Comment 04, additional detailed studies analyzed in a Supplemental Draft EIR/EIS focused on project lagoons have been incorporated into this Final EIR/EIS, including additional information regarding project minimization and mitigation requirements. All of the initial, and augmented, information combined would support an informed decision.

A discussion of viable alternatives to the proposed project is provided in response to your Comment 02, as well as in Topical Response "Corridor Alternatives."

ORGANIZATIONS – COMMENTS	RESPONSES
	16 cont. With regard to providing designs of bridge replacements over lagoon crossings, as noted in response to your Comment 04, the Supplemental Draft EIR/EIS and *Section 3.17* of this Final EIR/EIS provide additional information for the modified bridge and channel designs, including bridge lengths and channel dimensions. Specific to proposed bridge specifications at Batiquitos Lagoon, please refer to the response to your Comment 05. *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2035 and beyond as part of a multimodal system and allow the region to work toward complex solutions that take extended time to implement. As noted in response to your Comments 03 and 15, the *I-5 NCC Project* is only part of a larger transportation upgrade that SANDAG is developing for the corridor. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Planned transit and rail projects, when combined with the *I-5 NCC Project*, will provide a balanced transportation system for people to travel within and through the North Coast Corridor. Please refer the response to your Comment 03, as well as Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit," for additional discussions regarding mass transit options. California Senate Bill (CA SB) 468, approved in October 2011, also requires improvements to the Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line and I-5 corridor to be considered in tandem, in order to best implement improvements to these facilities to minimize impacts. Please refer to discussion of CA SB 468 in *Section 1.3.4, Legislation and Executive Orders*, in this Final EIR/EIS.

ORGANIZATIONS – COMMENTS | RESPONSES

November 22, 2010

I-5 Expansion and Related Projects through Batiquitos Lagoon Ecological Reserve and Adjacent Areas

A Position Document from the Batiquitos Lagoon Foundation (BLF)

17 **1. Contacts:**

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Carlsbad, CA 92013-0491

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2. BLF Position, List of Current Issues and opportunities:

18 The issues and opportunities associated with the widening of I-5, the Los Angeles to San Diego (LOSSAN) Railroad Corridor Improvement Program (e.g. lagoon bridge replacement and double tracking), and the North County Transit District's (NCTD) Rail Trail Program will impact Batiquitos Lagoon Ecological Reserve and adjacent areas. The complex and dynamic nature, and the interrelationship of these projects require an integrated approach rather than treating each separately. The issue of mass transit and the efficacy of simply expanding one component (e.g., simply adding more lanes to address increased vehicular traffic) without considering and including other alternative transportation modes will only make congestion worse.

1

17 Regarding the list of contacts provided for the BLF, this information is appreciated and will be used accordingly during the ongoing project design and implementation process.

18 With respect to the BLF's position on the need and opportunities associated with the I-5 project, LOSSAN, NCTD Rail Trail Program, and associated potential effects to the Batiquitos Lagoon Ecological Reserve, please refer to the responses to your Comments 01 through 04 above. As noted in those responses, while the EIR/EIS is focused on the *I-5 NCC Project*, proposed mitigation would be part of a comprehensive solution that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. In addition, the results of detailed studies on all six coastal lagoons and/or related waterways have been incorporated into this Final EIR/EIS as

ORGANIZATIONS — COMMENTS

In addition, the Carlsbad coastal area prides itself for being a "coastal village" and for its open space and outdoor appeal is not suited for a huge project that will include adding a large number of traffic lanes and associated mitigation components such as sound barriers, concrete walls, and managed lanes with direct access. A balance must be achieved between preserving the community feel and project size. We feel that adding more than 10 lanes is simply out of character. The managed lanes with direct access in Carlsbad are not considered viable.

18 cont. The California coastal zone, especially in Northern San Diego County is a very fragile ecosystem of coastal wetlands with major lagoons. Any construction project like the proposed I-5 widening project will significantly impact this ecosystem and we must ensure that any loss of wetlands is well justified. We must also ensure proper mitigation measures are taken to offset any construction, including steps to mitigate areas needed to temporarily support the construction process itself.

The I-5 Widening Project EIR/EIS states that after the lagoon restoration was completed, there are no more mitigation opportunities. The BLF very strongly disagrees with this position and hopes serious consideration will be given to the information provided below.

The BLF has categorized our position, issues, and opportunities into five subject areas.

Water Dynamics, Hydrology and Tidal Flushing: When considering lagoon water dynamics and hydrology, channel alignment, channel width, scouring effects, current flow, and water velocity are extremely important to properly manage and control sedimentation, and to maintain proper tidal flushing. Presently, the columns supporting the two I-5 bridges that cross Batiquitos Lagoon extend directly into a very narrow channel, disrupting the water flow. The high water velocity through this narrow area has caused significant scouring over time. Further to the west is the railroad bridge that crosses the lagoon, which has many pilings sunk into the channel. Each of these columns and pilings take energy from the current, both in westerly and easterly flows, they contribute to sedimentation. The railroad right-of-way itself is experiencing serious erosion, with trains having to cross the lagoon at reduced speed.

19 Each year approximately 50,000 cubic yards of sand enter the lagoon from the ocean inlet. Currently, there is at least 350,000 cubic yards of sand sediment in the western third of the lagoon, and at least 450,000 cubic yards of non-beach quality material in the eastern two-thirds of the lagoon. Maintenance dredging of the lagoon, ideally every one or two years, is an ongoing requirement to sustain the health of the lagoon. While the original Batiquitos Lagoon Enhancement Project (BLEP) established a trust fund to cover this dredging requirement, it has proved to be inadequate to cover the cost to do it. The I-5 Widening Project should consider, as a mitigation opportunity, adding to this dredging fund to help sustain the lagoon's health for future generations.

The width of the I-5 channel is narrow and further restricts water flow and tidal flushing. The fact that the I-5 bridge channel, the channel under the railroad bridge and the lagoon inlet to the Pacific Ocean are out of alignment with respect to water flow (see picture below) further contributes to lagoon sedimentation. The I-5 Expansion and LOSSAN Railroad Corridor Improvement Projects (especially the railroad bridge replacement over Batiquitos Lagoon) provide the opportunity to correct one part of this problem. In addition, the width of the channel needs to be carefully examined to minimize scouring that can happen when the width is too small and water velocity is too

2

RESPONSES

18 cont. appropriate. Please note that the reference to 10 lanes (e.g., 10+4 Buffer) in the EIR/EIS reflected a general purpose and through lane number, and is not a reference to the number of lanes added. As noted in the referenced responses, improvements to all modes of transportation are currently being planned by other agencies, with Caltrans actively involved in this regional multimodal planning effort. Based on the described considerations, the project design reflects, among other factors, attempts to avoid and/or reduce impacts to coastal lagoons (including Batiquitos) through efforts such as identification of the Preferred Alternative. Please also refer to Topical Responses "Lagoon Evaluations," "Multimodal System," and "Rail Preference" for additional information. Specific responses are provided to the information provided below in your comments.

19 Regarding Water Dynamics, Hydrology and Tidal Flushing, a Phase 2 study and a Lagoon Bridge Optimization Study for Batiquitos Lagoon have been completed since the circulation of the Draft EIR/EIS, as noted above in the response to your Comment 04. This study reviewed tidal flow, storm flow, sea level rise, sedimentation, residence times, etc. relative to existing lagoon conditions, and recommended bridge and channel design. The Batiquitos Lagoon Optimization Study identified appropriate channel dimensions for both the I-5 and rail bridges.

ORGANIZATIONS – COMMENTS | RESPONSES

great. When engineering both replacement bridge structures, we highly recommend that very careful consideration be given to the type of bridge structure, hopefully one that does not require any support pilings extending into the water channel, or at least a reduced the number.

19 cont.

Opportunities associated with water dynamics and hydrology includes

- Consider increasing the length of the bridge and widening the channel under it to increase water flow while reducing water velocity, and the effect of tidal flushing. With modest expansion of both bridges, the alignment with the I-5 and railroad bridge, and ocean inlet can significantly be improved. Ensure that channel alignment under the bridge is as straight as possible with respect to the railroad bridge and ocean inlet to the west. Moving the bridge and channel further to the south would improve the lagoon's tidal flushing.
- Adopt a bridge design that does not require or at least minimizes the need for pilings to be placed in the channel. Such bridge design would apply to both I-5 widening and the railroad bridge replacement. Using new bridge designs will increase the effectiveness of water transport through the channel, and significantly reduce sedimentation and scouring.

3

ORGANIZATIONS — COMMENTS

19 cont.

- Ensure that the design of highway embankments and buffers contribute to maintaining proper water flow throughout the I-5 right-of-way while minimizing the potential for scouring and other erosion within the lagoon.
- Take the opportunity to study the water flow and sand deposition in the ocean inlet and jetty areas in the context of the interdependencies associated with the I-5 lagoon bridges, the railroad bridge, the highway 101 bridge, and the ocean inlet. This study should also include the effects that the design of the inlet and jetties has on sand deposition patterns on the beaches both north and south of the inlet. Use this information to improve the overall lagoon hydrology and tidal flushing process, rather than only focusing on the I-5 expansion area.
- Eliminate the sediment buildup between the railroad bridge and the lagoon inlet. Deepen the channel through this area. Clean up the materials on the sand island to the south of the channel and restore the island to a more native habitat.

20

Surface Water Control, Storm Water Run-off, and Erosion Control: The current bridge design has at least one large storm water drain that empties directly into the water channel under the bridges over the lagoon. There are also signs of erosion and scouring in the area under and between the east and west bridge overpasses. Sedimentation at the east and west entrances to the bridge channel is apparent. The BLF also would like to ensure that the water quality in Batiquitos Lagoon is at least maintained at the current level and ideally improved as a result of the I-5 expansion project.

Opportunities include:

- Design and install, as a minimum, desiltation basin(s) and/or staged sedimentation control systems to control all storm water flows from I-5 to provide water filtration before any water run-off enters the lagoon. Ideally, a more technically sophisticated storm water run-off filtering and treatment process should be investigated. A top project priority should be to eliminate or minimize water from flowing directly from the highway into the lagoon without some form of control of sediment and treatment for water contaminants from the freeway.
- Take steps to control erosion throughout the lagoon I-5 right-of-way, especially in the area of the bridges. Proper buffering should be a key consideration in designing the widened highway.
- Provide for some appropriate areas to establish water quality monitoring stations to collect data for monitoring the lagoon's health in the I-5 right-of-way area. Employment of automated continuous measuring sensors should be considered wherever possible (e.g., temperature, conductivity, flow, water level, O_2 level, salinity).
- Follow established *Best Management Practices* and ensure compliance with regulatory buffer standards, requirements and guidelines to minimize the impact of surface runoff of pollutants into the lagoon.

21

Habitat Protection and Restoration: The BLF recognizes and strongly supports the concept of *no net loss of wetlands where feasible alternatives exist*. We also strongly support the concept of establishing "buffers" between wetlands and sensitive habitat, and any developed areas.

4

RESPONSES

20 With respect to Surface Water Control, Storm Water Runoff, and Erosion Control, water quality is anticipated to be maintained or improved as a result of project implementation. Best management practices (BMPs) would be implemented as detailed in *Section 3.10.4* of this Final EIR/EIS. Five bioswales are proposed in the vicinity of Batiquitos Lagoon. These facilities, in addition to providing water quality "treatment," would help to regulate flow rates and amounts, with related benefits to (for example) erosion control. Design would follow the Project Planning and Design Guide which outlines the process for selecting and designing BMPs and incorporating those BMPs within the project limits. During construction, the project would follow the requirements of the Construction General Permit, which includes preparing and implementing a Construction Site Monitoring Plan, and implementing appropriate sampling. Caltrans has worked with the State Water Resources Control Board for the Caltrans MS4 Permit, and it is anticipated that monitoring locations will be located throughout the State and potentially within the project limits. Moreover, as part of the Total Maximum Daily Load (TMDL) implementation, there is a potential for sampling locations to be located within this watershed.

21 Regarding habitat protection and restoration, and as indicated above in the responses to your Comments 04 and 18, the project would not improve the island area located between Highway 101 and the railway bridge. Other suggestions in this comment, however, regarding the removal of invasive species,

ORGANIZATIONS — COMMENTS

21 cont.

The BLF wants to ensure that measures are taken to improve or lessen the highway impacts on plant, animal, and aquatic wildlife in the I-5 right-of-way and railroad bridge areas of the lagoon. It is also important to include steps to maintain wildlife corridors throughout the highway right-of-way and lagoon areas so that animals can easily move throughout the area

We recommend the following be considered in planning for the I-5 Widening and railroad bridge replacement:

- During construction, take steps to minimize removal of or impact on native plants. Existing invasive plants should be properly removed.
- Plan for restoring construction areas with an appropriate mix of native plants. Take this opportunity to restore all areas to a more native and natural habitat (especially the area on the northwest side of the highway and railroad embankments).
- Plan for providing wildlife corridors in, around and under the I-5 right-of-way within the lagoon. Designs must take into account the type and size of animals that transverse the area to ensure their safe passage. This also includes consideration for public access trails through the area.
- Take this opportunity to remove any non-native invasive plant material within the right-of-way (e.g., Ice plant, Pampas grass, Giant reed (*Arundo donax*), Salt cedar).
- Provide appropriate buffers, where feasible, between roadways and trails. Explore innovative designs of such buffers to preserve a natural look and feel.
- Clean up and restore the island area between the railroad bridge and highway 101.

22

Public Access and Trail System: The BLF wants to ensure that measures are taken to improve public access through the I-5 right-of-way and the railroad areas within the lagoon. We also recognize the need to maintain a proper balance between public access and ecological reserve preservation.

The BLF assigns a very high priority to extending the Batiquitos Lagoon public trail system under I-5, and access over and/or under the railroad. Specific recommendations include:

- Design and build a public access trail across the right-of-way and under I-5 on the north side of the lagoon to connect the trail at the end of Gabbiano Lane with the bluff area on the northwest side of the right-of-way in the Rosalena and San Pacifico communities. Note that any sound barrier mitigation should be planned so that they do not block trailheads within the communities. The EIR/EIS includes a trail under the I-5 bridge, but does not currently have it connecting to a trailhead for continuing it west along the bluff-top. The California Coastal Commission (see attached letter) has directed the City of Carlsbad to build this trail segment.
- Design and build a pedestrian bridge over the railroad tracks in the bluff area on the north side of the lagoon. This bridge would permit the public to walk the trail to the beach area. Note that this construction would be linked to the proposed

5

RESPONSES

21 cont. minimization of impacts to native plants, restoration of native habitat, improvements to wildlife corridor undercrossings, and buffering of trails are all incorporated into the proposed project, as appropriate and practicable. Please refer to the Draft Supplemental EIR/EIS and the Environmental Commitments Record (Appendix D) developed for the project.

22 With respect to the public access and trail system, some of these issues are directly addressed within responses to Comments 10 through 16, above. Please also see the updated and refined discussion of community and regional enhancements provided in the Cities of Carlsbad and Encinitas in *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, of this Final EIR/EIS. This document only covers work along I-5, not the railroad. The PWP/TREP may include some other enhancements associated with the railroad.

ORGANIZATIONS – COMMENTS

Ponto Beachfront Community Vision Plan that has been approved by the City of Carlsbad. A general Environmental Impact Report (EIR) has been developed for the Ponto Beachfront Community Development Vision Plan.

- Consider constructing a pedestrian bridge and associated trail linking the La Costa Avenue Park 'N Ride on the southeast side with the North Shore Trail on the northeast side of the lagoon. We support the proposed concepts presented in the EIR/EIS.
- Consider, under the LOSSAN Rail Trail Program, co-locating a public trail along the railroad right-of-way across the lagoon. We would propose including this trail in the railroad bridge replacement design.
- The Batiquitos Lagoon Foundation is in the process of locating a site and building a permanent Nature Center. In conjunction with a pedestrian bridge connecting the northeast and southeast sides of the lagoon, consider allowing the BLF to build a new Nature Center in the La Costa Avenue I-5/Park 'N Ride right-of-way area. The BLF would work with Caltrans to identify funding opportunities (e.g., grants, donations) and obtain funding for building a permanent Nature Center in return for being able to build and operate it on state land. The BLF would also support providing information to the public and giving public walks and talks in this area. This would provide an excellent partnership opportunity between Caltrans, California's Department of Fish and Game, the City of Carlsbad, and the BLF to benefit of the general public. Appropriate noise buffering would be required to reduce the noise associated with I-5. The Batiquitos Lagoon Foundation would welcome the opportunity to assist in the design, and to provide and update display information, and provide periodic public talks by our volunteer docents. We support the proposed concepts presented in the EIR/EIS.
- Investigate how public access can better be provided by linking the trail systems from the cities of Carlsbad and Encinitas. Traditionally, La Costa Avenue has presented a physical barrier between the two trail systems. The City of Encinitas has been acquiring land in the bluff area on the south side of the lagoon. The I-5 Expansion Project offers the opportunity to address safe crossing alternatives for crossing La Costa Avenue. These alternatives include the possibility of constructing one or more pedestrian bridges across La Costa Avenue. With the possibility of a pedestrian bridge across the Lagoon, a better public crossing alternative could be designed for walking access to the La Costa Avenue Park 'N Ride area.

22 cont.

23 **Temporary Measures to Protect the Lagoon and Surrounding Areas during Construction:** Since the I-5 Widening and railroad bridge replacement projects can be expected to span many years, the issue of storage and positioning of construction equipment and materials can be expected to be very significant. Access to specific construction sites during construction can also be expected to require construction of temporary roads and traversal of sensitive lagoon habitat. This will present issues such as temporary erosion control measures, dealing with noise pollution, disturbing the wildlife (including many endangered species that nest in the area), trash, restrictions to public access, air pollution, temporary reduction or elimination of wildlife corridors, traffic congestion, and others. The BLF would welcome the opportunity to work with Caltrans to minimize such impacts and to assist in monitoring and reporting problems so that

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23 Regarding temporary measures to protect the lagoon and surrounding areas during construction, BLF's willingness to coordinate in minimizing associated potential impacts and assisting in related monitoring and reporting is appreciated. As mentioned above, the project would be held to strict compliance with identified BMPs.

ORGANIZATIONS – COMMENTS

23 cont. they can be quickly dealt with. Following best construction management practices and strictly adhering to federal, state and local regulatory requirements must receive ongoing attention and assigned a very high priority.

24 **3. Research-based Suggestions:** The planning process will provide the opportunity to study, improve upon, and to further refine and develop *best management practices* for construction projects like those discussed in this paper. The BLF strongly supports capitalizing on this opportunity and would welcome the opportunity to collaborate with Caltrans on this topic. Some ideas include:

- Study how to improve lagoon water dynamics and hydrology when impacted by a major road expansion project. Update and use the computer-based hydrologic model that was developed for the Batiquitos Lagoon Enhancement Project. Take a *watershed approach* in addressing the problem rather than just focusing on the I-5 expansion project itself. Impacts of one project (e.g., the I-5 Widening Project) on other projects (e.g., LOSSAN Railroad Corridor Improvement Program (e.g., railroad replacement/upgrade), and NCTD Rail Trail Project) should be investigated. This should include study of the lagoon ocean inlet and its impact on the overall water flow in the lagoon and sand deposition on adjacent ocean beaches.
- Study technologies and innovative ways to control storm water run-off, improve water quality and monitoring, and reduce erosion in the I-5 right-of-way. Identification of automated instrumentation that might be appropriate for ongoing monitoring of water quality should also be included within the scope of research. This research would also include identification of appropriate water quality monitoring sites in and around the project area.
- Research and develop an appropriate restoration plan for the I-5 expansion project in the lagoon that encourages the use of native plants when restoring the area following construction, and the removal of existing invasive plants.
- Research ways to extend the North Shore Trail under I-5 and up the bluff on the northwest side of I-5 in the lagoon area. This should include ways to minimize habitat damage and visual impacts, while considering ease of use by the public. New and innovative ways to provide buffers adjacent to trails should be investigated.
- Update the inventory of wildlife, and identify and document existing wildlife corridors in the I-5 right-of-way within the lagoon area. Develop appropriate ways to maintain and enhance these wildlife corridors. Consider using volunteers from organizations like the San Diego Tracking Team and the BLF in performing such studies.
- Study and identify appropriate mitigation sites within the lagoon area and sub-watershed to support the I-5 expansion project. Wherever possible, any mitigation should be in the immediate local area rather than outside the lagoon watershed. This should include appropriate easements and land acquisitions that would support enhancing the public trails system for both the cities of Carlsbad and Encinitas.

25 **4. Identify and Review Plans, Reports, studies, and Related Documents:** It is very important that the project library include all of the documents associated with the

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RESPONSES

24 With respect to Research-based Suggestions, project funds must be used in direct project implementation, mitigation, and monitoring; they cannot accommodate research-only efforts. Pre-construction surveys would be completed, and project design has been augmented at the lagoon crossings to improve wildlife corridors where they cross I-5 bridge locations. The mitigation program, augmented and clarified in the August 2012 Supplemental Draft EIR/EIS and this Final EIR/EIS, was developed in concert with the resource agencies and is expected to best benefit coastal resources. The PWP/TREP and Resource Enhancement and Mitigation Program (REMP) is described in *Section 3.17.3.3, Compensatory Mitigation*, of this Final EIR/EIS, and is provided in Appendix P.

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Batiquitos Lagoon Ecological Reserve and adjacent watershed. Some of the key documents that should be available in the library include:

- City of Carlsbad, Habitat Management Plan for Natural Communities in the City of Carlsbad, December, 1999 as amended, final approval November, 2004 including implementing agreement and terms and Conditions.
- City of Carlsbad Open Space Management Plan, approved December, 2005.
- Carlsbad Watershed Management Plan, a management plan for the coastal watershed of the Carlsbad Hydrologic Unit, February, 2002.
- Batiquitos Lagoon Public Trail Program, Conceptual Planning Study, 1997. In 1997, the California Coastal Conservancy (CCC) funded preparation of a Conceptual Planning Study that divided the lagoon into 12 Planning Areas (PA's): A - Arenal Road Site, B - Mitsuuchi/Murphy Properties, C - Aviara - East, D - Aviara - Inlet, E - Aviara Trail - West, F - I-5 Underpass, G - Poinsettia Shores Residential, H - Poinsettia Shores Commercial, I - State Beach Environs, J - Cal trans Park 'N Ride, K - La Costa Avenue - South Shore, and L - El Camino Real.
- Batiquitos Lagoon North Shore Restoration Plan, September 1999. Includes the northeast right-of-way area adjacent to the Gabbiano Lane trail head. The study includes existing vegetation and recommended plant pallets for restoration. Unfortunately, it does not include areas to the west of the I-5 right-of-way.

25 cont.

5. <u>Some BLF Strategic and Tactical Projects:</u> The following strategic plans, projects and key activities that the BLF hopes to achieve over the next 10 years are indicated below. Appropriate time frames are included in parentheses.

- Continuing wetland, riparian and coastal sage habitat restoration in small segments along the North Shore Trail [over the next 10 years].
- Building a permanent BLF Nature Center somewhere within the Batiquitos Lagoon Ecological Reserve area [within 10 years].
- Extending the North Shore Trail under I-5 and up the bluff on the northwest side of the I-5 right-of-way [Within 8 years].
- Extending the North Shore Trail east to El Camino Real [Within 5 years].
- Implementing a water quality monitoring program for the Batiquitos Lagoon/San Marcos Creek/Encinitas Creek sub-watersheds [Within 2 years]
- Acquiring an easement through or purchasing a portion of the Murphy property to complete extending the North Shore Trail through to El Camino Real. 0.24 acre easement through an agricultural farm in the northeast area of the lagoon. [Within 5 years]
- Acquiring the Michael K. Murphy Trust Property on the bluff across from the La Costa Avenue I-5 Park-n-Ride. 18.85 acres of coastal sage habitat across from the La Costa Avenue I-5 Park-n-Ride. [Within 5 years]
- Acquiring the Tamamitsu Jinja – Indian Head Point property on the bluff across from the La Costa Avenue I-5 Park-n-Ride. 19.75 acres of coastal sage habitat on the bluff across from the La Costa Avenue I-5 Park-n-Ride. [Within 5 years]

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RESPONSES

25 The identification of plans, reports, studies, and related documents is appreciated.

26 The information regarding BLF strategic and tactical projects is appreciated. Implementation of the *I-5 NCC Project* would not be anticipated to interfere with BLF attainment of any of these goals. The properties identified under Potential Property Acquisition Locations have not been identified as appropriate mitigation parcels for the project. Parcels identified in concert with the resource agencies are reviewed in this Final EIR/EIS, and are considered to provide the best mitigation opportunities for the North Coast Corridor as a whole. Wetland mitigation sites are described in *Section 3.17.3.3* of this Final EIR/EIS.

ORGANIZATIONS – COMMENTS

26 cont.

- Working with the Los Angeles to San Diego (LOSSAN) Railroad Corridor Improvement Program and the NCTD Rail Trail Program to replace the railroad bridge over Batiquitos Lagoon and include a public trail over it. A new bridge design will be sought to reduce or eliminate the use of pilings to improve the water dynamics and hydrology of the area. [Within 8 years]
- Investigating trail design alternatives for re-aligning the trail to cross the railroad on the northwest corner of the Batiquitos Lagoon Ecological Reserve. This would provide a more scenic walk for the public and avoid having to use sidewalk segments along public streets. This includes the feasibility of installing pedestrian bridges over the railroad tracks and Highway 101. [Within 8 years]

27

6. <u>Potential property acquisition locations for mitigation within the Batiquitos Lagoon area:</u> A number of properties that offer potential mitigation site opportunities are indicated below. A fair market real estate appraisal would be required for each of them to establish a basis for negotiation with the landowners. The potential sites include:

- Ayres Property (APN 216-121-19). 7.22 acres of coastal sage and wetland habitat at the northeastern end of Batiquitos Lagoon. The willing seller is interested in exploring purchase options (e.g., donation, outright sale).
- Batiquitos Bluffs (1) (APN 216-122-25). ~2.5 acres of wetland.
- Batiquitos Bluffs (2) (APN 122-38). 59.94 acres of coastal sage and wetland.
- Michael K. Murphy Trust Property on the bluff across from the La Costa Avenue I-5 Park 'N Ride (APN's 216-11-012 and 216-10-001). 18.85 acres of coastal sage habitat.

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RESPONSES

27 Regarding the identification of potential locations for habitat mitigation associated with Batiquitos Lagoon, this information is appreciated. A number of potential mitigation sites have been identified for the *I-5 NCC Project*, including the 19.8-acre La Costa (Ayub) and the 47.8-acre Batiquitos Bluffs parcels in the area of Batiquitos Lagoon. Final properties identified for project mitigation have undergone substantial review by the resource agencies and are incorporated into the REMP. Please refer to *Section 3.17.3.3, Compensatory Mitigation*, as well as Appendix P of this EIR/EIS for detail.

ORGANIZATIONS – COMMENTS

STATE OF CALIFORNIA – THE RESOURCES AGENCY

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

DEC 2007
Planning Department
City of Carlsbad

December 13, 2007

Mr. Scott Donald
City Of Carlsbad, Associate Planner
1635 Faraday Avenue
Carlsbad, CA 92008

Re: Request by Rosalena Homeowners Association to relocate the approved alignment of the "Rosalena Trail" from the bluff top of Batiquitos Lagoon to an "on-street" location at Navigator Circle in the City of Carlsbad.

Dear Mr. Donald:

Thank you for discussing with me on June 21, 2007 the issues concerning the required public access trail within the Rosalena community pursuant to Coastal Development Permit (CDP) No 6-85-482. As we discussed, Commission staff does not support moving the trail from its approved location. Commission staff continues to support the trail in the required blufftop location and would like to ensure that all the private encroachments are removed and the trail built in a timely manner.

Commission staff appreciates the City's continued cooperation in the effort to resolve this sensitive matter. However, the City needs to move forward with a staff recommendation or reject the Local Coastal Plan amendment request by the Rosalena homeowners for the re-alignment of the trail that was submitted in 2001. And, while we understand that various complications may have resulted in postponement of the amendment review, we are now concerned about the City's apparent support of the proposed committee to identify alternative locations for the trail. We would like to reiterate this offices' firm support for the retention and improvement of the originally adopted trail alignment.

As you know, extensive review took place to identify the best location for the trail. That location was found to be at the top of the bluff, in the currently required location. Other options were considered including placing the trail lower on the bluff face or at the base of the bluff. However, it was found that building the trail in these locations would result in unacceptable impacts to high quality environmentally sensitive habitat and public access. It is for that reason that the Commission required the trail to be placed at the top of the bluff.

The bluff area itself is protected by an open space easement which prohibits the alteration of land forms, placement or removal of vegetation, or erection of structures of any type unless approved by the Commission. In addition, the wetland area at the base of the bluff is owned in fee by the California State Lands

RESPONSES

This letter was provided in reference to Comment 10 and does not require an independent response.

ORGANIZATIONS – COMMENTS

RESPONSES

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Commission. As you may be aware, the jurisdiction of the State Lands Commission is not limited to the area that is currently submerged rather it can include areas that may have been submerged historically. Therefore, the option to relocate the trail on the base of the bluff is also an unacceptable alternative.

Finally, the proposal to relocate the trail to an "on-street" location on Navigator Circle is unacceptable because the public already enjoys access to the street and the views and experience would not the same as they would be from the bluff top.

We sincerely hope the City will reject these attempts to relocate the trail, any other proposals by the homeowners to modify pre-existing permit conditions and take all necessary actions to address these unresolved issues in the very near future.

The California Coastal Commission is committed to preserving the public's right of access. The Commission Enforcement staff is now ready to enforce the terms and conditions of CDP No. 6-85-482 and pursue the existing violations consisting of unpermitted private encroachments within the trail alignment. Staff may seek to record Notices of Violation on the individual lots, pursuant to Public Resources Code Section 30812 in order to advise current and future homeowners of the unpermitted development on the property and the pending violation(s). The City's support would be greatly appreciated to finally get the area free and clear so the trail can be built and the public can begin enjoying the access that they are entitled to.

Thank you in advance for your time and attention to this matter. Commission staff is looking forward to working cooperatively with the City of Carlsbad in an effort to ensure that the trail in the Rosalena subdivision is actually constructed. We remain available to address any other issues that may result. If you have any questions, please feel to call me at (619) 767-2370.

Sincerely,

MVenegas

Marsha Venegas

cc: Lisa Haage, Chief of Enforcement
Lee McEachern, Supervisor, Planning and Regulation
Deborah Lee, Coastal Program Manager
Patrick Veesart, Southern California Enforcement Team Leader

ORGANIZATIONS – COMMENTS

November 17, 2010

Caltrans District Office
4050 Taylor Street
San Diego, CA 92110

Email: I-5_NCC_EIR_EIS@dot.ca.gov

SUBJECT: COMMENTS ON DEIR FOR PROPOSED I-5 WIDENING PROJECT

01 This is a joint response, from the Buena Vista Audubon Society, the San Diego Audubon Society, and Preserve Calavera, to the public review and comment period regarding the Draft Environmental Impact Report (DEIR) for the I-5 Expansion Project. The proposed I-5 expansion involves construction of four or six new traffic lanes in addition to the existing eight lanes, along with associated overpasses, access ramps, and retaining/noise walls. The project would take place, on 27 miles of I-5 from La Jolla to Camp Pendleton, over a period of 40 years, at a cost of $3-4.3 billion. The stated purpose is the relief of traffic congestion. The following are our comments on the DEIR and the specific environmental impacts of the project.

Traffic Circulation

02 Adding travel lanes will relieve traffic congestion in the short term but studies have shown that similar problems will occur in the long term, and, therefore, it is not an efficient use of the enormous sums of money involved. A freely running freeway creates "induced demand", as it attracts traffic from other routes and encourages individuals and businesses to make greater use of the freeway.

03 A permanent solution to traffic congestion on I-5 should involve funding of a program that: 1) encourages and facilitates the use non-motorized alternative means of transportation, where possible; 2) upgrading of public mass transit; and, 3) implementation of various traffic management and demand strategies.

04 Due to the proposed project's inability to address traffic congestion in the long term, and due to the project environmental impacts, including the emission of greenhouse gases and contribution to climate change, we recommend among the Alternatives evaluated in the DEIR, the "No Build Alternative" and the "Traffic System Management and Traffic Demand Management Alternative" which would help to reduce traffic volumes.

05 However, the DEIR is deficient in not also including a "Public Transit Alternative" which, if funded appropriately and designed to better meet the transportation needs of the region, could also greatly alleviate congestion problems on the freeway. Public mass transit could take the form of improvements to the Coaster with connecting transportation, expansion of light rail, and express and shuttle buses. Transportation System Management strategies include using the existing facilities to maximize efficiency, such as promoting ridesharing and providing rideshare services such as vanpools, parking, traffic system optimization, to improve traffic flow and increase the number of vehicles trips the road can carry without increasing the

RESPONSES

Responses to Joan M. Herskowitz, Conservation Co-Chair, Buena Vista Audubon Society; James A. Peugh, Conservation Chair, San Diego Audubon Society; and Diane Nygaard, President, Preserve Calavera

01 Thank you for your comments, which are part of the public record. Specific responses to your comments on the Draft EIR/EIS and the specific environmental impacts of the project are provided below.

02 The project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2035 and beyond as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods.

Additionally, the potential for the project to carry additional traffic (referred to as induced or latent demand) has been included in the project analysis (i.e., incorporated into build traffic volumes) and is addressed in the EIR/EIS. Also, as described, the projected increase of vehicle miles traveled (VMT) pulled from local streets

ORGANIZATIONS – COMMENTS	RESPONSES
	02 cont. is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the HOV/Managed Lanes proposed, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic.
	03 The *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2035 and beyond as one element of a multimodal system. Additionally, a number of community enhancement features are identified within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, of the EIR/EIS). These features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit improvements that are being pursued by the agencies responsible for these facilities within the North Coast Corridor. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; based on regional traffic projections, these measures are not a substitute for freeway improvements. In regard to project funding, Caltrans' responsibility is to use transportation monies provided for upgrade of the State highway system in the most beneficial way (considering a combination of driver need, environmental effects, and project cost) on those highway facilities. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes. With regard to the Transportation System Management (TSM) and Transportation Demand Management (TDM) alternatives, as stated in the EIR/EIS, although TSM measures alone could not satisfy the purpose and need of the project, they have been incorporated into the build alternatives for this project.

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05 cont. number of lanes. Transportation Demand Management strategies would reduce the number of vehicle trips and miles traveled through the promotion of telecommuting, change of work schedules to even out the pattern of vehicle use on the road, muting the effect of the morning and afternoon rush hours. We urge that the EIR not be certified in its current form and that it be recirculated with these alternatives analyzed, and compared with the more damaging alternatives that are in the current draft for their mid and long term impacts.

Visual Impacts/Aesthetics/Community Character

06 The I-5 corridor in the project area is the northern gateway to the San Diego region and is unique as a coastal freeway with ocean views. It traverses coastal communities with expansive views of river valleys, coastal lagoons, beaches, scenic hillsides, and Torrey Pines State Reserve, with low density development and open space near these natural features. The I-5 passes through a number of cities which have designated the I-5 as a protected view corridor because of the importance residents place on these scenic qualities. The trees and median and slope vegetation along the freeway provide positive visual impacts, as well as sequester pollutants. Large structures such as retaining walls and noise walls are currently largely absent from the corridor. However, the road expansion project would introduce a greater mass of roadway and an array of road infrastructure that would transform this scenic corridor into an urbanized concrete-dominated arterial characteristic of the Los Angeles region. The proposed concrete retaining walls, sound walls (up to 45 feet in height), and direct access overpasses, would obscure ocean views and other scenic features from both I-5 travelers and the nearby and distant communities, and would have a significant impact on the visual and community character of the area. The walls would create a tunnel effect that would obscure the region's unique visual identity and character. The sound walls will also tend to obstruct bird flights from one side of the freeway to the other. The need for these sound walls alone should preclude this approach. How will Caltrans address the above concerns on visual impacts?

Air Quality/Climate Change

07 Motor vehicle emissions contain a number of pollutants that adversely affect human health and natural ecosystems. These emissions represent the most significant source of "ultrafine" particles which have shown to be more toxic than the larger particles. Studies published in the Journal of Air and Waste Management Association and in Atmospheric Environment show that proximity to a major freeway dramatically increases exposure to ultrafine particles which are linked to neurological changes, pulmonary inflammation, and cardiovascular problems. USC researchers found that children living within 82 yards of a major road had 50 percent greater risk of exhibiting asthma symptoms than those living more than 328 yards away. Asthma is a major cause of hospital admissions in children. Asthma that begins in childhood by exposure to ultrafine particles usually becomes a medically costly, lifelong condition. This condition limits physical activity which subsequently contributes to childhood obesity – another preventable epidemic. Research by UCLA scientists published in the journal Atmospheric Environment indicates that air pollutants from LA Interstate 10 in Santa Monica extend more than 1.5 miles downwind, further than previously thought. The increase in vehicle volume will significantly increase impacts on air quality. This in turn will result in adverse health effects which disproportionately imperil our most vulnerable populations of children and the elderly.

2

RESPONSES

04 Regarding potential project-related impacts from greenhouse gas (GHG) emissions, EIR/EIS *Section 4.6, Climate Change*, analyzes project-associated GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. Overall, project implementation would be expected to substantially lower I-5 GHG vehicular emissions from No Build conditions. Please refer to Topical Response "Climate Change" for additional information regarding GHG emissions in California, research by Caltrans on this topic, and tons per day of carbon dioxide anticipated to be lowered with the project.

Your preference for the No Build alternative or Traffic System Management and Traffic Demand Management alternative is noted. The EIR/EIS analyzes these alternatives in *Section 2.2.3, Transportation System Management, Multimodal and Transportation Demand Management Alternatives*, and *Section 2.2.4, No Build Alternative*, of the EIR/EIS, respectively. The No Build alternative is analyzed in detail in every section of the EIR/EIS, as required under the National Environmental Policy Act (NEPA). With regard to the transportation system management (TSM) and transportation demand management (TDM) alternatives, as stated in the EIR/EIS, a number of these measures are beyond Caltrans' jurisdiction, and although TSM measures alone could not satisfy the purpose and need of the project, TSM and TDM measures have been incorporated into the build alternatives for this project.

05 The *I-5 NCC Project* is only one element of a multimodal system planned for the North Coast Corridor. Several alternatives were considered before the build alternatives were chosen as the most viable options. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the North Coast Corridor, including additional transit-based alternatives. Following the completion of a Corridor System Management Plan (CSMP) to address all planned transportation modes, each lead agency is moving forward with more detailed review of the portion of the system improvements for which it is responsible. While supportive of the public transit improvements being planned by other agencies, Caltrans is only responsible

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05 cont. for implementing the I-5 improvements that were identified as necessary through the comprehensive regional transportation planning process. Please also refer to the response to your Comment 04 regarding TSM and TDM strategies.

Caltrans does not control work hours of non-Caltrans employees and does not have the ability to impose requirements to use public transportation or telecommute. With regard to the potential for telecommuting, the SANDAG 2050 Regional Transportation Plan (RTP) states:

> In our region's efforts to identify cost-effective strategies for reducing peak period congestion and the associated greenhouse gas emissions, telework rises to the top. However, telework is a solution that currently lacks a dedicated program. To promote it, iCommute proposes to launch a regionwide telework program that includes incentives and technical assistance to support employers with developing telework policies and programs.

Support of the iCommute program by the citizenry would help improve telecommute percentages, with corresponding reductions in congestion. Until the percentage of individuals participating is much higher than five percent, however, ongoing transportation upgrades will be needed.

New alternatives related to these measures would be beyond Caltrans' purview. No new measures are necessary.

06 The EIR/EIS states that visual impacts would be high with project implementation and that the project would contribute to a more urban feel in this developed portion of the County. Please note, however, that retaining walls and noise barriers are common features along I-5 and other freeways within the State. Retaining walls would not obscure views, as they would either support locations where existing slopes occur, or would be located below the elevation of the roadway. The project responds to the visual

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06 cont. impacts through minimization, as well as mitigation, of adverse visual impacts.

Specific to ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS). Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. With regard to direct access ramp (DAR) overpasses, two of the DARs (Cannon Road and Oceanside Boulevard) have been eliminated from the project and the Manchester Avenue DAR has been redesigned to include an undercrossing rather than a flyover. As depicted in comparisons of existing and future conditions in Final EIR/EIS *Figures 3-7.41* through *3-7.110*, although identified as a potential visual impact, the presence of walls on both sides of the freeway that actually result in a "tunneling" visual experience is not universal to this segment of I-5. In many instances walls would be located on only one (or neither) side of I-5 (most notably where the current most expansive views are available, in crossing water features); and in others, the visual intensity would be lessened through landscaping or wall design (see, for example, *Figure 3-7.58*). These mitigation measures are detailed *in Section 3.7.4* of the EIR/EIS, and depicted on *Figures 3-7.113* through *3-7.148*.

With respect to the potential for sound and/or retaining walls to obstruct bird flights, this effect is not anticipated based on the following considerations:

- Proposed soundwalls, while consisting of freestanding structures, would extend to maximum heights of 16 feet (with most walls or sections or walls exhibiting lower heights), and, therefore, would not represent substantial barriers to avian flight paths.

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06 cont.

- Numerous existing features within and adjacent to the freeway corridor, such as buildings, signs, overcrossings, and trees, exhibit greater heights than the proposed soundwalls, with no known adverse effects to avian movements.
- If soundwalls were to have an effect on avian flight paths, the most likely result would be for birds to move up and over the walls, thereby reducing the potential for mortality from vehicle strikes.
- Retaining walls are typically not freestanding structures, and by definition are intended to provide support for (or retain) adjacent slopes. Accordingly, proposed retaining walls would not represent new or increased obstacles to avian movements, as they would generally be constructed at heights that are equal to or less than the associated slopes.

It is Caltrans' intention to avoid, minimize, and/or mitigate project impacts. As such, *Section 3.7.4* of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, this may include such efforts as the use of landscaping; planting buffers and pockets; as well as architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would provide relief from monolithic appearance and reduce the apparent scale of the retaining wall. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects and the ongoing effort to avoid, minimize, and mitigate project visual effects.

07 Regarding project-related air quality emissions, the generation of "ultrafine particles" (particulate matter [PM]), and related potential health concerns, these issues are addressed in EIR/EIS *Section 3.14, Air Quality*. As described therein for general air quality concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. For PM such as dust and diesel exhaust,

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	07 cont. including inhalable (PM_{10}) and fine ($PM_{2.5}$) particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared to existing conditions. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards and is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency (USEPA) PM guidance (as described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against a No Build condition. A number of measures are also identified in *Section 3.14* to control construction-related PM generation, including requirements for conformance with applicable San Diego Air Pollution Control District and Caltrans dust control standards, as well as proper vehicle and equipment operation and maintenance. For potential air quality related health effects, the analysis in *Section 3.14* indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. The potential for long-term health effects from living in proximity to a freeway are addressed in EIR/EIS *Section 3.14.3.* The proposed project, as previously indicated, would reduce emissions relative to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on air pollutants and related potential health effects.

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08 The I-5 expansion project would ultimately result in increases in greenhouse gas emissions from both the massive construction and increased freeway use. It is therefore not consistent with national and state goals to reduce greenhouse gases from vehicle use. Everywhere in the country, individuals and governments are looking for ways to reduce their carbon footprint. They are doing this to address climate change and global warming, and its potential devastating effects on human populations, as well as native wildlife. The DEIR states that because stop-and-go traffic is reduced in the short term from the added lanes, greenhouse gases will decline after project completion. However, the DEIR disregards studies that indicate that in the long term the added lanes will encourage more vehicle use, more high speed traffic and eventually more stop-and-go traffic and, therefore, more greenhouse gases will be released into the air. How will Caltrans address the above concerns on air quality impacts?

Biological Resources and Water Quality

09 The road widening would impinge upon and impact a number of sensitive natural areas that contain habitat and wildlife that are both state and federally protected, and of regional significance. The project would impact the major coastal wetlands in the North County region as it crosses five lagoons, San Dieguito Lagoon, San Elijo Lagoon, Batiquitos Lagoon, Aqua Hedionda Lagoon and Buena Vista Lagoon, and is situated adjacent to Los Penasquitos Lagoon and Marsh Preserve. It also crosses rivers and creeks that terminate in the ocean and provide wildlife corridors from inland San Diego County to the coastal region, including Los Penasquitos Creek, Carmel Valley Creek, San Luis Rey River, Cottonwood Creek, Loma Alta Creek and Encina Creek. Cottonwood Creek, that has steeply sloped banks and runs parallel to I-5, will be severely impacted by fill and other earth moving activities involved in construction. Because of the historical loss of wetlands in the Coastal region due to development, the impacts to these wetlands are individually and collectively significant.

The coastal wetlands and adjoining uplands support a variety of sensitive habitats and the wildlife that depend on them. The wetlands support a year-round resident bird population that is attracted to these highly productive marshes and riverine systems. Because the coastal wetlands are located on the Pacific flyway, they also provide feeding, resting, and breeding grounds for migratory bird populations. The expansion of the additional lanes and supporting infrastructure will result in a significant loss of wetland habitat and a degradation of that habitat during the construction phase and upon completion due to ultimate increases in the volume of traffic.

10 These coastal wetlands will also be significantly affected by water pollution from freeway runoff and from the aerial deposition of contaminants from vehicles, including copper, tire particles, oil leakage, and litter, that will be deposited in the lagoons by the increased vehicle traffic. Even if totally effective capture and cleansing of runoff water is incorporated into the project, it will still have a significant unmitigated water quality impact due to the airborne deposition of contaminants and litter that will result from the additional traffic.

11 During construction, the excavation of soils and other earth moving activities adjacent to the road will release residues of a variety of pollutants, including but not limited to, petroleum hydrocarbon particulate matter and aerosols, and lead. These toxic substances have accumulated over the years in soils adjacent to freeways. When disturbed, they will quickly find their way into the lagoon food chain and, during tidal flushing, could also

3

RESPONSES

08 Construction emissions of GHGs were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012, and the information has been added to *Section 4.6.4* of this Final EIR/EIS. *Table 4.3, Estimated Annual Construction GHG Emissions,* shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 metric tons (MT) per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG emissions.

Caltrans has considered projected growth and the size of improvements needed to accommodate such growth. The potential for "induced" or "latent" demand has been included in the project's baseline analysis as addressed in the EIR/EIS. The projected increase of vehicle miles traveled (VMT) pulled from local streets is anticipated to be relatively small (approximately four percent) in association with the proposed project, as a result of a number of regional and project strategies and improvements designed to reduce the growth in the number of VMT and to encourage options to the use of single-occupant vehicles (refer to *Section 2.2.3* of the EIR/EIS). While VMT increases are not necessarily desirable due to potential emissions and fuel consumption impacts, freeway VMT is only one component of the air quality analysis. In this case, the four percent VMT increase related to latent demand would be more than offset by increased vehicle speeds (reduced congestion) and decreases in VMT on local arterials. Specifically, construction of the four (maximum) HOV/Managed Lanes (express lanes) would provide the following air quality-related benefits when compared with the No Build alternative:

- A 10 to 15 percent reduction in VMT on El Camino Real and Pacific Coast Highway (refer to CSMP Figure 8.26)
- A 47 percent reduction in Vehicle Hours of Delay (VHD) (defined as 35 miles per hour or less; refer to CSMP Table 8.8)

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	08 cont. • A decrease in the duration of daily peak period congestion from a range of 12 to 13 hours to a range of 5 to 6 hours (refer to CSMP Table 8.10) Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic, as well as Topical Response "Project Lifespan" regarding limited lifespan of transportation improvements. 09 With respect to project-related effects to sensitive natural areas, wildlife, and associated corridors, including the six coastal lagoons and related waterways, these issues are addressed in the EIR/EIS under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures* (including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*). As described, project-related impacts to biological resources, including wetlands and lagoons/waterways, would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package for unavoidable impacts has been developed in concert with the wildlife agencies. Overall, as described in *Section 3.17* and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. It should also be noted that since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. This evaluation incorporates the results of associated technical analyses, including biological assessments, hydrologic and hydraulic studies, and Caltrans interaction with lagoon scientists, intended to maximize the health and function of the lagoons. Please also refer to the Environmental Commitments Record (Appendix D of this Final EIR/EIS) for a list of avoidance,

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09 cont. minimization, and mitigation measures associated with the lagoons; to Topical Response "Lagoon Evaluations" for additional information on potential project-related issues regarding coastal lagoons; and to Final EIR/EIS *Section 3.17.3.3, Compensatory Mitigation*, for a detailed discussion of the PWP/TREP and Resource Enhancement and Mitigation Program (REMP).

For wildlife corridors, *Section 3.17* of the EIR/EIS notes that the coastal lagoons, adjacent native habitats, and related waterways provide important linkages for wildlife movement. Based on the design of modified bridge crossings and the additional lagoon studies described above, however, measures have been incorporated into the proposed project to enhance the potential use of these areas as wildlife corridors. These include efforts such as the provision of dedicated (i.e., separate from pedestrian and bicycle trails) and wider benches on bridge abutments in applicable areas to accommodate wildlife movement, as well as the use of fences (or other barriers) and signs to discourage pedestrian and bicycle access in wildlife corridors and adjacent habitat areas. Fencing material and design would be chosen to accommodate nighttime wildlife movement and flood events.

Loss of native habitats would be addressed through the establishment of wetland habitat and acres of sensitive upland habitat in addition to preservation and restoration efforts, to comply with regulatory "no net loss" requirements (refer to Final EIR/EIS *Table 3.17.13)*. These efforts would also provide related benefits to associated wildlife species, including year-round and migratory bird populations.

Please refer to the response to your Comment 08 regarding VMT associated with the project.

10 Regarding potential water pollution and airborne deposition of contaminants, these issues are addressed in EIR/EIS *Sections 3.10, Water Quality and Storm Water Runoff*, and *3.14,* as well as above in the response to your Comment 07 (air quality concerns). For water quality-related pollution, *Section 3.10* provides an evaluation of potential project-related water quality impacts associated with the identified build alternatives and the

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	10 cont. No Build alternative (including potential effects to lagoons and related waterways). Specifically, this includes direct impacts from short-term (construction) activities, such as grading operations and accidental discharge of construction-related pollutants (e.g., fuels, lubricants, and litter), as well as long-term (operational) impacts, such as the generation of vehicle-related pollutants (e.g., particulates and metals from break pad and tire wear, and exhaust-generated pollutants such as nitrite). This analysis provides quantified assessments of potential impacts related to existing and proposed impervious (paved) surfaces. *Section 3.10.4* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. Information provided in the August 2012 Supplemental Draft EIR/EIS also documented "treatment" of all new road surface proposed as part of the Preferred Alternative, with some excess "treatment" of existing facilities provided; *Section 3.10.3* of this Final EIR/EIS presents a similar discussion. The 8+4 Buffer alternative, refined following circulation of the Draft EIR/EIS and receipt of comments, was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Regarding the potential future increase of airborne pollutants and related effects to water quality in coastal wetlands, please

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11 cont. affect ocean organisms. These are harmful substances that persist and accumulate in the environment due to incomplete degradation, and bio-concentration in the food chain, which is aided by their solubility in lipids and fats. Many are known to be genotoxic and carcinogenic to aquatic organisms. Also during construction, earth moving activities will result in silt containing soil nutrient movement into the wetlands causing excessive sedimentation in the lagoons and contributing to algal blooms in the lagoon and ocean. These water bodies, already overloaded at current pollutant levels, are subject to anoxic conditions.

12 As traffic volumes increase on I-5 over time to fill the added lanes, the adjacent wetlands will receive greater quantities of pollutants released from vehicles. In addition, there will be ongoing project impacts to wetland wildlife from elevated noise levels, greater amounts of light pollution from freeway and vehicle lighting, and increases in litter and debris. Any one of these impacts could interfere with the life cycles of wetland organisms, including feeding patterns, breeding, and overall physiology. How will Caltrans address the above concerns on biological and water quality impacts?

Piecemealing of CEQA Review

13 The widening of I-5 along Buena Vista Lagoon cannot occur without addressing the interchange of I-5 and I-78. The combined impacts from these two projects will be much greater than those of the widening itself. The full impacts of the two projects need to be considered, so it is possible to determine that project alternatives are both feasible and reduce the combined impacts. It is a violation of the CEQA process to artificially divide a project into smaller components that appear to reduce the impacts, but that in fact could result in an even more damaging project when the full project is considered. How will Caltrans address these concerns?

Indirect Impacts to Agriculture

14 The DEIR has failed to adequately consider the cumulative impacts of this project on Agricultural Resources. Carl Bell, Director of the San Diego Farm Bureau, identifies two critical factors affecting the sustainability of agriculture in San Diego – water pricing and competition with lower priced imported food. Part of the justification for this project is to support freight and goods moving through the Mexican Border crossing, and these goods include an increasing amount of food products. Agriculture in San Diego County is not just important for our local economy, it affects land use, watershed function, and habitat. Agricultural land provides important movement, foraging and migrating areas for local, national and even international wildlife populations. Facilitating the movement of lower priced food, from long distances away, will reduce the viability of local agriculture. It also contributes to excess carbon dioxide leading to global warming and to increased levels of nitrous oxides that form smog. None of these issues were adequately considered in the DEIR. How will Caltrans address these concerns on impacts to agricultural resources?

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10 cont. refer to the above discussion in this response, as well as the response to your Comment 07 above. As noted, the project water quality assessment includes consideration of exhaust-generated pollutants, and project implementation is expected to result in lower overall air emissions compared with existing conditions. Accordingly, the project would not result in a significant unmitigated water quality impact from airborne contaminants and litter associated with project traffic. It should also be noted that the difference in anticipated levels of traffic between the build alternatives and the No Build alternative would be relatively minor, as described in the response to your Comment 08.

11 With respect to potential water quality concerns related to project grading and excavation and the downstream transport of sediment and associated pollutants into downstream waters (including lagoons), please refer to the response to your Comment 10 above. As discussed, *Section 3.10.4* of this Final EIR/EIS identifies specific BMP categories for soil stabilization and erosion and sediment control, and references the Caltrans SWMP. Per the discussion in *Section 3.10*, additional specific guidance for erosion and sedimentation concerns and related pollutant transport is provided in the Caltrans Construction Site BMP Manual. This manual includes a number of individual BMPs that can be used to minimize and stabilize disturbed areas, as well as to prevent the off-site transport of sediment and associated pollutants such as hydrocarbons and nutrients. Specifically, this may include the use of measures including silt fencing, desilting basins, fiber rolls, check dams, berms, dust control, and inlet protection. The Caltrans Construction Site BMP Manual is available for review at the following location: http://www.dot.ca.gov/hq/construc/stormwater/BMP_Field_Master_FullSize_Final-Jan03.pdf.

12 Regarding potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2035 and beyond as part of a multimodal system, and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed

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	12 cont. use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in project analysis, as discussed in the response to your Comment 08. Please also refer to the responses to your Comments 07 and 08 regarding improvements in air pollutants emissions projected for the future when compared with existing emissions. Please refer to the responses to your Comments 10 and 11 above for information on potential project-related water quality impacts to downstream waters, including lagoons. As noted, project construction and operational activities would comply with applicable regulatory requirements, and no substantial impacts related to downstream pollutant discharge and associated lagoon and ocean ecosystems are anticipated. With respect to potential project-related indirect impacts to wildlife from noise and lighting, these issues are addressed in EIR/EIS *Section 3.21, Threatened and Endangered Species*. For noise impacts, bird species are the focus of the related EIR/EIS analysis because they utilize a variety of vocalizations throughout their daily activities (e.g., mating calls, contact notes, etc.). Specifically, the discussion in *Section 3.21* incorporates modeling of project-generated noise levels at a number of noise receptor sites, including 17 locations in applicable coastal lagoons. The results of these efforts indicate that projected future noise levels at the lagoons would increase by between one and three decibels (dBA) at most (15) noise receptors, with one site in San Elijo Lagoon exhibiting a one dBA decrease, and one site in Batiquitos exhibiting a four dBA increase. While increases of three dBA or less are generally imperceptible to the average healthy human ear, the EIR/EIS indicates that the level of noise changes that is perceptible to bird species is unclear, and there is no single standard for determining substantial noise effects on all bird species. Prior studies that have identified a possible noise effect standard for certain species of songbirds have not been scientifically shown to be valid for those

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	12 cont. species addressed in the *I-5 NCC Project* Natural Environment Study (NES). Under existing conditions, however, noise in excess of 70 dBA occurs over various amounts of wetland and upland habitats that either support, or have potential to support, special status bird species at the coastal lagoons within the project area. As described in Section 4.9 of the NES, while population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. As noted in *Section 3.21.3*, indirect impacts to threatened and endangered species can result from increased lighting. Indirect impacts would be mitigated through the enhancements identified in the REMP as stated in the Draft Supplemental EIR/EIS and the Final EIR/EIS. Lighting would occur near on- and off-ramps similar to existing conditions. Adjacent wildlife is located next the existing busy facility and has extensive adjacent water area to use. Project-related lighting also would be shielded and directed away from sensitive habitats as feasible.
	13 Review of a completed design for the I-5 / State Route (SR) 78 Interchange as part of the proposed project is not required under the California Environmental Quality Act (CEQA, PRC, Division 13, Sections 21000-21177). Each project has independent utility, as discussed in *Section 1.3.6, Independent Utility and Logical Termini*, of this Final EIR/EIS. Modifications to ramps at the interchange required for correct implementation of I-5 is addressed. Beyond that, the I-5 / SR-78 Interchange project is a separate effort, with improvements to east-west function along SR-78 being divisible from the north-south function along I-5 that is analyzed in this EIR/EIS and subject to different need for implementation in terms of both timing and funding. The I-5 / SR-78 Interchange project is appropriately included in the cumulative analysis in the EIR/EIS (see *Section 3.25, Cumulative Impacts*). Anticipated impacts from the I-5 / SR-78 project are identified in the PWP/TREP and REMP as part of the regionally significant mitigation The effects of both projects, when combined with the other cumulative projects identified in the EIR/EIS, have been taken into consideration during the CEQA/NEPA process.

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14 The focus of the project is the 27-mile-long corridor described in the EIR/EIS. As stated in EIR/EIS *Section 1.2, Purpose for the Project*, an overall project purpose is to maintain or improve existing and future traffic operations in the North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year. Although an ancillary benefit of the project would be to move additional agricultural goods from Mexico into northern coastal San Diego County, it is certainly not an objective of the project. As discussed in the EIR/EIS, approximately six percent of the vehicular traffic along the project corridor is comprised of trucks, and only a limited portion of those trucks would be driving from Mexico with produce and other agricultural goods. An even smaller percentage would be completing trips within San Diego County. As a result, the contribution to excess carbon dioxide (CO_2) related to this issue or the cumulative loss of agricultural lands due to I-5 improvements is considered to be less than considerable. The cumulative status of agriculture in the County is addressed in *Section 3.25*. The issue of the importance of CO_2 in greenhouse gases is addressed in *Section 4.6*.

The analysis of project impacts to regional air quality, as performed by SANDAG and the SDAPCD in conjunction with the 2030 RTP – 2006 Update and the 2006 RTIP as amended, is a cumulative analysis. The proposed project would conform to the conformity analyses for the 2030 RTP – 2006 Update (SANDAG 2006) and 2006 RTIP, as amended (SANDAG 2007), as well as the 2050 RTP and 2010 RTIP, which are long-range planning documents that include roadway projects throughout the region. Therefore the project would not result in a cumulative impact to air quality. Please refer to Section 5.3, Cumulative Impacts, of the Air Quality Analysis, August 2007, where your comment is addressed.

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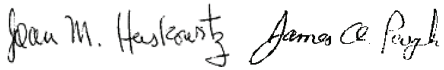
Inadequate Mitigation

15 Two coalitions of non-profit organizations in North San Diego County, the North County Open Space Coalition (NCOSC) and Carlsbad Watershed Network (CWN), had a series of meetings with Caltrans staff over this project in 2006. Attached is a copy of the three page list of potential mitigation measures for the Buena Vista Watershed that they asked to be considered for inclusion as this project moves forward. All of these measures are related to watershed function and habitat conservation. We cannot find that any of these mitigation measures have specifically been included in the DEIR. These are all feasible, reasonable mitigation measures that would provide some offsetting benefits for the huge direct and indirect impacts from this project. We again request that all of these mitigation measures be considered for inclusion in the final project, and, if they are not included, that the final EIR provide an explanation for their exclusion. Why weren't biological mitigation measures in the Buena Vista Watershed included in the DEIR?

Conclusion

16 In conclusion, the proposed expansion of I-5 will have significant, unmitigable, and irreversible environmental impacts to biological resources, air quality, water quality, efforts to avoid climate change, visual aesthetics and community character, agriculture, and human health. In addition, the DEIR does not meet the requirements of CEQA because it does not evaluate less impactive alternatives, such as the public transit alternative. Therefore, the DEIR should not be certified by Caltrans as meeting the requirements of CEQA. It should be revised to include transportation alternatives that will benefit, not degrade, our region and then be reissued.

Respectfully,



/s/ Diane Nygaard

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ATTACHMENT

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15 Since the circulation of the Draft EIR/EIS, the potential project effects and mitigation for impacts to the lagoons have been further analyzed as a result of the optimization studies for the lagoons discussed in the response to your Comment 09. The proposed bridges crossing the lagoons have been redesigned based on these studies, including the Buena Vista Lagoon, which would accommodate a reasonable range of restoration options ultimately chosen by the lagoon manager. The mitigation program has been refined in concert with staff from the U.S. Fish and Wildlife Service, USACE, NOAA Fisheries, California Department of Fish and Wildlife (previously the California Department of Fish and Game), RWQCB, and the California Coastal Commission. It is designed to best benefit the coastal resources overall rather than on a lagoon-by-lagoon basis. Additional information is provided in the Supplemental EIR/EIS circulated in August 2012, as well as in this Final EIR/EIS regarding the program. Please also refer to the response to your Comment 09.

16 Please refer to responses to your Comments 02 through 15 with regard to your comments concerning severity of impacts to biological resources, air quality, water quality, climate change, visual/aesthetics and community character, agriculture, and human health.

The EIR/EIS evaluates a reasonable range of alternatives (five, including the No Build alternative), as required by CEQA and NEPA. The EIR/EIS discusses the four build alternatives that were determined to meet the project's goals and objectives. Those alternatives vary with regard to impacts and benefits. Other alternatives considered but eliminated from further discussion prior to the Draft EIR/EIS are presented in Final EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, and Topical Response "Corridor Alternatives" presents yet further alternatives screened over the past 20 years during programmatic review of all transportation modes in the North Coast Corridor. This EIR/EIS is a project-specific document. Public transit improvement projects are similarly moving forward separately, as described in Topical Response "Multimodal System," "Rail Preference," and "Mass Transit." Recirculation of the Draft EIR/EIS is not warranted.

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Buena Vista Lagoon/Watershed **Revised 5/01/06**
Potential Projects Related to I-5 Widening/Interchange

This list of potential projects is submitted on behalf of member organizations of the North County Open Space Coalition (NCOSC) and Carlsbad Watershed Network(CWN). The framework for this list is the Carlsbad Watershed Management Plan, and the position of NCOSC in support of the salt water alternative for the restoration of the Buena Vista Lagoon. Our key objective is to support improved coordination of watershed and habitat conservation efforts.
Assessing the impacts for the two projects, the I-5 widening and the I-5/#78 interchange, and planning effective mitigation for the impacts should be done concurrently.

Hydrology

- support lagoon restoration plan

We're quite far along now in the planning and EIR development phase, and a decision on the approved restoration plan should be forthcoming within a reasonable time frame. The timing of the two projects could neatly coincide. The cost of the restoration will be in the $100 million range.

- expanding the width of the I-5 bridge

Assuming the selected lagoon restoration is restoring it to a natural salt water condition, expanding the width of the I-5 bridge would probably be considered a critical component. The design of the new bridge should best accommodate our preferred alternative of an all-saltwater estuary.

- add gauging stations

There are currently no gauging stations on Buena Vista Creek so there is little quantitative/historical data available on discharge rates, and variation in surface flow. Adding such stations would support the lagoon restoration effort as well as improved storm water management in the watershed.

Public Education/Access Programs

- Boardwalk Interpretative Trail

BVAS has the concept plans for this project already in hand. It involves a loop boardwalk trail which begins and ends at the Nature Center, and incorporates raised observation platforms and interpretative signage. The second, more problematic project would be a pedestrian boardwalk running along the east side of Pacific Coast Hwy and linking the small picnic park and lagoon overlook in Carlsbad with the BVAS Nature Center.

6

The attachment was provided in reference to Comment 15 and does not require an independent response.

ORGANIZATIONS – COMMENTS | RESPONSES

- north side lagoon trail

This proposed trail would go from the Nature Center east along the north side of the lagoon. The trail would probably need to deadend at the freeway, but such a trail would greatly expand the ability of BVAS to serve as a focal point for nature education about the lagoon.

- Watershed/ monitoring component

This would be similar to the program the University of California has at the headwaters of the Santa Margarita River - Reserve Station. The BV Nature center would be provided with high speed access - wireless access as field stations for on-going research, mitigation and protection of the local wildlife and watersheds. The nature center would function as a working field station with mobile carts and wireless laptops that go along with ancillary monitoring devices. These along with onsite and upstream monitoring equipment needs to be in place for nearby high school and university student for on-going conservation studies and research.

- expand educational component of annual creek clean-ups

There have been broad based community clean-up efforts along the creek and to the coast. What these efforts haven't included is a strong public education component. Hundreds of volunteers turn out for this event. Interactive exhibits at the event, hand-out materials etc could be designed with age appropriate messages about watershed protection.

Land Acquisition

- coordinate habitat conservation planning within the watershed

Sections of the watershed are included in separate subarea plans for the MSCP North County(being finalized), city of Vista (draft not issued), city of Oceanside (second draft under revision), and city of Carlsbad (plan adopted.) . There is an opportunity to improve the functioning of the riparian corridor and wildlife movement by coordinating habitat planning across these four plans.

- acquire key parcels along the lagoon or strategically located within the watershed.

The list of potential acquisition parcels should include the following for consideration:

- the Boardwalk parcel adjacent to the inner lagoon

This parcel was recommended for acquisition in the lagoon restoration plan.and is the top priority for direct lagoon benefit. It is ideally located for wetlands restoration.

- lower basin area around tributary entrance

7

ORGANIZATIONS — COMMENTS	RESPONSES
Initial focus was on Arundo donax and pampass grass. Mapping of key invasives has been done. Funding is needed to complete the removal/restoration effort of other target species.	
9	

ORGANIZATIONS – COMMENTS

California Native Plant Society

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November 20, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
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RE: the Interstate 5 North Coast Corridor Project

Dear Ms. Harrison:

01 We appreciate the opportunity to comment on the Draft Environmental Impact Report/ Environmental Impact Statement ("Report") on the Interstate 5 North Coast Corridor Project ("Project"). The California Native Plant Society (CNPS) works to protect California's native plant heritage and preserve it for future generations. CNPS promotes sound plant science as the backbone of effective natural areas protection. We work closely with decision-makers, scientists, and local planners to advocate for well informed and environmentally friendly policies, regulations, and land management practices.

There are numerous, substantial problems with the botanical portion of the report. There are problems with

- the mapping of the project
- the species covered
- the mitigation proposed

In our opinion, the report does not meet the standards of CEQA for proper documentation of the project's impacts. Pursuing any project alternatives other than the no-build alternative would likely result in the unmitigated take of federal- and state-listed plant species, along with the unmitigated take of state sensitive species.

Dedicated to the preservation of California native flora

RESPONSES

Responses to Carrie Schneider, Conservation Chair, San Diego Chapter of the California Native Plant Society

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Individual responses to your specific comments are provided below.

The Draft EIR/EIS fulfills requirements of both the California Environmental Quality Act (CEQA, PRC, Division 13, Sections 21000-21177) and the National Environmental Policy Act (NEPA, 42 USC 4321 et seq).

ORGANIZATIONS — COMMENTS

02 **Problems with Mapping**

While we appreciate the extensive maps provided in the report, they appear to cover only one alternative, the "10+4 buffer" configuration. From the standpoint of evaluating impacts to plants and natural communities, this is inadequate. Since the different alternatives would result in different impacts, as discussed in the report on page 3.19-2 and elsewhere, **all alternatives should have maps associated with them**, so that we can determine whether the report adequately documents both impacts to sensitive species, and advocate for the best alternative.

03 **Problems with species covered**

Lack of proper surveys. Based upon the lack of a flora list or any survey data, it appears that the project area was not surveyed for this report. CEQA guidelines require the project area to be surveyed. The data is based on studies in 2004 and 2007, and we have not found the complete references to determine whether these studies were conducted properly. Even assuming these studies were thorough, studies should have been completed within 5 years of project initiation. The 2004 study is outdated, while the 2007 study was conducted during a drought year, and thus we expect that the 2007 surveys systematically missed and/or undercounted annual species within the area. Therefore, we conclude that this EIR does not contain proper, up-to-date, accurate survey information.

04 Because of the lack of thorough surveys, CNPS botanists conducted CA Natural Diversity Database (CNDDB) searches for all sensitive plant species that have been identified within 500 feet of the proposed project, plus select species likely to occur within a half-mile. This created a list of plants that have a high probability of occurring in the project area. Note that this is less stringent than normal CNDDB searches, which survey for all species within five or ten miles of the project. The detailed results of our search are appended to this letter.

Our findings indicate the extent of the inadequacy of the surveys in the Report, which misses more than half the species reported within 500 feet of the project:

- The Report fails to discuss the status of the state endangered short-leaved dudleya (*Dudleya brevifolia*) and the state threatened Orcutt's hazardia (*Hazardia orcuttii*) within the project area.
- The Report discusses only 40 percent of the 25 California Rare Plant List 1B species within the project area, 43 percent of the seven California Rare Plant List 2 species with in the area, and none of the eight California Rare Plant List 4 species within the project area.

05
- Because the surveys are outdated, the numbers of plants impacted are likely incorrect. Thus the data are inadequate for evaluating impacts.

06
- Because many of the species are annuals and ephemeral, the numbers of affected plants are impossible to calculate. The report does not list locations

2

RESPONSES

02 Regarding your concerns on project-related mapping of plants and natural communities, Draft EIR/EIS *Section 3.17, Natural Communities*, noted, "Because the four build alternatives are very similar in footprint, the largest permanent impact alternative footprint of the 10+4 with Barrier is the only alternative shown." Accordingly, while this comment is correct in that impacts to sensitive plant species would vary by alternative, the differences are minor and the 10+4 Barrier alternative exhibits the greatest (or equal) impacts to all identified species except coastal scrub oak. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. This alternative is shown on *Figures 2-2.3, Sheets 1* through *67*. The differences between alternatives with respect to rare plant impacts were disclosed in Draft EIR/EIS *Table 3.19.1*, and this information has been updated in the Final EIR/EIS. The Supplemental Draft EIR/EIS, which was circulated for public review in August 2012, expanded the analysis of biological impacts of the project and included information based on additional field work and data verification such as updated California gnatcatcher data into 2012. This information has now been incorporated into the Final EIR/EIS. It should also be noted that the Final EIR/EIS incorporates mitigation to reflect pre-construction surveys in areas where sensitive species are known, and related requirements from applicable resource agencies.

03 With respect to project-related floral lists and surveys, the EIR/EIS analysis is based on the Natural Environmental Study (NES) prepared for the project. The NES is included in the list of technical studies associated with the EIR/EIS, and is available for review at the following location: http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html. Floral lists provided in the NES include: (1) listed endangered, threatened, and proposed species in the project corridor, provided by the U.S., Fish and Wildlife Service (NES Table 3-1 and Appendix A); and (2) a list of sensitive species known to occur within the project vicinity (NES Table 3-3). Detailed descriptions of survey methodologies are

ORGANIZATIONS — COMMENTS | RESPONSES

03 cont. also provided in Chapter 2 of the NES, including information such as the types of surveys conducted, field methods and protocol for individual surveys, survey dates and times, nomenclature, and survey personnel. Please also refer to your Comment 02.

04 Regarding the adequacy of floral surveys and databases used for the project botanical evaluation, please refer to the responses to your Comments 02 and 03 above.

With respect to short-leaved dudleya, Table 3-3 of the NES states that this species was not observed in the study area, with the associated survey conducted during the traditional flowering period for this species. This species is also assigned a low probability to occur in the study area, based on the fact that even though appropriate habitat for this species (southern maritime chaparral) is present, short-leaved dudleya is only known to occur in several locations in and around Torrey Pines State Natural Reserve.

For Orcutt's hazardia, Table 3-3 of the NES assigns a low probability for this species to occur in the project study area, as it was not detected during the field survey, along with the fact that the only reported population of this species is located over 1.5 miles northeast of the project area in the City of Encinitas.

The NES lists 40 California Rare Plant List 1B species within the project vicinity in Table 3-3. In addition, this table includes eight California Rare Plant List 2 species and one California Rare Plant List 3 species within the project vicinity. It was not possible to identify eight species located in the project vicinity based on the submitted table. The prior identification of *Artemisia palmeri* (1986) and *Harpagonella palmeri* (date unknown) in the general vicinity is noted.

05 Regarding the adequacy of floral surveys conducted for the proposed project, please refer to the responses to your Comments 03 and 04 above.

06 In order to address annuals and ephemeral species, a list of sensitive plant species with the potential to occur in the study area, but not observed, was created and is located in the

ORGANIZATIONS — COMMENTS	RESPONSES
	06 cont. NES. Locations of identified plant populations are identified on *Figures 3-19.1a* through *3-19.1f*. Potential impacts to annual and ephemeral species would be mitigated through habitat based mitigation. As noted in EIR/EIS *Section 3.19.4*, seed would be collected or plants would be salvaged to the extent practicable in the impact areas, with the salvaged material to be planted in mitigation sites, on revegetated new slopes, or in revegetated areas that were temporarily impacted. Mitigation for impacts to native upland and wetland communities would reduce the cumulative impacts to less than considerable. Compensatory mitigation for upland and wetland habitats would encompass a mixture of creation/establishment, restoration, and purchase of parcels of high quality habitat near the lagoons for preservation. Several parcels have been identified around the lagoons for potential purchase for upland mitigation. All of the mitigation ratios, and potential options have been developed in coordination with the resource agencies to determine the most appropriate selection of options to mitigate impacts from this project. Please refer to Final EIR/EIS *Section 3.17.3* for a detailed discussion of the mitigation program.

ORGANIZATIONS — COMMENTS

06 cont. for annuals, so there is no possibility of using simple mitigation measures, such as fencing off patches of land.

07 In our opinion, the botanical surveys described in this report are inadequate, and proper surveys should be done before any decision is made on this project.

Problems with Proposed Mitigation Measures

08 **Mitigation for Endangered Species.** The project discusses mitigation of unavoidable impacts to the Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolia*). However, these measures are inadequate. According to the report (p. S-16), plants that could not be avoided "would likely be salvaged and placed in a compensatory mitigation site for the project." Problems with this statement include:

- "Likely salvage" is never a proper mitigation. If there is no guaranteed effort to mitigate the problem, the mitigation is insufficient.
- In the experience of CNPS, adult manzanita rarely survives "salvage" and transplantation. Therefore, "salvage" is likely to result in a 100 percent take, which is unacceptable for a federally endangered species. If CalTrans has references supporting survival after transplantation, please provide these to justify transplantation.
- Suitable mitigation sites are difficult to obtain. Please indicate the suitable, guaranteed mitigation site that will be used.

09
- If state endangered short-leaved dudleya and the state threatened Orcutt's hazardia occur within the project area (see above), please indicate mitigation plans for these species.

10
- There is no provision for long-term monitoring of any mitigation sites to determine their success, nor is there any provision for redoing failed mitigation measures. These must be included in order to assure successful mitigation.

CALTRANS must work with USFWS and CDFG to create a workable mitigation that does not result in take. The detailed mitigation and monitoring plan must be in place prior to the start of construction.

3

RESPONSES

07 Regarding the adequacy of floral surveys conducted for the proposed project, please refer to the responses to your Comments 02 and 03 above.

08 Mitigation for Del Mar manzanita impacts is required, and Caltrans is proposing adequate mitigation to reduce impacts below significance. As noted in EIR/EIS *Section 3.21.4,* locations of this species have been identified and avoided to the maximum extent practicable. Individuals growing immediately adjacent to the brow ditches that would require reconstruction for proper slope drainage could not be avoided, and mitigation is required for these impacts. Mitigation has been a continuing focus of resource agency coordination in 2011 through 2013. Please refer to Appendix D, the Environmental Commitments Record, which details the commitments by Caltrans to mitigate for impacts to Del Mar manzanita.

09 Regarding the potential occurrence of short-leaved dudleya and Orcutt's hazardia within the project area, please refer to the response to your Comments 03 and 04 above.

10 With respect to long-term monitoring and related success criteria for project mitigation sites, these issues are addressed in *Section 3.17* of this Final EIR/EIS. As described therein, habitat establishment, or substantial restoration where determined appropriate, would occur within the coastal zone to achieve no net loss for all wetland and sensitive upland habitat impacts at a minimum of one acre of creation or significant restoration for each acre of impact (refer to EIR/EIS *Table 3.17.13*). Caltrans is proposing to complete the majority of the mitigation in advance of project impacts to minimize temporal loss and enhance upland habitat through the corridor, where practicable, and as approved by the resource agencies. The described mitigation is included in the project Resource Enhancement and Mitigation Program (REMP), which comprises a substantial part of the Transportation and Resource Enhancement Program (TREP) presented with the Public Works

ORGANIZATIONS — COMMENTS	RESPONSES
	10 cont. Plan (PWP). The REMP includes a performance-based crediting and release system to ensure mitigation credits can be available for PWP/TREP project impact mitigation at incremental and measurable stages. For every phase of the project, impacts would be verified to make sure they are the same as those contained in the Plan. Monitoring requirements for each REMP mitigation project would be conducted according to final habitat management plans (HMPs) and/or restoration plans. In addition, the PWP/TREP Implementation Plan includes a monitoring and reporting program to provide a yearly assessment and summary of information and updates to the Implementation Framework to document projects and associated mitigation requirements completed, and to assess cumulative phase project impacts, benefits, and available resource mitigation credits for future project and/or phase implementation. Maintenance activities necessary for individual mitigation projects would also be identified during this process. A Long Term Management Plan (LTMP) is required to be finalized and approved by the resource agencies prior to credit release. A non-wasting endowment for long term management is required in the REMP for each site.

ORGANIZATIONS — COMMENTS

11 **Mitigation for Sensitive Species.** These problems are similar to those above. According to the report (p. 3.19-2) "The majority of these species could potentially be salvaged or mitigated by planting in an offsite preserve. Del Mar sand aster seed was successfully collected for the Del Mar Auxiliary Lane project and reseeded on the mitigation site.

The problems are:

- "Likely salvage" is never a proper mitigation. If there is no guaranteed effort to mitigate the problem, the mitigation is insufficient.
- In the experience of CNPS, adult trees and shrubs rarely survive "salvage" and transplantation. Therefore, "salvage" is likely to result in a 100 percent take, which is unacceptable under California regulations, especially for List 1B species, which are treated as equivalent to listed species. This includes Torrey pines and Wart-stemmed ceanothus known to be impacted by the project. If CalTrans has references supporting survival after transplantation, please provide these to justify transplantation.
- Suitable mitigation sites are difficult to obtain. Please indicate the suitable, guaranteed mitigation site that will be used.
- Successful gathering and reseeding does not guarantee a successful mitigation, so the experience with the Del Mar sand aster is not relevant without information about establishment.

CALTRANS must work with CDFG to create a workable mitigation that does not result in take. The detailed mitigation and monitoring plan must be in place prior to the start of construction.

Other mitigation issues.

12
- The Report indicates that there would be only one construction monitor, and this individual would not have the ability to stop work if any rare plants were impacted. At best, this individual "would maintain communications with the resident engineer, to ensure that issues relating to biological resources are appropriately and lawfully managed" (p.S-16). This is inadequate to prevent take of listed, rare, or sensitive species.

13
- The cut slopes will receive three years of monitoring and maintenance. However, the plan is to revegetate with "native upland habitats with similar composition to those within the project limits" (p.S-15) . These species should be locally native and appropriate to the site, not limited to what happens to be available from the nurseries. This can be managed by contracting with a reputable restoration nursery to collect and propagate plants for the project.

14
- Many wetland plants could be collected from on-site seed and vegetative material, if the project managers are directed to plan for revegetation in advance of construction.

4

RESPONSES

11 Mitigation for sensitive species impacts is required and Caltrans is proposing adequate mitigation to reduce impacts below significance. As noted in the response to your Comment 08, the mitigation refinement continued subsequent to the publication of the Draft EIR/EIS. Please refer to Final EIR/EIS *Sections 3.17.3* and *3.21.3,* as well as Appendix D, the Environmental Commitments Record, which detail the commitments by Caltrans to mitigate for impacts to sensitive species.

Regarding suitable mitigation sites, a number of parcels have been identified and approved for acquisition as potentially appropriate upland mitigation areas (including habitat restoration, preservation, and long-term management efforts). Specifically, the following sites have been acquired for mitigation: all or part of the 23.1-acre Dean Mitigation Site adjacent to the San Dieguito Lagoon; the 19.3-acre Hallmark Mitigation Sites adjacent to the Agua Hedionda Lagoon; the 22.2-acre Deer Canyon II Mitigation Site located in the Los Peñasquitos Lagoon watershed east of the I-5 / State Route (SR-) 56 Interchange; the 5.0-acre Laser Mitigation Site located immediately west of southbound I-5 and north of Manchester Avenue; and the 19.8-acre La Costa (Ayub) Mitigation Site located near the Batiquitos Lagoon. The 47.8-acre Batiquitos Bluffs site has been proposed as potential upland mitigation. Caltrans has been working closely with wildlife agencies (including the California Department of Fish and Wildlife [CDFW]; previously the California Department of Fish and Game, and the CCC, RWQCB, and NOAA Fisheries) to develop the proposed mitigation package, which will be subject to further refinement during the permitting process. Please also refer to the response to your Comment 10 above for additional information on mitigation timing, implementation, monitoring, maintenance and (if applicable) remediation criteria.

12 With respect to construction monitoring for sensitive plants (and other applicable biological resources), the Final EIR/EIS identifies the following related measure in *Section 3.21, Threatened and Endangered Species*:

> The Biological Monitor and a Caltrans Project Biologist would be available during pre-construction

ORGANIZATIONS — COMMENTS | RESPONSES

12 cont. and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed.

The intent of this measure is that a qualified biologist would coordinate and oversee project-related monitoring efforts and interactions with the resident engineer. It is not intended to imply that only one construction monitor would be available. Rather, Caltrans would utilize an appropriate number of monitors to ensure adequate oversight of project-related activities.

13 The intent of the referenced mitigation measure was to provide native upland habitats that are similar to those occurring locally. This mitigation measure has been revised to state that cut and fill slopes adjacent to native plant habitats would be revegetated with native plant species similar to those within the project study area as feasible, and that duff and rare plants from areas with coastal sage scrub, maritime succulent scrub, and maritime chaparral may be salvaged from the project impact footprint to the extent practicable to aid in revegetating slopes with native plant species (excluding areas with invasive non-native species such as African veldt grass and onion weed). The revegetated areas would have temporary irrigation and would be planted with native container plants and seeds selected in coordination with the Caltrans Project Biologist. At least three years of plant establishment/maintenance on these slopes would be conducted to control non-native plants. Slopes and interchanges located adjacent to developed urban areas would be planted with native species selected by the biologist and landscape architect.

14 With respect to the source of plant materials for project wetland restoration efforts, Final EIR/EIS *Section 3.19.4* includes the following measure: As mitigation, seed would be collected or plants would be salvaged to the extent practicable in the impact areas. Salvaged plants and seed would be planted in mitigation sites, on revegetated new slopes, or in revegetated areas that

ORGANIZATIONS — COMMENTS

15 • Sensitive and listed species should be targeted for return to these revegetation areas as part of restoring the site. Otherwise, they will be removed from this part of their limited range.

16 In summary, the botanical section of this report is inadequate to allow a determination of which alternative is best. Thorough surveys need to be performed before any decision is made on this project, and proper mitigation plans need to be in place prior to the start of construction. At present CNPS supports the "no project" alternative, because the project presented here will result in the take of rare, threatened, and endangered plant species.

Thank you for consideration of our comments.

Sincerely,

Carrie Schneider, Conservation Chair CNPS-San Diego

5

RESPONSES

14 cont. were temporarily impacted. The majority of these species could potentially be salvaged or mitigated by planting in an off-site preserve. Also, as noted in the response to your Comment 10, Caltrans is proposing to complete the majority of the mitigation in advance of project impacts to minimize temporal loss and enhance upland habitat through the corridor, where practicable, and as approved by the resource agencies.

15 Regarding the potential use of sensitive and listed species for project-related habitat revegetation and restoration efforts, please refer to the responses to your Comments 13 and 14. Pursuant to those discussions, pertinent sensitive and/or listed plant species may be included in project revegetation and restoration plant palettes if deemed appropriate by the project biologist. Caltrans would salvage the one listed species and/or collect seeds for propagation, with plantings to occur in appropriate mitigation sites pursuant to discussions with the U.S. Fish and Wildlife Service.

16 With respect to the adequacy of the botanical discussions in the EIR/EIS, please refer to the responses to your Comments 01 through 15 above.

ORGANIZATIONS – COMMENTS

RESPONSES

Table 1. POTENTIAL LISTED AND CRP LIST 1B PLANTS WITHIN 500 FT OF THE I-5: GENESEE TO CAMP PENDLETON

X = potential; EO = CNDDB record

Species	In EIR	State/ Fed Status	CRP Rank	Genesee Road to Carmel Valley Rd	Carmel Valley Rd to Del Mar Heights Rd	Del Mar Heights Rd to Via de la Valle Rd.	Via de la Valle Rd. to Manchester Rd.	Manchester Rd. to Encinitas Blvd.	Encinitas Blvd. to La Costa Ave.	La Costa Ave. to Palomar Airport Rd.	Palomar Airport Rd. to SR 78	SR 78 to Camp Pendleton
Arctostaphylos glandulosa ssp. *crassifolia*	Y	FE	1B.1	X	EO 22 (2006)[a]	EO 22 (2006)[a]	X	X	X	X		
Atriplex coulteri			1B.2	X	X	X	X	X	X	X	X	X
Atriplex pacifica	Y		1B.1	X		X				X		X
Baccharis vanessae	Y	SE/FT	1B.1	X				X	X			
Centromadia parryii ssp. *australis*	Y		1B.1	X		EO 1 (1997), EO 71 (2004)[b]	X			X	X	X
Centromadia pungens ssp. *laevis*			1B.1									EO 58 (1897)
Chaenactis glabruiscula ssp. *orcuttiana*	Y		1B.1								EO 14 (1941)	
Chorizanthe orcuttiana			1B.1			X		X				
Chorizanthe polygonoides var. *longispina*			1B.1	X	X	X	X	X				
Comarostaphylis diversifolia ssp. *diversifolia*	Y		1B.2	X	X	X	X	X	X			
Corethrogyne filaginifolia var. *linifolia*	Y		1B.1		EO 5 (1992)[a]	X	EO 2 (1985)	EO 14 (1992)	EO 15 (1992), EO 32 (2001)			
Dudleya blochmaniae ssp. *blochmaniae*			1B.1									EO 31 (2001)
Dudleya brevifolia		SE	1B.1			EO 6 (1983)[c]						
Dudleya viscida			1B									EO 1 (1979)
Erysimum ammophilum			1B.2	EO 18 (2001?)				EO 24 (1994)				
Hazardia orcuttii		ST	1B.1					X				
Heterotheca sessiliflora ssp. *sessiliflora*			1B.1		X	EO 11 (1999)	EO 13 (2003)					
Isocoma menziesii var. *decumbens*			1B.2	X	X	X	X	EO 6 (1986?)	EO 6 (1986?)			

California Native Plant Society, San Diego Chapter

This table was provided in reference to Comment 04 and does not require an independent response.

Lasthenia glabrata ssp. *coulteri*			1B.1	EO 37 (1969?), EO 65[d]		EO 36 (1982?)		EO 62 (1894)[e]	EO 62 (1894)[e]	EO 42 (1994?)		

Table 1 (continued)

Species	In EIR	State/ Fed Status	CRP Rank	Genesee Road to Carmel Valley Rd	Carmel Valley Rd to Del Mar Heights Rd	Del Mar Heights Rd to Via de la Valle Rd.	Via de la Valle Rd. to Manchester Rd.	Manchester Rd. to Encinitas Blvd.	Encinitas Blvd. to La Costa Ave.	La Costa Ave. to Palomar Airport Rd.	Palomar Airport Rd. to SR 78	SR 78 to Camp Pendleton
Lepidium virginicum var. *robinsonii*			1B.2	X	X	X	X	X	X	X	X	X
Lotus nuttallianus			1B.1									EO 13 (2001)
Nemacaulis denudata var. *denudata*[f]			1B.2				EO 13 (1994?)					
Pinus torreyana ssp. torreyana	Y		1B.1	X	X	X						
Quercus dumosa	Y		1B.1	EO 15 (1994?)	X	X	X	X		X		X
Suaeda esteroa	Y		1B.2		X	EO 7				X	X	

a: Much of population extirpated today and found only in patchy natural habitat.
b: Portions of population impacted by San Dieguito Restoration project, current status uncertain.
c: Population extirpated by development in 1983, probably just beyond 500 ft from I-5; should still be considered in surveys within the area.
d: "Sorrento Slough" given as locality by Reiser (2001), probably the same as EO 37.
e: Based on old, vague locality, probably from Batiquitos Lagoon or San Elijo Lagoon areas
f: several locations for *Nemacaulis denudata* and at least one for *Leptosyne maritima* (EO 24) have been excluded because they are likely to be associated with beaches or sea bluffs right along the ocean even though their one mile circles intercept the I-5. Additionlly, a population of Eryngium aristulatum var. parishii (EO 3) at Oceanside has been excluded for clear lack of habitat anywhere near the I-5.

compiled by Fred Roberts October 2010

California Native Plant Society, San Diego Chapter

ORGANIZATIONS – COMMENTS

Table 2. POTENTIAL SENSITIVE PLANTS WITHIN 500 FT OF THE I-5: GENESEE TO CAMP PENDLETON

X = potential; EO = CNDDB record

Species	In EIR	CRP Rank	Genesee Road to Carmel Valley Rd	Carmel Valley Rd to Del Mar Heights Rd	Del Mar Heights Rd to Via de la Valle Rd.	Via de la Valle Rd. to Manchester Rd.	Manchester Rd. to Encinitas Blvd.	Encinitas Blvd. to La Costa Ave.	La Costa Ave. to Palomar Airport Rd.	Palomar Airport Rd. to SR 78	SR 78 to Camp Pendleton
Adolphia californica	Y	2.1	EO 92 (1936)	X	X	X					
Ceanothus verrucosus		2.2	X	EO 19 (1993)	EO 19 (1993)	EO 21 (1996)[a]	EO 28 (1993), EO 29 (1934), EO 30 (1993)	X	X	X	X
Euphorbia misera		2.2								EO 17 (1992)	
Ferocactus viridescens	Y	2.1	X	EO 27							
Iva hayesiana		2.2	EO 69 (1923)						EO 71 (2005)		
Leptosyne (Coreopsis) maritima[f]	Y	2.2	X	X	X		EO 20 (1986)				
Senecio aphanactis		2.2	X	X	X	X	X	X	X	X	X

a: Much of population extirpated today and found only in patchy natural habitat.

compiled by Fred Roberts October 2010

California Native Plant Society, San Diego Chapter

RESPONSES

This table was provided in reference to Comment 04 and does not require an independent response.

ORGANIZATIONS – COMMENTS

Table 3. POTENTIAL SENSITIVE PLANTS WITHIN 500 FT OF THE I-5: GENESEE TO CAMP PENDLETON (NONE ARE IN EIR/EIS)

X = potential; EO = CNDDB record

Species	CRP Rank	Genesee Road to Carmel Valley Rd	Carmel Valley Rd to Del Mar Heights Rd	Del Mar Heights Rd to Via de la Valle Rd.	Via de la Valle Rd. to Manchester Rd.	Manchester Rd. to Encinitas Blvd.	Encinitas Blvd. to La Costa Ave.	La Costa Ave. to Palomar Airport Rd.	Palomar Airport Rd. to SR 78	SR 78 to Camp Pendleton
Artemisia palmeri	4.2	X		X	X			X (UCR 155926)		
Dichondra occidentalis	4.2	X	X	X	X	X	X	X	X	X
Harpagonella palmeri	4.2	X	X	X	X	EO 15 (1986)	X	X	X	X
Juncus acutus ssp. *leopoldii*	4.2	X		X	X			X	X	X
Lycium californicum	4.2	X		X	X	X		X		X
Microseris douglasii var. *platycarpha*	4.2									X
Selaginella cinerascens	4.2	X	X	X	X	X	X			
Suaeda taxifolia	4.2	X		X				X	X	X

compiled by Fred Roberts October 2010

California Native Plant Society, San Diego Chapter

RESPONSES

This table was provided in reference to Comment 04 and does not require an independent response.

ORGANIZATIONS — COMMENTS

Steven J. Goetsch, Ph.D.
837 Santa Rosita
Solana Beach, CA 92075

November 19, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Ms. Harrison:

01 Please accept this letter as my personal comments on the Draft Environmental Impact Report for the Interstate 5 North Coast Corridor Project. I have followed the development of this project very closely since it was first announced in the year 2000. I have attended numerous CalTrans workshops and downloaded all five documents (Parts One through Five and Appendices) and have attempted to digest the thousands of pages. I have delayed this submission until I could read and digest comments on this DEIR from the cities of Del Mar, Solana Beach, Carlsbad and Oceanside.

02 My unequivocal conclusion is that this project is completely out of scale for the communities and the environment through which it passes. Further, as a friend and colleague of former Solana Beach Mayor and SANDAG Board Member Marion Dodson, I am well aware that the SANDAG Policy Advisory Committee which prepared the "North Coast Transportation Study" report in December, 2000 stated explicitly that CalTrans was to implement this expansion with "NO TAKING OF PRIVATE PROPERTY". The chairman of that committee, Solana Beach City Council member Joe Kellejian, publicly reminded CalTrans manager Arturo Jacobo of that pledge at the Solana Beach City Council meeting which I attended on June 23, 2010 and was informed by Mr. Jacobo that they could not build the project without taking homes. My research has since discovered that up to 421 properties along the 27 mile corridor may be impacted by this project, with up to 230 Partial Acquisitions and 36 Full Acquisitions (or "Relocations" as it is euphemistically phrased).

03 I have never before in the 16 years I have lived in San Diego County seen such an uprising of public sentiment against a project. The opposition spans all political, social and economic groups. I helped to create ***Citizens Against Freeway Expansion***, which now has over 400 members. We held a Town Hall meeting on Thursday, August 19 at the Solana Beach Presbyterian Church which was attended by nearly 400 people and well reported in the San Diego news media. Our second Town Hall meeting at the Encinitas Community and Senior Center on September 13 was attended by nearly 300 people. We

RESPONSES

Responses to Steven J. Goetsch, Ph.D., Chair, Citizens Against Freeway Expansion

01 Thank you for your comments, which are part of the public record.

02 It is Caltrans' intention to avoid, minimize, and/or mitigate impacts to properties that abut an existing highway system. Please refer to Topical Response "Property Acquisition" regarding specifics of property acquisition. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative would reduce the number of residential units impacted from approximately 112, with the 10+4 Barrier alternative, to approximately 20. As noted in the Draft EIR/EIS, construction of the 10+4 Barrier alternative was projected to result in the relocation of approximately six multi-family units in Solana Beach. All of the other build alternatives, including the Preferred Alternative, would not require any relocation of residents in Solana Beach (refer to Final EIR/EIS *Tables 3.4.1* through *3.4.3, 3.4.4a,* and *3.4.4b)*.

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Steven J. Goetsch Page 2
Response to CalTrans DEIR

03 cont. were subsequently invited by Oceanside City Council member (and California Coastal Commission member) Esther Sanchez to conduct a Town Hall meeting on September 30 at the Oceanside City Hall. We were also asked by officials of the City of Carlsbad to hold a Town Hall meeting on October 10 at Carlsbad Community Church.

I have found that as corridor residents begin to understand the magnitude of this proposed project they are shocked by its scale (up to 18 lanes pictured in the DEIR report at Cannon Road in Carlsbad, for example) and outraged by the number of homes and businesses to be sacrificed. I will now enumerate my own scientific and environmental objections to this project:

04 1) The Greenhouse Gas Inventory Report that the Clean and Green Committee of Solana Beach prepared under my chairmanship (accepted by the Solana Beach City Council by a vote of 5-0) indicates that 57.22% of the GHG inventory in our city is caused by gasoline powered vehicles transiting our city on Interstate highway 5 with another 4.65% due to diesel powered vehicles on the same highway. How can the City of Solana Beach possibly comply with Assembly Bill 32 (signed into law in 2006) or SB 375 if CalTrans plans to expand vehicular traffic on this highway by up to 50%? NOTE: Proposition 23 was defeated by California voters earlier this month leaving AB 32 intact.

05 2) The air pollution in San Diego County is judged to be the 8th worst in the nation by the American Lung Association. This project will increase traffic by up to 50% and increase air pollution by a similar amount. How can CalTrans propose such radical increases in an air pollution sources term when this region is already in violation of U.S. Environmental Protection Agency and California Air Resources Board standards?

06 3) Members of the San Diego State University School of Public Health have recently conducted a series of detailed and sophisticated measurements of Ultrafine Particles along the I-5 corridor in the City of Solana Beach. Ultrafine particles are not yet subject to US or California air pollution standards but many published research articles by investigators in the United State and throughout the world lead a knowledgeable person to understand that UFPs are generated by traffic on busy highways, spread out for at least one mile in each direction according to prevailing winds and are known to be responsible for lung disease, heart disease and cancer. The DEIR makes no mention of Ultrafine Particles. Why has this report overlooked an extremely critical problem area? I am attaching a Powerpoint presentation by Denise Parker, M.S. describing her San Diego State University Master's thesis research on this subject.

07 4) The sole justification for this gigantic expansion of Interstate Highway 5 is to "reduce congestion". Yet the internationally esteemed Texas Transportation Institute at Texas A & M University, annually publishes the Urban Mobility report. One of their clearest conclusions is: "You can't build your way out of congestion". Since the California Department of Transportation is one of the

RESPONSES

03 The *I-5 NCC Project* is a major project. The project would not add 18 lanes. The 10+4 Barrier alternative would construct four HOV/Managed Lanes, two in each direction, and add one general-purpose lane in each direction for a total of six new lanes. The Preferred Alternative (refined 8+4 Buffer alternative) would construct four HOV/Managed Lanes, two in each direction. Auxiliary lanes that extend from one intersection to the next would be constructed in certain locations including from Cannon Road to Tamarack Avenue, as described in *Section 2.2.2, Common Design Features of the Build Alternatives.* As depicted in Final EIR/EIS *Figure 2-2.2c*, the total number of lanes with the direct access ramp (DAR) would have totaled up to 18 in the vicinity of Cannon Road at the location of the DAR for a 10+4 alternative. The DAR would have carried two lanes and the DAR access would have carried four lanes. Following the circulation of the Draft EIR/EIS, however, the I-5 DAR at Cannon Road has been dropped from the proposed project.

Please refer to the responses to your detailed comments below.

04 The regulation of GHG emissions has continued to evolve subsequent to the circulation of the Draft EIR/EIS. Additional information addressing climate change was provided in the Supplemental Draft EIR/EIS circulated in August 2012 and subsequently incorporated into this Final EIR/EIS. Final EIR/EIS *Section 4.6.4* clarifies that because the proposed project would reduce GHG emissions relative to the No Build alternative, impacts would be less than significant. A detailed description of compliance with applicable policies and regulations intended to reduce GHG emissions is also provided in *Section 4.6, Climate Change.*

Table 4.3, Estimated Annual Construction GHG Emissions, shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 metric tons (MT) per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation

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04 cont. relative to GHG emissions would be beneficial. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG emissions.

05 The *I-5 NCC Project* would not generate traffic. Increased traffic in the future throughout the corridor would be the result of regional and local population growth and economic development. The project would provide features that would accommodate increased traffic volumes and reduce travel times compared to the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. The proposed project, therefore, would not increase air pollution sources. Furthermore, as discussed in EIR/EIS *Section 3.14.3*, the proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower particulate matter (PM) emissions as compared with existing conditions. The results of the quantitative carbon monoxide (CO) hot spot analysis also show that the proposed project would not adversely impact local air quality.

06 Appropriate technical guidelines were followed in addressing air quality issues. As noted in EIR/EIS *Section 3.14.3*, Caltrans followed the Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Non-attainment and Maintenance Areas (PM guidance) published by the U.S. Environmental Protection Agency (USEPA) and the Federal Highway Administration (FHWA), in conducting the qualitative hot spot analysis. This qualitative PM_{10} and $PM_{2.5}$ hot spot analysis method is deemed sufficient to reasonably evaluate potential project effects. The Final EIR/EIS concludes that based on detailed screening using USEPA PM Guidance, the proposed project is not a Project of Air Quality Concern because it does not meet the criteria due to relatively low truck annual average daily traffic (AADT), truck percentage, and increase in truck volumes when comparing the build and No Build alternatives. Caltrans also addressed mobile source air toxics (MSAT) levels, concluding that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions. As noted in your comment, although research is ongoing and the USEPA launched a research strategy for nanomaterials in September

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Steven J. Goetsch Page 3
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07 cont. supporters of this report, why does CalTrans not acknowledge the futility of attempting to build additional capacity ahead of additional demand?

08 5) How would this proposed enormous expansion affect the surface streets of the cities immediately adjoining the project, from San Diego to Oceanside? The unprecedented scale of the project would certainly lead to unprecedented demand for ingress and egress at all freeway intersections. Most intersections along the North San Diego County corridor from La Jolla Village Drive to Oceanside are already heavily congested as traffic enters and leaves the freeway during present

09 rush hours? How will these adjoining cities be able to cope with an increase of up to 50% in traffic along this highway?

10 6) Freeway noise in my neighborhood (the Santa Fe Hills Homeowners Association) located in the northeast quadrant of Solana Beach, north of Lomas Santa Fe adjoining the freeway all the way to the San Elijo Lagoon, is an increasing problem. Homes along the north side of the hill (Santa Dominga and south to the lagoon) already have so much noise in their backyard that residents do not like to use their yards for any events that require quiet conversation. These hills tower up to 500 feet above the freeway so it is impossible to mitigate this noise with soundwalls. Increasing traffic by 50% will increase sound pressure levels correspondingly (although by less than 50% on the logarithmic decibel scale). What can be done to mitigate the coming increase in noise for these homeowners?

11 7) Most homeowners in Solana Beach have continual deposits of black powder deposited on all horizontal surfaces of their home 365 days per year. I am awaiting detailed chemical analysis of the composition of this powder by San Diego State University. It is hard to believe that after two years of painstaking biological and physical observations along this corridor that CalTrans personnel or contractors did not find and analyze this same material. Why is this not included in the Draft Environmental Impact Report?

12 8) The San Elijo Lagoon Conservancy has now sent to you a 12 page comment on this DEIR which I have read. They set excellent reasons for deleting the Park and Ride lot north of Manchester Road and east of I-5 and the Direct Access Ramps to support it. I agree with their comments and ask on behalf of the 200 homeowners in the Santa Fe Hills Neighborhood Association where I live, who would have to look at this monstrosity (at great cost to the assessed value of their homes) that the Park and Ride lot on Manchester be deleted.

13 Finally, I have now read summaries of the comment letters previously submitted to your office by the cities of Oceanside, Carlsbad, Solana Beach and Del Mar. Each community, at great expense, hired highly qualified biologists, environmental experts and attorneys to investigate the impact of this proposed expansion on their communities. Each city stated emphatically that the Draft EIR is so vague, so "ambiguous and unstable" (Solana Beach) that it is virtually impossible to evaluate. As a taxpaying citizen of the State of California, I am appalled at the waste of

RESPONSES

06 cont. 2009, there are no current regulations against which to analyze emissions. Please refer to Topical Response "Air Pollutants" for additional information on potential health effects associated with air pollutants.

07 The purpose and need for the project are described in detail in EIR/EIS *Chapter 1, Proposed Project*. Objectives of the project include maintaining or improving travel times within the corridor, providing a facility that is compatible with future bus rapid transit and other modal options, and maintaining the facility as an effective link in the national Strategic Highway Network. Regarding freeway congestion, please note that *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2035 and beyond to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. The proposed use of HOV/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. The proposed project would not eliminate congestion. Nonetheless, the project would result in substantially less congestion than what would occur under the No Build alternative. For example, as outlined in EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative are projected to be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to Topical Response "Projected Growth" with regard to accommodation of anticipated regional growth.

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	08 Several traffic technical studies focused on local streets. Technical Report No. 6, Freeway Interchange Operations Report, presents the results of the roadway segment analysis conducted for the adjacent local arterial system along the *I-5 NCC Project*. Chapter 3.0, Operations Analysis, of this technical report presents the operations analysis results for each of the project scenarios. Included in these analyses are surface street intersection capacities, peak hour delays, level of service (LOS), and average daily trips (ADT). Section 4.2, Summary of Project-Related Impacts, of the same report includes traffic operations at intersections, ramps, and arterial roadways due to increased travel demands. It is expected that the proposed interchange improvements and ramp widening listed in Tables 4.1 and 4.2 of Draft Technical Report No. 6 would benefit the adjacent local streets and intersections. These benefits include improvement in factors of total delay, congested hours, and travel time, as compiled in EIR/EIS *Tables 3.6.3, 3.6.4,* and *3.6.5* for all build alternatives compared with no build conditions. As stated in Section 4.0, Operations Analysis Summary, of Draft Technical Report No. 6, it is anticipated that with the ability to better serve forecast travel demands, the additional freeway capacity will in turn provide a number of corresponding benefits when compared with the Year 2030 No Build alternative, including: • Improved interchange ramp intersection operations • Improved traffic operations at intersections nearby and adjacent to the freeway ramps • Additional interchange ramp storage • Improved traffic operations on parallel and intersecting arterial roadways 09 The project would not increase traffic, but it would accommodate traffic that is already projected to occur. Table 3.9 of Draft Technical Report No. 6 shows an assessment of traffic operations for 125 individual roadway segments in the vicinity of the proposed freeway improvements. The table also indicates whether the arterials would operate “over” or “under” capacity. Table 3.1 of Draft Technical

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09 cont. Report No. 6 lists proposed ramp intersection improvements that would mitigate potential impacts to the immediately adjacent local intersections.

10 Effects of the project on noise are addressed in EIR/EIS *Section 3.15*, *Noise*, and the Noise Study Report referenced in *Section 3.15.2, Affected Environment*. FHWA and Caltrans methodology applies a set of noise-abatement criteria, as well as evaluation criteria to determine the appropriateness of a soundwall in each location (see Topical Response "Soundwall Considerations" for soundwall considerations).

The area referenced in this comment is addressed in EIR/EIS *Section 3.15*, as Segment 7 – Lomas Santa Fe Drive to Manchester Avenue. *Table 3.15.15* includes the existing and future noise levels for each noise receptor, the site address for each noise receptor location, and the soundwall feasibility analysis based on the required minimum five decibels (dBA) insertion loss. *Table 3.15.16* includes each "feasible" soundwall location, height and length, the number of benefited residences, cost "reasonableness," and the preliminary decision to build. Noise receptor locations for Segment 7 are shown in Final EIR/EIS *Figures 2-2.3, Sheets 23* through *25*. Existing noise levels in *Table 3.15.15* range from 60 dBA (L_{eq}[h]) at noise receptor R7.8 to 75 dBA at R7.25. Predicted future noise levels at these locations are 61 dBA under the No Build alternative and 64 dBA with the project for R7.8, and 75 dBA with no build conditions and 77 dBA with the project for R7.25. Noise levels are projected to increase by two to three dBA with the project, over no build conditions. Increases of three or fewer decibels generally are not discernible by the average healthy human ear.

The project would not increase traffic, as discussed in the response to your Comment 05. Soundwalls to reduce noise levels were evaluated along the northbound side of I-5 westerly of Santa Regina (Soundwall S614) and west of Santa Rosita and Santa Florencia from the vicinity of Santa Bartola (Soundwall S622, Option 1, protecting representative sensitive noise receptors R7.18 on Final EIR/EIS *Figures 2-2.3, Sheet 24*) to R7.32 south of Santa Inez on *Figures 2-2.3, Sheet 25*. Soundwall S613 was found to be both "reasonable and feasible." Soundwall S622 Option 1 was found

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	10 cont. to be "feasible" for most (although not all) of the shielded noise receptors, but was not found "reasonable" as costs for construction were projected to be greater than construction allowance. Scenic views from the residences to San Elijo Lagoon also could be blocked. Nine of the noise receptors, however, were identified as "severely impacted" (with projected decibels exceeding 75 dBA). A less lengthy wall (S622 Option 2) is therefore currently proposed in this area. Although construction costs would still exceed the cost allowance and therefore would not be "reasonable," it would shield the "severely impacted" noise receptors and eliminate potentially severe visual impacts associated with Option 1.
	11 Caltrans staff cannot speculate on the composition of "black powder" referenced in this comment. Air quality issues are considered to be adequately addressed in Final EIR/EIS *Section 3.14*, *Air Quality,* which contains an enhanced discussion of Mobile Source Air Toxics (MSAT) and construction emissions. Please refer to the response to your Comment 06 and Topical Response "Air Pollutants" for additional information on potential air pollutants.
	12 Your support for deleting the Manchester Direct Access Ramp (DAR) from the project is noted and part of the public record. Responses to the San Elijo Lagoon Conservancy letter are provided separately in this Final EIR/EIS with this section H-4.6 of Appendix H. DARs located at Voigt Drive, Manchester Avenue, Cannon Road, and Oceanside Boulevard were originally proposed for the *I-5 NCC Project*. Discussions with resource agencies, cities, and public input resulted in the elimination of two (Cannon Road and Oceanside Boulevard) of the four DARs from the project. Additional information regarding redesign of the proposed DAR at Manchester Avenue was provided in the Supplemental Draft EIR/EIS. This information has been incorporated into the Final EIR/EIS. In brief, the elimination of a flyover design and incorporation of an underpass would substantially lower visual impacts identified in the Draft EIR/EIS for the Manchester Avenue DAR. The proposed San Elijo Multi-use Facility, being at ground level, is not identified as a substantially adverse visual element.

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Steven J. Goetsch Page 4
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13 cont. probably millions of dollars of taxpayer's money if writing a Draft Environmental Impact Report that fails to identify a preferred alternative, and leaves city staffs, consultants and residents guessing as to the ultimate objective of this report. I can not understand how a professional competent staff could have spent so many years, so many thousands of hours of staff time and probably millions of dollars and produced a report with such glaring omissions and riddled with mistakes.

I ask that CalTrans withdraw and re-draft this report. It is not suitable for minor comments and corrections: it needs to be completely re-written and re-circulated.

Steven J. Goetsch, Ph.D.

Chair

Citizens Against Freeway Expansion

RESPONSES

12 cont. Please also refer to Topical Response "Property Valuation" for a summary of why the project is not anticipated to adversely affect local property values.

13 Detailed responses have been prepared to the letters submitted by the Cities of Oceanside, Carlsbad, Solana Beach and Del Mar in Section 4.3 of this appendix. In response to the City of Solana Beach's comment, *Chapter 2, Project Alternatives*, provides the necessary information to identify project elements.

There is no requirement to identify a Preferred Alternative in a draft environmental impact report (EIR). The California Environmental Quality Act (CEQA, PRC, Division 13, Sections 21000-21177) requires discussion of a "project" together with its potential impacts and "reasonable alternatives" (CEQA Guidelines [Title 14 CCR Sections 15000 et seq] Section 15121). Multiple scenarios can be addressed so long as the Lead Agency ultimately will be able to make a defensible decision on the project to be approved based on clarity of potential impacts and committed mitigation measures. A specific project must be approvable by the Lead Agency during final consideration and EIR certification.

A Preferred Alternative, therefore, was not identified in the Draft EIR/EIS because to do so would anticipate project comments received during public review from resource agencies, abutting cities, and members of the public. The EIR/EIS rigorously explores and objectively evaluates all "reasonable alternatives," as required by 40 CFR 1502.14(a). The process of identifying the build alternatives addressed in detail in the EIR/EIS is discussed in *Section 1.4, History and Background*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor. From this detailed analysis and after due consideration of comments, a Preferred Alternative has been identified, as discussed in the response to your Comment 02. It should be noted that focused studies have been completed since the circulation of the Draft EIR/EIS in 2010 that augment the information provided in the Draft EIR/EIS. The Supplemental Draft EIR/EIS that was

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	13 cont. circulated in August 2012 addressed specific issues such as habitat impacts and hydrology in the vicinity of lagoons, as well as clarification of issues related to latent traffic demand, sea level rise, water quality, and the common design features and community enhancements proposed by the project, and provided the necessary circulation for those issue updates. Those findings have been incorporated into this Final EIR/EIS.

ORGANIZATIONS — COMMENTS

Friends of Rose Canyon
PO Box 221051
San Diego CA 92192-1051
858-597-0220 rosecanyon@san.rr.com
www.rosecanyon.org

November 22, 2010

Submitted Via Email

Re: I-5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement

To Whom It May Concern:

01 Friends of Rose Canyon submits the following scoping comments. Our organization's mission is to protect, preserve and restore Rose Canyon and the Rose Creek watershed. The Rose Creek watershed is an important coastal watershed that extends from its upper reaches on Marine Corps Air Station Miramar west through Rose Canyon and San Clemente Canyon, then south along Rose Creek to Mission Bay. North of SR-52, Rose Canyon contains the City of San Diego's 400-acre Rose Canyon Open Space Park Preserve. Significant portions of Rose Canyon are in the MSCP. Currently Amtrak, Coaster and BNSF freight trains that use the Los Angeles-San Diego (LOSSAN) corridor railroad tracks make a long, slow, out-of-direction loop of about 8-9 miles as they turn east just north of SR-52, travel through Rose Canyon, cross MCAS Miramar, pass under Miramar Road, turn back west, where the line is single tracked, steep and winding, passing through Soledad Canyon and Carol Canyon before arriving in Sorrento Valley. Removing this long, out-of-direction loop would have major benefits for rail transit serving the same communities as the I-5, including both Amtrak and commuter rail services. Removing this loop would also make it possible to remove this entire length of tracks, providing enormous environmental benefits and opening up tremendous mitigation opportunities to public and private entities seeking mitigation credits.

02 As part of any alternative, the EIR/EIS must consider the LOSSAN corridor project that would extend the rail line south of Sorrento Valley via a tunnel, replacing the current long, slow, out-of-direction loop. This tunnel project is identified in multiple approved planning documents prepared by SANDAG and the NCTD and approved by state and federal agencies. Two alternative routes for the tunnel were analyzed in the 2007 LOSSAN Rail Corridor Improvements Program EIR/EIS. Both tunnel alternatives are also in the 2007 LOSSAN Corridor Strategic Business Plan. The two tunnel alternatives are:

1. I-5 alignment: the tunnel would begin in Sorrento Valley and be built under the I-5, emerging just north of SR-52
2. Miramar Hill/UTC alignment: the tunnel would begin in Sorrento Valley further east, extend under UTC, and exit in Rose Canyon near Genesee Avenue

1

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Responses to Deborah Knight, Executive Director, Friends of Rose Canyon

01 Thank you for your comments, which are part of the public record.

Although issues regarding Amtrak, Coaster and BNSF freight trains that use the Los Angeles-San Diego-San Luis Obispo (LOSSAN) corridor railroad tracks are not part of the *I-5 NCC Project*, some information is provided that addresses your comments. The Final Program EIR/EIS for the Los Angeles to San Diego Proposed Rail Corridor Improvements project dated September 2007 describes the proposed improvements along the LOSSAN corridor. With regard to the segment from State Route (SR-) 52 to the Santa Fe Depot near downtown San Diego, the corridor would be double tracked in its existing alignment for the full length of the section. In addition, an existing curve just south of SR-52 would be straightened, requiring two new bridges over wetlands in San Clemente Canyon. New bridges would also be constructed over Tecolote Creek and the San Diego River. Further environmental review and implementation of the LOSSAN corridor are being undertaken by the San Diego Association of Governments (SANDAG) and are beyond the purview of this EIR/EIS, which discusses improvements to the I-5.

02 The two LOSSAN tunnel alternatives between the I-5 / I-805 split and SR-52 discussed in the Final Program EIR/EIS for the Los Angeles to San Diego Proposed Rail Corridor Improvements project dated September 2007 are considered optional. The proposed *I-5 NCC Project* improvements would consist of widening the existing freeway facility and would not preclude or hinder potential future implementation of a LOSSAN tunnel alternative. As noted in the

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As further study is needed of these two alternatives, no decision has been made as to which route would be chosen. **Thus, for the purposes of the North Coast Corridor Project EIR/EIS, both these two LOSSAN tunnel alternatives must be considered planned projects.**

The EIR/EIS must consider these LOSSAN tunnel projects as part of any alternative proposed in the EIR/EIS, including, but not limited to, the following:

1. The EIR/EIS must allow for future construction of the tunnel alternative under I-5. The EIR/EIS must specifically address the I-5 LOSSAN tunnel and explain how any proposed alternative would accommodate this tunnel. The EIR/EIS must not propose any alternative that would preclude the I-5 LOSSAN tunnel alternative. In order to meet its project objectives of providing a facility that is compatible with other future modal options and with the 2030 RTP (DEIR, p. 1-1), all EIR/EIS alternatives must be compatible with future construction of the I-5 LOSSAN tunnel.

2. The EIR/EIS must consider ways in which any alternative it proposes could combine with the LOSSAN I-5 tunnel project in order to not just allow for but actually benefit the tunnel project. This should include ways that any I-5 widening project would incorporate planning and design (and possibly even some construction) that supports the I-5 LOSSAN tunnel project, including tunnel features such as entry point, emergency access locations, ventilation, and potential for an underground station.

3. The EIR/EIS must consider how construction of the LOSSAN tunnel instead of some or all aspects of the I-5 North Coast Corridor Project would accomplish some of the same objectives as I-5 widening, with the benefit of significantly improving transit and improving the environment instead of adding highway miles and causing major environmental impacts. For example, funding currently being considered for the I-5 widening could be redirected to the tunnel project. Funding for the tunnel could also be included as a part of mitigation.

4. The EIR/EIS must explain the multiple benefits of the tunnel project, including:

a. time savings and increased reliability for Coaster, Amtrak and freight trains, providing the opportunity to significantly improve service, reliability and ridership

b. elimination of the need for a very costly ($130 mil +) and environmentally damaging upgrade to the existing out-of-direction stretch of tracks since the route would be abandoned (the Sorrento – Miramar Curve Realignment and Second Main Track Project)

c. enormous mitigation opportunities due to the abandonment of 7-9 miles of tracks that comprise this out-of-direction loop; much of the land along these tracks forms a greenbelt of sensitive wetland and upland habitat in two coastal watersheds (including Rose and Soledad Canyons); removing the tracks would allow for the rail corridor itself and for hundreds of acres adjacent to the rail corridor to be restored and added to the park if it is not already parkland

02 cont.

2

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02 cont. response to your Comment 01, construction and operation of these tunnel alternatives is beyond the purview of this EIR/EIS.

I-5 NCC Project improvements are intended to accommodate projected traffic increases through 2035 and beyond as one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. As noted in Topical Response "Corridor Alternatives," the current EIR/EIS is only one step in an environmental process that began approximately 20 years ago and has addressed a variety of options to relieve congestion within this busy corridor. Topical Response "Multimodal System" describes preparation of the Regional Transportation Plan (RTP), which was an important recent phase in this alternatives evaluation process. Caltrans has been actively involved in this regional multimodal planning process. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. Specifically, the No Build alternative assumes the implementation of LOSSAN improvements but, nonetheless, would result in unacceptable levels of traffic congestion. Please also refer to Topical Response "Transportation Funding" regarding the use of highway improvement funds for alternative modes of transportation.

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d. it would open up significant new opportunities for wetland restoration projects in Rose Canyon at a time when available locations for wetland restoration are rapidly running out in the City of San Diego

e. while large sections of Rose Canyon are in the MSCP, many additional acres in Rose Canyon and likely elsewhere along the abandoned rail line could be added to the MSCP

f. it would provide a rare opportunity for significant habitat conservation in an urban area; Rose Canyon Open Space Park Preserve serves as a wildlife corridor that could be greatly enhanced; it serves as a recreational resource for urban residents for running, walking, biking and enjoying nature; it is also within walking distance for 4500 students in surrounding schools, which are increasingly using the park for "green" educational field trips that require no bus trip and no admission fee

02 cont.

The Draft EIR/EIS is proposing a massive highway construction project that would occur over a number of years, cause huge environmental impacts, and cost billions of dollars. The LOSSAN tunnel project south of the Sorrento Valley station is a major transit improvement project that would serve the same communities from Oceanside south to San Diego, as well as those coming to San Diego from further north. The tunnel project would provide tremendous environmental benefits, from increasing transit ridership to opening up a wealth of new opportunities for mitigation projects. Finally, the I-5 LOSSAN tunnel alternative and the I-5 widening projects would be constructed in the same location from Sorrento Valley south – one above ground, one below ground. Thus it is critical that the EIR/EIS study the relationship between the tunnel project and any alternative recommended in the EIR/EIS.

Sincerely,

Deborah Knight
Executive Director

3

ORGANIZATIONS – COMMENTS

FSDRV.org

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November 17, 2010

RE: COMMENTS ON DRAFT EIR FOR THE I-5 NORTH COAST CORRIDOR PROJECT

01 The Friends of the San Dieguito River Valley have reviewed the Draft EIR (DEIR) for the I-5 North Coast Corridor Project and respectfully submit our comments. The Friends was established in 1986 as an incorporated volunteer citizens group to advocate for the preservation of the San Dieguito River Valley and has been involved since that time in providing community input. We are also a member of the Citizens Advisory Committee of the San Dieguito River Park and support the River Park Concept Plan approved by the City of San Diego in 1994 and updated in 2004. We would like to draw your attention to the Plan's stated special design considerations for the area of the proposed widening of I-5 at the San Dieguito River Valley, which include:

- Protection of the sweeping open space views within this landscape;
- Compatibility of future development with the open space character of the lagoon and surrounding area in terms of both visual compatibility and intensity of use;
- Preservation and, where appropriate, enhancement of view opportunities of the lagoon and ocean from trails and existing circulation routes; and
- Provision of an adequate buffer between development and sensitive resources in order to reduce adverse impacts associated with noise, lighting and intensive human activity.

Our specific comments on the DEIR that follow are limited to the section of the Project between Del Mar Heights Road and Via de la Valle. They include:

RESPONSES

Responses to Jacqueline Winterer, President, Friends of the San Dieguito River Valley

01 Thank you for your comments, which are part of the public record. Specific responses to your comments regarding the section of the project between Del Mar Heights Road and Via de la Valle are provided below.

ORGANIZATIONS – COMMENTS

A. The DEIR fails to describe a reasonable range of alternatives.

We understand the need to facilitate the movement of people and cars along the existing I-5 corridor but the DEIR fails to provide a reasonable range of alternatives as required by CEQA. All four of the Build Alternatives included favor the addition of more car lanes over a greater reliance on non-freeway transit which will cause excessive negative impacts to the San Dieguito Lagoon environment and the River Park's public Coast-to-Crest Trail, a rare coastal preserve and recreational space.

02 The DEIR appears to make an assumption that mass transit is only a Caltrans responsibility. It is not. The LOSSAN rail corridor is a vastly superior mass transportation option as it already has a dedicated right-of-way and six already-functioning train stations. By comparison, the DEIR proposes building four new Direct Access Ramps and acquiring land for new parking lots and structures along the same corridor to accommodate more cars when regional (2030 RTP) and state (AB 32) policies are requiring a reduction in green house gas emissions and encouraging more mass transit, for example, along the LOSSAN rail corridor. By favoring the addition of car lanes over more mass transit, the DEIR limits itself to car-related alternatives that put immense pressure on existing natural resources, such as those in the San Dieguito River Valley, established communities and public health as it relates to the impact of noise and reduced air quality.

We feel that the DEIR is deficient in its obligation to provide reasonable alternatives and offer herewith, suggestions for reasonable alternatives.

03 RE Figures 2-2.8 and 2-2.9, Schematic for 8+4 Alternatives. We estimate the existing width of I-5 between Del Mar Heights Road and Via de la Valle to be about 184 feet. The freeway between these two points includes one median, two HOV lanes, 10 general purpose lanes (GPL), and two shoulders. The calculation is as follows: [1 median ~10ft] + [2 HOV lanes @24 ft] + [10 GPL@120ft] + [2 shoulders@20ft] = about 184 ft. Our calculation assumes that northbound GPL 5, is a bonafide GPL and not an Auxiliary Lane, as marked in the DEIR figures.

We make this assertion because we believe that northbound GPL 5 should be extended through the Via de la Valle intersection to correct the bottleneck that occurs at the narrowing at the Via de la Valle overpass. This option could then become either a 'limited build 10+2 alternative' or a 'limited build 8+4 alternative' by changing GPL 1 from its general-purpose function to an HOV lane between these two points without adding an extra lane on the bridge.

04 Another suggestion: All of the current Build Alternatives include extra widths for buffers, barriers, shoulders and auxiliary lanes without providing justification for the extra widths. Narrowing or eliminating these "extras" would provide more flexibility in providing additional alternatives designed specifically to preserve, as noted above, the rare coastal preserve and recreational space on both sides of the bridge.

05 Any greater widening (as represented in the DEIR's four Build Alternatives) creates significant problems for the San Dieguito River Park and its Lagoon Restoration Project, in part because the Coast-to-Crest trail follows the freeway very closely on the east side. Any displacement of the trail eastward will impinge on the wetlands restored by Southern California Edison and cannot be mitigated.

2

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02 As noted in Topical Response "Corridor Alternatives," the current EIR/EIS is only one step in an environmental process that began approximately 20 years ago and has addressed a variety of options to relieve congestion within this busy corridor. Topical Response "Multimodal System" describes the preparation of the Regional Transportation Plan (RTP), which was an important recent phase in this alternatives evaluation process. The San Diego Association of Governments (SANDAG) has been leading the efforts to evaluate the range of transportation alternatives needed in the North Coast Corridor. The proposed improvements have been identified as only one element of this multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to mass transit.

Please note that the project build alternatives have continued to be refined since the circulation of the Draft EIR/EIS. As one element of this refinement process, direct access ramps are no longer proposed at Cannon Road and Oceanside Boulevard.

Regarding potential project-related impacts from the generation of greenhouse gases (GHGs), EIR/EIS *Section 4.6, Climate Change*, analyzes project GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. The project would be expected to result in lower overall air emissions (including GHGs) compared with existing conditions. The project build alternatives, for example, are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative (refer to EIR/EIS *Table 4.2*). SANDAG's 2050 RTP includes the

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02 cont. project along with other multimodal solutions and forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and California Senate Bill 375. Please also refer to Topical Response "Global Warming" for additional information on GHG and related global warming and climate change issues.

Potential project effects on natural resources, established communities, and public health are addressed throughout *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*; as well as in *Chapter 4, California Environmental Quality Act*, as appropriate. With the exception of a focused community cohesion impact that could occur under the 10+4 Barrier alternative in the City of Carlsbad; as described in *Chapters 3* and *4*, following project avoidance, minimization, and mitigation measures, each of the natural resources, established communities, and public health issues would be less than substantial under NEPA and less than significant under NEPA.

03 Regarding the existing conditions of the freeway between Del Mar Heights Road and Via de la Valle, this portion of the freeway currently contains eight general purpose lanes (four in each direction), two HOV/Managed Lanes (one in each direction), two auxiliary lanes (one in each direction), barrier-separated center landscaping extending between the San Dieguito River bridge and the Via de la Valle undercrossing, and shoulders. The existing paved width of this stretch of the freeway is approximately 176 feet. The outside lane in each travel direction is in fact an auxiliary lane that extends between the Del Mar Heights Road and Via de la Valle interchanges. In the northbound direction, the fifth lane, one of the two lanes added by the northbound bypass connector ramp, enables weaving operations between the Del Mar Heights Road and Via de la Valle northbound off-ramps. For the southbound direction, the right-most lane, the fifth lane beginning at the Via de la Valle eastbound to southbound on-ramp and ending at the southbound bypass ramp connector, enables weaving operations between the Via de la Valle eastbound to southbound on-ramp and the Del Mar Heights Road southbound off-ramp. The auxiliary lane in the northbound direction directly connects to, and ends at,

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03 cont. the Via de la Valle northbound off-ramp. Another auxiliary lane begins at the Via de la Valle northbound on-ramp and connects to the Lomas Santa Fe northbound off-ramp.

Your suggestion to provide a fifth general purpose lane along this stretch of the freeway would require one of the 10+4 alternatives. During the analysis for the proposed project, it was determined that four HOV/Managed Lanes would be the minimum number that would adequately address projected growth. Therefore, reducing the HOV/Managed Lanes to one in each direction to accommodate your suggested "limited build 10+2 alternative" within this freeway stretch would not meet future travel demands. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative design proposes the extension of lane number five (added by the northbound bypass) to terminate at the Manchester Avenue northbound off-ramp to address the existing bottleneck at the Via de la Valle undercrossing. The Preferred Alternative also includes northbound auxiliary lanes (for weaving purposes) between Del Mar Heights Road and Via de la Valle, and between Via de la Valle and Lomas Santa Fe Drive, as well as a northbound acceleration lane (auxiliary lane) between Lomas Santa Fe Drive and Manchester Avenue.

04 With regard to "extra widths" for freeway facilities, proposed widths for travel lanes, auxiliary lanes, and shoulders are consistent with standards and requirements in the California Highway Design Manual. No "extra width" is incorporated into the proposed design for the build alternatives. The proposed HOV/Managed Lanes would be separated from the general purpose lanes with either a barrier or a buffer. As illustrated in *Figures 2-2.10* and *2-2.11* in the EIR/EIS, the barrier alternatives require a larger footprint and more widening compared to the buffer alternatives. As noted in the response to your Comment 03, the Preferred Alternative is a refined 8+4 Buffer alternative. Auxiliary lanes are used for

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	04 cont. weaving, truck climbing, speed change, or for other purposes supplementary to through traffic movement. They help to reduce congestion due to weaving traffic. Additional information regarding the need for the proposed auxiliary lanes is proposed in Final EIR/EIS *Table ES.4*.
	05 The Preferred Alternative would not permanently impact the existing trails near the freeway, as illustrated in *Figures 2-2.3, Sheet 19*. As indicated in Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f), the portion of the Coast to Crest Trail that crosses under the freeway would be subject to temporary closures during construction activities, but no permanent "use" of this trail would occur and the trail would not be rerouted.

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B. The DEIR fails to incorporate current wetlands data.

1. Errors in the Natural Environment Technical Study that supports the DEIR:

Page 4, Natural Environment Technical Study dated June 2008. This states that the "San Dieguito Lagoon was thoroughly studied by San Dieguito Joint Powers Authority (2000) for the large restoration project that began in late 2006; THEREFORE NO FURTHER STUDIES WERE DEEMED NECESSARY AT THE SAN DIEGUITO LAGOON (emphasis is ours)." This indicates that none of the restored bird, fish and native plant life data that are now available for the San Dieguito Lagoon is included in the impact analysis of the proposed North Coast Corridor Project on the Lagoon and its restored salt marshes and wetlands.

06 This is a serious omission given that there has been a burgeoning of fish and birds reported in the area since the Restoration Project was completed and extensive replanting of native plants has occurred. The data used in the DEIR were taken from wetlands that contained tons of fill dirt, that contained remains of a World War II airfield and sewage settling ponds where dumping of raw sewage occurred as late as the 1970s. Thus, data used in the DEIR are outdated and incorrect. Therefore, the stated impact of the proposed alternatives is seriously flawed. Data from the restored San Dieguito Lagoon must be updated and impacts to the wetlands re-evaluated in a reissued DEIR.

Page 66, Section 4.4, Essential Fish Habitat (EFH). This section has the same flaw: omitting data from the completed San Dieguito Lagoon Restoration Project. The supporting study used in the DEIR finds that essential fish "are most likely to occur in open water at Batiquitos and Aqua Hedionda Lagoon, that are continuously open to the ocean…(which) provide EFH." The study omits the information that the San Dieguito Lagoon now meets the criteria for EFH.

07 Figure 3-1d: This figure shows large areas on the east and west sides of I-5 as "Disturbed Habitat." This area was restored as natural habitat in the past several years.

08 Page 57-58 (Section 3.11): Text under heading, Invasive Species, indicates the presence of invasive species "on the slopes of I-5 between Del Mar Heights Road and Birmingham Drive" that are probably no longer present at the San Dieguito Lagoon area due to the completed restoration project.

2. Errors in the DEIR

As a result of errors in the supporting Technical Study, the DEIR is inaccurate in key places that are related to impacts on the San Dieguito Lagoon area. We found errors in the following figures and tables:

09
- Figure 3-17.1d,page 3.17-13, Vegetation Communities;
- Figures 3-19.1b and 1c, pages 3.19-4 and 5, Sensitive Plant Locations (the latter includes a color code signifying a stand of Torrey Pines which does not exist at this location);
- Figure 3-201b, page 3.20-5, Sensitive Wildlife Locations;
- Figure 3.21 Threatened and Endangered Species;
- Tables 3.21.1, page 3.21-3, Coastal California Gnatcatcher identified within the study area; and

3

RESPONSES

06 The baseline for analysis in an environmental document is what exists at the time the Notice of Preparation (NOP) is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. Since the circulation of the Draft EIR/EIS, mapping at San Dieguito Lagoon has been updated; no impacts would occur outside the Caltrans right-of-way in the San Dieguito Lagoon restoration area. Additional available data has been added to the Final EIR/EIS based on the lagoon studies as described in Topical Response "Lagoon Evaluations." This additional data and analysis was also provided in the Supplemental Draft EIR/EIS, which was circulated in August 2012.

Specifically regarding the Natural Environmental Study (NES) prepared for the project, the associated text cited in this comment is taken somewhat out of context. That is, the statement that the "San Dieguito Lagoon was thoroughly studied… therefore, no further studies were deemed necessary" is specifically referencing eelgrass and essential fish habitat (EFH) analyses. Other applicable information related to the San Onofre Nuclear Generating Station (SONGS) restoration project at San Dieguito Lagoon that was available at the time the NES was prepared is included in that document. Regarding the noted reference to EFH, the NES includes related assessments for all six coastal lagoons, including San Dieguito. While the full results of the now completed SONGS restoration project were not included in the NES as noted, Section 4.4 of that document notes that applicable EFH species, including northern anchovy, Pacific sardine, and jack mackerel, have potential to occur in San Dieguito Lagoon.

Accordingly, a number of related conservation measures are identified, including the following from EIR/EIS *Section 3.21, Threatened and Endangered Species*:

- A channel large enough for fish movement would be kept open throughout construction within the San Luis Rey River and all of the lagoons.

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06 cont.

- During in-water bridge construction activities at all lagoons and the San Luis Rey River, bubble curtains or other methods to minimize acoustical impacts to aquatic species would be implemented.

- The Biological Monitor and a Caltrans Project Biologist would be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed.

These conservation measures, as well as the evolving permit conditions, are structured to address conditions at the time of construction and ensure adequate mitigation for actual resources impacts. Surveys will be completed as needed immediately prior to initiation of each construction phase to identify the latest conditions for resources that must be protected during construction. It is not practical or effective to continually update maps and surveys.

Regarding eelgrass, additional detailed studies have been prepared since the completion of the NES and circulation of the Draft EIR/EIS regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor. Important new information from these studies was provided in the Supplemental EIR/EIS circulated for public review in August 2012 and is incorporated into this Final EIR/EIS as appropriate. Specifically, this includes updated and new information regarding biological resources and hydrologic and hydraulic conditions at San Dieguito Lagoon, such as: (1) the SONGS lagoon restoration project: and (2) biological assessments, hydrologic and hydraulic studies, and Caltrans interaction with lagoon scientists conducted for the proposed *I-5 NCC Project*. Based on this information, it was determined that eelgrass may potentially occur in the San Dieguito Lagoon in proximity to I-5. *Section 3.17* of this Final EIR/EIS notes that eelgrass has been found well west of I-5 now that the restoration is in place. New eelgrass surveys would be completed before, during, and after project construction. This would occur at all affected lagoons. Where eelgrass is identified,

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	06 cont. mitigation would occur in accordance with the PWP/TREP and the Environmental Commitments Record (ECR; Appendix D). As a result of the described information in the EIR/EIS and NES, the project analysis of biological resources and related impacts includes all applicable and current information, including restoration efforts at San Dieguito Lagoon. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons. 07 With respect to current habitat conditions east and west of I-5, please refer to the response to your Comment 06. As noted, the project biological analysis has been modified to include current data from sources including the SONGS lagoon restoration project, with associated figures in this Final EIR/EIS reflecting 2012 habitat conditions in the project corridor, including areas within and adjacent to San Dieguito Lagoon. 08 Regarding the current extent of invasive species in the vicinity of San Dieguito Lagoon, please refer to the response to your Comment 06. As noted, the project biological analysis has been modified to include current data from sources including the SONGS lagoon restoration project, with the associated discussion in this Final EIR/EIS reflecting 2012 habitat and invasive species conditions in the project corridor (including areas within and adjacent to San Dieguito Lagoon). Specifically, the invasive species identified in the EIR/EIS on the slopes between Del Mar Heights Road and Birmingham Drive is African veldt grass; this species is also present along slopes within the I-5 corridor and adjacent habitat areas.

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09 cont.

- Table 3.21.3, page 3.21-6, Threatened and Endangered Animal Species Impacted by the four alternatives.

Our concern is that, with closer scrutiny, more inaccuracies will likely be revealed.

C. The DEIR fails to provide clear and consistent information.

10

Appendix A, Figures 9 and 10 (Impacts to the Coastal Area of the San Dieguito River Park) page A-24 and A-25. In the upper left part of the page, a notation states, "This figure shows the Proposed Right of Way for the 8+4 Barrier Alternative…" but the legend in the right hand corner indicates it is the Proposed (impact) for the 10+4 barrier. Further, the upper left notation states that the 8+4 Barrier Alternative…would result in the greatest amount of use of the San Dieguito River Park." This statement needs clarification since the 8+4 Barrier Alternative is narrower than the 10+4 Barrier Alternative, but also narrower than the 8+4 Buffer Alternative.

D. The DEIR fails to provide current River Park information.

11

Chapter 2 Project Alternatives: Figure 2-2.14, page 2-38 and 2-2.14m, page 2-39. Project Features Map: The 10+4 Buffer Alternative does not identify the existing public trail. Rather, the area of the existing public trail along the eastern side of I-5 is marked for proposed contour grading and a bioswale.

12

Chapter 3 Environmental Consequences, page 3.1-44. This section states incorrectly that the "Proposed project would not interfere with existing trails or planned trails," "(that) the visual character of the park would be unchanged," "(and that) increases in noise levels would not be noticeable to park users." Finally, in direct contradiction to itself, it also states that, "It is not expected that use of the 1.14 acres (needed) would not (sic) impact any of the activities, features or attributes of the resource."

13

Appendix A, Figures 9 and 10. The two figures do not include existing trails in the River Park.

14

Appendix A, page A-27. Beginning with the statement that "…coastal access is currently limited to one short trail, the Riverpath in Del Mar…" must be updated to include information that specifies there is indeed an existing, and widely used, public trail (this is a completed link of the Coast-to-Crest Trail), that begins east of the shopping center and continues west under I-5 to the Boardwalk and Riverpath in Del Mar.[1]

15

Appendix A, page A-27. Text here continues to say that land to be used by the project is minor ("less than .001% of total SDRP area") but the DEIR fails to include the location of the public trail on Figure 10 and therefore the land used by the proposed widening. In reality the "minor" area required for the widening includes a portion of the Coast-to-Crest Trail that cannot be re-located. This information must be corrected in a re-issued DEIR.

16

Appendix A, page A-28. Text under the 10+4 Buffer Alternative, second paragraph is incorrect. The text states that the areas proposed for use would not result in permanent impacts to any of the trails that are officially designated as part of the SDRP, and would require a use of land that does not

[1] Please see Schad, J., ROAM-O-RAMA, "San Dieguito Lagoon Trail," San Diego Reader, September 1, 2010.

4

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09 With respect to habitat designations provided on EIR/EIS *Figure 3-17.1d*, please refer to the response to your Comment 06 (with EIR/EIS *Figure 3-17.1d* the same as NES Figure 3-1d).

It is assumed that the area in question on EIR/EIS *Figure 3-19.1c* is the linear-shaped polygon located along an unpaved road east of I-5 and north of the San Dieguito River. While this area does not depict Torrey Pines, the legend on *Figure 3-19.1c* inadvertently omitted the plant species associated with the described polygon, southern tarplant. EIR/EIS *Figure 3-19.1c* corresponds to NES Figure 3-3c, which correctly identifies this species in the noted location. Final EIR/EIS *Figure 3-19.1c* has been corrected.

Regarding the other referenced figures and tables, because no specific errors are identified in the comment, corresponding responses cannot be provided.

10 This figure has been revised in Appendix A of the Final EIR/EIS. Impacts are now shown on Figures 6 and 7 of Appendix A.

11 With respect to the public trails within the San Dieguito River Park (SDRP) that are near the freeway, these trails are shown in Final EIR/EIS *Figures 2-2.3, Sheets 18* and *19*, but are not labeled. The focus of this series of maps is the proposed project improvements. Information about trails in this area is illustrated on Figures 5, 6, and 7 of EIR/EIS Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f). Please see response to your Comment 05 regarding project impacts to these public trails.

12 As noted in response to your Comment 05 and illustrated in Final EIR/EIS *Figures 2-2.3, Sheet 19*, the Preferred Alternative would not permanently impact the existing trails near the freeway. As indicated in Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f), the portion of the Coast to Crest Trail that crosses under the freeway may be subject to temporary closures during construction activities, but no long-term impacts to the use of this trail would occur. A design study is in progress

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12 cont. to confirm whether the trail could remain open during project construction in the vicinity of the San Dieguito River. The goal is that, during construction, connectivity of the trail between the east and west sides of the freeway would be maintained either via detour or having the existing trail open. Accordingly, the proposed project is not considered to interfere with existing trails or planned trails because it would not disrupt the overall experience of trail users.

Regarding the visual character of the park, impacts on views of and from the freeway are evaluated in EIR/EIS *Section 3.7*, *Visual/ Aesthetics*. San Dieguito Valley is highlighted as an existing visual resource on *Figures 3-7.10* and *3-7.11*. Additional simulations showing changes between existing and future conditions are shown in *Figures 3-7.81* through *3-7.84* of this Final EIR/EIS. SDRP in particular also is addressed in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f), which concludes that the build alternatives would not affect the dominant scenic elements of the 4(f) resource, which are the river, marsh areas, and vast open scenic views compared to the impacts of the existing I-5 freeway.

With regard to noise concerns in this area, modeling indicates that the increases that would occur across the entire open lagoon area would typically range between two and three decibels (dBA). Increases of three or fewer dBA generally are not discernible by the average healthy human ear; therefore, the anticipated level of change is not anticipated to be noticeable to park users. Please also refer to the responses to your Comments 19 and 20 regarding noise concerns within the park.

Table 3.1.1 in the Draft EIR/EIS stated that the proposed project would result in permanent loss of less than 1.2 acres within the SDRP. This loss was identified as a potential inconsistency with the Resource Management and Open Space Element of the Torrey Pines Community Plan that would be mitigated through proposed project biological mitigation. Since circulation of the Draft EIR/EIS, all alternatives have been refined to avoid permanent impacts to land within the SDRP and eliminate the previous use of small quantities of SDRP land (see Figures 6 and 7 of Appendix A of the Final EIR/EIS).

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16 cont. possess any unique features or perform any vital functions that if lost would affect the SDRP's ability to function as a 4(f) resource. In fact the area proposed for use includes, as noted above, a completed link of the Coast to Crest Trail.

E. The DEIR fails to provide complete visual impacts.

17 Chapter 3 Affected Environmental…and/Or Mitigation Measures. Chapter 3 must include a visual simulation of the project's impact on views of the River Valley looking northeast on I-5 (Figure 3-7.11, page 3.7-5 provides the current view), in particular with the widened bridge similar to those presented at other critical view sheds identified in the DEIR (pages 3.7-16 through 34). Specifically, on page 3.7-2 there is a list of "Key Views" that includes the San Dieguito River Valley view, which is described on page 3.7-14 as critical to the California Scenic Highway System. Although the Coastal Act protects scenic qualities of the coastal area, a simulation of the impact of the project on this "key view" is inexplicably not included.

18 Further, there is little information anywhere in the DEIR text or simulations regarding the visual impact of the project alternatives from the public trail as it moves from east of I-5 to the west, along and under the freeway at the bridge, including the type and size of retaining wall, that will be required to support the expansion. The description and visual impact of a retaining wall and the bioswales at this location, a significant coastal resource that is protected by the Coastal Act, is missing from this report. The Lagoon Trail, a completed link in the 55-mile long Coast-to-Crest Trail that will eventually stretch eastward all the way to Volcan Mountain near Julian, takes hikers alongside the restored San Dieguito Lagoon and salt marsh. The DEIR is incomplete and a re-issued DEIR must present information on the visual impact to hikers and bicyclists as they use that trail.

F. The DEIR fails to provide complete noise impacts.

19 We believe noise measurements must be included in the area of the public Coast to Crest Trail that runs alongside I-5 at the San Dieguito River Bridge and evaluated for mitigation measures, given the high value of the area for providing public access to a rare coastal resource that includes bird watching opportunities. No measures were taken at the location of the public trail adjacent to the proposed widening or from the viewing platforms on the Boardwalk to the West to measure the impact of the project on current noise levels that are already high.

20 We are also disappointed that most of the locations found to be eligible for noise walls are "not recommended" "due to estimated construction costs exceeding reasonable cost allowances." This is contrary to the Caltrans goal to protect and enhance the human environment and is specifically insensitive when the recommendation is made at the Del Mar Heights Elementary School Athletic Field and School Playground (Soundwall # S563 and 565).

G. The DEIR fails to provide sufficient mitigation information for displaced bird habitat.

21 RE Chapter 3 Affected Environment…Minimization and/or Mitigation Measures. Biological Environment: Section 3.21.3, Environmental Consequences and Section 3.21.4 Avoidance, Minimization and/or Mitigation Measures, page 3.21-8. Information on mitigation offered for replacing bird habitats is insufficient. The DEIR does not present adequate data to evaluate whether the proposed mitigation sites will in fact provide appropriate habitat for habitat displaced by the proposed project. For instance, there is no information provided that the two lots on San Dieguito

5

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12 cont. With the alternatives refinement, the ability of the park to provide wildlife habitat, walking trails, water exchange, etc. would not be affected by any of the build alternatives and no land acquisition would be needed.

13 With respect to the public trails within the SDRP that are near the freeway, these trails are shown in Final EIR/EIS Appendix A Figure 5, but are not all specifically labeled. The trails are located within the boundaries of the SDRP, which is defined and labeled in the figures. These trails are considered facilities within the larger SDRP. The proposed I-5 North Coast Bike Trail is labeled as a proposed enhanced pedestrian/bike trail on Figure 5.

14 Regarding additional public trails within the SDRP, it is recognized that the Boardwalk and Lagoon Trails have since been constructed as part of the Coast to Crest Trail. As indicated in your comment, these trail segments extend from the shopping center in the southeast quadrant of the Via de la Valle Interchange, under the I-5 on the north side of San Dieguito River, and connects to Jimmy Durante Boulevard. The alignment of these trails was shown in Draft EIR/EIS Appendix A Figure 9 as a proposed hiking trail (see Figure 5 of the Appendix A of the Final EIR/EIS).

15 Please see the response to your Comment 12 regarding lack of anticipated "use" of park land. With regard to potential project-related impacts to the Coast to Crest Trail, as described in Section 3.2 of EIR/EIS Appendix A, the portion of the trail that passes underneath I-5, within the Caltrans right-of-way, may be subject to temporary closures during construction activities; no permanent impact to the trail would occur. The lack of a direct conflict between the Caltrans right-of-way and trail function is illustrated in that a portion of the trail that traverses underneath the bridge crossing of the San Dieguito River is on a revocable easement granted by Caltrans for the trail.

16 Please refer to the responses to your Comments 12 and 15 regarding potential project-related impacts to the Coast to Crest Trail.

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17 As described in EIR/EIS *Section 3.7.3, Environmental Consequences*, under the discussion of *Analysis of Key Views*, the number of visual simulations provided is limited by the nature and scope of the project. Specifically, the analysis notes that:

> Because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project. *Figure 3-7.40* depicts the locations of 17 key views along the corridor.

Because the Caltrans right-of-way line east of I-5 across the valley is being largely retained (see Final EIR/EIS *Figures 2-2.3, Sheets 17* through *20*), the views over the valley to the east also would remain similar to existing conditions. The curve in the water feature that is visible in *Figure 3-7.11* can be seen beyond the right-of-way line on *Sheet 18*.

The key views in the EIR/EIS are representative of associated viewpoints and viewers, and are considered appropriate for the assessment of related potential project effects. In addition, a representative view for the San Dieguito Lagoon is included in this Final EIR/EIS in *Section 3.7*. It demonstrates the slightly more open view anticipated at San Dieguito Lagoon due to planned modifications to proposed low crash barriers.

18 Regarding potential project-related impacts to views from the public trail within the SDRP, and per applicable requirements, the park was included on the list of sites evaluated under Section 4(f) of the U.S. Department of Transportation (USDOT) Act of 1966 in Appendix A of the EIR/EIS. Based on that analysis, the project Section 4(f) evaluation concludes that the project alternatives would not substantially alter the visual quality of the area because the proposed project entails widening the existing freeway. With respect to visual concerns, this conclusion is based on the following considerations: (1) all improvements associated with the proposed project near the park would take place within the existing Caltrans right-of-way; (2) while the proposed project is visible from the park

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18 cont. and public trails, most of the developed viewpoints are westerly toward the Pacific Ocean; and (3) scenic views from the park toward the proposed project would not be affected since the I-5 freeway is visible in the existing condition and improvements to I-5 associated with the proposed project would not substantially alter existing views. In addition, as described in EIR/EIS *Section 3.7*, the project would encompass a number of design elements to address potential project-related visual concerns, including the use of appropriate landscaping to provide visual screening and blending, and minimize related impacts in off-site areas, including the park and public trail.

The only change relative to bridge support views would be related to a short retaining wall placed on the east side of I-5, south of the San Dieguito River, in order to protect a wetland area located at the base of the I-5 slope. Given the magnitude of the existing I-5 crossing over San Dieguito Lagoon—a clearly industrial and large-scale feature bisecting the park—the visual change related to such modifications as earthen berms and a relatively short (a maximum of six feet high) retaining wall at the northeastern extent of the bridge is assessed as less than substantial. This change is recognized; however, it would not introduce an industrial note where none existed before.

The type and size of bioswales are undergoing refinement during the environmental process and will continue to be refined as design proceeds. More information regarding the proposed contour-graded fill slope and bioswale proposed for this location is provided in response to your Comment 12. Please refer to Topical Response “Visual/Community Effects” for additional information regarding visual effects and the ongoing effort to avoid, minimize, and mitigate project visual effects, which would be high.

19 Potential noise impacts to the San Dieguito River Trail are summarized in Section 3.2 of EIR/EIS Appendix A. As described therein, the noise model identified the existing noise levels and projected the future noise levels at three noise receptors within the coastal area of the park. Noise modeling indicates that increases between two and three dBA would occur across the entire open lagoon area that dominates the coastal area of the park. It is

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	19 cont. widely accepted that the average healthy human ear can barely perceive noise changes of three dBA or less. Human use of the hiking trail is considered "transitory," and therefore the hiking trail does not qualify as either an area of frequent human use, or as a location requiring consideration of noise abatement. In general, a frequent human use area is an area where people are exposed to traffic noise for an extended period of time on a regular basis.
	20 Regarding noise and soundwall concerns, and as discussed in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners, per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Based on the Caltrans Traffic Noise Analysis Protocol, the following criteria are used to determine when an abatement measure is "reasonable and feasible." The "reasonable" determination is basically a cost-benefit analysis, with associated factors including property owner acceptance, absolute noise level, build versus existing noise levels, environmental impacts of abatement, public and local agency input, newly constructed development versus development pre-dating 1978, and the cost per benefited noise receptor, which entails calculating an allowance considered to be a "reasonable" amount of money to spend on abatement per benefited noise receptor. Soundwalls S563 and S565 were determined not to be "reasonable" as the estimated construction cost would exceed the "reasonable" allowance. Accordingly, neither of these soundwalls are recommended for construction (refer to EIR/EIS *Tables 3.15.11* and *3.15.12*). It should also be noted, however, that the difference between the existing and projected future (with the project and no soundwall) noise levels at the noise receptors associated with Soundwalls S563 and S565 is three dBA (refer to *Table 3.15.11*). As previously noted, changes in noise levels of three dBA or less are generally not detectable by the average healthy human ear. Based on the described considerations, the project-related noise analysis is consistent with all associated FHWA and Caltrans requirements. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

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21 cont. Drive, proposed for mitigating displaced habitat of the endangered California gnatcatcher, provides appropriate or even sufficient new habitat.

22 Further, the DEIR indicates that five pairs of California gnatcatchers would be displaced by the project. It is estimated that about 24 acres of sage scrub habitat is required per pair of California gnatcatchers.[2] Therefore, at least 120 acres of mature sage scrub habitat would be required to mitigate for the displacement of the five pairs that will be affected in the San Dieguito River Valley. A much larger amount would be required if the habitat is poor, such as in newly planted areas. Yet the DEIR proposes a total of about 86 acres of which 42 is comprised of coastal salt marsh, 17 of upland habitat along reconstructed berms and in the native grassland floodplain, 23 from the former tomato fields east of I-5 and 2 acres from lots on Racetrack View and San Dieguito Drives. The DEIR fails to explain how or if the mitigation would provide appropriate habitat for the gnatcatcher. Further, a new survey, to be conducted at the completion of the restoration, will in all likelihood identify additional bird habitats impacted by the proposed widening of I-5.

H. The DEIR fails to identify and provide mitigation for the loss of a significant public trail.

23 Chapter 2. Project Alternatives, Figure 2-2.14L (Project Features Map). The land located along the eastern side of I-5 at the San Dieguito Bridge in this figure is noted as required for the four build alternatives and also as exempt from mitigation because it is on private property. This is a specious argument. In fact, this completed, frequently used, significant portion of the River Park's Coast-to-Crest Trail, connecting the eastern and western ends of the Restoration Project, is in this location. The trail is part of the SDGE mitigation project, provides invaluable public access to the lagoon and wetlands area and eventually the Pacific Ocean and is maintained by a public entity, the San Dieguito River Park Joint Powers Authority.

Under these circumstances, the area is subject to protection under Section4 (f) De Minimis Impact Documentation whereby the USDOT may not approve a project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge… unless there is no feasible and prudent alternative…and such (project) includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge…resulting from such use. Also, the California Public Park Preservation Act of 1971 provides that a public agency that acquires public parkland for non-park use must either pay compensation that is sufficient to acquire substantially equivalent substitute parkland or provide substitute parkland of comparable characteristics.

However, because mitigation cannot be provided (i.e., moving the trail to the East would impinge on restored wetlands and bird habitat), it is critical that this information be included in the DEIR's evaluation of the impact of any proposed project on this area of the River Valley.

[2] Zipcodezoo.com: ERCE 1990, Braden 1998, pers.comm. In USFWS North Peak Development Project Biological Opinion, Atwood and Bolsinger 1992, Preston et al. 1998 and Atwood et al. 1998.

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21 Regarding potential project-related mitigation for impacts to bird habitats, this issue is addressed in the EIR/EIS under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures* (including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*). As described therein, project-related impacts to biological resources would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package for unavoidable impacts to habitats and related plant and animal species has been developed in concert with the wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program, project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. Please also refer to the response to your Comment 06 above. As noted therein, additional detailed studies have been conducted for the six coastal lagoons, including San Dieguito, since the circulation of the Draft EIR/EIS. Updated information from these analyses is incorporated into this Final EIR/EIS as appropriate, including the identification of potential upland habitat mitigation areas. Specifically, in the vicinity of San Dieguito Lagoon, this includes the Dean Mitigation Site located adjacent to the lagoon, as well as the San Dieguito W19 site. A number of additional potential wetland and upland mitigation parcels have also been identified for the project in the coastal zone, with these sites under review for potential acquisition and use in the project mitigation program. Caltrans will continue to work closely with the wildlife agencies to develop the proposed wetland and upland mitigation efforts, which will be subject to further refinement during the permitting process. This will include measures to ensure that preserved, enhanced, and restored areas provide suitable habitat for attendant species, through efforts such as the establishment of appropriate success

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	21 cont. criteria and implementation of associated monitoring/maintenance activities per resource agency requirements. The Dean Mitigation Site is known to support coastal California gnatcatcher currently, and restoration of upland habitat is planned at the site to achieve no net loss. Existing uplands also would be preserved at the site. Restoration of the W19 site is planned to include establishment of 9.6 acres and restoration of 19.8 acres of upland habitat, with construction anticipated to begin in 2016. The establishment and restoration of habitat on these sites would help satisfy the "no net loss" compensatory mitigation requirement for the *I-5 NCC Project*. 22 Please refer to the response to your Comment 21 regarding the comprehensive nature of the planned mitigation program, which has been developed in concert with the wildlife agencies. The mitigation program reflects regional prioritization of coastal mitigation, as well as the specific needs of wildlife populations at the coast, which differ from inland populations. Also as noted in that response, construction of the mitigation sites in the vicinity of the San Dieguito Lagoon is anticipated to begin in 2013 and 2016, whereas construction of project improvements is that area is anticipated to occur in the 2021 to 2030 time frame. Thus, the restored and enhanced habitat is anticipated to be well-established before impacts occur. 23 The noted area is not exempt from mitigation, but rather was not considered a Section 4(f) resource. As codified in 23 Code of Federal Regulations Section 774.17, "Section 4(f) property means *publicly owned* land of a public park, recreation area, or wildlife and waterfowl refuge…" (emphasis added). At the time of circulation of the Draft EIR/EIS, the subject property was owned by Southern California Edison. Based on ownership status, the subject property was not subject to protection under Section 4(f). Appendix A of the Final EIR/EIS has been revised to note that this parcel is in the process of being transferred to the SDRP Joint Powers Authority (JPA), and is part of lands considered a Section 4(f) resource. Please also refer to the responses to your Comments 12 and 15 regarding potential project-related impacts to the SDRP in general and the Coast to Crest Trail.

ORGANIZATIONS — COMMENTS

24 **I. The DEIR provides incorrect community enhancement information.**

Chapter 2, Project Alternatives, page 2-8 suggesting a new Pedestrian Overpass Connection North of Del Mar Heights Road. To say that "allow(ing) a safe route to school for students living on opposite sides of the freeway," is inaccurate. Students living on opposite sides of the I-5 at the proposed site of the overpass are in different school districts. Further, the Del Mar School has expressed safety concerns and suggested that the location of a pedestrian overpass might be more appropriately located where approaches were clearly visible to people in the area, rather than a relatively secluded area of the school's playground.

25 **J. The DEIR fails to justify the massive scale of the project for the entire 27 miles.**

We are aware that some sections of the I-5 Corridor need to be widened. For instance, there are specific sections along the 27-mile stretch that have only three or four lanes in each direction. However, the area we are specifically reviewing has five general-purpose lanes and one HOV lane in each direction. The DEIR fails to justify the need for 'doubling'[3] the freeway at this point. This becomes especially questionable along a coastal freeway that provides rare, incomparable coastal countryside and ocean views.

Summary

26 There are serious omissions plus incorrect and conflicting information in the DEIR related to an analysis of the North Coast Corridors Project's impact on the San Dieguito Lagoon and River Park.

27 As importantly, we feel that the alternatives we have suggested in this response would be more consistent with Caltrans' goals that state that it aims to "Protect and/or enhance the human and natural environment along the I-5 corridor" and "Provide consistency with regional transportation plans." Finally, the DEIR fails to justify such a massive widening in areas that have already been recently improved between Del Mar Heights Road and Via de la Valle.

28 We hope that our comments will be fully discussed and analyzed in a revised Draft EIR for public consideration before any actions are taken on a Final EIR. We, along with many community groups, appreciate the many public forums organized by Caltrans and look forward to a continuation of dialogue on this important project.

Sincerely,

Jacqueline Winterer, President
Friends of the San Dieguito River Valley

[3] DEIR, page 3.7-35, "Each build alternative would increase pavement appearing to double the width of the existing freeway."

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24 With regard to the proposed pedestrian overpass near Del Mar Heights Road, this is identified as one of the community enhancement features within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* of the EIR/EIS). Following public comments received on the Draft EIR/EIS, as well as continued agency and city coordination on community enhancement particulars, some changes were made to enhancements previously proposed, including the Del Mar Heights pedestrian overpass. The current proposal includes the pedestrian bridge connecting Lower Ridge Road on the east through an existing maintenance easement to the proposed I-5 North Coast Bike Trail on the west (refer to Final EIR/EIS *Figures 2-2.3, Sheet 15*).

25 The comment that I-5 varies in needed improvements based on the specific segment is correct. The cited statement from the Draft EIR/EIS that the proposed project could visually seem to "double the width" of the existing facility was a general statement provided to indicate worst-case impacts, and would include those instances where access to a direct access ramp, two HOV/Managed Lanes, and potentially auxiliary lanes would all be added. Specific to the I-5 segment between Del Mar Heights Road and Via de la Valle, the roadway would not be "doubled." In this area, additional hardscape would be minimal. One HOV/Managed Lane would be added to this segment, and a short stretch of northbound auxiliary lane would be extended.

26 Please refer to the responses to your Comments 12 and 15 through 21 above regarding information in the Final EIR/EIS related to the project's impact on the San Dieguito Lagoon and River Park.

27 EIR/EIS *Section 2.1*, *Project Description*, describes the proposed action and the design alternatives that were developed by a multidisciplinary team to achieve the project's purpose and need while avoiding or minimizing environmental impacts. Four build alternatives and eight alternatives considered but eliminated from further discussion are included in *Chapter 2*. The alternatives evaluated in the document are corridor-wide design alternatives to address the project purpose and need. The criteria used for

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	27 cont. identifying and evaluating the project alternatives are the project objectives listed in EIR/EIS *Section 1.2*, *Purpose for the Project*. Specifically, as stated in *Section 2.1*, the project alternatives were assessed for their ability to meet the objectives of the purpose and need established for the project, with consideration to avoid and/or minimize impacts on the environment, local streets, and communities adjacent to the project, while adhering to Caltrans design and safety standards. Similarly, the criteria for eliminating other alternatives are based on the project objectives, with eliminated alternatives, along with specific reasons they do not meet the project objectives, provided in EIR/EIS *Section 2.6*, *Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*. The criteria for determining whether the alternatives would meet the stated objectives are identified in the sections of the document associated with individual objectives, primarily in *Chapter 1*, *Proposed Project*; *Chapter 2, Project Alternatives*; and *Chapter 3* (particularly *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities)*. The criteria for determining whether the objectives to protect and/or enhance the human and natural environment along the I-5 corridor, and to provide consistency with regional transportation plans are met are provided in *Chapter 3*. Please also refer to the responses to your Comments 03 and 04 regarding the suggested alternatives.
	28 Please refer to the response to your Comment 25 regarding the need for the proposed project.

ORGANIZATIONS — COMMENTS

Green Chamber of San Diego County
4542 Ruffner Street, Suite 110
San Diego, CA 92111

Peter Zahn, Chairman
Writer's Direct Phone: 858-259-6555
pzahn@greenchambersd.com
www.greenchambersd.com

VIA EMAIL AND U.S. MAIL

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110
Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Re: Comments Regarding I-5 Environmental Impact Report

Dear Ms. Harrison:

01 I am writing on behalf of the Green Chamber of San Diego County and ask that you include this message with the public comments on the above referenced EIR. The Green Chamber is a non-profit organization dedicated to spreading environmentally sustainable practices among the business community, and building strong businesses and communities in the process.

The Green Chamber Board of Directors has a taken a position opposing the Caltrans proposal and all of its variants. We favor only a "no build" approach until a new EIR is circulated and we can duly consider it. We are aware of the numerous criticisms in reports issued by the cities of Carlsbad, Del Mar, and Solana Beach. We incorporate by reference these criticisms, concerns, objections, and reports into the Green Chamber's comments.

02 Besides legal and procedural concerns, we are particularly mindful of the urgent need for widely available public transportation along the coastal corridor; the Caltrans EIR largely neglects this need.

03 There is another basis for opposition that deserves consideration. The I-5 proposal represents a step backwards from a vision that many of us have been working toward. Several initiatives have put the County of San Diego on a path to becoming a model Green County. The Green Chamber sees tremendous benefits for businesses and the

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Responses to Peter Zahn, Chairman, Green Chamber of San Diego County

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Please refer to the responses to the comments submitted by the referenced cities in this Final EIR/EIS, Appendix H, in H-4.3

02 Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle

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Shay Lynn Harrison
November 22, 2010
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larger community by taking these Green initiatives. We believe San Diego County should become a mecca for Green businesses, Green jobs, and Green communities. A better quality of life will result.

03 cont. Our region suffers from a very high cost of living, relative to the wages available from our employers. By making the region a center for Green business, we will be competitive nationwide in attracting clean and Green businesses and investment, and providing jobs. The I-5 expansion, as proposed by Caltrans and described in the EIR, hinders this effort and frustrates the vision.

On behalf of the Green Chamber, I urge Caltrans to cease all activities in pursuit of an expanded Interstate 5, until the Department develops and the community favorably reviews a proposal that fosters environmental sustainability.

Sincerely,

Peter Zahn
Chairman

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02 cont. occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to public transportation. Based on regional traffic projections (refer to Topical Response "Projected Growth"), the noted measures are not a substitute for freeway widening.

03 A comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Such changes to land use patterns to create more "green" communities take extended time to implement. This project is intended to be just one part of a multimodal system to accommodate projected traffic increases through 2035 and beyond and would allow the region to work toward complex solutions.

ORGANIZATIONS — COMMENTS

RESPONSES

Hospice of the North Coast
2525 Pio Pico Dr., Ste 301
Carlsbad CA 92008

Board of Directors

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Honorary Board
Rev. Don Coleman
The Honorable Ron Packard
Dr. Mark Yamanaka

October 1, 2010

Arturo Jacobo
Project Manager
California Department of Transportation
4050 Taylor Street, MS 122
San Diego, CA 92110

Re: Proposed I-5 Widening through Carlsbad - EIR Comments

01 This letter expresses our concerns regarding the impact of the proposed widening on our property located at 2525 Pio Pico in Carlsbad (APN 156-120-64).

A review of the various alternative alignments at the September 9 EIR public meeting at Oceanside High School soliciting public input, indicates that alternatives 8+4 with barrier, 10+4 with buffer and 10+4 with barrier will impact the subject property.

02 Please be advised that we are prepared, with reasonable compensation, to provide a temporary construction easement and a permanent easement for the retaining wall footing if the 8+4 with barrier is the selected option.

03 Should, however, either of the 10+4 alternatives be chosen and there is loss of parking, in addition to the temporary construction and permanent easement, we would demand that all lost parking spaces be permanently replaced on an adjoining lot or that a full take be made with compensation to acquire a comparable building at a comparable location plus relocation assistance.

04 Further, it was noted that the sound wall shown on the plans for all alternatives terminated just south of 2525 Pio Pico. Please extend the sound wall past 2525 Pio Pico and for a considerable distance to the north to abate the traffic noise. The building sited at 2525 Pio Pico is two storied, hence please design the height of the sound wall at this location to effectively reduce traffic noise at the second story level.

Sincerely yours,

Bobbie Hoder
President
Board of Directors
760.931.1325
bhoder@roadrunner.com

Responses to Bobbie Hoder, President of the Board of Directors, Hospice of the North Coast

01 Thank you for your comments regarding the property located at 2525 Pio Pico Drive in Carlsbad. Your comments are part of the public record. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

02 Regarding required easements for project improvements, a retaining wall is proposed and a soundwall (S822) is preliminarily recommended along the freeway right-of-way at the Las Flores Drive off-ramp. If a build alternative is selected, construction of the retaining wall and/or soundwall may require a footing easement within a parking area at 2525 Pio Pico Drive, as illustrated in Final EIR/EIS *Figures 2-2.3, Sheet 55*. As noted in response to Comment 01, the refined 8+4 Buffer alternative has been identified as the Preferred Alternative, which is the smallest of the feasible build alternatives proposed in the EIR/EIS. Engineers continue to refine the project design and work to minimize the project footprint in order to avoid property impacts to the greatest extent possible. Once the final design is completed, Caltrans will directly contact each property owner from whom easements or right-of-way are required for coordination and negotiation consistent with the Fair Housing Act and EIR/EIS Appendix C, Relocation Assistance Information.

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	03 Following the minimization of property impacts to the maximum extent feasible through design efforts, affected properties would be subject to an appraisal to determine the fair market value and a corresponding offer of just compensation would be made. Whether or not relocations would be required would depend upon the level to which the function of the property would be impaired. If relocation is required, assistance for relocated property owners would be available through measures such as the State Relocation and Last Resort Housing (LRH) programs. The project's Draft Relocation Impact Report concluded that adequate relocation resources existed for the majority of displacees. Additionally, displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program LRH Program options, including LRH payments. Please also refer to Topical Responses "Property Acquisition" and "Acquisition Valuation" for additional information.
	04 Please note that the location of S822 shown on Draft EIR/EIS *Figure 2-2.14ah* was incorrect and has been corrected in this Final EIR/EIS (refer to *Figures 2-2.3, Sheets 54* and *55*). Specifically, S822 would extend north to Las Flores Drive (i.e., to freeway station 824+55), rather than terminating farther south as shown on the noted figure. The correct location of S822 is shown on Sheets 49 and 50 of the project's Noise Study Report, which is available for review at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf. Based on the described location of S822 and the proposed height of this structure (14 feet) at the hospice at 2525 Pio Pico, the soundwall would be expected to provide feasible noise reduction for the outdoor use area of the hospice, as well as 16 single-family residences and a park/recreation area. Caltrans' noise consultant has spoken with Bobbie Hoder, the President of the Board of Directors for Hospice of the North Coast, about their property at 2525 Pio Pico in Carlsbad. She explained to this commenter that all the interior spaces of the building are offices and conference rooms and, therefore, are classified as commercial land use. The exterior of the western side of the building facing the I-5 includes what was described as a "reflection garden and pond," however, which constitutes an outdoor use area. Accordingly, a new noise receptor, R18.5A, was added to

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	04 cont. the noise model, and the model was run without barriers and with the design barrier (Soundwall S822 at 14 feet height in front of the hospice). The location of noise receptor R18.5A is included in this Final EIR/EIS as appropriate. The predicted noise levels at noise receptor R18.5A are calculated to be 76 dBA without a barrier and 69 dBA with S822, with an associated insertion loss of 7 dB. As a result, Soundwall S822 would provide a feasible noise reduction for the described outdoor use area at the hospice, as well as 16 single-family residences and the park/recreation area.

ORGANIZATIONS — COMMENTS

League of Women Voters
North Coast San Diego County
P. O. Box 131272 Carlsbad, CA 92013
760.736.1608 lwvncsd.org

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Dear Ms Harrison:

01 We are writing to inform you that the North Coast San Diego County League of Women Voters (LWV) cannot support the current Interstate-5 North Coast Corridor Project EIR. The decision is based on adopted LWV positions. The reasons are:

1. It does not discuss the potential environmental or health effects of green house gas (GHG) emissions and air particulates that will result from the project. It also does not provide quantitative data of expected GHG or particulate levels.

02 2. There is no discussion of how the project will impact our ability to meet the standards set by AB32 and SB375.

03 3. The development process was flawed because it did not solicit greater public input and acceptance early in the process.

04 4. There is a lack of transparency in the financing of the project.

05 5. Viable alternatives, such as the high-speed rail system, behavioral changes, or mass transits are not considered as options.

06 An issue of grave concern is a lack of thoughtful discussion on the environmental social, and economic effects of this huge project. Without this discussion, it is impossible to determine whether the benefits of this project outweigh the environmental, social and economic costs.

07 The LWV of the United States holds the action policy that global climate change poses "one of the most serious threats to the environment, health and economy of our nation. Recent scientific studies show that global warming is already causing environmental changes that will have significant global economic and social impacts." http://www.lwv.org/AM/Template.cfm?Section=Global_Climate_Change. Since 2007 there has been broad scientific consensus that in order to avoid the worst effects of global warming, we must dramatically reduce green house gas (GHG) emissions to 1990 levels by 2020. In response to this dire warning, California passed AB 32 in 2006, and SB 375 in 2008. The project, as proposed in the EIR, does not reflect current environmental and legislative realities. The EIR does not delineate impacts on GHG and particulate emissions nor does it present a plan for their mitigation. It does not address how the projects will comply with AB 32 and SB375. Since approximately 70% of GHG emissions and primary source of particulate emissions in the north coast corridor are due to traffic, the current project will likely prevent our area from achieving our GHG emissions reduction

RESPONSES

Responses to Diane Mochizuki, Natural Resources Director, League of Women Voters North Coast San Diego County

01 Thank you for your comments, which are part of the public record.

Discussion of project-related effects upon greenhouse gas (GHG) emissions, and particulate matter (PM) and associated potential health concerns is provided in EIR/EIS *Sections 4.6, Climate Change*, and *3.14, Air Quality*. Specifically, *Section 4.6* provides an analysis of GHG emissions, including a quantified evaluation of associated potential impacts from the project build alternatives. As discussed, the build alternatives are projected to reduce buildout carbon dioxide (CO_2) emissions by hundreds of tons per day in the San Diego region compared with the No Build alternative (refer to Final EIR/EIS *Table 4.2*). It should also be noted that the San Diego Association of Governments' (SANDAG) 2050 Regional Transportation Plan (RTP) includes the 8+4 development scenario along with other multimodal solutions; the RTP also forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill (CA AB) 32 and California Senate Bill (CA SB) 375. The project would be consistent with the requirements of CA AB 32 and CA SB 375 and goals to reduce buildout GHG emissions as required under these laws, as discussed in *Section 4.6* of this Final EIR/EIS. Please also refer to Topical Response "Climate Change" for additional information regarding GHG and related climate change and global warming issues.

The proposed project is located in an attainment area for federal PM_{10} and $PM_{2.5}$ standards, and in a nonattainment area of State

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	01 cont. PM_{10} and $PM_{2.5}$ standards. Based on detailed screening using U.S. Environmental Protection Agency (USEPA) PM Guidance presented in Final EIR/EIS *Section 3.14.3*, the proposed project is not a Project of Air Quality Concern because it does not meet the criteria due to relatively low truck annual average daily traffic (AADT), truck percentage, and increase in truck volumes comparing the build alternatives and No Build alternative. The proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower PM emissions as compared to the No Build Alternative. The proposed project, therefore, is in conformance with federal PM_{10} and $PM_{2.5}$ standards and is unlikely to increase the frequency or severity of any existing exceedances regarding the nonattainment of state PM_{10} and $PM_{2.5}$ standards. Regarding air quality-related health concerns, the analysis in *Section 3.14* indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. The potential for long-term health effects from living in proximity to a freeway are addressed in EIR/EIS *Section 3.14.3.* The proposed project, as previously indicated, would reduce emissions and improve overall air quality relative to existing conditions. In addition, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. Given the described requirements and the nature of the project to maintain or reduce travel time, congestion, and related emissions along the I-5 corridor, it is anticipated that health effects associated with traffic congestion and emissions (including GHG) would be improved over existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on air pollutants and related potential health effects.
	02 Regarding project-related compliance with CA AB 32 and CA SB 375, please refer to the response to your Comment 01 above.
	03 Opportunities for public comment and input included local outreach occurring over several years (see EIR/EIS *Chapter 5, Comments and Coordination*). Caltrans and the Federal

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	03 cont. Highway Administration (FHWA) held preliminary public scoping meetings before circulating a Notice of Preparation (NOP) on October 20, 2004 and a Notice of Intent (NOI) on January 12, 2004, respectively, six years prior to public circulation of the Draft EIR/EIS. Additional project outreach occurred through two separate newsletters sent out or made available to addresses within 1 mile east or west of the freeway. Since 2004, Caltrans staff and Caltrans staff on behalf of the FHWA have attended meetings; conducted surveys; presented handouts and mailers; and given presentations to local communities and planning groups, homeowners associations, chambers of commerce, City Council meetings, and local politician-sponsored meetings in an effort to update interested parties and the public on the status of the project. Several public meetings regarding the project have been held throughout the corridor area. Caltrans provided notice of public meetings to the public at large, through publication in newspapers and direct mailing to over 100,000 households within one mile east and west of I-5. Locations and times of the public hearings also were printed on the first page of the Draft EIR/EIS, along with the project website at www.keepsandiegomoving.com, which carries updated project information. These meetings have facilitated public input into the development and design of the proposed project.
	04 With regard to transparency in the financing of the project, federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. The Draft and Final EIR/EIS identify primary funding sources, with the largest being the State Transportation Improvement Program (STIP) – Regional Improvement Program (RIP) for Capital Outlay. The SANDAG 2050 RTP identifies I-5 improvement elements (e.g., HOV/ Managed Lanes or connectors), along with the cost and the year that funding is projected to be available. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.

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	05 Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans is actively involved in this regional multimodal planning effort. These elements were all reviewed in the 2000 North Coast Transportation Study, and lead agencies with jurisdiction over specific elements are now moving forward with appropriate projects; e.g., I-5, Los Angeles – San Diego rail double-tracking, etc. The California High Speed Rail Authority is currently evaluating alternatives for high speed rail routes in San Diego County. Preliminary plans include an inland, rather than a coastal, route in the San Diego area, with the northern-most San Diego County stop projected to be Escondido, followed by downtown San Diego. This travel mode would be expected to divert longer-range travelers from I-5 but would not divert a significant amount of the peak hour commuters from I-5; therefore, it would not be expected to improve the peak hour freeway level of service. As the State agency with primary responsibility for constructing and maintaining California highways, Caltrans lacks the power to encourage behavioral changes. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response “Transportation Funding” for information on issues related to the use of public highway funding for alternative transportation modes.
	06 The EIR/EIS discusses all required topics under the California Environmental Quality Act (CEQA, PRC, Division 13, Sections 21000-21177) and the National Environmental Policy Act (NEPA, 42 USC 4321 et seq). Please refer to *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*, of the EIR/EIS for detailed discussions of environmental, social, and economic effects.

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07 cont. goals. The proposed expansion will only exacerbate the negative health and environmental impacts of GHG and particulates in our region.

08 The economic consequences of a 3.5 – 4.5 billion dollar project warrant a thorough discussion of finances. The EIR does not clearly delineate where the project funds will come from. A significant proportion of the funding is expected to come from the TransNet tax. Currently, however, the actual amount being collected does not meet projections. The EIR should discuss financing contingencies. In addition, how will this

09 huge expenditure affect funding for future mass transit development? SANDAG is preparing a regional transportation plan for 2050 that has a significant mass transit component. Given the projected 40-year construction time for the I-5 expansion project, how

10 will this impact the 2050 plan implementation? Would it not be prudent to look to the

11 future and focus on rapid mass transit rather than this outdated method of transportation?

12 The balance of our concerns is based on positions articulated in the LWV of California Transportation Position http://ca.lwv.org/lwvc/issues/natres/trans.html. In brief, the position states that it is the role of the "transportation system to move people and goods which includes a variety of transportation modes, with emphasis on increased public transportation services and other viable alternatives to reduce vehicle miles traveled (VMT); is efficient, convenient and cost effective; is safe and secure; serves all segments of the population and diverse geographic needs; minimizes harmful effects on the environment; is integrated with land use; and is supported by extensive public education." The current project, as described in the EIR, falls far short of the prudent and well-reasoned position espoused by the League of Women Voters of California.

13 Specifically, the process did not provide for early and informed public participation in the planning process. Regional planners did not solicit or incorporate extensive local input into the project. This lack of citizen input can be measured by the furor expressed by local governments and their citizenry when the EIR was released. At Town Hall meetings in Solana Beach, Encinitas, Oceanside, and Carlsbad, citizens have voiced surprise at the size of the project, which reflects a lack of public education. Although the

14 project was originally approved by local city councils in 2001, the cost and scope of the project have been drastically altered from a 13-year, 20-mile project costing $516 million dollars to one expected to take 40 years, extend 27 miles and cost 3.5 to 4.5 billion dollars. Recently (September, 2010), a survey of 1200 individuals, conducted for the San Diego Foundation found that only 32% surveyed supported expansion of roads and highways, whereas 55% supported expansion of public transit, including buses and rail. The survey results clearly reveal a lack of citizen support for this project. http://www.sdfoundation.org/Portals/0/Newsroom/PDF/PressReleases/320_425PolicyMemoFinal.pdf

15 The League position is that transportation planning should promote reduced VMT and facilitate use of transit and other alternatives to single occupant vehicles. While this project does incorporate HOV lanes, it does not discuss the logistics for most efficient use of the HOV by mass transit buses. Neither pricing nor linkage to local transit systems

16 is addressed. The EIR mentions possible methods to influence travel behavior through tolls or fees, but does not address the impact of the fees nor mitigation measures for low-

17 income persons. The EIR does not discuss other possible strategies to improve traffic

RESPONSES

07 With respect to project-related GHG emissions and associated compliance with CA AB 32 and CA SB 375, please refer to the response to your Comment 01 above. As noted, project implementation would lower daily emissions from no build conditions and is not anticipated to prevent the area from achieving GHG emissions reductions.

08 Please see the response to your Comment 04. As noted, TransNet is not the only funding source for the project; federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies would be tracked. Funding for each phase of the project would be confirmed before it is initiated.

09 Caltrans' responsibility is to use transportation monies provided for the upgrade of the State highway system in the most beneficial way on those highway facilities, considering a combination of driver need, environmental effects, and project cost. Improvements to the rail, light rail, bus transit, bikeway, and pedestrian trail system are also being pursued by agencies responsible for these facilities within the North Coast Corridor. I-5 funding is not expected to adversely affect funding or mass transit. TransNet monies, for instance, are divided in rough thirds between highways, transit, and local roadways. The percentage dedicated to transit will grow each decade, up to 44 percent from 2021 to 2030, 47 percent in the third decade, and 57 percent in the last decade of the plan.

10 Following the circulation of the Draft EIR/EIS, SANDAG approved the 2050 RTP in October 2011. The 8+4 scenario is incorporated into the revenue-constrained RTP. Also subsequent to the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. As a result, if the Preferred Alternative is approved, the project would be consistent with the 2050 RTP.

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	10 cont. As noted above, the *I-5 NCC Project* improvements would be part of an overall program to improve transportation in the region. In addition to improvements to I-5, which are intended to accommodate projected traffic increases through 2035 and beyond, these plans include improvements to other forms of transportation, including bus and rail service, to accommodate future demand.
	11 Please refer to the response to your Comment 05. Project improvements are intended to accommodate projected traffic increases through the planning design year of 2035 and beyond as part of a multimodal system and allow the region to work toward complex solutions that take extended time to implement. Based on regional population and traffic demand forecasts, upgrades to all of these modes of travel are needed to accommodate future transportation needs.
	12 The LWV position is consistent with the project. As stated in EIR/EIS *Section 1.2, Purpose for the Project*, the overall project purpose is to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year of 2035 and beyond. Elements of the position supported by the LWV are directly referenced in the project purpose. The long-term solution to facilitating the movement of people and goods through the corridor will depend not only on improvements to I-5 through the North Coast Corridor, but also on improvements to other forms of transportation in the corridor and changes in land use patterns. Please refer to the response to your Comment 11 and to Topical Response "Multimodal System." Planned transit projects, when combined with the *I-5 NCC Project*, would provide a balanced transportation system for people to travel within and through the North Coast Corridor. Moreover, the proposed use of High Occupancy Vehicle (HOV)/ Managed Lanes provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, a number of

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	12 cont. enhancement features are identified within the project corridor (refer to EIR/EIS *Section 2.3*). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Regarding reducing vehicle miles traveled (VMT), the project is not anticipated to result in a substantial number of additional trips, and the projected increase of VMT is anticipated to be relatively small (approximately four percent) in association with the proposed project, as a result of a number of regional and project strategies and improvements designed to reduce the growth in the number of VMT and to encourage options to using single-occupant vehicles (refer to *Section 2.2.3* of the EIR/EIS). Additionally, the potential for induced demand has been included in the project's analysis and is addressed in the EIR/EIS. In addition to maintaining through traffic on a major interstate, the project would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Studies of the area show the increased demand will occur due to regional population growth, increased goods movement, increased economic growth, and greater recreational and tourist activity. As such, without improvements to I-5, traffic conditions and the effective movement of people and goods will continue to deteriorate. Please refer to EIR/EIS *Section 1.3, Need for the Project*, and Topical Response "Projected Growth" for additional discussion of the need for the project and the project's accommodation of anticipated traffic. With regard to public education, programs or mitigation considered in an EIR must be feasible for the Lead Agency to implement. Caltrans is a State agency specifically formed for the purpose of addressing State highway system needs and has no authority to independently require or authorize activities related to education.

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13 Please refer to the response to your Comment 03 that outlined public outreach during the project development process.

14 The project would be completed by 2035 (approximately 23 years) and is expected to continue to meet need to within the 2040 to 2050 time frame, for an additional 15 years (please see discussion in *Section 3.6.2.1, Traffic and Transportation*, under the heading *Existing and Forecasted Conditions*). The RTP looks at all transportation modes through 2050 for San Diego County as a whole. Please also refer to Topical Response "Project Lifespan" for additional information about the project planning time frame.

Please note that Caltrans has been working throughout the development of the project to balance the benefits of various freeway improvements with the project's direct and indirect costs to find the most cost-effective way to achieve project goals. The smallest and least expensive of the feasible build alternatives proposed in the EIR/EIS has been identified as the Preferred Alternative.

The September 14, 2010 report to The San Diego Foundation was not specific to the I-5 project. Rather, when asked which should be the *highest priority* for future investments in transportation in San Diego County, 55 percent indicated that it should be for public transit. As indicated in your comment, a large percentage indicated that it should be both transit and roadways. It also should be noted that TransNet, which provides local funding for transportation infrastructure improvements, was approved by San Diego region voters in 2004, and the *I-5 NCC Project* is listed in this plan. Regarding input from local residents specifically concerning the project, Caltrans has provided various methods for disseminating information about the project to the public, as well as for the public to provide feedback. As discussed in EIR/EIS Chapter 5, Comments and Coordination, there has been continual coordination with the public throughout the environmental process.

15 Caltrans routinely conducts extensive public outreach programs, as has occurred with the *I-5 NCC Project*, to solicit public input and allow the highway improvements to reflect that input to the greatest extent practicable. It is important to reiterate that the project is only

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	15 cont. one element of multi-agency, multimodal improvement effort for North Coast Corridor transportation. One of the primary goals of the proposed project is to provide a facility that is compatible with future bus rapid transit and other modal options. As discussed in Topical Response "Multimodal System," SANDAG's RTP calls for investment in public transit as well as freeway improvements because improvements to all of these forms of transportation are considered necessary to meet the future transportation needs of the North Coast Corridor. The locations of direct access ramps (DARs) and park and ride facilities in the Draft EIR/EIS were in response to local transit system needs as well as I-5 and local road use. In fact, in part due to the 2050 RTP reassessment of need for bus rapid transit within the 2050 planning period, two DARs have now been eliminated from the proposed project (Cannon Road and Oceanside Boulevard).
	16 As mandated by Executive Order 12898, "Each Federal agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." Consistent with this mandate, EIR/EIS *Section 3.4.3, Environmental Justice*, evaluated the potential environmental justice effects associated with siting improvements through the communities crossed by I-5. In summary, the proposed improvements are not anticipated to have disproportionately high and adverse impacts on minority or low-income populations. The example noted in this comment, however, is not an environmental justice issue. The ability to pay for access to an HOV/Managed Lane would be a benefit to those who could afford (and wished) to do so, but the inability to make such a payment would affect convenience and would not result in an "adverse health or environmental effect." Fees associated with single-occupancy vehicle use of the HOV/Managed Lanes would not affect low-income users of I-5. They could continue to travel in the general purpose lanes for no charge. To the contrary, the project is intended to encourage ridesharing. The travel time resulting from the build alternatives would be beneficial to users of both HOV/Managed Lanes and general purpose lanes.

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17 cont. flow, such as flextime and telecommuting. The EIR does not discuss the ramifications of SB375, the bill that couples land use planning and transportation use. The intent of this law is to promote shorter commutes by building new homes in areas near urban centers. This would reduce urban sprawl and obviate the need to build new highways to outlying suburban areas. It would also enhance the need for greater public transportation options within cities. The San Diego Foundation survey mentioned above found that 70% of the voters supported a regional plan by SANDAG that fulfills the goals of SB375.

18

19 In conclusion, Interstate-5 North Coast Corridor project lacks the vision and innovation we would expect from a project of this scope, cost and duration. San Diegans merit a transportation system that reflects a paradigm shift in transportation. Speed is important, but a sustainable environment is paramount.

Sincerely,

Diane Mochizuki

Diane Mochizuki
Natural Resources Director
League of Women North Coast San Diego County

cc: City Councils of Del Mar, Solana Beach, Encinitas, Carlsbad, Oceanside, Vista; San Diego Association Board of Directors

RESPONSES

17 The benefits of telecommuting and flex hours are recognized. While Caltrans participates in both programs for its own employees, requiring other employers to implement similar programs is beyond Caltrans' authority. Expanded telecommuting is not expected to be sufficient to relieve the congestion expected to occur within the corridor within the project planning period. Both the 2030 and 2050 SANDAG RTPs estimate telecommuting (teleworking) is used by only five percent of the work force.

Citizen support of the iCommute program would help improve telecommute percentages, with corresponding reductions in congestion. Until the percentage of individuals participating is much higher than five percent, however, ongoing transportation upgrades will be needed.

18 Goals of obtaining shorter commutes by building new homes near urban centers and eliminating the need to build new highways to outlying areas are admirable, but not applicable to the current project. Caltrans is not a land use planning agency. Locations of new housing developments are under the purview of local cities and the County. This is also not a new highway extending to an outlying area. I-5 is an existing major transportation facility and, although interspersed with open space set-aside, the North Coast Corridor is abutted by some very dense development. Please also refer to Final EIR/EIS *Section 4.6, Climate Change*, and Topical Response "Climate Change" for a discussion of the project's impacts associated with GHG and consistency with CA SB 375.

19 As noted in response to your Comment 03, the Preferred Alternative is the refined 8+4 Buffer alternative, which is the smallest of the feasible build alternatives proposed in the EIR/EIS and is considered the best balance between I-5 improvement and minimization of environmental impact. Please refer to the response to your Comment 12, which explains how the *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2035 and beyond, and would, in combination with other elements of the planned transportation upgrades, provide a balanced transportation system for people to travel within and through the North Coast Corridor while allowing time for change in travel pattern behavior.

ORGANIZATIONS — COMMENTS

I-5 North Coast Corridor Expansion Project – Request for DEIR clarification

20 PROCESS
It is the position of the League of Women Voters of California that Transportation projects should provide for early and informed public participation in the planning, as well as extensive public education.
P1 Why was the public not informed about the magnitude of the project in a timely manner?

21 P2 Why were the properties to be taken not delineated in the EIR?
P3 Why were the property owners whose properties are to be partially or completely taken not notified prior to the release of the EIR?
P4 Why were the property owners whose properties are to be partially or completely taken not forewarned when it was known they might lose their properties, so they could plan for potential outcomes?

22 P5 Why did not Cal Trans solicit greater public input into this project?

23 P6 What is the process and timeline for final approval?

24 ECONOMIC IMPACT
The I-5 NCC Expansion project will block views, increase noise, particulate and green house gas emissions in areas flanking the project. During the 20 -30 duration of the project, the quality of life will be negatively impacted due to constant construction.

25 E1 What mechanisms exist to mitigate the loss of property values in residences flanking the freeway?

26 E2 How will the value of homes taken for this project be determined?
E3 Will the value given also include revenue that may be needed to pay taxes on gains?
E4 Will the value given for the property include moving costs?

27 GREEN HOUSE GAS (GHG)
AB 32, legislation passed in 2006, mandates reduction of Green House Gas Emissions to 1990 levels by 2020. This represents a 25% reduction. The legislation further calls for further reductions to 80% below 1990 levels by 2050. Given that the freeway emissions represent a significant amount of the GHG emissions from out. The EIR states that it expects that due to reduction in congestion, the I-5 expansion will be GHG level neutral.

G1 Since the freeway emissions represent a significant amount of the GHG emissions from our region, how can this project conform to AB32?

28 G2 What, if any measures are being considered to mitigate GHG and particulate emissions?

29 SB735 was passed to connect land use and AB32 implementation. It is recognized that reductions in GHG emissions require smart land use and reduction in Vehicle Miles Traveled (VMT). It calls for creation of a sustainable communities strategy contained in the SANDAG transportation plan for projects programmed for funding after December 31, 2011. The ARB recently released the reductions required to comply with AB 32 in our region. It calls for a 7% reduction in CO2 per capita from 2005. SB 375 further states that:

> "To the extent the sustainable communities strategy is unable to achieve the greenhouse gas emission reduction targets, the bill would require affected metropolitan planning

RESPONSES

20 With regard to public participation and early notice to the public regarding the project's magnitude six years prior to the circulation of the Draft EIR/EIS, please refer to response to your Comment 03.

21 It is Caltrans' intention to avoid, minimize, and/or mitigate impacts to properties that abut an existing highway system. Please refer to Topical Response "Property Acquisition" for information regarding why specific detail is not provided early in the design process. Please also note that Caltrans technical staff have coordinated directly with individuals wishing to discuss their particular parcels. Full parcel acquisitions that are currently anticipated are identified both in *Section 3.4.3* and in Topical Response "Property Acquisition," which also includes specifics of support that may be available for property loss. In every instance, however, avoidance and minimization are the first steps. For the I-5 improvements, selection of the Preferred Alternative would eliminate approximately 82 percent of projected possible residential removals and 46 percent of the business removals. Continued refinement during final design may result in even greater minimization of these impacts.

22 With regard to public participation, please refer to the response to your Comment 03. Caltrans exceeded the amount of public outreach required under CEQA and NEPA; i.e., receipt of comments on scoping of EIR/EIS and receipt of comments on the Draft EIR/EIS.

23 With the release of this Final EIR/EIS, the end of the project is in sight. It is anticipated that the project will be reviewed for approval or denial in late 2013. A number of additional documents, permits, and agency actions will be required to complete the environmental review of the *I-5 NCC Project*. Key items are:

- Concurrently with the preparation of the Final EIR/EIS, Caltrans, in coordination with SANDAG, completion of

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	23 cont. an updated draft Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) and associated local coastal program amendments for the project. The PWP/TREP was publicly circulated and had additional and separate public workshops to receive comments in accordance with CA SB 468 (Kehoe). • Caltrans will prepare written findings for each CEQA-significant effect identified in the CEQA EIR component of this Final EIR/EIS. Each of these findings will be accompanied by a brief rationale for these determinations. Caltrans also will prepare a Statement of Overriding Considerations (CEQA requirement) for CEQA-significant impacts for which mitigation would not lower impacts to below significant levels. This statement would document the balancing of project benefits against unavoidable environmental risks and would be considered during the determination of project approval. Caltrans will then decide whether to certify the EIR portion of the document (CEQA requirement). • The PWP/TREP, coastal development permit(s) in areas of retained California Coastal Commission (CCC) jurisdiction, and associated local coastal program amendments, will be submitted to the CCC for approval and a determination of Federal Consistency with the planning and management policies contained in Chapter 3 of the California Coastal Act and affected local coastal programs in accordance with the Coastal Zone Management Act (CZMA). • The Final EIR/EIS will be submitted to FHWA for review and approval of the NEPA EIS. The Final EIR/EIS will be filed with the USEPA's Office of Federal Activities (NEPA requirement). The USEPA will publish a notice of availability in the Federal Register. Consistent with NEPA, a 30-day review of the Final EIR/EIS will occur at that time. • Caltrans will consider the project for approval, and upon approval, will file a Notice of Determination (NOD; a CEQA requirement) with the State Office of Planning and Research.

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23 cont.

- After the completion of the 30-day Final EIS review period, the FHWA will consider all available information on the environmental effects of the project identified in the Final EIS, including comments received and responses to them, and render its decision. At that time, the FHWA would, in accordance with 40 CFR 1502.2 and 23 CFR 771.127, prepare a Record of Decision (ROD; a NEPA requirement).

The filing of the NOD and signing of the ROD would complete the CEQA and NEPA processes, respectively. Following completion of CEQA and NEPA, other permits, agreements, and certifications related to impacts to jurisdictional waters (including potentially to rivers and harbors), utility construction, etc. would be obtained.

24 As detailed in *Chapter 2, Project Alternatives*, of the EIR/EIS, a construction phasing plan has been proposed to identify the sequence of construction and help minimize construction-related impacts. All construction would be completed within 20 years, and construction would occur within any one specific location for far more limited periods of time.

With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, indicates that the visual impact of each build alternative would be high. There would be some loss of views to scenic resources and there are modifications to current views of the highway right-of-way. In many instances, however, project soundwalls or retaining walls would be located only on one side of I-5. In addition, this is a linear facility, and views shift as the viewer moves along the highway. Views would continue to be mixed—some open, some blocked, and some changed due to the implementation of project landscaping.

While the final design of soundwalls in the project area has not been determined, *Section 3.7* of the EIR/EIS identifies a number of measures to address potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, earthen berms or berm and wall combinations, and/or transparent materials to retain desirable views. Please note that specific to the loss of ocean views, view impacts from the project to the coastline,

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24 cont. lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls or sections of soundwalls have not been recommended, in part, because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers so that views would not be obstructed. Please also refer to Topical Response "Visual/ Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS).

Chapter 3.0, Impact Analysis, of the *I-5 NCC Project* Community Impact Assessment (CIA) covers construction-related impacts, which may variably include noise and dust generation. This report was prepared in support of the EIR/EIS, is available on www.keepsandiegomoving.com for review and is incorporated by reference.

Section 3.15, Noise, of the EIR/EIS includes a section entitled *Measures to Minimize Construction Noise*. Although a temporary increase in noise levels would occur during construction, the implementation of measures presented in that section would reduce construction noise impacts at sensitive noise receptors.

Specific to air quality, *Section 3.14.4* discusses measures to minimize emissions during construction activities. The proposed project would be in conformance with federal $PM_{2.5}$ and PM_{10} standards and would be unlikely to increase the frequency or severity of any existing exceedances regarding the nonattainment of State $PM_{2.5}$ and PM_{10} standards.

Construction emissions of GHGs were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012, and the information has been added to *Section 4.6.4* of this Final EIR/EIS. *Table 4.3, Estimated*

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	24 cont. *Annual Construction GHG Emissions*, shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 MT per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG emissions.
	25 Substantial adverse impacts to property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value.
	26 Regarding your question about the compensation determination process, each property has a unique set of characteristics that would be assessed at the time the property would be required for acquisition. Monies to pay capital gains taxes due to property appreciation are not part of the fair market price. Fair market value is determined by Caltrans' qualified appraisal agents using the guidance provided by Chapter 7: Appraisals, of Caltrans' Right of Way Manual. Individuals may be entitled to Advisory Assistance, Moving Costs, and Replacement Housing Payments. Advisory Assistance is available to everyone who occupies the real property acquired by Caltrans. Moving Costs, or reimbursement for actual, reasonable, and necessary expenses, are available to everyone who must move their personal property from the real property acquired by Caltrans. Replacement Housing Payments are available for residential occupants based on the type and length of occupancy at the time Caltrans initiates negotiations to acquire the property. For more information, please refer to Topical Response "Property Acquisition" for specifics of property acquisition, and Topical Response "Acquisition Valuation" regarding property valuation for the purchase of whole or part parcels.
	27 With respect to project-related GHG emissions and compliance with CA AB 32, please refer to the response to your Comment 01 above.
	28 The project is expected to lower the operational GHG and PM emissions relative to no build and/or existing conditions, and

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organizations to prepare an alternative planning strategy to the sustainable communities strategy showing how the targets would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies."

G3 How does this project reduce VMT as mandated by SB375?
G4 How can our region meet our CO2 reductions goals if this expansion project is approved?
G5 What alternate development patterns, infrastructure, or additional transportation measures will be taken to meet our CO2 reduction goals?
G6 Why was the decision made to move forward with a project that is counter the spirit and intent of SB 32 and AB 375?

29 cont.

Using a graph generated by the University of California Transportation Center in a Fall 2009 publication http://www.uctc.net/access/35/congestionfig5.jpg, and the California ARB, (EMFAC2007),it demonstrates that CO2 emission do not rise markedly until speeds below 20 mph. It also shows that at speeds above 60 mph, CO2 emissions rise. Therefore, both low and high speeds should result in higher CO2 emissions.

G7 Why does the EIR not have a cautionary proviso that it is important that highway speeds be carefully regulated/monitored so as not to exceed 60 mph to remain compliant with AB32?
G8 What is the logic that allows the EIR to state that this project may reduce CO2 emissions or be CO2 emission neutral?

ALTERNATIVES

The recently approved High speed rail project is approved and is projected to extend to San Diego.

30

A1 Why doesn't the I-5 NCC project incorporate the high speed rail system into the plan?
A2 Why is there no discussion of connection to the rail system?
A3 Why don't we use the funds proposed for the I-5 expansion to facilitate building the rail system?
A4 Why are not more options for pollution-reducing mass transit, such are trolley or rail service considered?

31

Summary Table S.1 shows the projected time needed to traverse the corridor with the different expansion alternatives. It shows that the northbound evening commute is most impacted by traffic congestion. In the best case scenario, it will take 30 -36 min to traverse the corridor. Without the expansion it will take 167 – 169 min to cover this distance. The expansion has little effect on morning commute in the northbound direction. Conversely, the expansion has the greatest effect in reducing the southbound commuting time during the morning commute, not the evening commute.

A5 Why does the plan not include an option of creating 2 lanes that switch directions in the AM and PM commutes? An example of this is the Caldecott tunnels in the Berkeley area of California.

32 A6 What were the assumptions used to come up with the freeway transit times?

33 A7 What would the transit times be, if there were mass transit, such as bus or rail service available?

RESPONSES

28 cont. therefore would not result in any associated significant impacts. Accordingly, associated mitigation is not required.

With regard to construction emissions and dust control, EIR/EIS *Section 3.14.4* requires the project to conform with Caltrans Standard Specifications, which also require conformance to SDAPCD regulations. Examples of these required measures are provided in EIR/EIS *Section 3.14.4*.

29 With regard to compliance with CA SB 375, as described in Topical Response "Multimodal System," a comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the RTP and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Such changes to land use patterns to create more "sustainable communities" take extended periods to implement. This project is intended to be just one part of a multimodal system to accommodate projected traffic increases through 2035 and beyond and would allow the region to work toward complex solutions, such as changes to land use patterns. Because the project would be consistent with CA SB 375, it is not expected to hinder the region in making required CO_2 reductions. The potential for "induced" or "latent" demand has been included in the project's analysis and is addressed in the EIR/EIS. As described, the projected increase of VMT is anticipated to be relatively small (approximately four percent) in association with the proposed project, as a result of a number of regional and project strategies and improvements designed to reduce the growth in the number of VMT and to encourage options to the use of single-occupant vehicles (refer to *Section 2.2.3* of the EIR/EIS). Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic, as well as Topical Response "Project Lifespan" regarding limited lifespan of transportation improvements.

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29 cont. As noted in response to your Comment 01, the SANDAG 2050 RTP includes the project along with other multimodal solutions; it forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by CA AB 32 and CA SB 375. Moreover, the carbon reduction mandates of CA AB 32 and CA SB 375 and how the project would be expected to result in overall lower air emissions (including GHG) compared with existing conditions are addressed in EIR/EIS *Section 4.6*.

Regarding the relationship between vehicle speeds and CO_2 emissions, this issue is addressed in EIR/EIS *Section 4.6*. Specifically, the analysis notes, as indicated in this comment, that higher CO_2 levels occur at vehicle speeds below 25 miles per hour (mph) and above 55 mph. The lowest CO_2 emissions are found in about the 35 to 60 mph range. Even at the 65 mph speed limit (the posted speed limit), CO_2 emissions would be lower than at any speed from 0 mph to about 30 mph. To the extent that a project relieves congestion by enhancing operations and reducing travel times in high congestion travel corridors, GHG emissions, particularly CO_2, may be reduced. Accordingly, because the project is designed to reduce existing traffic congestion and travel times along the I-5 corridor, it would result in an overall reduction of GHG emissions.

30 As noted in Topical Response "Multimodal System," upgrades to I-5 are proposed in conjunction with coordinated upgrades to rail and other transit modes, as well as local streets, bicycle, and pedestrian facilities. Please also refer to the response to your Comment 05 regarding mass transit and high speed rail. As noted, because current plans include an inland, rather than a coastal, route in the San Diego area, the rail line would be expected to bypass the North Coast Corridor. This travel mode would be expected to divert longer-range travelers from I-5 but would not divert a significant amount of the peak hour commuters from I-5; therefore, it would not be expected to improve the peak hour freeway level of service. Please also refer to Topical Response "Corridor Alternatives" regarding functional alternatives screened for the North Coast Corridor during early project planning.

31 An analysis of alternatives is necessary where alternatives could reasonably be expected to lower impacts while still responding to

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	31 cont. project purpose and need. In this instance, design alternatives were largely addressed earlier in the process (please refer to Topical Response "Corridor Alternatives"). Alternatives with a moveable median barrier were considered during the preliminary design phases of the project. Specifically, the 8+4 (3+1) alternative proposed the addition of four HOV/Managed Lanes in the median of I-5, with a moveable median barrier that would allow the two center lanes in the median of I-5 to reverse travel direction to accommodate peak directional flows. This lane configuration would allow three lanes to be opened in the peak direction and one lane in the opposite direction. This alternative would require additional outside widening to accommodate auxiliary lanes, in addition to the HOV/ Managed Lanes, separation between the HOV/Managed Lanes and the general-purpose lanes, and large maintenance areas for the barrier moving equipment. Greater amounts of widening would be required at the lagoon slopes, and the existing bridges spanning the lagoons would have to be demolished and replaced. This would result in greater impacts to natural and community resources. For this reason, this alternative was considered but rejected.
	32 Real-time traffic was assessed during baseline studies. Caltrans used the real-time traffic, based on detectors located on I-5, and incorporated future traffic loads. Project-related projections are derived from such established sources as the SANDAG series forecasts and project-specific technical analyses. Year 2030 traffic projections, for example, are outlined in EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*, with forecast methodology provided in the related I-5 North Coast Corridor Project Technical Report #5 Traffic Demand Forecasting Report (August 2007). This report notes that initial forecast modeling was conducted by Caltrans using the SANDAG Regional Travel Demand Model Series 10, Year 2030 and 2015 forecast, with verification and adjustments based on considerations including growth rate forecasts and anomalies, average daily traffic (ADT) forecasts and adjustments, and peak hour traffic forecasts. Additional description of traffic forecast methodology and assumptions used are provided in Section 2.0 of the referenced technical report.

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PUBLIC HEALTH

34 The EIR states that most particulate pollution is derived from diesel trucks that represent 6% of the traffic. The EIR states that this percentage should remain constant at 6%.

PH1 Why is it assumed diesel truck traffic will remain constant, rather than increase when the expansion goal is to streamline and speed travel through the corridor?

35 PH2 Federal EPA levels for PM2.5 are 35μg/m3. What are the current PM2.5 levels in the corridor area?

36 PH3 The San Diego district is in "nonattainment" status to meet Federal EPA standards for 8-hour ozone levels and to meet California ARB standards for 1-hr ozone, 8-hr ozone, PM10, and PM2.5. Can the San Diego district reach "attainment" status if the I-5 NCC project is built?

37 PH4 How will ozone and particulate levels be mitigated?

QUALITY OF LIFE

38 The Sustainable Communities Strategy required by all Metropolitan Planning Organizations to comply with SB 375 calls for new land use and housing plans to build residential communities, transit and jobs proximal to each other. This, together with the recognition the Climate Warming is a reality, should lead to fewer housing developments in outlying areas and greater residential infill within cities.

Q1 What were the land use and residential building assumptions used to come up with the traffic predictions?

NOISE POLLUTION

39 Cal Trans is mandated to mitigate sound to the Federal maximum of 67 decibels to residences with 500 ft of the freeway.

N1 What will be the projected sound levels at residences further than 500 ft. ?

40 N2 What will be the noise effect for residences on hills above or ravines below the freeway?

41 N3 What recourse do residents or businesses greater than 500 ft away have to mitigate increased noise levels?

42 N4 What are the sound levels that will have a negative impact on wildlife in the lagoons?

N5 What are the projected sound levels adjacent to the 6 lagoons along the corridor?

43 N60 What economically feasible options are being considered to mitigate noise levels?

ENVIRONMENT

44 The expansion project will lead to increased storm water run-off that will have negative effects on the lagoons as well as the ocean. There are a number of studies http://www.deq.state.or.us/wq/stormwater/docs/nwr/biofilters.pdf, one by CAL TRANS http://www.owp.csus.edu/research/papers/papers/PP025.pdf, that describe the use and effectiveness of biofilters to remove storm water pollutants.

E1 What method will be used to mitigate storm water run-off pollutants?

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33 Mass transit is currently available in the North Coast Corridor. Improvements have been identified as being needed. These improvements would be part of the corridor-wide improvement effort planned by SANDAG and the North County Transit District (NCTD). Factors related to mass transit are, therefore, already included in the transit time projections included in the EIR/EIS.

34 It is not anticipated that truck traffic would not increase. In real numbers, more trucks would be on I-5 than currently travel on the roadway. It is expected, however, that the increase would remain constant in percentage of overall traffic accommodated by I-5. General maintenance of existing conditions is not anticipated to modify trucking patterns.

35 Based on information from the San Diego Air Pollution Control District, as of February 2011, the San Diego Air Basin was in attainment for the federal $PM_{2.5}$ standard.

36 With respect to project-related effects on the ability of the San Diego Air Basin (SDAB) to reach attainment status for the ambient air quality standards noted in this comment, as noted in EIR/EIS *Section 3.14*, the project would result in lower overall air emissions and related improvements to air quality compared with existing conditions and is not expected to increase the frequency or severity of nonattainment standards listed in the Draft EIR/EIS.

37 The project would result in lower overall air emissions and related improvements to air quality compared with existing conditions. Accordingly, mitigation for ozone and PM emissions is not required, although a number of measures are identified in *Section 3.14.4* of the EIR/EIS to address construction-related PM (and other) emissions, including efforts to reduce dust and vehicle emissions. Please refer to the response to your Comment 28.

38 As you note, a comprehensive regional planning process has been underway to plan regional growth patterns and determine

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38 cont. the multimodal transportation system that would best address the anticipated growth. A key product of this planning process is the Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2035 and beyond as part of a multimodal system. These improvements are identified in the RTP that accompanied the SCS and would allow the time necessary for the region to work toward complex solutions, such as land use changes and infill development.

SANDAG relies on census counts and also incorporates adopted land use plans and information provided by the County and local cities in order to provide regional projections. With respect to assumptions used in the traffic modeling, please refer to the response to your Comment 32.

39 As discussed in EIR/EIS *Section 3.15*, project-related sound increases would vary by location and the majority of increases within the I-5 corridor would be three or fewer dBA over no build conditions. Changes of three dBA or less generally are not discernible by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is “feasible,” “reasonable,” and approved by property owners per applicable FHWA and Caltrans guidelines. Accordingly, numerous soundwalls have been identified for the project in appropriate locations within the project corridor (refer to EIR/EIS *Figures 2-2.13, Sheets 1* through *67,* and *Section 3.15.4*). The project noise assessment, as indicated in this comment, was conducted within defined “project limits,” which extend approximately 500 feet on both sides of the I-5 corridor. It should also be noted, however, that project-related noise levels beyond the described limits would be reduced by the attenuation of roadway noise with distance (i.e., a three dBA reduction for every doubling of distance over hard surface). As an example, if a representative noise receptor is projected to be subject to noise

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	39 cont. at 75 dBA at a distance of 50 feet from I-5, noise receptors at 100 feet would be projected to hear 72 dBA, noise receptors at 200 feet would hear 69 dBA, and noise receptors at 400 feet would hear 66 dBA. Noise receptors beyond 500 feet would therefore be subject to lower noise levels. Please also note that the three dBA drop per doubling of distance is based on hard surface conditions. If the ground is soft or vegetated, the decrease experienced per doubling of distance would be greater. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	40 Regarding project-related noise effects for properties located on hills above or ravines below the freeway, these issues are evaluated in the project noise analysis as appropriate. Specifically, while roadway noise analysis is typically focused on the "first-row" noise receptors, it also includes the consideration of project-related noise effects to residential or other appropriate properties located farther from the freeway, but with an unobstructed "line-of-sight" to the project corridor. Accordingly, where such conditions occur, the associated properties were evaluated in the project noise analysis. Please also refer to the response to your Comment 39 for additional description of FHWA and Caltrans noise analysis protocol.
	41 With respect to project-related noise-abatement measures for properties located more than 500 feet from the project corridor, please refer to the response to your Comment 39. As noted, project-related noise levels at such properties are generally not expected to approach or exceed 67 dBA.
	42 The issue of noise impacts to wildlife is addressed in EIR/EIS *Section 3.21, Threatened and Endangered Species*. Potential noise impacts in this analysis are focused on bird species, as they utilize a variety of vocalizations throughout their daily activities (e.g., mating calls, contact notes, etc.). Specifically, the discussion in *Section 3.21* incorporates the modeling of project-generated noise levels at a number of noise receptor sites, including three or four locations in each of the coastal lagoons subject to such potential impacts. The results of these efforts indicate that projected future noise levels at the lagoons would increase by one to three dBA at most noise receptors, with one site in Batiquitos Lagoon increasing

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42 cont. by four dBA, and one site in San Elijo Lagoon decreasing by one dBA. While the described level of increase (or decrease) would be generally imperceptible to humans, the EIR/EIS explains that the level of noise change that is perceptible to bird species is unclear and there is no single standard for determining substantial noise effects on all bird species. Prior studies that have indicated a possible noise effect standard for certain species of songbirds have not been scientifically shown to be valid for those species addressed in the *I-5 NCC Project* Natural Environment Study (NES). Under existing conditions, however, noise in excess of 70 dBA occurs over various amounts of wetland and upland habitats that either support, or have potential to support, special status bird species at the six lagoons within the project area. As described in *Section 4.9* of the NES, while population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. Please also refer to Final EIR/EIS *Section 3.15* and *Figures 2-2.3, Sheets 1* through *67* for additional information on measured and modeled noise levels within the project corridor, including areas adjacent to coastal lagoons and/or related waterways.

43 Numerous soundwall locations within the project corridor have been identified where abatement would be “feasible,” “reasonable,” and approved by property owners per applicable FHWA and Caltrans guidelines.

44 Project-related water quality effects to coastal lagoons and the ocean are addressed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*. Specifically, this section includes an evaluation of potential water quality related pollution in association with the identified build alternatives and the No Build alternative. The analysis in *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention,

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	44 cont. construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, including potential "treatment" BMP options such as bioswales and detention basins (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67* as applicable). The analysis in *Section 3.10* also describes the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program, and notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

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45 Cement, used in making concrete possesses toxic materials such as lime and heavy metals. Its manufacture is the second leading cause of CO2 emissions after energy. It represents 5% of the world's CO2 emissions.	45 This comment is correct in that the cement production is a significant source of CO_2 emissions. Accordingly, cement manufacturers and facilities are subject to appropriate regulatory controls by the California Air Resources Board (CARB) to address this issue, as part of the overall Statewide effort to control CO_2 emissions.
46 E2 What methods are used to prevent toxic cement materials from going into the adjacent lagoons and ocean? E3 Should there be an accident, is there an emergency contingency plan to contain toxins,created from production of cement from flowing into the lagoons and ocean? E4 How, and for how long, will each of the lagoons be impacted?	46 Regarding potential water quality impacts and BMPs associated with the accidental discharge of toxic cement materials into coastal lagoons and the ocean, please refer to the response to your Comment 44 above. As described, the project would implement appropriate BMPs during all project phases, including construction and paving. These would include applicable measures related to the control and containment of hazardous substances used during project construction, including concrete and related materials (e.g., curing compounds). A number of related Caltrans-approved BMPs are identified in the Caltrans Construction Site BMP Manual, including measures to avoid and contain the discharge of residue and/or slurry from concrete and related materials. Specific measures that may be applicable to the proposed project include the use of appropriate containment (e.g., washout) facilities for concrete wastes, proper storage and use of concrete-curing compounds (e.g., to avoid over-application), and the use of appropriate containment and clean-up procedures in the event of a spill. Individual BMPs for these and other construction-related water quality concerns are provided in the noted Construction Site BMP Manual and can be reviewed at: http://www.dot.ca.gov/hq/construc/stormwater/CSBMPM_303_Final.pdf.

ORGANIZATIONS – COMMENTS

QUESTIONS AND COMMENTS IN RESPONSE TO THE I-5 WIDENING DRAFT EIR

LEUCADIA VILLAGE HOMEOWNERS ASSOCIATION

(APNs 254-560-1 through 53)

ENCINITAS, CA 92024

Leucadia Village is a planned residential development immediately adjacent to southbound I-5 just south of the La Costa Avenue southbound on-ramp. The development is governed by the Leucadia Village (Homeowners) Association. This response has been written by the Board of Directors of the Association with input from interested owners.

In order to help you locate us, we are part of Segment 12, sound wall S709, noise receptors R 12.22, R 12.23/ST 12.3, R 12.24, R 2.25/ST 12.6 R 12.26, and R 12.26A. On Table 3.15.25 we are Southbridge Ct., Nantucket Ct., Leucadia Village Ct., Leucadia Park Tennis Court and Leucadia Park Pool.

We see from the draft EIR, pages 3.15-30, 33 and 34 that a sound wall for our community is judged as being "not recommended". We want to ensure that our community has been accurately assessed. Although the draft EIR, page 3.15-30 refers to Leucadia Village as an 11 unit multi-family home community we are actually a community of 52 single family attached homes. Currently, 102 people reside in our community. This number includes 10 children with
01 9 of those being 6 years old or younger.

Our community consists of a total of approximately 16 acres with approximately 6 acres of landscaped area consisting of trees, shrubs and greenbelts. This land is used by many residents for both passive and active recreational pursuits. Our active recreational facilities (pool, spa and tennis court) are at most 35 yards from the freeway. The green belts along our entry road (Leucadia Village Drive/Court) are used for cycling and walking (dogs, adults and children). This area is also within 35 yards of the freeway. Other greenbelts between and behind the homes are used for the same purposes.

Additionally, our community is situated in a bowl shaped area with steep slopes to the south, west, and north of us and the I-5 freeway immediately to the east. Because of this, we hear the sound from I-5 not only as it comes west from the freeway but also from the east as the sound echoes off the slopes. Sometimes, the echo is louder than the direct noise. This causes the back yards and the homes farther from I-5 in our community to be at least as noisy as the homes closest to the freeway.

A number of our residents attended the Caltrans meeting held in Encinitas on July 27, 2010. We
02 were told by Caltrans' and the consultants' employees that our community was judged to be "severely impacted" by the freeway widening and that our community was currently

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RESPONSES

Responses to Carolyn Manning, Secretary, Leucadia Village Homeowners Association

01 Thank you for your comments, which are part of the public record. As described in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA) or greater and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S709, which would provide feasible noise reduction for 14 single-family and 11 multi-family residences in the subject area. Soundwall S709, however, was determined not to provide a "feasible" noise reduction (five dBA or more) at a number of the associated noise receptors, including R12.23, R12.25, and R12.26 at the subject property (refer to *Table 3.15.25*). Please note that the change in noise level from existing conditions to future with project conditions would vary by only two to four dBA at the representative sensitive noise receptors in this area, and by only two to three dBA comparing no build conditions to conditions associated with the build alternatives. Changes of three dBA or less are generally not discernible by the average healthy human ear. This soundwall was also assessed as not "reasonable" because the estimated construction cost would exceed the "reasonable" allowance.

The "reasonable" determination for the project's noise analysis is basically a cost-benefit analysis, with associated factors including resident acceptance, absolute noise level, build versus existing noise levels, environmental impacts of abatement, public and local agency input, newly constructed development versus development pre-dating 1978, and the cost per benefited residence. The cost

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01 cont. per benefited residence analysis entails calculating an allowance considered to be a "reasonable" amount of money to spend on abatement per benefited residence. Cost considerations in the "reasonable" determination of noise abatement for exteriors of residential areas begin with a 2006 base allowance per benefited resident of $32,000. The 2006 base allowance is based on the published Caltrans annual 2005 Construction Price Index. Applying appropriate modifications for the noted specific factors resulted in the total allowance of $42,000 per benefitted residence for Soundwall S709. Additional information on the determination of whether identified soundwalls are "reasonable," as well as other noted criteria, is provided in the Noise Study Report (NSR) prepared for the project, which is available for review at the following website location: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf. Please also refer to Worksheets A and B for S709 in Appendix F of the Noise Study Report.

The description of 11 multi-family residences represented by noise receptors R12.22, R12.24, and R12.26A in EIR/EIS *Section 3.15* was based on field observations during the noise analysis. The fact that these noise receptors may actually be "attached single-family homes" as stated in this comment, however, would not alter the conclusion of whether or not S709 is "reasonable" to construct. Specifically, the "reasonable" cost allowance for S709 is identified as $1,050,000 in *Table 3.15.26*, based on the "reasonable" total allowance of $42,000 per benefitted residence (as outlined above), and 25 affected residences, including the noted 11 multi-family units at the subject property and 14 additional single-family units. Even if the 11 "first-row" residences were assumed to include 22 single-family homes as stated, the estimated construction cost for S709 in *Table 3.15.26* ($4,686,290) would still exceed the recalculated "reasonable" cost allowance of $1,512,000 (36 total units x $42,000 per unit). Similarly, even if all 52 units identified at the subject property in this comment were included, the estimated cost would still exceed the recalculated "reasonable" cost allowance of $2,772,000 (66 total units x $42,000 per unit).

It is recommended, however, that the "severely impacted" noise receptors R12.4, R12.5, R12.6, R12.7, R12.12, R12.14, R12.16,

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	01 cont. R12.19, and R12.21 receive individual abatement. Specifically, "severely impacted" noise receptors are defined as those with a projected future noise level (with the project and no soundwall) of 75 dBA or higher (refer to EIR/EIS *Table 3.15.26*). During final project design, "severely impacted" receptors would be contacted to determine if they are interested in individual abatement measures (e.g., building insulation or noise attenuation). Please refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	02 Staff are not aware of inconsistencies in hearing materials. Without specifics regarding project maps and how they could have varied at the hearing, it is not possible to respond to the issue of "disagreement" among maps. This Final EIR/EIS also provides refined footprint information for the Preferred Alternative. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

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02 cont. experiencing noise of up to 70 dB. We found the maps showing all four widening alternatives on the same maps to be very confusing to read. The maps in the center of the room sometimes did not agree with those on the tables around the outside of the room. We were given different answers to the same questions by different people.

03 We are very concerned about quality of life issues (noise, dirt), health issues (increased particulate matter) and economic issues (diminished property values).

04 We have the following questions about the freeway widening and its impact on our community:

1. Who can we contact at Caltrans to get a representative to come out to our community and discuss the proposed widening and its impact on our community with us? We would like to see a map of each of the four alternatives and how each impacts our community.

05
2. Is the number of homes in a particular area one of the factors used in determining whether a sound wall is determined to be reasonable? If it is can a reassessment of our community be conducted?
3. How is the reasonable total dollar allowance for each sound wall calculated? What are the factors that are used?
4. We find that Table 3.15.25 shows that three of the six sound samples taken in our community meet or exceed the 5 dB insertion loss criteria and are shown as sound wall feasible. Must all of the sound samples taken in an area meet or exceed the criteria in order for a sound wall to be considered reasonable?

06
5. It appears from the map of the widest alternative (10+4 with barrier) that some of our land will be taken for the right of way. We do not know about the other three alternatives because we do not have maps for them. We were told by a Caltrans employee we met at the Caltrans meeting in Encinitas that the land was not needed for the roadway itself but for a staging area for equipment and materials. Please clarify *exactly* what, if any of our land, will be taken for right of way, either for improvements or staging, for all four widening alternatives. Also, please clarify if this is a permanent take.

07
6. Are there actions Caltrans can take other than sound walls to attenuate the increase in noise from a widened freeway? What about alternative pavement types that lower noise? Have you looked into these and what have you found?

08
7. How are you planning to address the increased greenhouse gases/carbon emissions, particularly the ultra-fine particles that the body's filtering mechanisms do not catch, that more cars on I-5 will cause? We understand that these ultra-fine particles are especially dangerous for young children. We have also been told that the production of these particles actually *increases as car speed increases.*

09
8. Please explain to us how widening I-5 can possibly comply with the requirements of the recently passed AB 32 and SB 375 to *lower* carbon emission on a per capita basis?

10
9. If the objective of adding two managed lanes in each direction is to encourage car pooling, why would Caltrans even be *considering* adding one general purpose lane in each direction as well?

RESPONSES

03 Based on the community and regional enhancements included as part of the project, improvement of an existing major facility, and additional efforts to avoid, minimize, and/or mitigate project-related impacts described in Topical Response "Visual/Community Effects," the implementation of new project features is not expected to have an adverse effect on the quality of life in north coastal San Diego.

With regard to noise impacts to Leucadia Village, please refer to response to your Comment 01.

With regard to dirt, or dust that may settle, to the extent that it is related to I-5 activity and associated with vehicular emissions, project-related generation of particulate matter (PM), including regulated PM such as dust, PM_{10} (inhalable PM) and $PM_{2.5}$ (fine PM), is described in EIR/EIS *Section 3.14, Air Quality*. The analysis notes that the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This would result in lower overall air emissions (including PM) and related improvements to air quality compared with existing conditions, with associated improvements in noticeable "dirt" anticipated to also occur. Health issues associated with PM are addressed in the response to your more detailed Comment 08 below.

Substantial adverse impacts to property values are not anticipated from the project's implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value.

04 As indicated in the Final EIR/EIS, the Project Features Maps (*Figures 2.2-3, Sheets 1* through *67*) represent the Preferred Alternative. The other project alternatives have a variable footprint width of up to approximately 12 feet in either direction.

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	04 cont. Regarding maps of the four project build alternatives, preliminary design plans are available by build alternative (i.e., without combining potential project footprints) at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/ExhibitAJune2010.pdf. The Final EIR/EIS provides a footprint for the refined 8+4 Buffer alternative, which is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Each of these graphics provides information regarding potential alternative-related impacts to your community.
	05 With respect to the determination of whether a soundwall is "reasonable" under FHWA and Caltrans Guidelines, please refer to the response to your Comment 01 above. The need for each residence to receive a minimum five dBA insertion loss is an element of "feasibility" evaluation. The "feasibility" of noise abatement is primarily an engineering concern, with a minimum reduction of five dBA in the future noise level projected for the representative sensitive noise receptor required for an abatement measure to be considered "feasible" as noted in the referenced response. Whether or not every potentially shielded noise receptor must receive the five dBA reduction in order for a soundwall to be built, however, is based on other feasibility considerations such as topography, access requirements, other noise sources, and safety considerations; as well as number of noise receptors shielded, functionality of several shorter versus one longer soundwall, etc.
	06 Please refer to the response to your Comment 04 regarding potential project footprints related to each build alternative. Property needed only for construction staging, as opposed to permanent I-5 related improvements, would not result in a permanent acquisition.
	07 Quieter pavement, such as "rubberized asphalt concrete" (RAC), is currently not listed in 23 CFR 772 as a noise abatement measure that can be applied in accordance with federal policy. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. Asphalt surfacing increases maintenance costs, which is a factor being considered in wider

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07 cont. applications beyond pilot studies. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures.

08 With respect to project-related greenhouse gas (GHG) generation, this issue is addressed in EIR/EIS *Section 4.6, Climate Change*. Specifically, this section provides an analysis of project-related GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives and the No Build alternative. The project build alternatives, for example, are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative (refer to Final EIR/EIS *Table 4.2*).

With regard to $PM_{2.5}$ (fine PM), please refer to the response to your Comment 03. Ultra-fine particles, as referenced in this comment, are defined as those with a diameter of less than 100 nanometers (with one nanometer equal to one billionth of a meter), and are not regulated under existing air quality criteria. The following text has been added to the beginning of the response: Specific regulations do not exist for ultra-fine particles, but this size class of ambient air particles is included in the analysis for $PM_{2.5}$ presented in this Final EIR/EIS. Please refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality considerations.

09 The San Diego Association of Governments (SANDAG) 2050 Regional Transportation Plan (RTP) includes the I-5 8+4 scenario within its revenue-constrained development program. For California Assembly Bill (CA AB) 32 and California Senate Bill (CA SB) 375 compliance, SANDAG projects roadway improvements along with other multimodal solutions and forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by these bills. Accordingly, the project would be consistent with the requirements of CA AB 32 and CA SB 375, and goals to reduce buildout GHG emissions as required under these laws. Please also refer to Topical Response "Climate Change" for additional information on GHG and related global warming and climate change issues.

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	10 As noted in EIR/EIS *Sections ES.2, Purpose and Need,* and *1.2, Purpose for the Project*, the objectives of the project include maintenance or improvement of future traffic levels of service (LOS) over existing LOS, and to maintain or improve travel times within the corridor, as well as others. Providing HOV/Managed Lanes is not a project objective, but a means to attaining the objectives noted. Specifically, HOV/Managed Lanes have been shown to provide an important commuting option, encourage ridesharing and, as stated in EIR/EIS *Section 1.3.5*, *Managed Lanes*, provide additional highway capacity within a constrained corridor while minimizing impacts to the environment and surrounding communities. Although benefits provided by the HOV/Managed Lanes in attaining project objectives are anticipated to be substantial, additional general purpose through lanes would also provide improvements in LOS. The two 10+4 alternatives discussed in the Draft EIR/EIS would provide improved LOS and lower travel times relative to the 8+4 scenarios, but the identified Preferred Alternative is the refined 8+4 Buffer alternative, as discussed in the response to your Comment 03. Consistent with your comment, the Preferred Alternative would not add any more general purpose lanes, only separate HOV/Managed Lanes.

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11 10. Have other transportation alternatives been considered in lieu of adding the general purpose lanes? For the additional cost of $400,000,000 for either of the two general purpose lane alternatives how many vans could be purchased for van pools and/or what other improvements to the public transportation system could be made? Thank you for your time in considering our community. We look forward to meeting with a representative from Caltrans and receiving your answers to our questions. Sincerely, Carolyn Manning, Secretary Leucadia Village Association Board of Directors 502 Southbridge Court Encinitas, CA 92024 ccmanning.502@cox.net	11 Regarding other transportation alternatives, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to bus and train systems are also under way. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding mass transit options, as well as Topical Response “Corridor Alternatives” for a summary of alternatives previously evaluated for the I-5 corridor. Providing project monies to support van purchase is not possible. Van pools traditionally support private or individual corporate carpooling, which is beyond the purview of Caltrans to require or monitor. Please also refer to Topical Response “Transportation Funding.”

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November 19, 2010

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SUBJECT: COMMENTS ON I-5 NORTH COAST CORRIDOR DRAFT EIR/EIS

01 On behalf of the Los Peñasquitos Lagoon Foundation (LPLF), I would like to submit the following comments regarding the I-5 North Coast Corridor Draft EIR/EIS. The project proposes four Build Alternatives that consist of widening the I-5 to include an additional four to six lanes, modifications to select bridges, creation of overpasses, access ramps, creation new storm water structures (e.g. outfalls, culverts), modification of existing storm water structures, and noise reduction and barrier walls. The proposed expansion of the North Coast Corridor includes 27 miles of the I-5 from La Jolla to Camp Pendleton, over a period of 40 years, at a cost of $3 - 4.3 billion, much of which is subsidized by tax payer's money. The stated purpose of the project is to provide relief of traffic congestion within the corridor as a means to:

- Improve public access to the beach
- Stimulate regional and local economic growth
- Restore coastal resources impacted by urban development
- Balance transportation needs with projected population and economic growth in the region and locally.

LPLF rejects the DRAFT EIR/EIS for technical reasons that include:

02 1. **The DEIR/EIS does not provide build alternatives that align with the project's goal and objectives and fails to provide sustainable, long-term solutions for traffic congestion in the North County Coastal Transportation Corridor.** The project's goal is "to provide the full range of transportation modal alternatives that are

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Responses to Mike Hastings, Executive Director, Los Peñasquitos Lagoon Foundation

01 Thank you for your comments, which are part of the public record.

02 The commenter is mistaken; the stated goal in this comment is that of the Major Investment Study (MIS) for the North Coast Transportation Corridor, not the proposed project. Highway recommendations are one of the key components of the MIS.

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cost-effective, promote and provide incentives for ridesharing and alternative modes, accommodate regional and interregional freight movements, minimize environmental and community impacts." The DEIR/EIS further states, "implementation of the Build Alternatives would result in attainment of short-term and long-term transportation and economic objectives" with the majority of the impacts to wetland habitats associated with widening at the lagoons.

02 cont.

LPLF believes the project, as proposed in the DEIR/EIS, will be unable to meet its intended goal and objectives. The project's proposed Build Alternatives will be unable to address traffic congestion in the long-term while creating additional and, admittedly, irreversible impacts to coastal resources. LPLF has the following questions for Caltrans in regard to the DEIR/EIS:

- Why does the DEIR/EIS not contain alternatives that fulfill the project's goal of **"providing a full range of transportation modal alternatives"** instead of four versions of a freeway widening alternative?"
- Why does the DEIR/EIS not contain alternatives that could expand the efficiency, attractiveness and, ultimately, use of public transportation within the current footprint of transportation corridor without adding more vehicles to the road?

03

- What is the value of improving access to coastal resources at the expense of the coastal resources that include wetland habitats, endangered species and unique view corridors?

04

- If development throughout the coastal region has reduced the quantity and quality of native habitat and species in the region (as mentioned in the DEIR/EIS), then why does the DEIR/EIS only propose Build Alternatives that increase the development footprint in the NCC?

05

- Why does the DEIR/EIS not adhere to the Executive Order for the Protection of Wetlands requirement that "the proposed project include all practicable measures to minimize harm to wetlands?"

RESPONSES

02 cont. The MIS recommended long-range improvements for highways, bus transit, passenger and freight rail, commuter rail transit, and arterials and roads to address corridor travel demands to the year 2020. Please refer to *Section 1.4, History and Background*, of the EIR/EIS for more detail.

Several alternatives were considered before the build alternatives were chosen as the most viable options to meet the project's purpose and need. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives for the North Coast Corridor, including transit-based alternatives, during programmatic screening review of the project area.

Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort. At this point, agencies with primary jurisdiction over specific transportation modes are independently moving forward with focused projects (e.g., I-5, rail double-tracking, etc.). Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation.

03 Although improved coastal access would result from project implementation, improved coastal access is not the primary goal of the project. The I-5 improvements have broader goals, including maintenance or improvement of the existing and future traffic operations in the I-5 North Coast Corridor to improve the safe and efficient regional movement of people and goods through 2035 and beyond.

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	03 cont. Please note that wetlands, endangered species, and view corridors are addressed in the EIR/EIS under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures* (including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*), as well as in *Section 3.7, Visual/Aesthetics*. Project-related impacts to wetlands and sensitive species would be avoided, minimized, and/or mitigated through appropriate measures. Substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package for unavoidable impacts, including wetlands and related effects to sensitive species, has been developed in concert with the wildlife agencies. It should also be noted that since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor (including Los Peñasquitos Lagoon), with important new information provided in the August 2012 Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. Overall, and as described in *Section 3.17* and shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. Please also refer to the Environmental Commitments Record (Appendix D in this final EIR/EIS) for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related issues regarding coastal lagoons. With respect to unique view corridors, please note that specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the

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03 cont. west, there is a potential for transparent barriers, so that views would not be obstructed. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS).

04 The EIR/EIS analyzes the No Build alternative in detail in addition to the four build alternatives. Alternative footprint designs (e.g., through elevated freeway portions of reversible lanes) were evaluated and were not carried forward for reasons explained in the San Diego Association of Governments (SANDAG) 2000 North Coast Transportation Study, which served as the MIS for the project, as well as in EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS.*

Please also note that following the circulation of the Draft EIR/EIS, and based upon continued environmental review, as well as comments by resource agencies and the public, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS, and the least impactful from a biological resources standpoint. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

05 With respect to the protection of wetlands, this comment cites a portion of the following excerpt from Executive Order (EO) 11990 – Protection of Wetlands:

> Federal plans, functions, programs and resources… shall avoid undertaking or providing assistance for new construction located in wetlands unless the head of the agency finds (1) that there is no practicable alternative to such construction, and (2) that the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use. In making this finding the head of the agency may take into account economic, environmental and other pertinent factors.

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	05 cont. The proposed project would be in compliance with all associated requirements of EO 11990. As described in EIR/EIS *Section 3.18.3*, impacts to wetlands associated with coastal lagoons and related waterways within the project corridor would be unavoidable under any of the project build alternatives. Accordingly, and as described in EIR/EIS *Chapter 2, Alternatives*, no practicable alternatives were identified that were capable of meeting the project objectives while completely avoiding impacts to sensitive resources such as wetlands. In addition, as noted above in the response to your Comment 03, the project design includes substantial avoidance and minimization efforts, as well as an extensive mitigation package for unavoidable impacts to resources including wetlands. This effort has been developed in concert with the California Coastal Commission and wildlife agencies and, in addition to avoidance and preservation efforts, includes appropriate wetland habitat creation and restoration to satisfy the “no net loss” mitigation requirements from those agencies.

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06 2. **The DEIR/EIS does not accurately characterize existing conditions with regard to economic needs, demographic trends and improving traffic congestion.** The main purpose of the project is "to maintain or improve the safe and efficient regional movement of people and goods for the planning design year of 2030." However, the justification for the Build Alternatives lie in population and economic growth forecasts from as recent as 2006. During this time leading up to 2006, the federal, state and local economies were robust and development was artificially inflated by lowered interest rates and the speculative nature of the housing market bubble that encouraged urban development and investments in real estate. However, things have changed dramatically since 2008/2009. Unemployment rates have skyrocketed alongside foreclosures and increasing vacancies at commercial properties throughout the region. LPLF believes that the DEIR/EIS does not accurately portray the current and future demand for the NCC for both passengers and freight because it uses economic and demographic growth forecasts that fail to include the recent economic downturns nationally, regionally and locally.

07 3. **The DEIR/EIS does not accurately differentiate between habitat that is native to coastal lagoons versus habitat artificially created by impacts from urbanization.** Habitat classification is an extremely difficult task as there are often situations and circumstances that lend to subjectivity and human error. Furthermore, wetland habitat can change dramatically over time as a result of the effects of urbanization. Without examining habitat changes over time, transitional habitat within a coastal lagoon can be assumed as being native, or occurring naturally, when it is in actuality an artifact of recent urbanization. The DEIR/EIS fails to make this distinction at Los Penasquitos Lagoon in the area near Carmel Valley that the DEIR/EIS classified as Coastal Brackish Marsh. The DIER/EIS portrays this habitat as a natural feature of the lagoon/watershed interface (though it incorrectly refers to Carmel Creek as Sorrento Creek) but neglects to acknowledge that this habitat type is actually a byproduct of urbanization, caused by year round water input from Carmel Valley since the mid 1990's. Given the errors and misclassification of natural versus modified wetland processes, LPLF does not feel that the DEIR/EIS is

RESPONSES

06 Following the publication of the Draft EIR/EIS, the 2050 Regional Transportation Plan (RTP) was approved in October 2011. Assumptions from the 2030 RTP were compared with the 2050 RTP in the August 2012 Supplemental Draft EIR/EIS. As noted in the RTP, which is based on 2010 census data, projections show that the same improvements to I-5 are now required to satisfy transportation needs through 2050 as were identified in the prior RTP to be required through 2030. Upon review of the different data sets, the project team determined that the initial Series 10 2030 forecasted daily traffic demands, which were used as the basis of the original traffic studies, are generally equivalent to the Series 12 2035 forecast daily traffic volumes (within an average of 3.5 percent.) Therefore, travel volume forecasts and the associated technical studies presented in this Final EIR/EIS are based on the region's Series 10 travel forecast model, and these analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame.

07 As noted in this comment, habitat classification can be somewhat subjective, and the nature and/or extent of habitats can change over time. The EIR/EIS classification of coastal brackish marsh habitat at Los Peñasquitos Lagoon, however, does not include errors and misclassification. Two areas are mapped as disturbed coastal brackish marsh in the vicinity of Los Peñasquitos Lagoon, including one area just east of I-5 and north of Los Peñasquitos Creek, and one area just west of I-5 and south of Carmel Valley Road (refer to EIR/EIS *Figures 3-17.1b* and *3-17.1c*). While these habitat areas may have been influenced by flows from urban sources, that fact does not alter the habitat classification of the sites. The origin of such habitats, whether through natural or "modified" wetland processes, also is immaterial. Regardless of the origin of wetland habitats, once a habitat meets wetland criteria, it is subject to related impact assessment and compensatory mitigation. As

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07 cont. accurate in characterizing lagoon environs that may or may not be improved by aspects of the proposed Build Alternatives that are portrayed as improving existing conditions. The DEIR/EIS needs to be revised to correctly characterize the lagoon and its processes so that impacts and improvements to coastal lagoons are correctly described, delineated and mitigated.

08 4. **The DEIR/EIS does not adequately mitigate for impacts to wetland processes, habitats and species.** The coastal zone is arguably one of the most complex systems in the world since it is where land, ocean and atmosphere merge and interact physically, chemically and biologically. Coastal wetlands are one of our most complex, valuable and endangered resources located within the coastal zone. Coastal wetlands provide unique, specialized habitats from the ocean inlet to the uplands. These habitats are extremely valuable to coastal ecosystems and communities as they can provide the following;

- Foraging and nesting areas for endangered birds.
- Rest and feeding areas for migrating birds using the Pacific Flyway.
- Soil types needed for endangered plant species like Salt Marsh Daisy and Salt Marsh Birds Beak.
- Refuge for juvenile fish needing to hide from predators until they grow large enough to return to the ocean.
- Protection of urban areas from flooding.
- Improvements to water quality in coastal areas.

Dr. Joy Zedler, acclaimed expert in wetland restoration, provides some key points in her article *Why Species Matter and How Their Functions Might be Restored in California Tidal Marshes* (Zelder, J, John Callaway, Gary Sullivan. *Why Species Matter and How Their Functions Might Be Restored in California Tidal Marshes.* Bioscience 1005. December 2001/Vol. 51 No. 12):

- In southern California, 90% of the coastal wetland area has been destroyed.

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07 cont. noted above in the response to your Comment 03, the project would include an extensive mitigation package for unavoidable impacts to applicable habitats, including wetlands such as coastal brackish marsh. Mitigation would include requirements for "no net loss" of wetland habitats and the provision of compensatory mitigation as directed by the associated resource agencies.

It should also be noted that the EIR/EIS does not misidentify Carmel Creek as Sorrento Creek. The only reference to Sorrento Creek in the EIR/EIS is in *Section 3.18, Wetlands and Other Waters*, under the discussion of Los Peñasquitos Lagoon in the *Habitats by Watershed* analysis. This discussion notes that the watershed includes Carroll Canyon/Sorrento Creek, Los Peñasquitos Creek, Carmel Creek, and Los Peñasquitos Lagoon. Accordingly, Carroll Canyon/Sorrento Creek and Carmel Creek are correctly described as two distinct drainages in this discussion.

Since the circulation of the Draft EIR/EIS, additional lagoon studies were completed as noted in the response to your Comment 03. As noted, although impacts to lagoons would occur, the mitigation is anticipated to address those impacts to a level exceeding traditional ratio-based mitigation, to benefit coastal biological resources of the North Coast Corridor overall. In summary, the EIR/EIS accurately classifies lagoon and related habitats as they existed at the time of the analysis (including coastal brackish marsh) and correctly evaluates project-related impacts, mitigation requirements, and potential improvements to lagoon systems from improved tidal exchange.

08 This comment highlights the intrinsic value of these resources in terms of wildlife habitat, sensitive floral and faunal species, and hydrology and water quality considerations. The Draft EIR/EIS does adequately mitigate for impacts to wetland processes,

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08 cont.

- Remaining coastal wetlands continue to be damaged with even the region's protected reserves being threatened by highway and utility-expansion projects.
- Species loss is linked to the interruption of tidal influence.
- Restoration of tidal wetlands is very difficult due to the fact that they are extremely complex systems.

As noted by Dr. Zedler, impacts to coastal wetlands from urbanization are significant and, for the most part, irreversible. Choosing to focus primarily on only the impacts within the construction footprint, the DEIR/EIS fails to correctly evaluate, delineate and mitigate the impacts to coastal lagoons that will be generated by the four Build Alternatives.

09

The DEIR/EIS's biological study was too limited in scope to accurately characterize affected environs and species as it extending out 500 feet, on average, from the edge of the pavement. Such a limited study area fails to capture the true degree and extent of impacts to wetland habitats in the coastal lagoons located within the NCC footprint, as many of these impacts will move well beyond the 500 feet from the project's construction footprint. Storm runoff containing pollutants (e.g. dissolved copper, plastics, hydrocarbons), airborne contaminants (e.g. particulate matter) and greenhouse gases (e.g. carbon monoxide) are just some examples of impacts that will not be contained within this 500 feet. The DEIR/EIS does not adequately discuss or provide direct mitigation for these impacts, let alone discuss financing strategies for mitigating these impacts in the long-term. LPLF requests that the DEIR/EIS be revised to address and adequately mitigate all impacts (direct and indirect) generated

10

by the proposed Build Alternatives within all of the coastal lagoons and upland areas and how these impacts will affect the lagoon's beneficial uses as outlined in the San Diego Basin Plan. Furthermore, these impacts need to be examined beyond the range of the project's construction footprint and biological study area. And, that mitigation for impacted habitat must be performed within the coastal lagoon or upland

RESPONSES

08 cont. habitats, and species. As discussed above in the response to your Comment 03, the proposed project design includes substantial avoidance and minimization efforts for sensitive wetland (and other) habitats, as well as an extensive mitigation package for unavoidable impacts. The compensatory mitigation package has been developed in concert with the California Coastal Commission and wildlife agencies and meets all associated requirements, including the "no net loss" criterion for wetland habitats. While the analysis of impacts to wetlands in the EIR/EIS includes extensive evaluation of direct impacts to wetland habitats (i.e., within the project impact footprint), it also evaluates associated indirect project effects in areas outside the impact footprint, including potential impacts related to air and water quality concerns, noise and lighting effects to wildlife species, and cumulative impacts from other planned or proposed development projects. In addition, as noted in the response to your Comment 03, the lagoon studies conducted since the completion of the Draft EIR/EIS identify a number of proposed measures to improve tidal exchange and enhance the hydrologic, hydraulic, and biological environments at all six coastal lagoons and/or related waterways, including substantial areas outside the project impact footprint. Specifically, at Los Peñasquitos Lagoon, this would include the minor widening of the I-5 bridge crossing at Carmel Creek, replacement of the existing culverts at the Sorrento Valley Road crossing of Carmel Creek with a bridge, use of a flyover bridge at the I-5 crossing of Los Peñasquitos and Soledad creeks, and the installation of water quality protection features (e.g., bioswales). Based on the noted considerations, as well as the information on habitat classification and delineation provided in the response to your Comment 07, the EIR/EIS provides a thorough and appropriate evaluation of wetland (and other) habitats and associated resources, and would implement extensive avoidance, minimization, and mitigation

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08 cont. measures to address applicable on- and off-site project-related impacts in compliance with all applicable regulatory standards.

09 With respect to the evaluation of biological resources and associated potential project impacts beyond the project limits, please refer to the response to your Comment 08 above. As noted, the EIR/EIS includes analysis of direct and indirect effects, including areas outside the project limits, for issues such as air and water quality concerns, noise and lighting effects to wildlife species, lagoon hydrologic and hydraulic conditions, and cumulative impacts from other planned or proposed development projects.

EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, provides an evaluation of potential water quality impacts associated with the identified build alternatives and the No Build alternative, including potential effects to lagoons and related waterways. Specifically, this includes direct impacts from short-term (construction) activities, such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related pollutants (e.g., fuels and lubricants), as well as long-term (operational) impacts such as the generation of vehicle-related pollutants (e.g., particulates and metals from break pad wear and exhaust-generated pollutants such as nitrite). This analysis provides quantified assessments of potential impacts related to existing and proposed impervious (paved) surfaces, as well as the identification of associated potential pollutant generation and related effects. This analysis also addresses associated indirect impacts, including downstream sediment and pollutant transport (i.e., sedimentation) and the potential discharge of pollutants related to long-term facility operation and maintenance activities such as landscaping (e.g., green waste, pesticides, and herbicides).

Section 3.10 also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention (DPP), construction, and “treatment.” Caltrans-approved preliminary project-specific

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09 cont. BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with applicable water quality standards and regulations, including beneficial uses identified for coastal lagoons and related waterways in the San Diego Basin Plan. For financing considerations associated with long-term BMP operation and maintenance, Caltrans would be responsible for implementing and operating these facilities, as well as for long-term maintenance to ensure proper function and the provision of appropriate funding.

Airborne contaminants include compounds related to combustion of motor fuels (based on fuel formulation), as well as the efficiency of the vehicle burning the motor fuels. The formulation of motor fuels is regulated exclusively by the California Air Resource Board (CARB), which has exclusive regulatory control over fuel formulations, including seasonal blends, and is a co-regulator of fuel efficiency standards. Because Caltrans cannot limit the individual vehicles that use its facilities, controls of compounds that may ultimately be deposited is a function of fleet composition and fuel formulation, neither of which Caltrans has the legal authority to address. The long-term and continuing trend, however, is that because of more stringent fuel formulation regulations and increased fleet efficiency regulations, as well as continual monitoring and enforcement through the "Smog Check" program, deposition of compounds related to fuel combustion will decrease in the region, even assuming an overall increase of vehicle miles traveled. Similarly, with respect to the deposition of compounds associated with automotive brake systems, Caltrans is not legally authorized to regulate the components of automotive brake systems. It should be noted, however, that in 2010, California Senate Bill 346 was passed into law. That law provides for changes to the California Health and Safety Code to address automotive brake systems. That law, like the regulatory schemes for motor fuel formulation and fleet efficiency standards,

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	09 cont. will greatly assist in reducing the emission of materials that might be associated with vehicles using the State highway system at the source—the vehicles themselves. Regarding project-related impacts from greenhouse gas (GHG) emissions in areas within and outside the project's limits, this issue is addressed in EIR/EIS *Section 4.6, Climate Change*. The section provides an analysis of GHG emissions, including a quantified evaluation of associated potential impacts from the project build and no build alternatives. As discussed, project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions by hundreds of tons per day in the San Diego region compared with the No Build alternative (refer to Final EIR/EIS *Table 4.2*). Based on the described analysis, the I-5 project would not result in significant impacts from the generation of GHG, with related mitigation measures therefore not required. Please also refer to Topical Response "Climate Change" for information on GHG and related climate change issues. 10 With respect to mitigation adequacy, both wetland and upland mitigation efforts include habitat preservation, restoration, and/or establishment/creation in local watersheds to the extent practicable. That is, these types of activities would be located within the same watersheds as the associated impacts where areas are available. Because such availability is limited in certain watersheds, however, some potential mitigation efforts, particularly wetland habitat restoration and establishment, are located in alternative watersheds (although still within the North Coast Corridor). Appropriate mitigation has been developed in concert with the California Coastal Commission and resource agencies and is anticipated to result in an increased benefit to coastal resources over a traditional ratio-based approach. Mitigation costs and funding sources have been identified, including the use of TransNet Transportation Mitigation Funding. Identified wetland mitigation for the proposed project would include habitat establishment, in addition to preservation and enhancement efforts, to comply with regulatory "no net loss" requirements. The majority of this minimum establishment area would occur in the

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10 cont. area where impacts occur. Impacts that will be created by the proposed Build Alternatives include, but are not limited to:

11
- Increased volume and peak flows of storm water runoff.
- Increased pollutant loading in waters of the State and sensitive/critical habitats.
- Impairment of beneficial uses afforded by coastal lagoons and their tributaries.
- Impacts caused by structural BMPs that are not adequately maintained.

12
- Increased levels of greenhouse gasses emitted during the production of construction materials (e.g. cement), construction activities (e.g. equipment) and during use of the widened freeways (e.g. additional automobiles and trucks) and rail (e.g. diesel powered engines).

13 Hydromodification is by product of urbanization and one of the most significant forces impacting coastal lagoons, directly and indirectly degrading and, in some cases, destroying native wetland habitats. However, the DEIR/EIS does not adequately address nor mitigate for hydromodification. By widening the freeway and created more paved areas, storm runoff will increase in volume, peak flows and the level of pollutants washed off the roadways during rain events. The addition of culverts, outfalls and widening of bridge spans will increase peak flows of storm runoff entering the lagoons from roadways and the watershed. While there is mention of implementing some bioswales and detention basins, the lack of an effective and reliable maintenance program, including funding mechanisms, in the DEIR/EIS or a successful history of maintaining these types of structures make these solutions less than optimal. LPLF requests that the DEIR/EIS be revised to address and adequately mitigate impacts related specifically to hydromodification without relying entirely on the implementation of structural BMPs and agreements with municipalities that do not have the financial or staffing resources needed to maintain them.

14 The DEIS/EIS presents improvement opportunities as part of the Build Alternatives that are actually impacts. The DEIS/EIS incorrectly assumes that enhancing flows

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10 cont. San Dieguito watershed due to the noted availability limitations, with the remainder located within the watershed of Agua Hedionda Lagoon. Specifically, the following sites have been acquired for mitigation: all or part of the 23.1-acre Dean Mitigation Site adjacent to the San Dieguito Lagoon; the 19.3-acre Hallmark Mitigation Sites adjacent to the Agua Hedionda Lagoon; the 22.2-acre Deer Canyon II Mitigation Site in the Los Peñasquitos Lagoon watershed; the 5.0-acre Laser Mitigation Site immediately west of southbound I-5 and north of Manchester Avenue; and the 19.8-acre La Costa (Ayub) Mitigation Site near Batiquitos Lagoon. The 47.8-acre Batiquitos Bluffs site has been proposed as potential upland mitigation.

If the project is approved, Caltrans will continue to work closely with the wildlife agencies and the CCC, RWQCB, and NOAA Fisheries during the implementation of the proposed wetland and upland mitigation efforts, which will be subject to further refinement during the permitting process.

Regarding potential for increased volume and peak flows, the Preferred Alternative would be evaluated by Caltrans Design (on-site flows) and Caltrans Hydraulics (off-site flows) as the project design progresses. One of the goals of the storm water project planning and design guide (PPDG) is to provide guidance on the process and procedures for evaluating project scope and site conditions to determine the need for, and practicality of, incorporating best management practices (BMPs) and storm water quality controls. The implementation of BMPs, including pollution prevention, construction and "treatment" measures, serves to slow down flows and allow particles to settle. The proposed project will use a combination of BMPs to ensure storm water runoff velocities are kept to a minimum. The associated decisions and calculations related to BMPs and storm water control would be documented in the project Storm Water Data Report.

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11 With regard to the list of issues in this comment (e.g., storm water runoff, pollutant loading, habitats, and impairment of beneficial uses), please refer to the response to your Comment 09.

12 Construction emissions of GHGs (which include emissions produced as a result of material processing, on-site construction equipment, and emissions arising from traffic delays due to construction) were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012, and the information has been added to *Section 4.6.4* of this Final EIR/EIS. *Table 4.3, Estimated Annual Construction GHG Emissions*, shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 MT per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Because rail facilities are not included as part of the proposed I-5 project, rail-associated potential GHG emissions are not evaluated in this EIR/EIS. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG emissions.

13 Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification. Also, Caltrans continues to comply with Section 402 of the federal Clean Water Act (CWA) through implementing applicable requirements of the Caltrans Statewide National Pollutant Discharge Elimination System (NPDES) Permit. This permit, along with the related and approved Caltrans SWMP noted in the response to your Comment 09, consolidated Caltrans storm water compliance activities under one permit and provides a framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting. The project also would emulate pre-project drainage conditions to the maximum extent practicable (MEP) as part of this process, including efforts such as the use of appropriately sized detention basins and energy dissipation structures to regulate and reduce flow volumes and velocities prior to discharge. The pending updated Caltrans NPDES permit has specific hydromodification requirements for

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13 cont. Caltrans-related projects and activities. The proposed project would comply with all applicable requirements of the updated permit (once adopted), including measures related to hydromodification.

For related concerns regarding pollutant levels, "treatment" BMPs, and associated maintenance and funding, please refer to the response to your Comment 09 above. Regarding the lack of a successful history of maintaining these types of structures, Caltrans has successfully implemented, operated, and maintained numerous "treatment" (and other categories of) BMPs throughout the State in conformance with associated NPDES (and other regulatory) requirements for more than a decade. Caltrans is committed to continuing these efforts and providing storm water pollutant control that meets or exceeds regulatory standards for all applicable locations and facilities, including the proposed *I-5 NCC Project*.

14 As described above in the response to your Comment 03, additional detailed studies have been prepared since the completion of the Draft EIR/EIS regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor, including Los Peñasquitos Lagoon. These lagoon optimization studies include the evaluation of water movements within the lagoons and waterways (i.e., tidal exchange between fresh and salt water), and note that the "health" of individual lagoons is based largely on the extent to which waters are free flowing or stagnant. Specifically, these conditions directly affect factors including the extent and quality of habitat available for lagoon-dependent wildlife. The lagoon analyses identify optimal bridge lengths and related features such as channel dimensions, and build upon the "Hydrodynamic Approach to Wetland Restoration by Optimization of Bridge Waterways" completed by the Scripps Institution of Oceanography in October 2010. In addition to proposed bridge and channel dimensions, the lagoon studies provide analysis of issues including tidal circulation, flood flows and associated scour, sediment transport, wildlife connectivity, channel protection features, associated impacts on wildlife habitats, and tidal exchange constraints from transportation facilities located west of I-5, including Pacific Coast

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14 cont.

from the watershed will improve lagoon conditions and enhance habitats. This is evidenced in the proposed action at Los Peñasquitos Lagoon and Carmel Valley that will replace a box culvert in favor of a bridge span across Carmel Creek. While this is construed as an improvement to existing lagoon conditions, it will actually increase both freshwater intrusion and sedimentation into the lagoon, which is identified as an impaired water body on the EPA's 303(d) list for sediment/siltation. The DEIR/EIS fails to acknowledge that flows from the watershed will be impounded behind the railway berm that bisects Los Peñasquitos Lagoon, further impacting native habitat and listed species due to prolonged flooding episodes. Increased freshwater and sedimentation will further promote displacement and destruction of native wetland habitats in the lagoon and impacted sensitive species that include: Belding's Savannah Sparrow and the Salt Marsh Daisy (Lastehnia glabrata) which is on the 1B list of Plants Rare, Threatened or Endangered) by the California Native Plant Society. LPLF requests that the DEIR/EIS be revised to accurately describe impacts, both intended and unintended, to coastal lagoons and revise proposed improvements that will, in reality, create temporary and permanent impacts to lagoon health.

15

The DEIR/EIS intends to sidestep mitigation responsibilities by financing large-scale restoration projects that may or may not result in the desired restoration of wetland habitats in other locations. While LPLF applauds Caltrans participation and funding of these efforts, mitigation needs to occur where impacts are generated and habitat is affected. Funding of restoration and enhancement efforts should be equitable since the cost of mitigating the impacts caused by the Build Alternatives will be borne by the non-profits and agencies charged with managing these valuable coastal resources. LPLF requests that the mitigation strategies proposed as part of the DEIR/EIS be reevaluated and funding redistributed to all of the coastal lagoons impacted by the proposed Build Alternatives. With this in mind, LPLF has attached a list of restoration projects (Attachment 1) that have been developed by LPLF, State Parks and the State Coastal Conservancy.

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14 cont. Highway and existing rail lines. With regard to biological issues, Los Peñasquitos Lagoon is identified as a salt marsh system encompassing both freshwater and saltwater flows, with restriction of tidal exchange water flows resulting in a higher than normal freshwater levels. In the past, high salinity conditions have also occurred when sand deposition from storms cuts off flows between the lagoon and the ocean and when evaporation within the lagoon exceeds freshwater runoff into the lagoon. Based on the described conditions and analyses, the lagoon optimization studies were completed to ensure that the I-5 project is designed to improve tidal flow, fluvial flow, and sediment transport relative to the I-5 facility. The studies identify the appropriate bridge dimensions and channel configurations to optimize both lagoon hydraulic functions and construction feasibility. Specifically, the longer and/or deeper channels and lagoon crossings proposed as part of the *I-5 NCC Project* would enhance tidal exchange and related fresh water and salt water balance, with related improvements to water quality, the extent and quality of coastal wetland (and wildlife) habitat, flood conditions, and the overall health and function of the lagoon systems.

Regarding the potential for increased project-related sedimentation (i.e., sediment influx) in the lagoon, the EIR/EIS identifies specific DPP, construction, and "treatment" BMP categories to minimize and stabilize disturbed areas, as well as to prevent the off-site transport of sediment and associated pollutants that tend to adhere to soil particles (such as hydrocarbons). Appropriate BMPs from these categories would be used to avoid or minimize erosion and sediment transport, potentially including the following: (1) DPP measures such as preservation of existing vegetation, concentrated flow conveyance systems (e.g., vegetated swales and energy dissipation structures), and slope and surface protection systems (e.g., vegetation cover or terracing); (2) construction measures such

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14 cont. as silt fencing, desilting basins, fiber rolls, check dams, berms, dust control, and inlet protection; and (3) "treatment" measures including detention basins and bioswales. Additional information on these and other potential BMPs that may be used to avoid or minimize sedimentation in Los Peñasquitos Lagoon and other waters are provided in the associated Caltrans Storm Water Quality Manuals and Handbooks, available for review at the following locations:

http://www.dot.ca.gov/hq/construc/stormwater/manuals.htm.

http://www.dot.ca.gov/hq/oppd/stormwtr/ppdg/swdr2012/PPDG-July-2010-r2merged-appendix-E62012.pdf.

Specifically with regard to Belding's savannah sparrow and salt marsh daisy, the August 2012 Supplemental Draft EIR/EIS clarified anticipated effects relative to the lagoon. As noted, Belding's savannah sparrow occurs in the lagoon west of the I-5 / State Route (SR-) 56 Interchange; no wetlands would be permanently impacted and minimal construction would occur in the vicinity. All known locations of this bird are also over 1000 feet from the Sorrento Valley Road bike bridge. There is a possibility for noise and/or vibration impacts to bird species during pile driving for bridge footings. As noted, because sensitive species were identified in the vicinity, pre-construction surveys would be completed to confirm locations prior to construction, all pile driving and removal of vegetation within the project footprint would occur outside of the breeding season to avoid impacts to nesting birds, and a qualified biologist would be on site to address protection of sensitive biological resources and monitor construction.

15 With respect to the proposed locations of wetland restoration efforts, no direct impacts to Los Peñasquitos Lagoon are anticipated. Please refer to the response to your Comment 10 above. Although wetland (and upland) habitat mitigation would be located within the same watersheds as the associated impacts where practicable, some potential mitigation efforts, particularly wetland habitat restoration and establishment, are located in alternative watersheds (although still within the North Coast Corridor). As depicted in Final EIR/EIS *Figures 2-4.1a* through

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	15 cont. *2-4.1c*, improvements in the vicinity of Los Peñasquitos Lagoon would occur in the 2015 through 2030 time frame, with funding already identified and mitigation required as identified in this Final EIR/EIS. Caltrans, in coordination with SANDAG, has completed an Updated Draft Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) and associated local coastal program amendments for the project. The project's Resource Enhancement and Mitigation Program (REMP) is part of the PWP/TREP, which evaluates the North Coast Corridor as a whole, and incorporates all of the individual projects being pursued by the transportation agencies into an integrated regional vision. The TransNet Extension Ordinance approved by the San Diego voters in November 2004 established an Environmental Mitigation Program (EMP) for the advancement of mitigation for resource impacts associated with regional and local transportation projects. The REMP prioritizes expenditure of EMP funds on a corridor-wide level, with an emphasis on advanced habitat creation, restoration, enhancement, and preservation; improvement of the ecological health of sensitive habitats through funding of systemwide restoration; and establishment of endowments designed to enhance lagoon system function and values.

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16 5. **The DEIR/EIS does not accurately characterize or adequately mitigate social and economic impacts.** Studies published in the Journal of Air and Waste Management Association and in the Atmospheric Environment have linked health issues (e.g. asthma, emphysema) to the proximity to major roadways. This is due to the presence and concentration of airborne particulate matter that are linked to neurological, pulmonary and cardiovascular problems and diseases. The proposed Build Alternatives will generate airborne particulate matter well beyond current levels during construction and during its use since the primary focus of these alternatives involves the widening of I-5 for the use of motorized vehicles using combustion engines. LPLF requests that the DEIR/EIS be revised to examine and mitigate impacts to public health and subsequent costs to health care caused by increases in airborne particulate matter generated as a result of the proposed Build Alternatives.

17 The I-5 corridor in the project area is the northern gateway to the San Diego coastal region. It provides a unique view of beaches, coastal lagoons, river valleys, State Parks and Reserves (including the Torrey Pine State Reserve), and scenic hillsides. The Build Alternatives proposed in the DEIR/EIS will degrade the current view corridors by implementing large retaining and sound walls (some up to 45 feet high), transforming the NCC into a concrete-dominated corridor similar to Los Angeles. The walls will create a "tunnel effect" that will obscure the region's unique visual identity and character. LPLF requests that the DEIR/EIS be revised to provide alternatives that do not require the use of large retaining and noise abatement structures.

18 The DEIR/EIS does not adequately address impacts to local business and the environment by expanding the NCC corridor to facilitate commerce with other regions. Part of the justification of the Build Alternatives is to support freight and goods movement from other regions. This could impact local manufacturers and agriculture by creating unfair advantages for imported goods that are generated or grown in areas that do not have to comply with same environmental or vocational safeguards that occur within San Diego County. Furthermore, importing goods from

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16 Regarding potential air quality-related health impacts and generation of particulate matter (PM) from the proposed project, these issues are addressed in EIR/EIS *Section 3.14, Air Quality*. Specifically, this analysis notes that the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor, with a corresponding reduction of overall air emissions compared with existing conditions. In addition, the analysis in *Section 3.14* indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. The proposed project would, as previously indicated, reduce overall MSAT emissions and improve air quality relative to existing conditions. In addition, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. Given the described requirements and the nature of the project to maintain or reduce travel time, congestion and related emissions along the I-5 corridor, it is anticipated that health effects associated with traffic congestion and related emissions would also be improved over existing conditions.

For PM generation such as dust and diesel exhaust particulates, the previously described project improvements to traffic operations would contribute to lower PM emissions when compared to existing conditions. The proposed project would comply with federal PM_{10} and $PM_{2.5}$ standards. Additionally, as discussed under the heading *Projects of Air Quality Concern*, based on screening using U.S. Environmental Protection Agency (USEPA) PM guidance (as described in *Section 3.14*), the proposed project is not a "Project of Air Quality Concern" for PM due to relatively low truck volumes and percentage of truck traffic when comparing build alternatives

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16 cont. against a no build condition. A number of measures are identified in EIR/EIS *Section 3.14*, to control construction-related dust and PM generation. Specifically, these include conformance with Caltrans' Standard Specifications, which also require conformance with San Diego Air Pollution Control District (SDAPCD) regulations. Both sources require that specific measures be implemented to reduce fugitive dust emissions during construction. In addition to the requirements to appropriately locate construction operations and equipment, and to restrict idling time for construction equipment outlined in this comment, the noted Caltrans Specifications include requirements for contractors to comply with applicable air pollution control rules, regulations, ordinances, and statutes through efforts such as application of water and/or dust palliatives. Please also refer to Topical Response "Air Pollutants" for additional information on project-related air pollutants and associated potential health effects.

As I-5-related operational air emissions would be reduced from existing conditions and construction-related emissions would be temporary in duration and attenuated as described in EIR/EIS *Section 3.14.4*, health costs relative to these issues are not expected to increase.

17 EIR/EIS *Section 3.7, Visual/Aesthetics*, indicates that the visual impact of each build alternative would be high. There would be some loss of views to scenic resources and there are modifications to current views of the highway right-of-way. As depicted in comparisons of existing and future conditions in *Figures 3-7.41* through *3-7.110*, although identified as a potential visual impact, the presence of walls on both sides of the freeway that actually result in a "tunneling" visual experience is not universal to this segment of I-5. In many instances, walls would be located on only one (or no) side of I-5 (most notably where the current most expansive views are available, in crossing water features); and in others, the visual intensity would be lessened through landscaping or wall design (see, for example, *Figure 3-7.58*). In addition, this is a linear facility, and views shift as the viewer moves along the highway. Views would continue to be mixed—some open, some blocked, and some changed due to the implementation of project landscaping. View impacts from the project to the coastline,

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17 cont. lagoons, and river valleys, however, would be avoided or minimized as a matter of project design. While the final design of soundwalls in the project area has not been determined, *Section 3.7* of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.120,* and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, and/or earthen berms or berm and wall combinations to retain desirable views. Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. Build alternatives that would not include retaining walls or sound barriers would require substantially greater right-of-way and/or result in mitigable noise effects being left unattenuated.

18 As stated in EIR/EIS *Section 1.2, Purpose for the Project*, the overall project purpose is "To maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year…." Contrary to the comment, this objective does not focus on "other regions." Also, the percentage of truck traffic is anticipated to remain relatively constant, at approximately six percent, which would mirror existing conditions. The Community Impact Assessment (CIA) prepared for the proposed project concluded that decreased congestion along the project corridor has the potential to allow regional motorists and local residents to access businesses more efficiently, thereby increasing commerce. Implementation of the project would likely have a positive impact to businesses throughout the project corridor due to the improved efficiency of access to other highways and surface streets. Without improvements to I-5, traffic conditions and the effective movement of people and goods would continue to deteriorate (refer to EIR/EIS *Section 1.3, Need for the Project*).

With regard to project-related effects on local farmers, as noted above, approximately six percent of the vehicular traffic along the project corridor is comprised of trucks, and only a limited portion of those trucks would be traveling from any location without the

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18 cont. outside of the region when they are available locally creates additional environmental impacts related to transportation, which includes contribution to global warming. LPLF requests that the DEIR/EIS be revised to provide mitigation for impacts to local businesses and environmental impacts associated with the intraregional and interregional transportation of goods.

19 6. **The DEIR/EIS does not faithfully explore and represent the benefits of the No Build Alternative.** As a requirement under CEQA, the DIER/EIS must discuss the No-Build Alternative, faithfully exploring the benefits of this alternative. While the DEIR/EIS does discuss the No-Build Alternative, it falls short of accurately and adequately describing this alternative. The DEIR/EIS does not accurately or adequately represent or explore impacts that will occur by selecting the No-Build Alternative. In Section 3.22 (Invasive Species), the DEIR/EIS identifies the benefits of the Build Alternatives for addressing the presence of invasive plant species along slopes of the I-5 while stating that selection of the No-Build Alternative will result in the spread of these invasive species. However, the DEIR/EIS neglects to mention that the presence of the invasive plant species along the I-5 berms is a direct result of Caltrans planting them on these slopes or failing to adequately maintain their revegatation sites along the freeway.

20 The DEIR/EIS also misrepresents the No-Build Alternative by implying selecting this alternative will lead to the destruction of San Elijo Lagoon due to sedimentation since this alternative will not provide funding for the large-scale restoration of the lagoon that includes the widening of the I-5 bridge that spans the lagoon and the relocation of the lagoon mouth in an attempt to expand the lagoon's tidal prism. Accelerated rates of sedimentation in our coastal lagoons is a product of geomorphic imbalance and hydromodification in the watershed caused by urbanization. Sediment from the watershed will not be flushed out of the lagoon mouth at San Elijo regardless of where the mouth is located since a majority of sediment drops out when salinity gradients change when freshwater and saltwater merge due to changes in polarity in the two types of water within the lagoon/watershed interface. The No-Build

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18 cont. same environmental or vocational safeguards as in San Diego County—with an even smaller percentage hauling produce and other agricultural goods.

19 The No Build alternative is accurately and adequately evaluated in each technical issue section in EIR/EIS *Chapter 3*, *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. As discussed in EIR/EIS *Section 2.2.4*, *No Build Alternative*, the "no build" analysis must discuss the existing conditions regardless of their origin or source, as well as what other projects would be reasonably expected to occur in the foreseeable future if the proposed project was not approved. The No Build alternative provides a baseline for comparing the impacts with the other alternatives. Regardless of how the invasive plant species were introduced on site, the statement that "existing invasive species problems would likely become worse through time and species spread" under the No Build alternative is accurate.

20 The EIR/EIS neither states nor implies a connection between the No Build alternative and "the destruction of San Elijo Lagoon." Rather, as summarized in EIR/EIS *Section 3.18*, while the No Build alternative would not have any permanent impacts on the majority of these waters of the U.S., without replacement of the existing I-5 bridges proposed under this project, there is no option to lengthen I-5 bridges or remove fill under the bridges, with related enhancement of flow in the lagoons. As noted above in the responses to your Comments 03 and 14, additional detailed studies have been prepared since the completion of the Draft EIR/EIS regarding potential impacts to the biology and hydrology

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20 cont. Alternative would most likely protect San Elijo Lagoon from sedimentation from the watershed. The current configuration of the I-5 bridge and berms located east of I-5 at this lagoon would continue to reduce sediment transport rates from storm water flows originating in the watershed, causing sediment loads to drop out before it reaches lagoon channels.

21 The DEIR/EIS also portrays the No-Build Alternative as not providing enhancement opportunities through required mitigation when compared to the four Build Alternatives. However, this is not an accurate portrayal of the No-Build Alternative since Caltrans would still need perform mitigation associated with impacts generated by upgrades to existing NCC components in order to comply with CEQA and discretionary permits for each improvement effort. The DEIR/EIS states that improvements to the NCC would still occur, regardless of whether the DEIR/EIS that is currently proposed is approved or not. The proposed DEIR/EIS is meant to streamline permitting of the improvements to the NCC and that several of these improvements will occur under the No-Build Alternative. LPLF requests that the DEIR/EIS be revised to accurately portray the benefits and impacts of the No-Build Alternative.

If you have any questions, please contact me at (760) 271-0574.

Sincerely,

Mike Hastings

Mike Hastings, Executive Director
Los Peñasquitos Lagoon Foundation

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20 cont. of the six coastal lagoons and related waterways, including San Elijo Lagoon. These studies evaluate the relationships between tidal exchange and the "health" of individual lagoons and identify a number of options for improving tidal exchange in San Elijo Lagoon through the modification of the existing bridge and channel dimensions, in concert with the proposed San Elijo Lagoon Restoration Project (SELRP). The SELRP identifies a number of alternatives to maximize the restoration of the lagoon's functions and habitat values, including modifications to the main channel and lagoon basins, as well as enlarging or relocating the lagoon inlet. Accordingly, the analysis concludes that the optimized I-5 bridge and channel dimensions identified for San Elijo Lagoon, in concert with (and depending upon) applicable SELRP features, would result in increased tidal range and fluvial flow characteristics, with associated benefits for lagoon habitats, residence time (which affects sediment transport), water quality, and flood control.

While it is true, as indicated in this comment, that increased sediment transport into coastal lagoons is related in part to upstream urban development, the No Build alternative would not be likely to protect San Elijo Lagoon from sedimentation. The fact that the lagoon is currently listed as a Clean Water Act (CWA) Section 303(d) impaired water for sedimentation and siltation underscores the fact that existing sedimentation issues in the associated watershed are problematic. Accordingly, while implementing the No Build alternative would not necessarily in and of itself substantially worsen this situation, it is not likely to protect San Elijo Lagoon from sedimentation. The EIR/EIS notes that project-related erosion and sedimentation potential within the San Elijo Lagoon watershed, project construction, operation, and maintenance would encompass a number of design measures and BMPs to avoid, minimize, and/or mitigate associated potential effects, as described in EIR/EIS *Section 3.10* and summarized

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	20 cont. above in the responses to your Comments 09, 13, and 14. Also, Final EIR/EIS *Section 3.10.4* contains an enhanced discussion of hydromodification. With respect to sediment transport within and out of San Elijo Lagoon, the noted optimization study indicates that sediment transport within the lagoon is related to flow velocities. That is, sediment movement is dependent on tidal flows during dry periods, and is related to flood velocities during storms. Accordingly, implementation of the proposed I-5 bridge and channel modifications would, in concert with (and depending upon) the selected SELRP alternative, help to improve flows and related sediment transport within and from the lagoon.
	21 This comment is correct in stating that Caltrans would still be required to perform mitigation for impacts generated by the other interchange, operations, and adjacent projects anticipated to move forward separately from the *I-5 NCC Project* should the No Build alternative be selected. As stated in EIR/EIS *Section 2.2.4*, each of these projects would have their own required mitigation, minimization, and/or avoidance measures, as appropriate. Implementation of the No Build alternative, however, would not result in I-5-related improvements immediately upstream from the lagoon as described in responses to your Comments 09, 13, 14, and 20. Nor would other project elements, such as community and regional enhancements, or soundwalls that also function to attenuate existing conditions, be implemented. As such, the No Build alternative as it provides a baseline for comparing the impacts with the other alternatives is accurately portrayed in the EIR/EIS.

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Attachment 1. 1
Restoration and Enhancement Priorities for Los Peñasquitos Lagoon

RESTORATION AND ENHANCEMENT PRIORITIES FOR LOS PENASQUITOS LAGOON

DESCRIPTION: This document represents a list of current restoration and enhancement priorities within the Los Peñasquitos Lagoon based upon the recent re-characterization of lagoon environs performed by Coastal Environments in 2004 and follow up meetings with Hany Elwany of Coastal Environments and Darren Smith of State Parks. This list may be revised and or amended as other management projects and/or priorities, not listed in this document, become feasible or determined to be a priority by the Los Peñasquitos Lagoon Foundation's Board of Directors and their Technical Advisory Committee.

1. Los Peñasquitos Lagoon Mouth Maintenance.

a. *Goal.* To protect and enhance native salt marsh habitat and species from impacts associated with declining water quality during extended mouth closures and/or storm runoff from the watershed.

b. *Description.* Maintaining an open mouth and maximizing the lagoon's tidal prism is essential to the health of Los Penasquitos Lagoon. Tidal mixing improves and stabilizes water quality for organisms living in the lagoon and protects a valuable food source for endemic and migratory animals (e.g. birds) that feed on some of these organisms. While the lagoon mouth may periodically close and re-open during the year, urbanization along lagoon boundaries has reduced the frequency of natural openings. Therefore, mechanized opening are needed at least once a year. Mechanized openings vary from small-scale openings that lower water levels within the lagoon and provide temporary relief from poor water quality, to medium-scale openings that aim at improving the tidal prism within the lagoon, to large-scale openings that aim to maximize the tidal prism within the lagoon.

22 c. *Cost.* $300,000 annually.

2. Los Peñasquitos Lagoon Enhancement Plan Update

a. *Goal.* To update the existing lagoon enhancement plan and continued implementation of its management priorities in order to protect the beneficial uses of LPL which are dependent on restoring and enhancing lagoon water quality, natural processes, and native salt marsh habitats.

b. *Description.* Organize both historic and new information, including recent characterizations of lagoon habitats, into a concise yet descriptive format that builds upon the work previously performed during the creation of the original enhancement plan certified in 1985. Revise descriptive mapping and narratives to reflect current status of lagoon environs and stakeholder groups (e.g. landowners). Review proposed management priorities revised in 2004 through a Systems Analyses Report performed by Coastal Environments and funded by the Coastal Conservancy. Begin planning (if needed) and CEQA documentation and related permits/agreements for the approved management priorities.

c. *Cost:* $350,000.

3. Los Peñasquitos Lagoon Low-flow Channel.

a. *Goal.* To protect native salt marsh habitats at LPL from impacts (e.g. advancing nonnative riparian) associated with year round freshwater intrusion from Carmel Creek.

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22 This attachment details restoration and enhancement priorities identified by the LPLF, State Parks and the State Coastal Conservancy. The proposed project would not hinder the LPLF from implementing any of these projects.

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Attachment 1. 2
Restoration and Enhancement Priorities for Los Peñasquitos Lagoon

b. *Description.* Divert freshwater flows from Carmel Creek by creating a low flow channel that will redirect and disperse these flows toward the eastern portion of the lagoon. Impacts associated with freshwater, such as the rapid advancement of riparian vegetation, will be reduced as the amount of freshwater will be distributed spatially across the eastern lagoon, rather than impounding in watershed/lagoon interface as is the current situation.

c. *Cost:* $500,000.

4. Los Peñasquitos Lagoon Habitat Diversification Project.

a. *Goal.* To enhance and protect the beneficial uses of LPL through diversifying lagoon habitat.

b. *Description.* The Los Peñasquitos Lagoon Habitat Diversification Project will improve lagoon health by increasing circulation within tidal channels and improving the overall tidal prism at the lagoon through the deepening of lagoon channels, reconnecting of historic channels that have been segmented due to construction within the lagoon (e.g. railway berm) and along its borders (e.g. Highway 101) and improving circulation east of the railway through the implementation of additional culverts under the railroad berm. Removal of non-native vegetation and planting of natives would also be included in this project as the need arises.

22 cont.

c. *Cost:* $1,500,000.

5. Los Peñasquitos Lagoon Pollutant Monitoring

a. *Goal.* To enhance and protect the beneficial uses of LPL through monitoring of potential pollutant loading from the watershed and land use activities (e.g. Sorrento Valley Industrial Park) bordering the lagoon. Significant pollutant loads will be documented and monitored for possible inclusion on the SWRCB's 303(d) list of impaired water bodies.

b. *Description.* The Los Peñasquitos Lagoon Pollutant Monitoring Project will initiate the monitoring of harmful pollutants entering the lagoon from the watershed and lagoon boundaries. Monitoring stations will be selected along the main tributaries and along storm drain outlets that border the lagoon. The project will monitor for presence/absence of pesticides, heavy metals and other pollutants associated with storm water runoff and nearby land use. The monitoring program will be refined as pollutants are identified to measure pollutant levels and potential sources.

c. *Cost:* $150,000 annually.

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November 22, 2010

California Department of Transportation
District 11
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San Diego, CA 92110
By email to I-5_NCC_EIR_EIS@dot.ca.gov

RE: Cabrillo Power I LLC's Comments in Response to the Draft Environmental Impact Report/Environmental Impact Statement for the Interstate 5 North Coast Corridor Project ("Draft EIR/EIS")

Dear Director:

Cabrillo Power I LLC ("Cabrillo Power") provides these comments in response to the California Department of Transportation's ("Caltrans") Draft Environmental Impact Report/Environmental Impact Statement for the Interstate 5 North Coast Corridor Project (the "Project"). Cabrillo Power is the owner in fee of certain real property adjoining the Interstate 5 ("I-5") corridor, on the western side of the Caltrans right of way, extending across the Agua Hedionda Lagoon to the San Diego Gas & Electric Company real property located next to the Cannon Road exit in Carlsbad, California.

01 **Existing and Planned Facilities**

Cabrillo Power currently utilizes the real property located immediately adjacent to the Caltrans right-of-way for the operation of large oil storage tanks, which are in the process of being removed from active service. Furthermore, Cabrillo Power has granted an option to its affiliate Carlsbad Energy Center LLC for approximately 23-acres (substantially all of the 32 acres of Encina Power Station ("EPS") real property located between the Agua Hedionda Lagoon to the north and the SDG&E substation parcel to the south, and between the freeway to the east and the railroad right-of-way to the west), for the purpose of removing three of the four large oil storage tanks and constructing two new rapid response

RESPONSES

Responses to George L. Piantka, Director, Environmental Business, NRG Energy, West Region, and Cabrillo Power

01 Thank you for your comments, which are part of the public record.

The clarification provided in this comment regarding the Encina Power Station and Carlsbad Energy Center (CEC) Project is consistent with the discussion provided in the EIR/EIS. Please refer to the discussions of existing conditions for several of the issue areas analyzed in EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, regarding the Encina Power Station (primarily in relation to Agua Hedionda Lagoon) and EIR/EIS *Section 1.3.7, Other I-5 Projects*, for a discussion of the Carlsbad Energy Center Project.

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combined cycle electric generator gas-fired combustion turbines with a gross output of 558 megawtts ("MW") (Carlsbad Energy Center Project or "CECP").[1]

EPS has been in continuous operation since 1954, and the tank farm property east of the railroad tracks was used to store and provide fuel oil for the five EPS steam boiler units (950 MW). EPS Units 4 and 5 (603 MW) will remain after CECP is completed, and the older boiler Units 1, 2, and 3 will be permanently retired once CECP is constructed. The California Energy Commission (CEC) is expected to render a decision on the license to construct CECP in early- to mid-2011.

The location of CECP was selected initially by the City of Carlsbad Redevelopment Agency (the "City") in its work plan for EPS, approved in the City's Resolution No. 351, February 19, 2002, and later adopted as the preferred location in the City's approved Precise Development Plan 00-02, in City Council Resolution 2003-208. These documents provide for development of the Poseidon Resources Desalination Project on the west side of the railroad tracks where EPS oil storage tank 3 is presently located. This is also reflected in the City's Planning Commission Resolution 6089, dated May 3, 2006, which planned for the eventual retirement of the EPS and replacement with a smaller, more efficient power plant on the east side of the railroad tracks – a reasonable and foreseeable project identified in the City's Redevelopment plans referenced above. The EPS Precise Development Plan ("PDP") covers the area shown in the Project Draft EIR/EIS as potential land to be acquired for the Project.

01 cont.

There are other ancillary electrical power generation and distribution uses and associated infrastructure in the Planning Area 2 (approximately 32 acres) to be occupied by CECP. Such uses include transmission of natural gas, maintenance, storage and operating facilities, communications facilities, dredging operations facilities and storage, and the Carlsbad Sewer Lift Station (the "Lift Station"). A large landscaped berm is located within this area as a means of visually separating the fuel oil storage tanks from southbound travelers on I-5. The Lift Station will be expanded and reconstructed pursuant to provisions in the PDP, and additional sewer lines will be installed. The North County Transit District and Amtrak have announced plans to double-track the railroad through the EPS, and to reconstruct the existing grade crossing, gates, and signals.

CECP is described in more detail in the CEC Final Staff Assessment (the "FSA") for the project. Specifically, certain additional public access features are included in the proposed CECP, which are consistent with the City's PDP. These public features include an extension of the Coastal Bicycle Rail Trail (the "Rail Trail") across a new sewer bridge to the east of the existing rail bridge, looping under the existing bridge to the west of the tracks, and continuing alongside the railroad right-of-way between the rail fence and the new Poseidon Resources Desalination Project, exiting through the SDG&E maintenance yard and crossing Cannon Road to continue south. The Draft EIR/EIS, however, incorrectly describes the proposed location of the Rail Trail as being along the **east** side of the CECP site, next to the freeway. The Draft EIR/EIS should be revised to reflect the description set forth in the CEC FSA.

02

[1] Carlsbad Energy Center LLC filed an Application for Certification ("AFC") for CECP with the California Energy Commission (the "CEC") on September 14, 2007 (07-AFC-6). The CEC completed evidentiary hearings on the AFC in February 2010, and all parties have submitted post-evidentiary hearing briefs regarding issues raised during the hearings.

02 The location of the Coastal Rail Trail is provided in the *I-5 NCC Project* for general reference regarding area trails, with the critical element being general east/west location and ability to access the trail rather than determination of trail design. That is beyond the purview of Caltrans or this project. As a result, the generalized location of the trail along the rail lines is considered adequate for planning purposes. The Rail Trail is not within the scope of the *I-5 NCC Project*. The City of Carlsbad originally prepared and

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Specific Draft EIR/EIS Comments

The below comments address specific sections of the Draft EIR.

1. Section 3 at page 3.1-17 under "Existing Land Use" states

03

> "The proposed project would consist of the expansion of an existing established freeway corridor and would be consistent with existing land uses. The Encina Power Plant would relocate the four transmission poles and a distribution pole further back from the freeway within their own property. Though land uses in specific parcels would shift to transportation, existing land use patterns in the community would not be affected, and no adverse land use impacts are anticipated."

The secured, fenced property immediately adjacent to the existing freeway corridor is a part of EPS. The area potentially impacted by the Project is buffered by an earthen berm and existing, mature trees and shrubs. The berm provides a visual and safety barrier for four (4) large oil storage tanks that are in the process of being removed from service to accommodate CECP. The Draft EIR/EIS must take into account CECP's pending Application for Certification (AFC) before the CEC.

04

Moreover, the large transmission and distribution poles described in Section 3 are owned and operated by San Diego Gas & Electric Company. These transmission lines are a part of the regional bulk electric transmission grid system. Replacing these poles with structures tall enough to accommodate the new high occupancy lanes proposed in the Draft EIR/EIS will likely result in significant, unmitigatible visual impacts that were not fully analyzed in the Draft EIR/EIS, let alone its cost/expense.

05

2. I-5 Widening proposes removal of subject earthen berm and existing screening vegetation from the westerly edge of the freeway corridor. If the berm is removed as proposed for the preferred alternative, minimal horizontal space will exist on the EPS property, preventing similar effective screening present today. Implementation of proposed mitigation measures for visual impacts to include at least equivalent screening of at EPS must be employed. For example, a landscaped berm with a retaining wall would ensure adequate and same or better visual screening. To the extent that the Project fails to accommodate the location of all existing and planned facilities at EPS, the freeway alignment should be adjusted eastward as necessary.

06

3. CECP is a planned future project fully known to Caltrans, as noted in the Draft EIR/EIS, yet fundamental corrections and analysis with respect to the CECP are necessary. CECP will not involve removal of the existing berm and vegetation along western side of I-5; rather the I-5 Widening Project does contemplate removal of the existing berm along Cabrillo Power's property boundary. Therefore, if the Project proposes modification or removal of the subject berm, it must fully analyze impacts associated with the proposed berm modification or removal and propose mitigations.

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02 cont. adopted a Mitigated Negative Declaration for the segment of the trail through the City; it was recently also adopted by the San Diego Association of Governments (SANDAG). The *I-5 NCC Project* originally proposed to construct a trail on the east side of the Encina Power Station. This trail has been removed from the project design, however, and a bike trail on the east side of I-5, adjacent to the Carlsbad Strawberry Fields, is currently proposed as an *I-5 NCC Project* enhancement. The I-5 North Coast Bike Trail is shown on *Figure 2-3.4h* of the Final EIR/EIS. The same figure also shows the preliminary location of the Rail Trail slightly to the east of the existing railroad tracks in the vicinity of the Encina Power Station.

03 As noted in response to your Comment 01, the CEC Project is discussed in *Section 1.3.7* of the EIR/EIS, which addresses the Application for Certification filed with the CEC, accepted as complete on October 31, 2007. The loss of the vegetation is part of the substantial impact for the issue identified in EIR/EIS *Section 3.7.3*.

04 The direct access ramp (DAR) overpass at Cannon Road would have required much taller towers. Following circulation of the Draft EIR/EIS, this DAR was eliminated from the project. As such, it is not anticipated that the transmission lines would need to be raised above the DAR. Some existing transmission line towers in the Cannon Road area would be relocated due to the construction of the Managed Lanes, and may require taller towers with or without the DAR overpass at Cannon Road, however. The height of the transmission lines would depend on the allowable vertical clearance, based on the assumption that the DAR would be built in the future under a separate environmental document.

05 With respect to visual concerns along the interface between the freeway and the Encina Power Station property, please refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvements relative to viewers along I-5 and avoidance, minimization, and mitigation

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	05 cont. measures. The existing berm between the Encina Power Station and the I-5 southbound freeway would remain, but would be reduced in size and height.
	06 With regard to the CEC Project, please see response to Comment 01 above. While it is recognized that project-related effects to these features could result in associated visual impacts, these potential impacts would be short-term in nature and would be fully addressed by project landscaping and related efforts. Specifically, while detailed plans are not currently available due to the ongoing nature of the project design process, any affected berms and/or landscaping at the noted site would be replaced with similar improvements through project design and/or mitigation. Also, please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Should the project be approved and the Preferred Alternative selected, the existing berm between the Encina Power Station and the I-5 southbound freeway would remain, but would be reduced in size and height (8+4 Buffer alternative).

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07 4. As part the CEC workshops and public hearings in 2009 and 2010, CECP urged I-5 realignment to the east as part of the outreach. The Draft EIR/EIS did not include mention of the CEC public meetings. This is especially important since a fundamental design objective for CECP was to utilize, optimize, and in fact, augment the existing mature landscaping and screening vegetation that separates the freeway from the CECP site.

08 5. The preferred I-5 alignment which would result in berm modifications also creates significant public safety impacts, since car lanes will be located further west and therefore closer to existing power plant infrastructure and CECP site. Mitigation measures could include: (1) elimination of the southbound auxiliary lane from Tamarack Avenue south to Cannon Road to increase horizontal space available; (2) overall freeway realignment to the east, and; (3) elimination of the freeway frontage trail discussed in the Draft EIR/EIS, since it would place pedestrians and cyclists into a confined "narrow space between the freeway and the power plant fence."

09 6. Safety of lagoon users is of foremost concern to Cabrillo Power. Another element of public safety is the bridge over Agua Hedionda Lagoon. In the past ten years, three serious vehicle accidents have occurred at the approach to the bridge in the northbound lanes. These accidents resulted in fatalities and motor vehicles ending up in the lagoon. Any redesign should optimize public safety via review of accident history and strategic design of the approach, curve and span over the lagoon with 'crash-proof' elements to prevent vehicles/trucks (and corresponding cargo, rubbish, gasoline, etc) from entering lagoon. Bridge design impacts must also be evaluated carefully and need to demonstrate no impact (or ideally enhancement) to lagoon tidal flow, water quality and biological resources.

10 7. Cabrillo Power has suggested to the CEC that the Rail Trail be located on the west side of the existing rail tracks after crossing the lagoon on a new sewer crossing bridge. CEC Staff has agreed in their FSA. Mitigation for freeway impacts should include construction of the Rail Trail as proposed in the CEC FSA, as well as improvements to pedestrian trails along both the north and south shores of the lagoon to connect pedestrians to the east lobes of the lagoon.

11 8. The existing pedestrian trails were constructed by Cabrillo Power and is owned and maintained by the Agua Hedionda Lagoon Foundation, which also holds title to other pieces of lagoon access trails along the south shore of the large (outer) lobe of the lagoon. As mitigation for increased noise, visual impacts and increased air emissions, Caltrans should include trail construction and a fund to pay for maintenance around the balance of the lagoon system. Such mitigation should include installation of park benches, interpretive signs, bicycle parking, access to public streets, trail head parking, and other amenities consistent with the existing lagoon trail segments, and in accordance with the Carlsbad Trail Plan and Agua Hedionda Lagoon Foundation Trail Plan.

12 9. Under the "Future Land Uses" heading, the Draft EIR states that "[n]o planned future land uses along the corridor would be affected by implementation of the proposed project." As long as planners take into account CECP as described herein and provide for adequate visual screening and

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07 The described intent to utilize, optimize, and augment the existing mature landscaping and screening vegetation that separates the freeway from the CEC Project site is noted. Please note, as described in EIR/EIS *Section 3.7*, *Visual/Aesthetics*, and in the response to your Comment 06, that the project would encompass a number of design elements to address potential project-related visual concerns, including the use of appropriate landscaping to provide visual screening and blending and minimize related impacts in off-site areas.

08 Regarding public safety, although proposed improvements would require additional freeway right-of-way near the Cannon Road Interchange, including a portion of the subject property, widening the freeway at this location would not increase safety hazards for motorists. As shown in this Final EIR/EIS, pedestrians and bike riders using the proposed trail, which would be part of the proposed I-5 North Coast (NC) Bike Trail, would be routed east of I-5 in the areas between Cannon Road and Chinquapin Avenue. The freeway and trail would be physically separated from adjacent uses and would not interfere with existing and future energy infrastructure or operations. Therefore, no mitigation is required.

09 Regarding Agua Hedionda Lagoon, the project proposes to replace the bridge over the lagoon with a wider structure. The bridge design would be in compliance with applicable State standards and the Highway Design Manual, thereby it would be in compliance with design features to reduce public safety hazards. With regard to bridge improvements and enhanced tidal flow, please refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since the circulation of the Draft EIR/EIS in 2010. Based on those studies, the existing length of the I-5 crossing at Agua Hedionda Lagoon was determined to be appropriate. Topical Response "Lagoon Evaluations" also addresses the importance of the Transportation Resource and Enhancement Program. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale.

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	10 With regard to the location of future segments of the Coastal Rail Trail, the Rail Trail is a separate project being implemented by local cities. The *I-5 NCC Project* does not propose to construct segments of the Rail Trail but does identify potential regional and community enhancements along the project corridor. Within Carlsbad, one of these potential enhancements includes trail improvements at Agua Hedionda Lagoon. The trail segment, identified in Final EIR/EIS *Table ES.13* as Carlsbad feature 3 – Bicycle/Pedestrian Enhanced Trail on east side of I-5 at Agua Hedionda Lagoon, would extend along the east side of I-5 between Cannon Road, cross over Agua Hedionda Lagoon, to Chinquapin Avenue. The trail improvements at Agua Hedionda Lagoon would provide connectivity to the trail system currently severed by the lagoon and freeway, as well as provide enhanced access for communities to coastal areas and the lagoon. Additionally, this trail segment is also a segment of the proposed NC Bike Trail, which would connect to and complement non-motorized transportation modes provided by the Coastal Rail Trail. Please refer to Final EIR/EIS *Figure 2-3.4h* for the proposed alignment of the NC Bike Trail in this area and the connection to future segments of the Coastal Rail Trail.
	11 Mitigation for noise impacts consists of attenuation through use of sound barriers. Barriers are not proposed at Agua Hedionda Lagoon as no special status bird species were identified during project surveys or are known from other surveys. Physical barriers could impede wildlife movement in this area and "built" features are being minimized to the extent possible in the lagoon setting. With regard to impacts to humans, the overall noise increase at Agua Hedionda is projected to generally be two decibels (dBA), with some locations increasing to three dBA. Increases of three dBA or less are generally not detectable by the average healthy human ear. With regard to visual impacts, *Section 3.7* of the EIR/EIS identifies a number of measures to address associated potential visual concerns related to the removal of vegetation and visible portions of retaining walls. Specifically, as depicted on *Figures 3-7.113* through *3-7.122,* this may include such efforts as the use of landscaping; planting buffers and pockets; as well as architectural features such as pilasters and caps, enhanced surface materials,

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	11 cont. and integral colors that would provide relief from monolithic appearance and reduce the apparent scale of retaining wall features. Project-related air emissions concerns are addressed in EIR/EIS *Section 3.14, Air Quality*. As discussed, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared with existing conditions. Please refer to Topical Response "Air Pollutants" for additional discussion on potential air quality effects. In summary, appropriate mitigation is required as described for project-related effects, and there is no nexus between improved air quality conditions or the less than substantial noise effects in this area and requested mitigation. Consistent with the request, however, various community and regional enhancements would be constructed simultaneously with the *I-5 NCC Project*, as described in EIR/EIS *Section 2.3.* These include implementation of bicycle and pedestrian enhanced trails at Agua Hedionda Lagoon and connections to the NC Bike Trail. This and other community enhancement projects would improve recreational facilities and enhance access within the Carlsbad community. 12 As noted in responses to your Comments 07, 08, and 09, the project would encompass a number of design elements to address safety issues as well as design elements and mitigation to address potential project-related visual concerns. With these design features and mitigation measures in place, and consistent with the comment, the I-5 facility is compatible with abutting industrial uses. EIR/EIS *Sections 3.7* (project direct) and *3.25* (cumulative) impacts discussions conclude that cumulative visual impacts would not be fully mitigated.

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12 cont. safety buffering facilities, the Project should be compatible with the proposed future uses of the parcels owned by Cabrillo Power adjacent to the freeway corridor. However, the Draft EIR/EIS fails to adequately analyze direct and cumulative impacts of both projects.

13 10. The Draft EIR at page 3.1-25, under the "Agua Hedionda Land Use Plan", states that "minor acquisitions of land and open water within Agua Hedionda Lagoon." The Draft EIR/EIS must recognize that the Agua Hedionda Lagoon floor is owned in fee by Cabrillo Power. Any taking of that portion of the lagoon for highway purposes must accommodate continued tidal flow of the existing dredged tidal prism for seawater cooling of EPS, use of seawater by Poseidon Resources for desalination feed water and dilution water, recreation by boaters, kayakers, fishing, and YMCA camp activities, shell fish production, the white sea bass hatchery, and other uses of the Agua Hedionda Lagoon. The Draft EIR/EIS fails to analyze the direct and cumulative impacts to these uses and the lagoon ecology of the further bridge widening.

14 11. At page 3.1027, "Carlsbad Habitat Management Plan", the discussion of impacts of the widening and increased traffic, noise, air emissions, and visual changes fail to take consider the rich and abundant wildlife involved in the ecosystem represented by the Agua Hedionda Lagoon. Many important resources and impacts to resources have not been thoroughly analyzed or discussed in the habitat portion of the Draft EIR. For example, over 100 vertebrate species live in or on the lagoon and over 200 invertebrate species thrive in the water, mud, and banks of the lagoon. Sea birds and mammals roost or visit the lagoons for feeding, nesting, and basking. All of these species are important resources.

15 12. In addition, the process of maintenance dredging and controlled access to the waters of the three lobes of the lagoon allows the lagoon to remain an important resource available for many uses. These uses include, but are no limited to industrial (power generation, sea water desalination), commercial fishing conservation (Hubbs Sea World Research Institute white sea bass hatchery and the Carlsbad Aqua Farm shell fish activities), and fish ecology studies and scientific investigations. In addition, the lagoon is home to pharmaceutical testing and discovery of new products for health and science; the ongoing culture of a species of abalone that may be capable of restoration; the study of culturing seahorse species indigenous to the lagoon and oceans around the world; and the culturing of octopi and various shell fish other than mussels. The maintenance of eelgrass beds for a nursery for billions of ocean larvae and other important uses also have not been discussed in the habitat portion of the EIR/EIS and should be described and considered as potentially impacted by the Project.

16 13. Mitigation in the form of ongoing support of the many activities described above should be considered. Thousands of southern California children participate in the aquatic activities of the YMCA youth camp on the shores of the middle lobe of the lagoon, and their safety, quietude, and health should be addressed by the EIR/EIS and mitigation provided to the extent feasible and desirable.

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13 Ownership of applicable portions of Agua Hedionda Lagoon by Cabrillo Power is acknowledged and project-related effects to tidal flows in the lagoon from proposed improvements at the I-5 bridge, are addressed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*. Specifically, *Section 3.10.2.6*, under the heading *Agua Hedionda Lagoon*, noted that: "The majority of the lagoon is owned and maintained by Encina Power, owners of a 900-megawatt power plant located on the outer segment of the lagoon." This statement has been changed in the Final EIR/EIS to note that the owner is actually Cabrillo Power I LLC. As discussed in this Final EIR/EIS, additional detailed studies have been prepared since the circulation of the Draft EIR/EIS regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor, including Agua Hedionda Lagoon. This evaluation incorporates the results of associated technical analyses including biological assessments, hydrologic and hydraulic studies and Caltrans interaction with lagoon scientists, with these efforts intended to identify "optimized" bridge and channel designs that would maximize the health and function of the lagoons through enhanced tidal exchange and related efforts such as habitat preservation, enhancement, and creation. The analysis conducted for Agua Hedionda Lagoon concluded that the existing bridge length and the current channel configuration represent the "optimum" conditions, as associated expansions and modifications would not provide notable improvements to tidal flow relative to associated costs. The existing bridge would be widened, however, and an associated reduction in the overall number of support columns would result in less obstruction in the channel and a reduced potential to restrict flows compared to the current design. Accordingly, the maximum tidal range in the lagoon, which is the difference between the lowest and highest observed water levels, would increase from 8.26 to 8.38 feet, with corresponding benefits for the lagoon hydraulics and ecosystem

ORGANIZATIONS — COMMENTS	RESPONSES
	13 cont. (refer to Final EIR/EIS *Table 3.17.9*). Based on the described conditions, implementation of the proposed project would continue to accommodate tidal flow. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related issues regarding coastal lagoons.
	14 Regarding the discussion of the "Carlsbad Habitat Management Plan" in EIR/EIS *Section 3.1, Land Use* (*Table 3.1.1*), this evaluation is summary in nature and focused on land use planning conformance rather than biological resources. The supporting analysis in EIR/EIS *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*, however, as well as the corresponding Natural Environmental Study (NES), provide a detailed assessment of biological resources within the project corridor; along with the analysis of potential project impacts and associated avoidance, minimization, and mitigation measures. Specifically, this includes a focused study of biological resources at Agua Hedionda, with detailed evaluations of the lagoon ecosystem and related issues such as aquatic communities (including eelgrass), fisheries, invertebrates, and water quality (refer to NES Appendix C). The main body of the NES includes the additional assessment of lagoon ecosystems and associated potential project impacts, as well as analyses of terrestrial (upland and wetland) habitats, attendant floral and faunal species, and related potential project impacts in the I-5 corridor. The NES also includes extensive lists of observed and anticipated species within the project area, and is available for review at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNatural.pdf. Based on the described information and the additional related studies discussed in the response to your Comment 13 regarding supplemental studies circulated in August 2012, the EIR/EIS concludes that project-related impacts to biological resources, including wetlands, lagoons, and waterways, would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package for unavoidable impacts has been developed in concert with wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource

ORGANIZATIONS — COMMENTS	RESPONSES
	14 cont. Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach.
	15 With respect to existing biological resources, hydrologic and hydraulic conditions, and associated uses at Agua Hedionda Lagoon, please refer to the responses to your Comments 13 and 14 above. As discussed, the EIR/EIS includes an assessment of existing resources and uses at the lagoon, with the proposed project design and related avoidance, minimization, and mitigation measures intended to maintain or increase tidal exchange and contribute to improving the ecological health of the lagoon system. Accordingly, project implementation would not be expected to adversely affect the associated industrial, commercial, and research uses described in this comment, and, as noted, is expected to help improve the ecological conditions in the lagoon that support these uses relative to the I-5 crossing. The EIR/EIS and NES also provide extensive discussion of eelgrass habitat, associated resource values, and potential project impacts at locations including Agua Hedionda Lagoon (e.g., refer to EIR/EIS *Section 3.17* and NES Appendix C). In addition, *Section 3.17.3* of this Final EIR/EIS includes requirements to conduct eelgrass surveys at applicable locations (including Agua Hedionda Lagoon) during and after project construction, and to implement associated mitigation measures as applicable to ensure compliance with related regulatory requirements.
	16 Please refer to the responses to your Comments 11, regarding air quality; as well as 13 and 14, which describe how avoidance and minimization efforts have been incorporated into the project design, and that an extensive mitigation package for unavoidable impacts has been developed (refer to the Environmental Commitments Record in EIR/EIS Appendix D). Project elements would be anticipated to beneficially affect children's health and lagoon safety, and would not substantially affect lagoon quietude. Please refer to the response to your Comment 11.

ORGANIZATIONS — COMMENTS

RESPONSES

17 14. The Draft EIR/EIS at page 3.1-34 discusses the City's General Plan and Land Use Element Environmental Goal. The proposed coordination with wildlife agencies regarding the natural resources of the Agua Hedionda Lagoon lacks specificity for the mitigation of the impacts the Project will have on human and ecological resources (including birds, animals, fish, and benthic organisms) from increased noise, visual changes, air emissions and reduction of habitat. To the extent the Project removes the earthen berm and existing dense foliage along the EPS boundary, it will expose existing oil tanks and the future CECP (until the proposed CECP landscape element matures). It will increase the exposure of noise, visual blight, air emissions and safety concerns for lagoon inhabitants and users. Further commitment should be given to providing pedestrian trails and under bridge crossings, completing the Rail Trail, and protecting wildlife through visual screening and other components to reduce the impacts of this Project during construction and for many years into the future.

18 15. Page 3.4-3 begins the discussion of "Environmental Consequences." The Draft EIR/EIS makes a statement that "[t]he proposed project would not worsen existing conditions with respect to community character or cohesion…" The freeway corridor separates Carlsbad from east to west, with few meaningful crossing points. Increased traffic noise, air emissions, and widening the gap between communities present significant negative impacts. Noise from the freeway envelopes most residential areas of the City. Properly aligning the freeway approach to the bridges, elevating the bridges, and placing screening barriers could mitigate the visual and noise impacts to the community and lagoon at this key crossing point.

19 16. To better assess actual visual impacts, Caltrans should develop profiles and elevations to show before and after treatment to this area and should consider an easterly adjustment to the I-5 alignment to allow for proposed mitigation. Caltrans needs to reassess this impact with the correct baseline of project impacts to develop feasible mitigation and evaluate direct and cumulative impacts.

20 17. With respect to Project Alternatives, a fundamental comment from Cabrillo Power and Carlsbad Energy Center LLC's review of the Draft EIR/EIS is realign the I-5 Widening to the east to minimize impacts and allow for feasible mitigation measures regarding visual and public safety. Given the stated I-5 Widening project objective to "Protect and/or enhance the human and natural environment along the I-5 corridor" and the CECP frontage location, the combined visual and public Safety impacts discussed earlier warrant a reassessment of specific impacts and feasible mitigation measures. This also applies to improved bridge design for public safety over the lagoon.

17 The discussion of the "City's General Plan and Land Use Element Environmental Goal" in EIR/EIS *Section 3.1, Land Use*, and related agency coordination and mitigation requirements, is summary in nature and focused on land use planning conformance rather than biological resources. As described in the responses to your Comments 13 through 15, the proposed project includes substantial avoidance and minimization efforts for biological (and other) resources, along with an extensive mitigation package developed in concert with the wildlife agencies. In addition to measures associated with the protection of biological resources, the EIR/EIS includes analysis of potential project-related noise, air quality, and water quality impacts to the coastal lagoons and attendant species. Specifically, this includes the evaluation of noise-related impacts and mitigation for wildlife in EIR/EIS *Section 3.21, Threatened and Endangered Species,* as well as the analysis of air emissions and associated potential water quality effects to coastal lagoons and related waterways in *Sections 3.10* and *3.14, Air Quality*. The evaluation of project-related noise effects to wildlife is focused on bird species, as they utilize a variety of vocalizations throughout their daily activities (e.g., mating calls, contact notes, etc.). The associated discussion in *Section 3.21* incorporates modeling of project-generated noise levels at a number of noise receptor sites, including four locations at Agua Hedionda Lagoon. The results of these efforts indicate that projected future noise levels at the lagoon would increase by two to three dBA. While the described level of increase would be generally imperceptible to humans, the EIR/EIS explains that the level of noise changes that is perceptible to bird species is unclear, and there is no single standard for determining substantial noise effects on all bird species. Prior studies that have indicated a possible noise effect standard for certain species of songbirds have not been scientifically shown to be valid for those species addressed in the *I-5 NCC Project* NES. Under existing conditions, however, noise in excess of 70 dBA occurs over various amounts of wetland and upland habitats that either support, or have potential to support, special status bird species

ORGANIZATIONS — COMMENTS

We appreciate the opportunity to comment on the Draft EIR/EIS for the I-5 North Coast Corridor Project. We recognize the significant effort of Caltrans District 11 to prepare and distribute regionally significant project information for public comment. We look forward to further discussions with District 11 on this Draft EIR/EIS as it pertains to the Encina Power Station and the proposed Carlsbad Energy Center Project.

Respectfully submitted,

Cabrillo Power I LLC
Carlsbad Energy Center LLC

George L. Piantka
Director, Environmental Business
NRG Energy, West Region

RESPONSES

17 cont. at the lagoons within the project area, including Agua Hedionda. As described in *Section 4.9* of the NES, while population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. Please also refer to Final EIR/EIS *Section 3.15, Noise*, and *Figures 2-2.3, Sheets 50* through *52* for additional information on measured and modeled noise levels within the project corridor near Agua Hedionda Lagoon.

With respect to potential effects to biological resources in Agua Hedionda Lagoon from air emissions, the analysis in EIR/EIS *Section 3.10* includes the evaluation of potential effects to coastal lagoons and waterways from sources including exhaust-generated pollutants such as nitrite. This analysis identifies potential pollutants and related effects and identifies appropriate best management practices (BMPs) to address potential project-related concerns. Caltrans-approved preliminary project-specific BMPs are identified in the Final EIR/EIS where practicable based on current project design, with preliminary locations shown on *Figures 2-2.3, Sheets 1* through *67* as applicable. In addition, as discussed below for the human environment, the proposed project would result in an overall reduction of vehicular emission levels compared with existing conditions.

For the human environment, potential project impacts related to air quality, noise, and visual concerns are addressed in EIR/EIS *Sections 3.14*, *3.15,* and *3.7*. The discussion in *Section 3.14* notes that the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality considerations. As described above in this comment, the increase in noise levels at the lagoon is not expected to be generally audible to human listeners.

Regarding visual concerns, please refer to Topical Response "Visual/Community Effects" for information on potentially substantial visual

ORGANIZATIONS — COMMENTS	RESPONSES
	17 cont. effects of the proposed improvements relative to viewers along I-5, as well as the less than substantial nature of the project's effects anticipated as the viewer leaves the I-5 corridor. With respect to the "earthen berm and existing dense foliage" along the EPS boundary, potential impacts may occur should these features be removed; these potential impacts would be short-term and would be fully addressed by project landscaping and related efforts. As noted in the response to your Comment 06, berm impacts may be substantially minimized or even eliminated depending upon which (if any) build alternative is selected for implementation. Regarding potential air quality concerns associated with potential effects to the noted landscaped berms, it should be noted that while features such as vegetation can exhibit some benefits for reducing the dispersal of air pollutants in situations where substantial vegetation "depth" is present (e.g., large orchards or wooded areas), the "shallow" vegetation and berms within the generally confined I-5 corridor do not notably reduce air quality related effects. The potential "safety concerns" identified in this comment for project activities within and adjacent to the lagoon would be addressed through standard requirements related to issues such as construction operations, access restrictions, public information and notification, noise abatement, and hazards and hazardous materials (e.g., Caltrans, Occupational Safety and Health Administration, and U.S. Environmental Protection Agency standards). Accordingly, no associated substantial adverse effects are anticipated from project implementation. Regarding project-related commitments to pedestrian trails, "under bridge crossings" and the San Diego Rail Trail, please refer to the response to your Comment 10. The proposed modified I-5 bridge at Agua Hedionda Lagoon would include a dedicated "under bridge" wildlife corridor bench located along the southern embankment slope, and a north-south bike and pedestrian trail across the lagoon on the eastern side of I-5 (part of the NC Bike Trail), with related connections to the Coastal Rail Trail (refer to Final EIR/EIS *Figure 3-18.2f* and to the Project Features Maps in *Figures 2-2.3*).

ORGANIZATIONS — COMMENTS | RESPONSES

18 Specific to community character, the changes to the I-5 right-of-way would be focused and linear in nature. As stated in EIR/EIS *Section 3.4, Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area. Overall, because the project generally would improve rather than adversely impact recreational facilities, and would enhance access within the community, the implementation of new project features is not expected to have an adverse effect on quality of life or lifestyle. Please refer to Topical Response "Visual/Community Effects" for more information regarding potential effects of proposed I-5 modifications on North County lifestyle and why those impacts are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway.

Please refer to the response to your Comment 11 for information on anticipated improved air quality. The project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans criteria. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and as described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

With regard to your suggestions for additional visual and noise mitigation, the existing alignment of the freeway is being modified as little as possible to reduce impacts to private property. Realigning the freeway approach to the bridges could have substantial impacts to properties adjoining the freeway. Additionally, project features have been kept as low-profile as possible in order to reduce visual impacts. Elevating the bridges would make them more visible and

ORGANIZATIONS — COMMENTS	RESPONSES
	18 cont. could result in blocking westerly views for viewers from the east. Sound attenuation ("screening barriers") has been proposed where possible as discussed in EIR/EIS *Section 3.15, Noise.* Barriers to block views of the freeway would not be proposed due to concerns related to blockage of other view elements as well.
	19 Please refer to the response to your Comment 18 regarding realignment of the I-5. As indicated throughout responses to this letter, the correct baseline for impacts (existing conditions) was used.
	20 With respect to your suggestion to realign the freeway widening to the east, the footprint of the proposed improvements is based on a number of factors and considerations, such as minimizing impacts to the environment, minimizing right-of-way acquisition, and roadway geometry. A number of efforts have been made during the project design process to avoid, minimize, and/or mitigate project-related community impacts to the maximum extent practicable. One of these efforts was the identification of the Preferred Alternative. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. Accordingly, the EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. Please refer to responses to Comments 04 and 05 regarding visual concerns, and Comments 08 and 09 regarding public safety.

ORGANIZATIONS – COMMENTS

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November 18, 2010

Ms. Shay Lynn M. Harrison
Chief, Environmental Analysis
Caltrans District 11
4050 Taylor Street
San Diego, CA 92110

Interstate 5 North Coast Corridor Draft EIR/EIS

Dear Ms. Harrison:

01 The Rancho Santa Fe Association appreciates the opportunity to comment on the DEIR/EIS for the I-5 North Coast Corridor project. In addition to other benefits, widening the I-5 corridor will provide needed capacity improvements that will help alleviate cut-through traffic that occurs when commuters attempt to bypass freeway congestion by using the network of adjacent, local roads.

Of the alternatives studied in the DEIR/EIR, the Rancho Santa Fe Association generally supports the '10+4 Buffer Alternative', as it would provide the greatest long term benefit with respect to reducing traffic congestion. The '10+4 Buffer Alternative' has the added benefit of providing 2 additional general purpose lanes in a slightly narrower corridor width than the '8+4 Barrier Alternative'.

02 However, after reviewing Section 2.5 of the DEIR/EIS – *Alternatives Considered but Eliminated from Further Discussion* and listening to presentations from SANDAG and to public testimony, the Rancho Santa Fe Association recommends that Caltrans evaluate a '10+2 [2+0]) Alternative' whereby the 2 Managed Lanes in the center of the freeway would be fully reversible through the use of a moveable median barrier. Although two similar options were studied (Freeway Managed Lanes in an 8+3 configuration), those options did not evaluate two additional General Purpose Lanes in conjunction with the Managed Lanes, nor did those options evaluate the inclusion of Direct Access Ramps at key locations.

The two fully reversible Managed Lanes would provide the same capacity (in the peak flow direction) as the two conventional Managed Lanes in the project alternatives.

A Homeowners Association, Incorporated under the laws of the State of California, July 14, 1927

RESPONSES

Responses to Rancho Santa Fe Association

01 Thank you for your comments, which are part of the public record. Your preference for the 10+4 Buffer alternative is noted. Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Please also note that build alternatives proposing an additional general purpose lane in addition to the High Occupancy Vehicle (HOV)/Managed Lanes do not provide substantially greater benefit than the Preferred Alternative.

02 Several alternatives were considered before the build alternatives were chosen as the most viable options. As noted in your comment, these previously considered alternatives included two options with reversible HOV/Managed Lanes, similar to the "10+2 [2+0] Alternative" you recommended. These reversible HOV/Managed Lanes were removed from further consideration during the planning process due to PM peak hour traffic occurring on both northbound and southbound sides of the freeway (refer to Final EIR/EIS *Table 3.6.3*), whereas, the reversible lanes are only

ORGANIZATIONS — COMMENTS

02 cont. When combined with the two additional General Purpose Lanes, this alternative should provide the same (or very similar) capacity improvements as the '10+4 Buffer Alternative' (in the peak flow direction for the Managed Lanes). Overall, this configuration would be substantially narrower than the '8+4 Barrier Alternative' because the planted median would be removed to accommodate the reversible Managed Lanes. Where required, Auxiliary Lanes and Direct Access Ramps would still be utilized to provide access for Bus Rapid Transit. As with the 8+4 Alternatives, one final benefit of a '10+2 [2+0]) Alternative' is that for the most part, it could be built within the existing right of way.

03 The DEIR/EIS must evaluate the link between land use patterns (both existing and proposed) when considering the provision of public transit. Existing single-family detached housing patterns coupled with several discrete employment centers, such as exist in the Golden Triangle, Mira Mesa, Kearney Mesa and downtown San Diego will continue to serve as impediments to increasing mass transit ridership. Multiple transfers also lengthen commute times and further reduce efficiency. Even assuming some densification at transit nodes along the I-5 corridor over the next 20 years, substantial increases in the percentage of mass transit remain unlikely. Therefore, the addition of two General Purpose Lanes would provide the greatest benefit to the largest number of commuters.

04 To reiterate, the Rancho Santa Fe Association urges Caltrans to evaluate the '10+2 [2+0]) Alternative' described above. If that alternative compares favorably to the Project Alternatives included in the DEIR/EIS with fewer impacts, then it should be adopted as the preferred project.

Thank you again for the opportunity to comment on the DEIR/EIS for the I-5 North Coast Corridor project. If you have any questions, please feel free to contact Associate Planner Liz Avalon at (858) 756-1174. Thank you in advance for your assistance.

Sincerely,

Pete Smith, Manager
Rancho Santa Fe Association

RESPONSES

02 cont. effective when there is predominate traffic moving in one direction, in either the northbound or southbound lanes. The use of HOV/Managed Lanes would provide additional highway capacity, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride, bypassing areas of heavy traffic congestion during high traffic periods. HOV/Managed Lanes can also serve as a strong incentive for ridesharing, which can help to manage congestion. For these reasons, it was determined that four HOV/Managed Lanes would be the minimum number of additional lanes that would adequately address projected growth. For more information regarding alternatives previously evaluated for the I-5 corridor, please refer to Topical Response "Corridor Alternatives."

03 The proposed project is a needed improvement to support existing and projected future conditions in the North Coast Corridor through 2035 and beyond. Although the proposed project is intended to be compatible with all public transit options being considered by the San Diego Association of Governments (SANDAG) and the North County Transit District (NCTD), this EIR/EIS is only responsible for the proposed highway improvements within the other multimodal projects planned within the North Coast Corridor. See Topical Response "Multimodal System." The environmental analysis for the proposed public transit projects is provided in environmental documents prepared by others. Comments regarding public transit should be directed to SANDAG and NCTD because those are the agencies responsible for the planned multimodal improvements in the North Coast Corridor.

Regarding comments requesting the addition of two general purpose lanes, additional general purpose lanes do not provide the certainty in travel time that can be attained with HOV/Managed Lanes. Alternatives proposing only general purpose lanes without HOV/Managed Lanes did not meet the criteria identified in the purpose and need for the project (see *Section 2.6.1, Rejected Build*

ORGANIZATIONS — COMMENTS	RESPONSES
	03 cont. *Alternatives* of the EIR/EIS). Please also refer to the response to your Comment 01 regarding benefits of additional general purpose lanes, compared to the Preferred Alternative.
	04 Please refer to the response to your Comment 02 regarding alternatives to the proposed project.

ORGANIZATIONS — COMMENTS

St. Patrick
CATHOLIC COMMUNITY

California Department of Transportation
4050 Taylor Street
San Diego, CA 92110

November 18, 2010

Attn: Shay Lynn Harrison, MS-242

Re: Interstate 5 North Coast Corridor Project

My name is Father William Rowland, CJM. I am the pastor of St. Patrick Catholic Parish in Carlsbad and I am responding to your request for input on the draft EIR for the referenced project.

01 I am not taking a position on which project alternative is chosen. However I would like to share with you some of the operational needs of our parish and elementary school site. With that knowledge in mind, I'm sure that the design and construction of whichever alternative is chosen will mitigate the potential impacts on the operation of our physical plant after construction and avoid all negative impacts on our parishioners and students during construction.

Our site is north of Tamarack Ave. and east of I-5. Our school, located at 3820 Pio Pico Drive, occupies the westerly portion of the property, the church, located at 3821 Adams Street, is on the corner of Tamarack and Adams and the parish center is on Adams north of the church. Attached is an aerial photo of the property. The arrows depict the general on-site traffic patterns.

02 Our school has 2 classes each of grades K–8. In the near future we will be adding 2 pre-school classes. Average class size is between 25 to 30 students. There is no busing so students are transported by parents. The drop off-pick up traffic pattern requires site entry from Adams and exiting onto Pio Pico. Drop off occurring in the morning and pick up in the afternoon. Provision must be made for teachers, administrative staff, room mothers and volunteer class room help. There are also evening meetings at the school between parents and teachers or the parent groups involved in school activities and their support. We are in the fund raising portion of an 8 million dollar capital project that includes replacing the existing classroom building and modulars with a three story structure fronting on Pio Pico.

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RESPONSES

Responses to Father William Rowland, CJM, St. Patrick Catholic Community

01 Thank you for your comments, which are part of the public record. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

The EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. With regard to the mitigation of potential impacts, EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects*, discloses impacts that would not be reduced to below a level of significance under the California Environmental Quality Act. These impacts in your community include (1) community character and cohesion effects related to impacts to a Carlsbad apartment complex on the west side of I-5 under the 10+4 Barrier alternative, and (2) visual/aesthetics impacts under each of the build alternatives. While the potential visual/aesthetics impacts would affect the visual experience of

ORGANIZATIONS — COMMENTS

02 cont.

Our site master plan relies on access to and from Pio Pico and the ability for two directional traffic flows along that street. Building set backs are from existing property lines

The parish center is used every day both during the day and in the evenings for parish religious and social activities, community service projects, adult education and religious education of school age children from public schools. Many of our programs have separate English and Spanish sessions.

Week end church services include 7 Masses. The church has a seating capacity of 750 and often experiences standing room only. The traffic pattern for parishioner parking requires them to enter from Adams and exit to Pio Pico. Only the north lot can exit onto Adams.

03

In summary, while we are primarily concerned about the possibility of changing the function and capacity of Pio Pico, we are also concerned about the projects construction related impacts on our parishioners, especially the students and adults associated with our school. We are uncertain as to the impacts of construction related noise and the impact on air quality of fuel and other construction materials used by the contractor, and his crews, during construction.

04

We are also concerned as to the long term negative impacts on our campus air quality and the increase in noise levels caused by the increase of traffic and closer proximity of a widened I-5

Thank you for the opportunity to express our concerns. We hope to enjoy a continuing dialogue throughout the course of the project. If you have any questions I can be reached at 760-729-2866.

Truly Yours:

Father William Rowland, CJM

RESPONSES

01 cont. parishioners traveling to the parish, they are not anticipated to adversely affect the function of the parish or the experience of parishioners while at the facility.

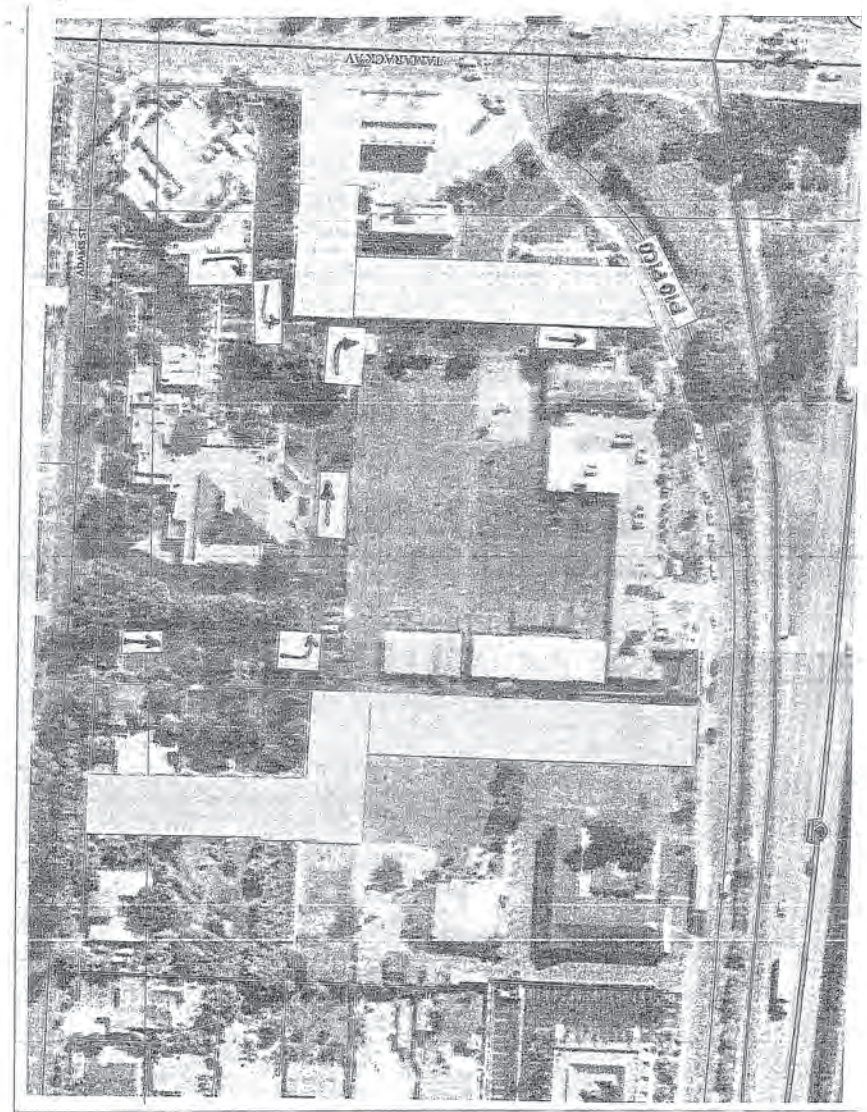
02 With regard to modifications to Pio Pico Drive, this roadway would be narrowed by approximately 10 feet from the freeway side under the largest build alternative (the 10+4 Barrier alternative). Roadway modifications would result in the loss of on-street parking but would not alter the roadway function (i.e., two-directional traffic) or the location of its western edge.

03 Regarding your concerns on project-related construction noise and air quality at the subject property (3820 Pio Pico Drive), this issue is addressed in EIR/EIS *Section 3.15, Noise*, and *Section 3.14, Air Quality*, respectively for further details on construction-related noise generation and potential air emissions from construction activities.

Additionally, a Traffic Management Plan (TMP) will be developed and implemented at construction to provide access to all properties in the vicinity of the project area. The plan will include public information meetings and handouts to let residents and businesses know how the management plan will be implemented in your area. Please also refer to Topical Response "Construction Traffic."

04 Long-term air quality and noise concerns at the subject property are also addressed in the EIR/EIS *Sections 3.14* and *3.15*. For air quality, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared with existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality considerations. For noise, the project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible,"

ORGANIZATIONS — COMMENTS



RESPONSES

04 cont. "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans criteria. Accordingly, numerous soundwalls have been identified for the project in appropriate locations, including S810 in the vicinity of the subject property. Soundwall S810 has been determined to be "feasible," "reasonable," and is preliminarily recommended for construction (refer to Final EIR/EIS *Figures 2-2.3, Sheets 52* and *53,* and *Tables 3.15.35* and *3.15.36*). This soundwall would reduce future noise levels to 69 dBA average noise level (L_{eq}), which is less than existing conditions (72 to 73 dBA L_{eq}). Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

ORGANIZATIONS — COMMENTS

San Diego County Archaeological Society, Inc.
Environmental Review Committee

3 November 2010

To: Ms. Shay Lynn M. Harrison, Branch Chief
Environmental Planning Branch C, MS 242
Caltrans District 11
4050 Taylor Street
San Diego, California 92110

Subject: Draft Environmental Impact Report/Environmental Impact Statement
Interstate 5 North Coast Corridor Project

Dear Ms. Harrison:

I have reviewed the cultural resources aspects of the subject DEIR/EIS on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DEIR/EIS, we have the following comments:

01 1. Section 3.8 identifies a number of archaeological sites and describes archaeological investigations completed at each of them. The San Diego Archaeological Center, according to their most recent listing on their website, does not appear to have any collections from SDI-17928. The cultural material previously recovered from that site must also be curated, if it has not already been delivered to SDAC. Please confirm its status.

02 2. While we have not had access to the technical reports cited in the DEIR/EIS, other than the previous comment, the impact analysis and mitigation measures described appear reasonable and appropriate.

Thank you for including SDCAS in the public review of this project's environmental documents.

Sincerely,

James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

RESPONSES

Responses to James W. Royle, Jr., Chairperson of the Environmental Review Committee, San Diego County Archaeological Society, Inc.

01 Thank you for your comment. The artifacts in question were submitted for curation prior to completion of this Final EIR/EIS.

02 The comment regarding project analyses is noted.

ORGANIZATIONS — COMMENTS

RESPONSES

San Diego County Bicycle Coalition

P.O. Box 34544 San Diego CA 92163 858.487.6063 www.sdcbc.org

November 20, 2010

Caltrans District 11
Via email: I-5_NCC_EIR_EIS@dot.ca.gov

Dear Caltrans District 11 Staff,

01 Thank you for the opportunity to comment on the I-5 NCC Project Draft EIR EIS and the NCC Transportation and Resource Enhancement Program and Public Works Plan (PWP).

Although we do not endorse the I-5 project, we do want to express our support for some ideas contained in the EIR/EIS and the PWP, including:

We support reconfiguration of street/freeway interchanges that are more bicycle and pedestrian friendly, including striping bike lanes through interchanges, providing good crossings of interchanges for cyclists and pedestrians, calming the auto traffic so cars coming on and off the freeway are slowed down to speeds appropriate for city streets, and provision of signage to increase the safety of all road users. We respectfully suggest that ALL freeway crossings be brought up to standard or above by removing free right turns at all interchanges, creating ped/bike only signal phases, or providing grade separations for trail crossings.

We support creation of lagoon crossings for bicyclists and pedestrians along the I-5 corridor to enhance north-south bicycle and pedestrian traffic.

We support connection of trails and bike paths to and through the I-5 corridor, including the SR 56 bike path (and ask that you include the Inland Rail Trail connection across I-5 at Oceanside Boulevard as well).

It is encouraging to us to see a systematic analysis of proposed community enhancements as part of the I-5 project. We applaud Caltrans for providing consideration for enhancements that the various communities need. They are a very small segment of the overall project budget, but provide large dividends for residents along the corridor.

02 Unfortunately, we do not believe that that EIR/EIS sufficiently addresses the impacts to bicycle and pedestrian traffic created by widening the freeway to such a large extent. By widening the freeway and making the crossings longer, it makes the freeway even more of a barrier to bicycle and pedestrian traffic than it already is. Adding direct access ramps with new places for surface street traffic to interact with freeway traffic adds additional safety and access barriers to bicycle and pedestrian access at those points. The EIR does not address those possible impacts. An analysis of the additional delay for cyclists and pedestrians trying to cross I-5 and that impact to the expected bicycle and pedestrian mode share in the corridor,

Responses to Kathy Keehan, Executive Director, San Diego County Bicycle Coalition

01 Thank you for your comments supporting the proposed community enhancements and improvements to bicycle and pedestrian amenities.

The project proposes a number of community enhancements that are described in *Tables ES.12, North Coast Bike Trail Information*, and *ES.13, Community Enhancements Information*, in the Final EIR/EIS *Executive Summary*, as well as in *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, of this Final EIR/EIS.

Please refer to the response to your Comment 07 regarding your request for the Inland Rail Trail connection.

02 An impact analysis is unnecessary for the issues of bicycle and pedestrian safety, accessibility, safety delay, and mode share as project design elements would result in improved conditions over existing conditions. As noted in the August 2012 Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS regarding signalization, unsignalized intersections adjacent to freeway ramps would be signalized and contain striping and signage to facilitate safe pedestrian and bicycle movement. Please also refer to the response to your Comment 01 regarding grade-separated pedestrian and/or bicycle facilities. A number of non-motorized freeway crossings and local bikeway connections

ORGANIZATIONS – COMMENTS

02 cont. and/or an analysis of the number of new potential conflict points along the corridor and proposed mitigation measures for those impacts should be considered.

03 Some specific comments, concerns, and questions:

On page 3.6-3 the EIR/EIS states: "In the San Diego Region, there is relatively convenient access to [the Pacific Coast BikeCentennial Route]. The SR-56 Class I Bicycle Path, which terminates just east of I-5 in Carmel Valley, has an almost-direct link to the coast, via El Camino Real to Carmel Valley Road, and then to Coast Highway 101. This coast route also serves the communities of Del Mar and La Jolla. At the conclusion of this project, nearly all local city streets and regional roadways that cross I-5 and link up to Coast Highway 101 would be bicycle-friendly, meaning that Class II Bicycle Lanes would have been painted on the shoulders and Class III Bicycle Routes would have been signed to accommodate users to the coast route."

First, we would disagree with the characterization of the 'relatively convenient access' to the Pacific Coast Route across I-5. Many of the interchanges across I-5 create significant barriers to bicycle and pedestrian traffic, especially those with high-speed free right turn ramps. With regard to the SR56 bike path, the access to the coast is neither convenient nor particularly safe, considering the access consists of riding on a six lane arterial with no bike lanes or shoulders with high speed traffic through the freeway interchange.

04 We also ask that the document clarify exactly which interchanges would have Class II bicycle lanes painted on the shoulders of streets and which would have Class III bike route signage as the only bicycle accommodation through or around the interchange. For the freeway interchanges, Class III route signage is not sufficient accommodation for cyclists in these high traffic areas. Regardless of local plans, each freeway crossing/interchange needs to include adequate accommodation for cyclists, which usually means at a minimum removing free right turns and providing a Class II bike lane through the interchange.

05 With regard to the specific interchange at Carmel Valley Road, we ask that the EIR analyze an alternative that removes one lane of traffic through the intersection in each direction on Carmel Valley Road when the SR56/I-5 connectors are built to provide space for better bicycle and pedestrian access through this interchange. Although the SR56 bike path connection is a good one and we support it, provision of on-street crossings are also necessary to accommodate all different types of cyclists.

06 As part of the discussion of bicycle and pedestrian facilities in the PWP, there should be a discussion of the Coastal Rail Trail and potential improvements along that corridor that can provide some mitigation for impacts of the I-5 to bicycle and pedestrian traffic. Projects creating the Coastal Rail Trail, including the Roselle Canyon connector, and improvements of Coast Highway and the Coastal Rail Trail in Del Mar, Encinitas, Carlsbad and Oceanside should all be included in the PWP.

07 A connection for the Inland Rail Trail (along the Sprinter transit line in Oceanside) across I-5 needs to be included in the design drawings for the Oceanside Blvd interchange, or within the creek crossing slightly south of that interchange. This is a

RESPONSES

02 cont. are proposed to provide safer routes to transit than are currently available. These are proposed at Voigt Drive, along Roselle Street, along Sorrento Valley Road, under I-5 south of the I-5 / State Route (SR-) 56 Interchange, under I-5 at San Dieguito River bridge, under I-5 at San Elijo bridge, at an overcrossing at Union Street, and under Harbor Drive. Please refer to *Figures 2-2.3, Sheets 1* through *67,* and *Section 2.3* of this Final EIR/EIS.

03 Several improvements have been identified to enhance ease of access across I-5, as well as safety. As identified in EIR/EIS *Chapter 2*, the reconfiguration of various local interchanges would occur to improve vehicular, pedestrian, and bicycle circulation. These improvements would be located at the following locations: northbound ramp for California Street; southbound ramps for Cassidy Street; and both north- and southbound ramps for La Jolla Village Drive, Genesee Avenue, Roselle Street, Carmel Valley Road, Del Mar Heights Road, Via de la Valle, Lomas Santa Fe Drive, Manchester Avenue, Birmingham Drive, Santa Fe Drive, Encinitas Boulevard, Leucadia Boulevard, La Costa Avenue, Poinsettia Lane, Palomar Airport Road, Cannon Road, Tamarack Avenue, Carlsbad Village Drive, Las Flores Drive, SR-78, Oceanside Boulevard, Mission Avenue, SR-76, and Harbor Drive. Refer to *Table 2.2.2* of the Final EIR/EIS for more information on intersection reconfigurations.

04 Regarding Class II or Class III bicycle lanes, the specific elements of roadway striping and signage would be determined during final project design. During this process, Caltrans engineers will review the specific circumstances of each interchange and provide appropriate accommodation based on accepted roadway design standards. As a result, the project would maintain or improve conditions for bicyclists at freeway interchanges.

05 No improvements or connectors to the I-5 / SR-56 Interchange are proposed as part of this project. New eastbound SR-56 to northbound I-5 and southbound I-5 to eastbound SR-56 connectors are currently proposed as a separate project called the I-5 / SR-56 Interchange Project. Modifications to Carmel Valley Road in association with the implementation of the I-5 / SR-56 Interchange project are beyond the scope of the *I-5 NCC Project,* which is primarily

ORGANIZATIONS — COMMENTS

07 cont. very important regional bikeway connection, and the current drawings do not show the possibility of building the bike path across I-5.

08 The intersection of Harbor Drive and I-5 in Oceanside needs further study. The current configuration is a large disincentive for bicycle traffic, combining the need to move across lanes of high speed traffic exiting the freeway with difficult sightlines. The proposed bypass for residential traffic from Harbor Drive has potential for helping this situation, but it needs serious design reconsideration since it puts straight through bicycle traffic to the right of a steady stream of right turning vehicles.

09 Also in Oceanside, some consideration for connecting across I-5 in the Vista Way corridor should be considered. Currently due to the freeway and local topography, cyclists have a very difficult time accessing the shopping on the east side of the freeway from the residential and business uses on the west side. A bike path connection along the freeway connector from SR76 to northbound I-5 connection leading to the I-5 crossing at Cassidy would help provide a good access for cyclists and pedestrians.

10 Overall, if this project is to move forward, we strongly encourage Caltrans and SANDAG to provide the community enhancements and transit improvements first, then determine which freeway improvements (if any) are required to provide good mobility along the corridor. Our experience along the I-15 corridor has shown that it is too easy to promise improvements to transit and the walking and biking environment only to have them delayed or not built even after the freeway construction has been completed. Please learn from the mistakes of the past and don't let this happen along the I-5 corridor.

Thank you very much for the opportunity to comment on these documents.

Sincerely,

Kathy Keehan

Kathy Keehan
Executive Director
San Diego County Bicycle Coalition

RESPONSES

05 cont. focused on I-5. The Draft EIR/EIS for that project was released in May 2012, and a public meeting was held on June 13, 2012. The public comment period ended in July 2012.

06 The Supplemental Draft EIR/EIS for the *I-5 NCC Project* proposed an I-5 North Coast (NC) Bike Trail as a regional enhancement. This bikeway is a new facility concept developed to support non-motorized travel and would complement the Coastal Rail Trail. The NC Bike Trail would consist of a Class I bike path between the Voigt Drive Bridge and Roselle Street. At Roselle Street, the bikeway would travel on local streets east crossing the railway, and then turn north along Sorrento Valley Road to the intersection with Carmel Mountain Road. For additional details regarding the NC Bike Trail, please refer to Final EIR/EIS *Table ES.12* and *Figures 2-3.4a* through *2-3.4j*.

07 With regard to the accommodation of the Inland Rail Trail, as noted in the response to your Comment 06, the concept of the NC Bike Trail was developed following public review of the Draft EIR/EIS. Final EIR/EIS *Figure 2-3.4i* illustrates the proposed Inland Rail Trail, along with the *I-5 NCC Project's* proposed trails along Oceanside Boulevard between the I-5 ramps.

08 Regarding bicycle traffic at the I-5 / Harbor Drive Interchange, the proposed NC Bike Trail referenced in the response to your Comment 06 would include the construction of a bikeway crossing I-5 along Harbor Drive (refer to Final EIR/EIS *Figure 2-3.4j)*. The proposed improvements are anticipated to provide a safe bicycle route in this area.

09 Your suggestion regarding a connection across I-5 in the Vista Way corridor is part of the public record. Proposed community enhancements were identified through meetings with City of Oceanside staff and/or City Council members on March 2, 2005, as well as May 15, July 6, and December 16, 2006. Based on this coordination, the desire for a bike path connection along I-5 between SR-76 and Cassidy Street was not identified. As a result, such an improvement is not included as a proposed community enhancement. Planned bikeway improvements in this vicinity are illustrated on Final EIR/EIS *Figure 2-3.4j.*

ORGANIZATIONS — COMMENTS	RESPONSES
	10 The county's transportation system is highly interrelated, and many of its elements will require improvements in order to meet future transportation demands. It is, however, not practicable to wait until improvements to a few elements are completed before commencing analysis and/or implementation of improvements to any of the other transportation elements. Please note that California Senate Bill (CA SB) 468 requires concurrent completion of rail and highway improvements where crossing lagoons unless phasing would result in an environmentally superior outcome. As summarized in Final EIR/EIS *Table ES.13*, planned community enhancements also would be constructed concurrently with I-5 improvements.

ORGANIZATIONS — COMMENTS

SAN DIEGO ™ REGIONAL CHAMBER OF COMMERCE

402 West Broadway, Suite 1000
San Diego, California 92101-3585
Tel 619.544.1300
www.sdchamber.org

November 19, 2010

Ms. Shay Lynn Harrison
Environmental Analysis Branch Chief
Caltrans – District 11
4050 Taylor Street
San Diego, CA 92110

Subject: Comments on the Interstate 5 North Coast Corridor Project Draft EIR/EIS

Dear Ms. Harrison:

01 The San Diego Regional Chamber of Commerce represents nearly 3000 members who employ 400,000 people in this region. Transportation and goods movement are one of the key issues on our policy agenda. Our region's economic prosperity depends on a safe, efficient and excellent transportation system. The I-5 corridor is the backbone of our highway system and is our direct connection to the rest of the state.

The San Diego Chamber strongly supports the proposed planned improvements for the I-5. We believe the expansion of vehicle capacity through the additional lanes and HOV/managed lanes is critical.

It is essential that we make the improvements to the I-5 as promised to voters under the TransNet Extension Ordinance and the current RTP, and most importantly, keep our region moving.

Sincerely,

Ruben Barrales
President & CEO

RESPONSES

Responses to Ruben Barrales, President and Chief Executive Officer, San Diego Regional Chamber of Commerce

01 Thank you for your comments and support for the proposed project, which are part of the public record. Your comments regarding the need for I-5 improvements are consistent with the conclusions reached by Caltrans and regional transportation planning agencies. Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Please also refer to Topical Response "Projected Growth" for additional information.

ORGANIZATIONS – COMMENTS

P.O. Box 475 Descanso, CA 91916
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Via Electronic Mail

November 18, 2010

Shay Lynn Harrison
Environmental Analysis Branch, Chief
CA Department of Transportation -- District 11
Division of Environmental Analysis,
MS 242
4050 Taylor Street
San Diego, CA 92110

E-mail: I-5_NCC_EIR_EIS@dot.ca.gov

Re: Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement

Dear Ms. Harrison:

01 Save Our Forest and Ranchlands ("SOFAR") and the Cleveland National Forest Foundation ("CNFF") are organizations dedicated to progressive transportation and land use planning and the protection of vital natural resources. This letter, together with the attached report prepared by Smart Mobility Inc. constitute our comments on the Draft Environmental Impact Report/Environmental Impact Statement ("DEIR/S") for the Interstate 5 North Coast Corridor Project ("I-5 Project").

02 If approved, the I-5 Project would have devastating consequences on our region. We are quite concerned that the DEIR/S does not adequately examine these severe environmental impacts. In addition, as the Smart Mobility Inc. report explains, the DEIR/S' transportation

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RESPONSES

Responses to Duncan McFetridge, Save Our Forest and Ranchlands and Cleveland National Forest Foundation

01 Thank you for your comments, which are part of the public record, including your preference for the No Build alternative. Responses to the attached Smart Mobility Inc. report follow the responses to your letter.

Regarding potential project-related environmental impacts, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer

ORGANIZATIONS — COMMENTS

02 cont. analysis is severely flawed which causes Caltrans to overstate the need for the Project. Finally, the DEIR/S is entirely deficient because it does not examine any alternatives to the I-5 Project that do not include freeway widening. The remainder of this letter addresses the importance of evaluating an alternative other than increasing the capacity of the I-5 freeway.

Caltrans' current business-as-usual approach (i.e., an auto-based transportation network) will not be able to adequately meet the transportation mobility needs of the San Diego region. As we explain in the attached letter on the San Diego County General Plan, the County is experiencing a growing shift toward compact, urban development. Over the last few years, more and more of our population is choosing to live in an urban environment. Moreover, a recent study demonstrates that ample vacant land exists within existing cities to accommodate the County's planned growth through at least 2030. (*See* attached letter to San Diego County, including the Infill Study prepared by Green Info. Network.)

03 In order to make a holistic change from sprawl to infill development, and to make urban areas like downtown San Diego function most effectively and efficiently, we must immediately invest in rail rather than freeway infrastructure. Yet, Caltrans' myopic focus on meeting the region's mobility needs by widening freeways sabotages the overall goal of increasing land use intensities downtown and in other urban locations. Furthermore, given our region's current economic shortfalls, we simply cannot afford to make short-sighted infrastructure investment mistakes. San Diego is the pioneer of the modern light rail transit movement in the United States but has fallen behind as other cities pursue aggressive public transportation programs to meet their future transportation mobility needs while we continue to widen our freeways.

Consequently, the I-5 EIR/S must be revised to include an alternative that uses, as its foundation, a compact, city-centered development land use scenario. This alternative must not focus exclusively on freeway expansion to meet the region's mobility needs. Instead, it should evaluate multi-modal options – with an emphasis on rail – to meet the region's transportation demand. Such an alternative would no doubt be far more sustainable and would result in a substantial reduction in the I-5 Project's environmental impacts.

Sincerely,

Duncan McFetridge
Save Our Forest and Ranchlands
Cleveland National Forest Foundation

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2

RESPONSES

01 cont. alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. Accordingly, the EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, and the corresponding Environmental Commitments Record.

02 The traffic studies associated with the proposed project are based on existing conditions, as well as projected growth for the region, as calculated by the San Diego Association of Governments (SANDAG). Project-related traffic and growth projections are derived from established sources such as the SANDAG series forecasts, as well as project-specific technical analyses. Project traffic projections, for example, are outlined in EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*, with forecast methodology provided in the related I-5 North Coast Corridor Project Technical Report #5 Traffic Demand Forecasting Report (August 2007). This report notes that initial forecast modeling was conducted by Caltrans using the SANDAG Regional Travel Demand Model Series 10, Year 2030 and 2015 forecast, with verification and adjustments provided based on considerations including growth rate forecasts and anomalies, average daily traffic (ADT) forecasts and adjustments, and peak hour traffic forecasts. An additional description of traffic forecast methodology is provided in Section 2.0 of the referenced technical report. The forecasts have been double-checked against newer projections. Upon review of the different data sets, the project team determined that the initial Series 10 2030 forecasted daily traffic demands, which were used as the basis of the original traffic studies, are generally equivalent to the Series 12 2035 forecast daily traffic volumes (within an average of 3.5 percent). Therefore, travel volume forecasts and the associated technical studies

ORGANIZATIONS — COMMENTS	RESPONSES
	02 cont. presented in this Final EIR/EIS are based on the region's Series 10 travel forecast model and these analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. Based on described considerations, the noted data sources and analyses are based on accepted industry standards and methods and are considered the most appropriate and accurate approach for the proposed project. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic.
	03 Regarding alternatives to freeway widening, please note that the project is only one element of a multi-agency, multimodal improvement program for North Coast Corridor transportation. A comprehensive regional planning process has been underway to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2035 and beyond as part of a multimodal system. These improvements are identified in the RTP that accompanied the SCS and would allow the time necessary for the region to work toward complex solutions, such as land use changes and infill development. Caltrans has been actively involved in the regional multimodal planning effort. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the I-5 corridor, as well as Topical Response "Multimodal System" regarding the regional transportation planning process. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these other measures are not a substitute for freeway widening. Please refer to Topical

ORGANIZATIONS — COMMENTS

Review of Interstate 5 North Coast Project
Draft Environmental Impact Report / Environmental Impact Statement

Norman L. Marshall
Principal
November, 2010

Prepared for the
Cleveland National Forest Foundation
Prevent Los Angeles Gridlock Usurping the Environment

smart mobility

RESPONSES

03 cont. Responses "Rail Preference" and "Mass Transit" for additional discussions regarding mass transit options. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

ORGANIZATIONS — COMMENTS

Summary

The Interstate 5 North Coast Project as described and documented in the June 2010 Draft Environmental Impact Report / Environmental Impact Statement (DEIR/DEIS) has several severe deficiencies including:

04 1) The DEIR/DEIS assumes that I-5 traffic volumes will increase at about twice the rate forecast in SANDAG's adopted Regional Transportation Plan (RTP). This unsupported assumption causes any benefits of widening I-5 to be exaggerated. This inconsistency with SANDAG's RTP is in direct contradiction with the stated Purpose and Need. Furthermore, the extreme amount of traffic growth assumed is inconsistent with the S.B. 375 regional greenhouse gas reduction target established by the California Air Resources Board.

05 2) Also contrary to the stated Purpose and Need, the DEIR/DEIS documents I-5 general purpose lanes as operating in the future Build scenarios with a lower level of service than in existing conditions. The project does not meet the Purpose and Need.

06 3) Widening I-5 also would cause increase congestion on other roadways in the study area. These impacts are partially documented in the DEIR/DEIS, but the full impacts would be much greater than those documented. The DEIR/DEIS fails to properly account for indirect traffic impacts that would result from land use changes induced by widening I-5. It also appears not to account for changes in trip destinations that would result from widening I-5, but it has been impossible to completely document this issue due to the failure of Caltrans to provide modeling documentation and modeling files that were requested on August 17, 2010.

07 4) The DEIR/DEIS fails to consider any non-freeway widening alternatives. Alternatives that should have been considered include:

a. Land Use Policy –A smarter land use future would have a much larger and more beneficial impact on congestion in the corridor than the proposed project

b. Land Use Policy Plus Transit – There is a strong synergy between the land use policy and expanded public transit. The benefits of both together are much greater than either approach individually.

c. Local Roadway Improvements – It appears that a goal of this project is to attract local traffic onto the Interstate system. This is the opposite of good planning. A better alternative is to focus on local roadway improvements.

d. Pricing I-5 General Purpose Lanes – A moderate toll on all traffic (possibly only during peak periods) would be sufficient to maintain good traffic flow while avoiding the problems of induced sprawl, traffic increases, and increased congestion on local roadways.

1

RESPONSES

04 Traffic volume estimates prepared for a predicted 2030 design year were determined to be equivalent to the traffic volumes now projected for a 2050 design year, and are therefore consistent with the 2050 RTP. Caltrans stands by the modeling that was completed for the project. The Smart Mobility report represents a difference of opinion among experts. As detailed in Final EIR/EIS *Section 3.6*, Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies were indicative of year 2035 volumes, when the entire project would be completed. The project development team further determined that the traffic volumes applied are representative of what is expected to occur within the 2040 to 2050 time frame, and determined that a revision at this time would not alter the results of the associated studies.

The regional growth and traffic forecasts prepared by SANDAG are in turn based on City community plans and general plans. Please refer to Topical Responses "Projected Growth" and "Project Lifespan" for additional information regarding regional forecasts and future capacity of I-5. Increases in traffic are associated with projected future increases in population and housing growth within the region. The traffic forecasts for the project included the assumption that the LOSSAN double track project and other planned transit improvements would be in place, and the need for the project was still evident. The Series 10 forecasts for the proposed project embodied more rapid growth within the region than what has occurred under the recent recessionary conditions. Nevertheless, the more recent forecasts for the 2050 RTP, incorporating multimodal planning for the region, continue to demonstrate the need for the proposed I-5 NCC Project, as well as transit, pedestrian, and bicycle facility improvements regionwide.

ORGANIZATIONS – COMMENTS	RESPONSES
	04 cont. With regard to California Senate Bill (CA SB) 375 conformance, the SANDAG 2050 RTP includes the 8+4 development scenario along with other multimodal solutions; the RTP also forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill (CA AB) 32 and CA SB 375. As discussed in EIR/EIS *Section 4.6, Climate Change,* build alternatives are projected to reduce "buildout" carbon dioxide (CO_2) emissions by hundreds of tons per day in the San Diego region compared with existing conditions (refer to Final EIR/EIS *Table 4.2*). The project would be consistent with the requirements of CA AB 32 and CA SB 375 and goals to reduce "buildout" GHG emissions as required under these laws. Please also refer to Topical Response "Climate Change" for additional information regarding GHG and related climate change and global warming issues.
	05 The build alternatives would conform to the project's purpose. The purpose of and need for the project are described in detail in EIR/EIS *Chapter 1, Proposed Project*. Objectives of the project include maintaining or improving travel times within the corridor, providing a facility that is compatible with future Bus Rapid Transit (BRT) and other modal options, and maintaining the facility as an effective link in the national Strategic Highway Network. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 RTP to encourage the use of mass transit and provide compatibility with BRT lines. Regarding future traffic operations, please note that I-5 NCC Project improvements are intended to maintain or improve travel times along the I-5 corridor through 2035 and beyond to allow the region to work toward complex solutions that take extended time to implement.

ORGANIZATIONS – COMMENTS	RESPONSES
	06 The EIR/EIS considered impacts to local street segments and intersections, as well as impacts to diverse transportation facilities. Several traffic technical studies focused on local streets. For example, Technical Report No. 6, Freeway Interchange Operations Report; presents an assessment of traffic operations for 125 individual roadway segments in the vicinity of the proposed freeway improvements along the *I-5 NCC Project.* Chapter 3.0, Operations Analysis, of this technical report presents the operations analysis results for each of the project scenarios. Included in these analyses are surface street intersection capacities, peak hour delays, level of service (LOS), and ADT. Section 4.2 of the same report includes traffic operations at intersections, ramps, and arterial roadways due to increased travel demands. Table 3.9 of Draft Technical Report No. 6 shows an assessment of traffic operations for 125 individual roadway segments in the vicinity of the proposed freeway improvements. The table also indicates whether the arterials would operate "over" or "under" capacity. As stated in Section 4.0, Operations Analysis Summary, of Draft Technical Report No. 6, the primary benefit associated with the *I-5 NCC Project* would be the additional freeway capacity, along with enhanced interchanges, High Occupancy Vehicle (HOV)/Managed Lanes, and DARs. It is anticipated, as the report notes, that with the ability to better serve forecast travel demands, this additional freeway capacity would in turn provide a number of corresponding benefits when compared with the future No Build condition, including: • Improved interchange ramp intersection operations; • Improved traffic operations at intersections nearby and adjacent to the freeway ramps; • Additional interchange ramp storage; and • Improved traffic operations on parallel and intersecting arterial roadways. Table 3.1 of Draft Technical Report No. 6 lists proposed ramp intersection improvements that would mitigate potential impacts to the immediately adjacent local intersections. Furthermore, it is expected that the proposed interchange improvements and ramp widening listed in Tables 4.1 and 4.2 of Draft Technical Report No. 6 would benefit the adjacent local streets and intersections.

ORGANIZATIONS – COMMENTS	RESPONSES
	06 cont. *Section 3.2, Growth*, and the Community Impact Assessment technical study for the project, provide an analysis of whether the proposed project would result in otherwise unforeseen direct, indirect, or secondary growth, or would otherwise influence growth. *Section 3.2* and the technical study determined that the potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends, and would occur with or without the proposed project. It also should be noted that the project would not generate traffic. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. The project would provide features that would accommodate future anticipated increases in traffic volumes and reduce travel times compared to the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. Conferring benefits in reduced congestion to those who travel on I-5 regardless of their point of origin or ultimate destination would not necessarily lead to impacts on the location, scale, and pace of development in areas outside of the immediate corridor. The potential for the project to result in increased traffic, referred to as induced or latent demand, has been included in the project's analysis and is addressed in the EIR/EIS. The projected increase of vehicle miles traveled (VMT) over no build conditions is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic, including latent demand. Regarding the request for modeling documentation, the primary set of technical studies (36 documents) were available on the internet at the time the California Public Records Act (CPRA) request was submitted to Caltrans (August 17, 2010); however, the CPRA request asked for copies of documents that are sub-studies of the technical studies that are not typically posted

ORGANIZATIONS — COMMENTS	RESPONSES
	06 cont. because the technical studies and EIR/EIS contain the information necessary to understand the issues and Caltrans findings. Since the requested documents were prepared by consultants, it took time to obtain them and prepare them to complete the CPRA request. All of the requested documents were available for public review by August 26, 2010 and remained available during the public comment period which ended on November 22, 2010.
	07 The EIR/EIS thoroughly describes, rigorously analyzes, and sufficiently studies all "reasonable alternatives," as required by 40 Code of Federal Regulations (CFR) 1502.14(a). The process of identifying the build alternatives that were addressed in detail in the EIR/EIS is discussed in S*ection 1.4, History and Background.* Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor. From this detailed analysis and after due consideration of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) in the Supplemental Draft EIR/EIS and is identified in the Final EIR/EIS as the Preferred Alternative. Please refer to the response to your Comment 05 regarding the project being only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Project-specific planning and/or implementation of improvements to rail, bus, and car facilities are all moving forward under the purview of the lead agencies with primary responsibility for them.

ORGANIZATIONS — COMMENTS

Invalid Traffic Forecasts Exaggerates the Need for the Project and Undercuts the Accuracy of the DEIR/DEIS' Conclusions

08 The DEIR/DEIS defines the project's Purpose and Need in this way:

The objectives of the project are to:

- Maintain or improve future traffic levels of service in 2030 over the existing levels of service;
- Maintain or improve travel times within the corridor;
- Provide a facility that is compatible with future bus rapid transit and other modal options;
- Provide consistency with the regional transportation plan, San Diego Regional Transportation Plan: Pathways for the Future (2030 RTP) where feasible and in compliance with federal and state regulations;
- Maintain the facility as an effective link in the national Strategic Highway Network, and
- Protect and/or enhance the human and natural environment along the I-5 corridor. (p. S-1)

The statement includes six elements. The first two elements are explicitly defined in terms of traffic analysis. The fifth element also implies the importance of traffic analyses through the word "effective". The other three elements are much more general. Therefore, determining whether the proposed project meets its stated Purpose and Need rests primarily on the traffic analysis.

09 Valid traffic analysis requires valid traffic forecasts. In this case, the DEIR/DEIS traffic forecasts are invalid because they assume roughly twice the rate of traffic growth as that projected by the San Diego Association of Government's (SANDAG's) adopted *Regional Transportation Plan* (RTP).[1] Assuming too much traffic growth obviously inflates the "need" and makes any benefits of widening appear greater. The I-5 DEIR/DEIS includes the tables reproduced below (p. 3.6-4).

Table 1: Reproduced from DEIR/DEIS

Table 3.6.1: Average Daily Traffic (ADT)

Location		2006 ADT	2030 ADT (No Build)	2030 8+4 Barrier/Buffer	2030 10+4 Barrier/Buffer
From	To				
La Jolla Village Drive	Genesee Ave	169,900	249,590	255,250	262,150
I-5 / I-805 Merge	Carmel Valley Road	281,400	412,640	425,750	434,250
Via de la Valle	Lomas Santa Fe	203,600	326,940	342,950	354,250
Encinitas Blvd	Leucadia Blvd	190,500	294,300	315,150	326,850
Palomar Airport Road	Cannon Road	188,500	290,100	309,850	320,350
SR-78	Oceanside Blvd	192,900	303,800	319,150	323,300
Mission Ave	SR 76	156,800	246,500	258,000	259,200

[1] San Diego Association of Governments (SANDAG). *Pathways for the Future: 2030 San Diego Regional Transportation Plan: Final*, November 2007.

2

RESPONSES

08 The build alternatives would conform to the project's purpose. Please refer to the response to your Comment 05.

09 Caltrans has determined that the 2030 traffic volumes used for the project are equivalent to traffic volumes projected to 2050, which is when the entire project would be completed. Please refer to the responses to your Comments 04 and 06.

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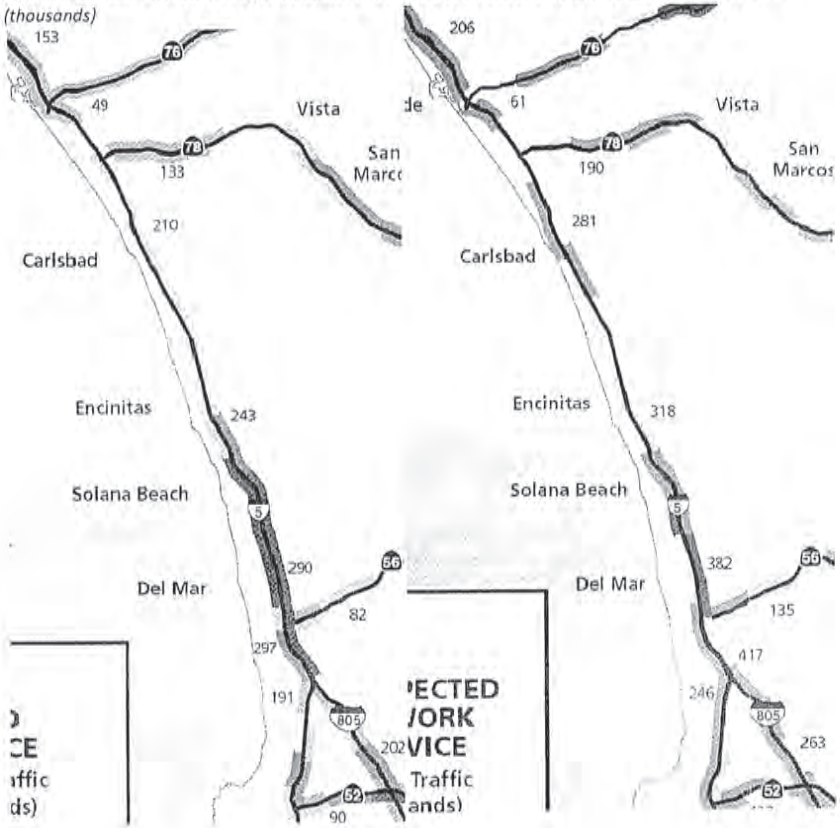
These numbers are in stark contrast to the 2030 traffic forecasts for 2030 RTP, and cannot be considered consistent with the RTP (the fourth element of the project Purpose and Need). The figures reproduced below show 2007 and 2030 traffic volumes published in the RTP.

Figure 1: RTP Average Daily Traffic Volumes: 2007 and 2030 Reasonably Expected Revenue Network (thousands)



09 cont.

ORGANIZATIONS – COMMENTS

RESPONSES

The RTP's Reasonably Expected Revenue Network matches the 8+4 Barrier/Buffer alternative in the DEIR/DEIS (RTP, p. A-5), so the RTP forecast traffic numbers are directly comparable to that column in Table 3.6.1 in the DEIR/DEIS (reproduced above).

The RTP graphics do not provide exact locations, but it is possible to generally compare the traffic growth: 2007 vs. 2030 for the RTP and 2006 vs. 2030 for the DEIR/DEIS.

Table 2: I-5 Traffic Growth Between Base Year and 2030 – RTP vs. DEIR/DEIS

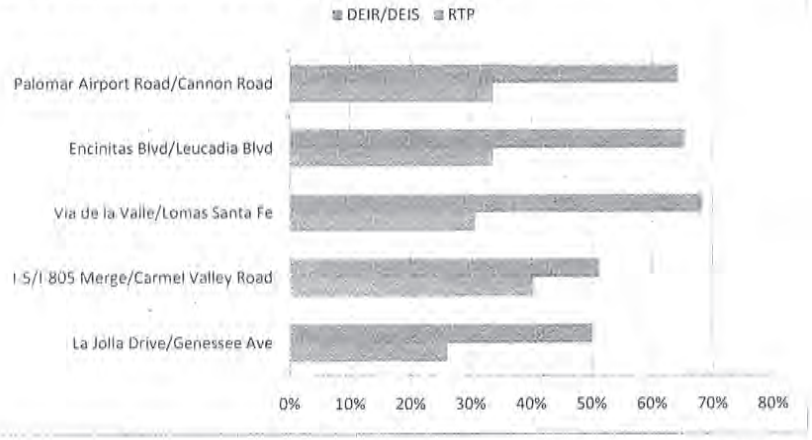
From	To	RTP	DEIR/DEIS
La Jolla Drive	Genessee Ave	26%	50%
I-5/I-805 Merge	Carmel Valley Road	40%	51%
Via de la Valle	Lomas Santa Fe	31%	68%
Encinitas Blvd	Leucadia Blvd	34%	65%
Palomar Airport Road	Cannon Road	34%	64%
SR-78	Oceanside Blvd		65%
Mission Ave	SR-76		65%

Note: the RTP doesn't show traffic forecasts for the segment between SR-78 and SR-76.

09 cont.

As shown in the figure below, the I-5 DEIR/DEIS forecast growth is about twice as high as the forecast growth in the RTP except for the segment just north of the I-5/I-805 merge where it is 1.27 where the forecast traffic growth in the DEIR/DEIS is 1.27 times as great as the forecast growth in the RTP.

Figure 2: Forecast I-5 Traffic Growth Between Base Year and 2030



This enormous discrepancy in traffic forecasts means that every future traffic statistic in the DEIR/DEIS is invalid. This includes the forecast traffic numbers, forecast travel times, and forecast delays.

4

ORGANIZATIONS – COMMENTS

The DEIR/DEIS provides no explanation as to why there is such a huge discrepancy between the I-5 DEIR/DEIS traffic forecasts and the RTP traffic forecasts. The discrepancy is not explained by the difference in the base year between 2006 (DEIR/DEIS) and 2007 (RTP). Traffic volumes in San Diego County as in the rest of the U.S. have been flat to slightly declining since 2005. Total Interstate vehicle miles traveled in San Diego County were 3.3 percent lower in 2007 than in 2006[2] and were also lower still in 2008 (the last year for which data are available). If the DEIR/DEIS assumed higher base traffic volumes in 2006 than the RTP assumed in 2007, the discrepancy in the forecasts would be even greater than that portrayed in the figure above.

The DEIR/DEIS asserts that it is not because the DEIR/DEIS relies on an earlier model version.

> Typically regional traffic forecast models are updated every three to four years to reflect such changes in assumptions as future land use, planned infrastructure, and modal mix. Because of the complexity of the *I-5 NCC Project*, the model used as the basis for the I-5 studies has been updated since traffic studies were initiated. The forecasts presented in this Draft EIR/EIS and the associated technical studies are based on the Region's Series 10 model, whereas the current model is referred to as Series 11. As the model forecasts forms the basis for the project scope and performance analysis presented in this Draft EIR/EIS, it's important to establish that the I-5 demand estimates (traffic volumes) are not significantly different between series 10 and series 11.
>
> One of the most meaningful ways of comparing model outputs is to look at screenlines. Screenlines are often used in traffic analyses to determine how much volume is entering or exiting a particular area as they capture all of the traffic that moves across a real or perceived barrier (e.g., a lagoon that has limited crossings). With that in mind, screenlines were developed that captured the regional travel demand patterns within the I-5 north coast corridor. The traffic volumes were compared on these screenlines from both versions of the model for the I-5 No Project Build and I-5 Project Build (10+4) conditions. Overall traffic for all screenlines is within 10 percent. A similar check was done by comparing the forecasted Vehicle Miles Traveled (VMT) in the corridor between each of the models. Similarly, the comparison for the Build scenario shows VMT estimates to be within 10 percent of each other. The comparison of traffic volumes and VMT clearly shows that the differences between the two versions of the model are not materially different. (DEIR/DEIS, p. 1-3)

09 cont.

The DEIR/DEIS excerpt echoes the point made earlier, i.e. that "the model forecasts forms the basis for the project scope and performance analysis." It is not completely clear whether "model" is meant as only the equations and coefficients comprising the travel demand model or whether "model" also includes 2030 household, employment and external traffic forecasts. The excerpt implies that "model" includes both. However, if the DEIR/DEIS does rely on outdated

10

[2] Caltrans, 2006, 2007 and 2008 *California Public Road Data: Statistical Information derived from the Highway Performance Monitoring System* (HPMS): Daily Vehicle Miles of Travel. For Interstate system in San Diego County 2006: 27,669,000, 2007: 26,736,510, 2008: 26,517,790.

5

RESPONSES

10 The design of the project was based on regional growth forecasts prepared by SANDAG. Please refer to Topical Responses "Projected Growth" and "Project Lifespan" for additional information regarding regional forecasts and future capacity of I-5, as well as the responses to your Comments 04 and 06.

ORGANIZATIONS — COMMENTS

10 cont. household, employment and external traffic growth forecasts, this may explain part of the discrepancy between the 2030 RTP and DEIR/DEIS traffic forecasts. The EIR/EIS should be revised to explain this fundamental discrepancy.

The DEIR/DEIS Does Not Acknowledge That the Project Would Result in Increases in Traffic Congestion in Some Areas

11 The DEIR/DEIS shows that widening I-5 would attract additional traffic to I-5 that would increase congestion on some segments of I-5. Although the DEIR/DEIS suggests that the addition of managed lanes will aid those traveling in the general purpose lanes, it identifies a number of sections where the levels of service (LOS) in the general purpose lanes would decline with the project relative to the 2030 No Build scenario. For the 10+4 alternative, these locations include:

- Northbound:
  - from La Jolla Village Drive to Genesee Avenue – AM Peak F vs. E and PM Peak E vs. D
  - from Carmel Valley Road to Del Mar Heights Road – AM: D vs. C and PM: E vs. D
  - from SR-78 to California Street – AM: E vs. D and PM: F vs. D
  - from California Street to Oceanside Blvd. – AM: E vs. D and PM: F vs. D
  - from Oceanside Blvd. to Mission Avenue – PM: E vs. D
  - from Mission Avenue to SR-76 – PM: D vs. C
- Southbound
  - from Del Mar Heights Road to Carmel Valley Road – AM: F vs. D and PM: E vs. D
  - from Genesee Avenue to La Jolla Village Drive – AM: F vs. C[3]

12 The first element of the project Purpose and Need is: "Maintain or improve future traffic levels of service in 2030 over the existing levels of service." This is a much higher standard than improving levels of service relative to the future No Build scenario. The DEIR/DEIS shows the 10+4 alternative would result in the I-5 levels of service declining relative to existing conditions at the following locations:

- Northbound:
  - from La Jolla Village Drive to Genesee Avenue – AM Peak F vs. E and PM Peak E vs. C
  - from Sorrento Valley Road to I-5/I-805 Merge – PM Peak C vs. B
  - from I-5/I-805 Merge to Carmel Valley Road – PM D vs. C
  - from Carmel Valley Road to Del Mar Heights Road – AM: D vs. C and PM: E vs. D
  - from Del Mar Heights Road to Via de la Valle – AM: E vs. C and PM: F vs. D
  - from Los Flores Drive to SR-78 – PM: E vs. D
  - from SR-78 to California Street – AM: E vs. C and PM: F vs. C
  - from California Street to Oceanside Blvd. – AM: E vs. C and PM: F vs. C
  - from Oceanside Blvd. to Mission Avenue – AM: E vs. D and PM: D vs. D
  - from Mission Avenue to SR-76 – AM: D vs. C and PM: D vs. C
  - from SR-76 to Harbor Drive – AM: E vs. D

[3] DEIR/DEIS, Tables 3.6.5 and 3.6.6, p. 3.6-6.

6

RESPONSES

11 The build alternatives would substantially improve future delay, congested hours, and travel time overall compared to No Build conditions. Projections indicate that with or without the project, traffic will increase in the future throughout the corridor as the result of regional and local population growth and economic development. The EIR/EIS confirms that traffic will be "worse" (i.e., ADT on the freeway will increase) compared with existing conditions. The project would provide features that would accommodate increased traffic volumes and reduce travel times compared to the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. Traffic operations would improve compared to No Build conditions with every segment and enhancement feature completed. The level of service would be improved. As discussed in *Chapter 1* of the Final EIR/EIS, during baseline (2006) traffic monitoring, non-peak and "free flow" traffic took between 23 and 25 minutes northbound and southbound, respectively. During baseline peak travel (congested) periods, the driver experienced up to a 16-minute delay northbound and up to a 21-minute delay southbound over the non-peak and more free-flowing traffic. In year 2030, this same trip is projected to take up to 69 minutes northbound (up to 46 minutes longer than the baseline condition) and up to 54 minutes southbound (up to 31 minutes longer than the baseline condition). The number of hours for which levels of congestion would occur also would substantially expand—from no period of delay for northbound travelers to over three hours of congestion; and p.m. peak period travel would increase from five to six hours of congestion. With the proposed project, the 3.5 hours of northbound congestion would drop to no hours of congestion for the a.m. peak period. For southbound conditions, duration of congestion would drop by a minimum of one-half hour in the a.m. peak and by five hours in the p.m. peak. This translates into hours of a commuter's time saved or lost on a weekly basis.

ORGANIZATIONS — COMMENTS

- Southbound
  - from Harbor Drive to SR 76: AM: C vs. B and PM: D vs. C
  - from SR-76 to Mission Avenue: AM D vs. C and PM: D vs. B
  - from Mission Avenue to Oceanside Avenue: AM D vs. C and PM: E vs. C
  - from Oceanside Avenue to Cassidy Street – PM D vs. C
  - from Cassidy Street to SR-78 – AM: F vs. D and PM: E vs. C
  - from SR-78 to Las Flores Drive – PM: D vs. C
  - from Las Flores Drive to Carlsbad Village Drive – PM: D vs. C
  - from Carlsbad Village Drive to Tamarack Avenue – AM: E vs. D and PM: D vs. C
  - from Tamarack Drive to Cannon Road – AM: F vs. E
  - from Cannon Road to Palomar Airport Road – PM: D vs. C
  - from Via de la Valle to Del Mar Heights Road – AM: F vs. E and PM: E vs. D
  - from Del Mar Heights Road to Carmel Valley Road – AM: F vs. D and PM: E vs. D
  - from Carmel Valley Road to I-5/I-805 Merge – AM: F vs. D
  - from I-5/I-805 Merge to Roselle Street – AM: D vs. C
  - from Roselle Street to Genesee Avenue – AM: E vs. D
  - from Genesee Avenue to La Jolla Village Drive – AM: F vs. C and PM: F vs. D[4]

12 cont.

Clearly, the DEIR/DEIS fails to demonstrate that the project will satisfy the first element of the stated Purpose and Need: ""Maintain or improve future traffic levels of service in 2030 over the existing levels of service." Furthermore, as is discussed in the following section, the DEIR/DEIS underestimates the magnitude of negative indirect traffic impacts. The true impacts on peak period I-5 traffic wou d be much greater.

13

Even more significantly, the DEIR/DEIS shows that traffic would increase congestion on intersecting roadways. No trip begins or ends of I-5. Increasing the throughput on I-5 would necessarily increase the traffic volumes on intersecting roadways. Roadways where the DEIR/DEIS indicates that daily traffic would increase by 5,000 or more relative to the No Build scenario include:

- Nobel Drive between I-5 and Regents Road (+8,900)
- Leucadia Boulevard between I-5 and Saxony Road (+9,300)
- Leucadia Boulevard between Saxony Road and Garden View road (+7,600)
- Poinsettia Lane between I-5 and Paseo Del Norte (+5,800)
- Oceanside Boulevard between I-5 and Canyon Drive (+10,200)[5]

As shown in the Table[6] reproduced below, the DEIR/DEIS identifies many locations were peak period levels of service would decline with the project.

[4] DEIR/DEIS, Tables 3.6.5 and 3.6.6, p. 3.6-6.

[5] 2007 Traffic Technical Report #5, *Traffic Demand Forecasting*, Table 3.3, p. 22-23.

[6] I-5 North Coast Traffic Report, A summary of Traffic Reports: Prepared for the I-5 North Coast Corridor Project, revised June 2010.

7

RESPONSES

12 Most of the segments listed in this comment would continue to operate at an acceptable Level of Service (LOS), although the LOS may decline due to the increase in traffic volumes in the future. The build alternatives would reduce overall congestion and the duration and queue length of bottlenecks. The effect of congested conditions, including bottlenecks, is reflected in the compilation of total delay, congested hours, and travel time in EIR/EIS *Table 3.6.3*. The 10+4 alternatives would reduce total weekday vehicle hours of delay to 600 hours northbound and 3,700 hours southbound compared with 13,700 hours northbound and 14,000 hours southbound for the No Build condition. The 8+4 alternatives would reduce future vehicle hours of delay to 9,600 hours northbound and 8,000 hours southbound. Overall, bottlenecks would be expected to improve with the implementation of any of the build alternatives, compared with the No Build alternative. Please also refer to the response to your Comment 11.

13 The EIR/EIS considered impacts to local street segments and intersections. Please refer to the response to your Comment 06. The project would not generate traffic, which is the result of regional and local population growth and economic development. Please refer to the response to your Comment 06.

While some intersections would have operational declines, others would improve with the proposed project. According to the (HCM) methodologies presented in the I-5 North Coast Traffic Report, A Summary of Traffic Reports, the project would improve the LOS and reduce delays at a number of ramp and adjacent intersection locations. Table 4.9 in the traffic report presents a list of the ramp and adjacent intersections operating at level of service D, E, or F in the Year 2030 No Build conditions. These intersections would improve in operation by a 15 percent or greater reduction in overall intersection delay in the Year 2030 Build scenarios when compared to the Year 2030 No Build scenario. There are 13 interchanges listed in Table 4.10 that would experience some improvements with the proposed project, and 14 that would experience some impacts,

ORGANIZATIONS – COMMENTS

13 cont.

Table 4.10 Summary of Impacted Intersections (HCM Method)

Interchange	ID	Location	AM Peak			PM Peak		
			2030 10+4 without DAR	2030 10+4 with DAR	2030 8+4 with DAR	2030 10+4 without DAR	2030 10+4 with DAR	2030 8+4 with DAR
La Jolla Village Dr	A4	Via La Jolla / La Jolla Village Dr	X					
	A6	I-5 NB Ramps / La Jolla Village Dr	X					
Genesee Ave	D1	I-5 SB Ramps / Genesee Ave				X		X
	B2	I-5 NB Ramps / Genesee Ave	X	X		X		
Roselle St	C1	Roselle St / I-5 SB On Ramp	X	X	X	X	X	X
	C2	Roselle St / I-5 NB Off Ramp	X	X	X	X	X	X
	C3	Roselle St / Sorrento Valley Blvd				X	X	
	C4	Sorrento Valley Rd / Sorrento Valley Blvd	X	X		X	X	
Carmel Mtn Rd	D1	I-5 Bypass SB Ramps / Carmel Mtn Rd				X	X	X
Del Mar Heights Rd	F2	I-5 NB Ramps / Del Mar Heights Rd	X	X				
Birmingham Dr	J1	I-5 SB Ramps / Birmingham Dr	X	X	X	X	X	X
	J2	I-5 NB Ramps / Birmingham Dr	X	X	X	X	X	X
Santa Fe Dr	K1	I-5 SB Ramps / Santa Fe Dr	X	X	X	X	X	X
Encinitas Blvd		I-5 SB Ramps / Encinitas Blvd				X	X	X
Poinsettia Lane	O1	Avenida Encinas / Poinsettia Lane				X	X	
	O4	Paseo Del Norte / Poinsettia Lane				X	X	
Palomar Airport Rd	P1	Avenida Encinas / Palomar Airport Rd	X			X	X	X
	P2	I-5 SB Ramps / Palomar Airport Rd	X			X		
	P4	I-5 NB Ramps / Palomar Airport Rd	X		X	X	X	
	P4	Paseo del Norte / Palomar Airport Rd	X			X	X	
Cannon Rd	Q3	I-5 SB Ramps / Cannon Rd	X					
	Q5	Paseo Del Norte / Cannon Rd	X	X	X		X	X
Las Flores Dr	T1	I-5 SB Ramps / Las Flores Dr				X	X	X
	T2	I-5 NB Ramps / Las Flores Dr				X	X	X
Oceanside Blvd	X2	I-5 SB Ramps / Oceanside Blvd	X					
	X3	I-5 NB Ramps / Oceanside Blvd				X		
SR-76	Z3	I-5 NB Ramps / SR-76				X	X	X

These impacts are highly significant. However, as discussed in the following section, the DEIR/DEIS understates the true impacts by a substantial margin.

14

The DEIR Fails to Fully Report the Project's Indirect Impacts and Therefore Underestimates the Project's Impact on the Environment

The DEIR/DEIS includes a set of voluminous traffic reports. However, there is very little and woefully inadequate documentation of the traffic forecasts that are the foundation for all of the DEIR/DEIS' traffic analyses. The only documentation is in 2007 Traffic Technical Report #5, *Traffic Demand Forecasting*. It states only:

8

RESPONSES

13 cont. however, not significantly so under CEQA. And, seven of the interchanges that would experience impacts listed in Table 4.10 would also experience some improvement. As explained in the traffic report, Table 4.10 lists ramps and adjacent intersections that would experience an increase in delay, to differing degrees, when compared to the No Build scenario. The traffic report also notes that in the Year 2030 build scenarios, all the freeway on-ramps would be metered and would result in additional delays at a number of interchange locations. The overall performance of I-5 is the main subject of environmental analysis in the EIR/EIS. Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*. The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible through specific, tangible actions that will reduce a physical environmental effect. "Mitigation" for purposes of NEPA is defined in 40 CFR 1508.20 as including avoiding, minimizing, rectifying, reducing, and compensating, and the measures discussed may have been incorporated into the project design/plan. In 40 CFR 1502.14(f) and 40 CFR 1502.16(h), NEPA requires that appropriate mitigation measures be discussed. In contrast, CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. As noted in EIR/EIS *Section 4.1, Determining Significance under CEQA,* there are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. It cannot be inferred, therefore, that measures listed in *Chapter 3* mean impacts are potentially significant under CEQA. CEQA significance conclusions are provided in *Chapter 4* of the EIR/ EIS. Within this section of the EIR/EIS, no significant impacts and no mitigation measures are identified for long-term traffic operations.

ORGANIZATIONS — COMMENTS

Forecast model applications. The initial forecast modeling was conducted by Caltrans using the SANDAG Regional Travel Demand Model Series 10, Year 2030 and 2015 forecasts. (p. 4)

14 cont. In Traffic Technical Report #5, Wilson and Company massages the model outputs supplied by Caltrans, but fundamentally, the traffic forecasts were provided by Caltrans. By 2010, Caltrans appears to have forgotten the original source of the forecasts and cites Wilson and Company as the source.

> Wilson & Company's *Traffic Demand Forecasting Report* (Technical Report No. 5) provides information on future year traffic forecasts within the project limits. Five different traffic scenarios were modeled using the SANDAG Series 10 Transportation Model to produce future year traffic forecasts.[7]

15 Without access to documentation of the modeling process applied or to modeling files, it is not possible to verify the accuracy of the modeling. On August 17, 2010, a Public Record Acts request was made to Caltrans for these model files and for any documentation. As of November 8, 2010 (83 days later), the request has not been fulfilled.

Without access to the modeling files, these comments must be on our general experience with regional travel demand modeling in general (as documented in the attached resume), the partial documentation of the SANDAG model provided by SANDAG, and some available evidence concerning Caltrans and modeling.

16 Expanding highway capacity causes "induced traffic", increasing VMT and increasing greenhouse gas emissions. DeCorla-Souza (of the Federal Highway Administration) and Cohen define "induced demand" as an: "increase in daily vehicle miles of travel (VMT), with reference to a specific geographic context, resulting from expansion of highway capacity."[8] This definition includes both short-term effects and long-term effects. The short-term effects include more trips, longer trips, shifts from other travel modes to auto, and auto trips with lower occupancies. The long-term effects result from land development brought on by increased roadway capacity.

Induced demand effects are well known both to planners and laypeople, and there is a large and growing research literature quantifying the effects of induced demand. This process was kicked off in the United States with a 1997 study by Hansen and Huang that demonstrated large growth in VMT in California that resulted from increased freeway capacity.[9] Since then, there have been many other studies that have confirmed the importance of induced travel. These studies have become increasingly sophisticated in their use of statistical techniques. Robert Cevero of the University of California, Berkeley

[7] California Department of Transportation District 11. *I-5 North Coast Freeway Operations Report: Prepared for the I-5 North Coast Corridor Project*, p. 11, June 2010.

[8]. DeCorla-Souza, P. and H. Cohen. *Accounting for Induced Travel in Evaluation of Metropolitan Highway Expansion*. TRB 77th Annual Meeting Preprint CD-ROM, TRB, National Research Council, Washington D.C., January 1998.

[9] Hansen, M. and Y. Huang. *Road Supply in California*. Transportation Research A, Vol. 31, No. 3, 1997, pp. 205-218.

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RESPONSES

14 Traffic forecasts are adequately analyzed and documented in the EIR/EIS, and follow Caltrans (Lead Agency) standards, policies and procedures. Please refer to the response to your Comment 06. The citation from the EIR/EIS in this comment appropriately refers to the *Traffic Demand Forecasting Report* and the preparers, Wilson & Company, with Caltrans oversight.

15 Please refer to the response to your Comment 06.

16 Technical experts may disagree and still produce defensible technical analyses and conclusions. Induced, or latent, demand was addressed in the August 2012 Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. Please refer to the response to your Comment 06. Substantial changes in home or work locations are not anticipated due to the substantial amount of commuter traffic currently supported by I-5, as well as the constrained nature of the I-5 North Coast Corridor; the corridor is largely built out, with documentation of anticipated growth provided in regional forecasts. Furthermore, the traffic forecasts have been validated relative to the 2050 RTP and Series 12 traffic model, which take the recent recession into consideration. The data presented in the EIR/EIS are considered credible. Please also refer to the response to your Comment 06.

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revisited the California freeway case in a major study that is particularly relevant to the DEIR/DEIS.[10] Cervero writes:

> The longer-run relationship appears fairly strong – every 10% increase in travel speeds is associated with a 6.4% increase in VMT. (p. 157)

Most regional transportation modeling does an incomplete job of accounting for induced travel. Cevero writes:

> In many parts of the United States, travel-forecasting models used by planning agencies are not up to the task of adequately accounting for induced travel and induced growth (Transportation Research Board, 1995). Long-range forecasting models are needed that are robust and sophisticated enough to capture both short-run behavioral shifts and long-run land use shifts triggered by road improvements. Indeed, the general consensus of attendees at a recent conference convened by the Eno Transportation Foundation Policy Forum on induced demand was that the greatest value added of research in this area is to inform the calibration of long-range travel forecasting and urban simulation models, such as MEPLAN, TRANUS, and TRANSIMS (Hunt, 2002). (p. 160)

16 cont.

Complete induced demand modeling requires accounting for each of the separate components of induced demand including:

> shifts to longer routes
> changes in destinations causing longer trips,
> changing travel mode to auto, and
> changing home or work locations resulting in longer trips.

Carolyn Rodier of the Mineta Institute and the University of California has researched how well land use models and transportation models with feedback account for induced travel. She concludes:

> The body of literature on the ability of existing travel and land use models to represent induced travel indicates that when travel times are fed back to a land use model and/or the trip distribution step, then (1) models can represent induced travel within the range documented in the empirical literature and (2) the effect of new highway capacity on land use and trip distribution significantly contributes to the models' representation of induced travel. If induced travel is not represented in travel and land use models, then the need for, and the benefit of, the project will be overstated (e.g., 16% to 236% of VHT

[10] Cevero, Robert. Road Expansion Urban Growth, and Induced Travel: A Path Analysis. In Journal of the American Planning Association 69(2), p. 145-163, 2003.

10

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(vehicle hours of travel)), and ne ative environmental effects will be understated (e. ., 72% to 192% of NOx emissions).[11]

Rodier reports on the share of induced travel caused by each of the four components of induced travel. Chan es in destination produced the lar est share of the total induced travel. In a Sacramento re ion case study with an inte rated land use allocation model (MEPLAN), the land use component produced the second hi hest amount of induced travel. Chan es in routin , the only one of the four components modeled in the DEIR/DEIS was the third hi hest factor.

While it is impossible to be certain without documentation and access to the model files, it appears the DEIR/DEIS modelin covers only one of the four components of induced travel – 1 shifts to lon er routes. Rodier's research results su est that routin chan es alone probably represent only about 1/5 to 1/3 of total induced travel.

16 cont.

The DEIR/DEIS modelin almost certainly does not include 4 – chan es in home or work locations, because there is no mention in the DEIR/DEIS of any such effects. Not considerin the effects of this project on the future land development pattern is a failure in the plannin process. The history of widenin I-270 in Mont omery County, Maryland in the late 1980's demonstrates these failin s. Traffic conditions improved briefly. Then land development boomed in the corridor. "In the five years before construction be an, officials endorsed 1,745 new homes in the area stretchin from Rockville to Clarksbur . Durin the next five years, 13,642 won approval." (Washington Post, January 4, 1999) By 1997, I-270 was routinely overrunnin its desi ned capacity, and peak-hour traffic volumes on some se ments had surpassed levels forecasted for 2010.

A primary cause of the inaccurate traffic forecasts was inaccurate land use forecasts, which were assumed to be the same for both no build and build analyses. The total number of households forecast for the Washin ton re ion for the year 2000 was only off by 2 percent. However, the forecasts were completely wron about the distribution of the households.[12] Growth was much lower in the re ion's core than forecast, and much hi her in western suburban areas, especially in the I-270 corridor.

The fi ure below compares the 2000 forecast made before the I-270 widenin with actual 2000 numbers. The lar est forecastin error was for Mont omery County in the I-270 corridor, where the actual number of households in 2000 exceeded the forecast by 27 percent. Widenin I-270 was a primary cause.

---

[11] Rodier, Carolyn J. A Review of the Representation of Induced Hi hway Travel in Current Travel and Land Use Models, p. 8.

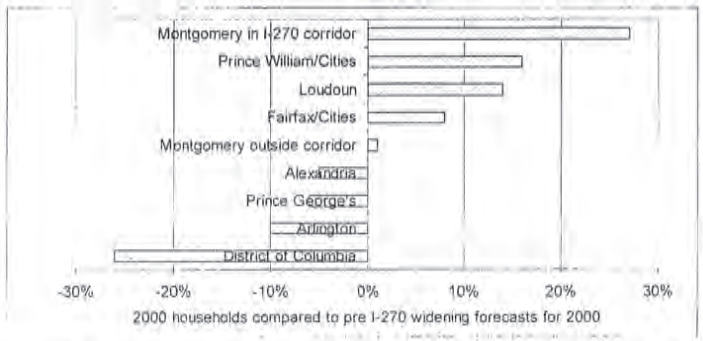
[12] Data from National Capital Re ion Transportation Plannin Board, Metropolitan Washin ton Council of Governments, "Comparison of 1984 Study Forecasts with Most Recent Data: I-270 Corridor, June 18, 2001.

11

ORGANIZATIONS — COMMENTS

16 cont.

Washington DC Region: Suburban Freeway Projects Shifted Households to Suburbs from Core



The total number of regional households in 2000 was 2 percent less than forecast prior to the I-270 widening project. When the I-270 widening project was planned, forecast housing and employment growth in the corridor was moderate, and growth in the region's core was expected to be much stronger.[33] The forecasts were completely wrong about the distribution of the households. Growth was much lower in the region's core than forecast, and much higher in western suburban areas, especially in the I-270 corridor.

17

The other areas where growth exceeded the forecast are suburban Virginia areas where freeway capacity also was expanded. Projects in these areas include construction of the Dulles Greenway, the Route 234 Bypass and widening I-66. The suburban increases were balanced by declines and slower growth in the core of the region, including D.C., Arlington, Prince George's County, and Alexandria.

With greater understanding of the interactions between land use and transportation, a number of Environmental Impact Statements for major roadway projects have analyzed no build and build scenarios with different land use scenarios. This has been especially true since a 1997 Federal Court ruling that forced an FEIS to be redone with different land use forecasts for the no build cases.

> *Environmental laws are not arbitrary hoops through which the government must jump.*
> (Federal District Judge Suzanne Conlon.)

The *Chicago Tribune'* noted at the time of the ruling that EPA had raised these issues two years earlier but was "dismissed airily" by "smug" state officials. The *Tribune* praised the ruling's "valuable service" ... "to raise –very publicly, so that all may consider – one of the most vexing questions in American urban planning: To what extent do such beltways cause wasteful sprawl that would otherwise not occur?"

When Portland, Oregon does integrated land use/transportation modeling, the modelers report:

[33] Data from National Capital Region Transportation Planning Board, Metropolitan Washington Council of Governments, "Comparison of 1984 Study Forecasts with Most Recent Data: I-270 Corridor, June 18, 2001.

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RESPONSES

17 The EIR/EIS determined that the potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends, and would occur with or without the proposed project. Please refer to the responses to your Comments 04 and 06. Please also note that the North Coast Corridor does not contain large open areas to which businesses could relocate. The project ends at the southern end of a large block of federally owned land and is otherwise largely developed in nature.

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17 cont.

> Under conditions of increasing congestion, nonresidential land uses increase their decentralization in order to take advantage of attracting labor and customers traveling in the off-peak direction. Over a period of time, this leads to equivalent travel times over a link in both directions of travel. As a result, the capacity of the transportation system is much greater than traditional modeling procedures indicate.[14]

They report that under congested conditions, the degree of directional traffic decreases as jobs and housing become more balanced at a subregional level. With more capacity in the peak direction, it follows logically that the subregional jobs/housing balances would be encouraged which likely would increase average trip lengths.

18

Indirect land use impacts from highway projects have been evaluated in Environmental Impact Statements and recommended methods for doing this have been published by the Transportation Research Board. This reference states:

> **Indirect Effects**—According to the CEQ definition, indirect effects are "caused by the action and occur later in time or farther removed in distance, but are still reasonably foreseeable" (40 CFR 1508.8).
>
> Indirect effects "may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 CFR 1508.8).[15]

This reference outlines several different ways of estimating indirect land use impacts. The most sophisticated way is using integrated transportation/land use modeling. SANDAG has long operated land use allocation models and is currently implementing the PECAS[16] land use allocation model to evaluate the indirect effects of transportation projects. Caltrans could have relied on such a model to develop separate Build and No Build land use allocations for the I-5 Project. Caltrans should have used one of these methods in its evaluation of the Project's traffic impacts.

The other two components of modeling - #2 changes in destinations and #3 changes in travel mode – would be included in the modeling if Caltrans had properly applied the entire SANDAG model. However, based on the traffic numbers (and without access to Caltrans' model files) it appears likely that the same vehicle trip table[17] was applied in the DEIR/DEIS/ no-build and

[14] Conder, Sonny and Keith Lawton. Alternative Futures for Transportation and Land Use – Integrated Models Contrasted with "Trend-Delphi" Methods: The Portland Metro Results. Metro: Portland, OR, July 2001.

[15] National Cooperative Highway Research Program Report 466: *Desk Reference for Estimating the Indirect Effects of Proposed Transportation Projects*, p. 2 2002.

[16] PECAS stands for "Production, Exchange, and Consumption Allocation System." Caltrans is also funding a statewide implementation of PECAS (http://pecas.ultrans.ucdavis.edu/).

[17] "Trip tables" are matrices that enumerate how many vehicles are traveling from one travel zone to another.

13

RESPONSES

18 The design of the project was based on regional growth forecasts prepared by SANDAG. Please refer to Topical Responses "Projected Growth" and "Project Lifespan" for additional information regarding regional forecasts and future capacity of I-5, as well as the response to your Comment 04. The proposed project was not found to be growth inducing or a source of land use change. Please refer to the response to your Comments 16 and 17.

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build scenarios, and factors #2 and #3 were not included in the modeling. Again, without the modeling files it is not possible to be certain, but Caltrans may have omitted these factors deliberately to make the project benefits appear greater than they would be.

Earlier this year, a Caltrans employee was looking for validation for this improper procedure on the FHWA-sponsored Travel Model Improvement Program (TMIP) listserv, writing:

> According to knowledgeable people in the field the gravity model is overly sensitive to travel times which therefore in the feedback loop process may lead to more VMT increase due to a highway project than is actually the case." Tony Van Haagen, Caltrans, District 7 Los Angeles

I replied[18]:

> There is evidence that gravity models do realistically replicate the induced travel impacts of roadway capacity. See Caroline Rodier, "A Review of the Representation of Induced Highway Travel in Current Travel and Land Use Models" (2004) at http://pubs.its.ucdavis.edu/publication_detail.php?id=190. She concludes:
>
> The results indicate that when travel times are fed back to a land use model and/or the trip distribution step, then (1) models can represent induced travel within the range documented in the empirical literature and (2) the effect of new highway capacity on land use and trip distribution can significantly contribute to the model's representation of induced travel. If induced travel is not represented in travel and land use models, then the need for, and the benefit of, a highway project will tend to be overstated..."
>
> Where is there evidence that gravity models overestimate the induced travel effect?"

18 cont.

Mr. Van Haagen's response to me (directly and outside list):

> Norm,
>
> Thank you for bringing the paper by Rodier to my attention. It makes a strong case that the gravity model with a feedback process does produce realistic outcomes regarding induced traffic. The paper by Waddell et al. makes a good case for feedback through land use for the long term impact of highway projects. Fortunately, these ideas are slowly being incorporated in models now. Tony Van Haagen Caltrans, District 7 Los Angeles

Mr. Van Haagen's response that Caltrans is "slowly being incorporated in models now" is an understatement. The use of a "gravity model with a feedback process" has been required by the Federal Clean Air Act Conformity modeling regulations in air basins that have been identified as being in

[18] The references to "gravity model" and "feedback" are technical terms related to the captured of induced travel effects #2 changes in destination and #3 changes in mode.

14

ORGANIZATIONS — COMMENTS

18 cont.

nonattainment and maintenance of the ozone and carbon monoxide ambient air quality standards since 1993. Indeed, FHWA's Air Quality Conformity Reference Guide states:

> Reasonable agreement between zone-to-zone travel times used in trip distribution and the travel times resulting from traffic assignment (i.e. feedback): This network modeling requirement is based on provisions of the November 1993 conformity rule (58 FR 62230 and 62249, November 24, 1993), which required feedback of travel times resulting from traffic assignment to travel times used in trip distribution. Reasons for EPA to retain this requirement include: there is clear theoretical justification for feedback between traffic assignment and trip distribution, especially in congested areas, and full feedback is already widely available and used.[19]

Again, it is important to emphasize that Van Haagen's initial position was that including distribution feedback would make the project appear to perform worse. It would appear worse because it would properly account for the induced traffic that would result from the project. This induced traffic obviously would reduce the benefits of widening on I-5. Even more importantly, it also causes increased peak period congestion for other roadways intersecting I-5. No trip begins or ends on I-5. Increasing peak period traffic throughput on I-5 necessarily would increase peak period traffic on intersecting roadways.

The use of these types of gravity models is standard modeling practice in the U.S. SANDAG, for example, relies on these models in its air quality conformity modeling. Caltrans should have relied on a gravity model with a feedback process to conduct its analysis of project impacts. The DEIR/DEIS's traffic analysis should be revised accordingly.

19

The DEIR/DEIS Fails to Consider Non-Freeway Widening Alternatives to the Project

The DEIR/DEIS fails to consider any alternatives to meeting the region's mobility needs other than widening the freeway. The DEIR/DEIS contains only a very short section on Transportation System Management (TSM), Multi-Modal and Transportation Demand Management (TDM). Yet the DEIR/DEIS groups these tactics together and provides no specific detail as to how TSM or TDM could effectively be implemented along the I-5 corridor to reduce traffic levels. Regarding multi-modal options, the DEIR/DEIS contains only a single sentence:

> Multi-modal alternatives integrate multiple forms of transportation modes, such as pedestrian, bicycle, automobile, rail, and transit. (p. 2-12)

20

Thus, the DEIR/DEIS fails to seriously consider a Multi-Modal, TDM, or TSM alternative.. The DEIR/DEIS states:

[19] http://www.fhwa.dot.gov/environment/conformity/ref_guid/chap6.htm#determin

15

RESPONSES

19 The process of identifying the build alternatives that were addressed in detail in the EIR/EIS is discussed in *Section 1.4*. Please also refer to Topical Responses "Multimodal System" regarding alternative transportation modes and "Corridor Alternatives" for additional information regarding functional alternatives screened for the North Coast Corridor. It should be noted that the *I-5 NCC Project* includes multimodal components in the community and regional enhancement projects involving improvements for pedestrians and bicyclists. Please refer to *Section 2.3* of this Final EIR/EIS.

20 With regard to the question of why transportation system management (TSM) could not satisfy the need of the project – transportation planning agencies agree that the future of transportation is multi-pronged, with continuation of vehicular travel as well as other modes of transportation. Project elements designed to reduce VMT include adding bike and pedestrian facilities; providing a competitive option to single-occupant vehicles through the express lane system; and using fee revenue generated through congestion pricing generated

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Although TSM measures alone could not satisfy the purpose and need of the project, TSM measures have been incorporated into the Build Alternatives for this project. (p. 2-12)

20 cont. Although normally a statement such as the one above would follow some evidence that TSM measures alone "could not satisfy the purpose and need of the project", the DEIR/DEIS provides no such evidence. It simply assumes that TSM could not meet the purpose and need and implicitly assumes that no combination of Multi-Modal, TSM and TDM could meet the purpose and need while providing no evidence.

21 In addition, I question the DEIR/DEIS' approach to evaluating the project "build" and "no-build" alternatives. Caltrans apparently relies on a single population forecast and that forecast was used to analyze the build and no-build scenarios. For many of the reasons discussed above, it is highly unlikely that the same level of transportation needs would exist whether or not the I-5 widening project is implemented. Therefore, it is unreasonable for Caltrans to rely on the same forecast to model the build and no-build alternatives. Because Caltrans has taken this approach, the result is a forecast of future needs that only the proposed I-5 project can satisfy. Furthermore, as discussed above, the Project would not even meet its own objective of maintaining or improving future traffic levels in 2030 over the existing levels of service. Thus, if none of the proposed build alternatives would meet the project need, the DEIR/DEIS must be revised to consider other approaches that would meet the region's mobility needs.

Here are four alternatives that should be considered:

22 1) Land Use Policy – Based on the DEIR/DEIS, it appears that it is assumed that land development in the corridor is expected to grow rapidly (apparently by a faster rate than assumed in the approved Regional Transportation Plan). While Caltrans does not have land use authority, it nonetheless should have explored an alternative land use/transportation scenario that includes cities within the region increasing urban densities. Over the last few years, we have seen a sustained increase in transit-oriented development and a corresponding shift in the public's willingness to endure lengthy commutes from the suburbs. Reducing the rate of growth and/or changing the pattern of that growth towards more compact mixed use development would both reduce the "Need" for the project and also help the region meet another important planning goals including meeting the mandates of SB 375 (discussed below).

23 2) Land Use Policy Plus Transit – There is a strong synergy between the type of land use policy and expanded public transit. Transit investments help to focus the attention of local communities and developers; it can be "Development Oriented Transit". The combination of both is much stronger than either approach individually. Caltrans should have evaluated an alternative in which all of the proposed funding for the proposed Project was instead earmarked for regional transit development. It is important that this transit alternative assume already funded or otherwise committed transit projects already anticipated in the 2030 RTP.

16

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20 cont. through congestion pricing to support transit within the corridor (refer to EIR/EIS *Section* 2.2.3 for details). In addition, the *I-5 NCC Project* includes a number of operational and TSM improvements (e.g., ramp meters, vehicle detection, and changeable message signs), designed to maximize the efficiency of the existing system and to provide improved traveler information. As noted in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS, the planned regional transportation demand management (TDM) strategy that would be implemented concurrent with the project includes: outreach, education, and incentives to reduce solo driving through improved vanpools, car pools, telework, and bicycle programs. Even with incorporation of these measures into the Preferred Alternative, based on 2050 RTP SANDAG traffic modeling use of mass transit, TSM and TDM methods would not achieve the project objectives.

21 It is appropriate to use the same forecasts for build and no build scenarios; analysis would be meaningless without that commonality. The build alternatives would meet project objectives. Please refer to the responses to your Comments 05, 11 and 12.

22 The commenter is correct that Caltrans does not have land use authority. Regardless, the 2050 RTP projections are based upon land use plans and approved projects information provided by the land use planning agencies (cities and county) within the North Coast Corridor, and therefore incorporate anticipated urban densities. Please refer to the responses to your Comments 05 and 07. Please also refer to the response to Comment 04 of this letter regarding consistency with CA SB 375.

23 The *I-5 NCC Project* is part of the balanced, multimodal transportation network that is planned for the region. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project and related planning fit within the regional transit system and 2050 RTP, as well as Topical Response "Climate Change" for additional information regarding achievement of the State's goals regarding climate change and GHG. Project-specific planning and/or implementation of improvements to rail, bus, and car facilities are all independently moving forward under the purview of the lead agencies with primary responsibility for them.

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24

3) Local Roadway Improvements – It appears that a goal of this project is to attract local traffic onto the Interstate system. This is the opposite of good planning. There is a reason why I-5 is part of the "Interstate" Highway System. Accommodating local traffic on Interstate Highways is very expensive and creates traffic congestion at interchanges. Local Roadway Improvements are cheaper, do not cause significant indirect impacts, and are smaller so they are easier to adapt to new forecasts. The DEIR/DEIS dismisses such an alternative without providing evidence. The problem originates in the overly narrow Purpose and Need statement which is based on a single roadway rather than on any larger need by the public. An alternative focused on local roadway improvements should have been included.

25

4) Pricing I-5 General Purpose Lanes – A moderate toll on all traffic (possibly only during peak periods) would be sufficient to maintain acceptable traffic flow while avoiding the problems of induced sprawl, traffic increases, and increased congestion on local roadways. Higher tolls could be avoided through some combination of the Land Use Policy, Transit, and Local Roadway Improvements alternatives described above. While tolling existing Interstate lanes is not permitted now, the Federal and state governments are desperately looking for solutions to long-term transportation funding issues, and tolling existing Interstate Highways is under discussion. If California strongly pursued this alternative, it is likely that the political will could be found in Washington D.C. to allow it, possibly as a "demonstration project."

Ken Orski, a long-term transportation policy insider, wrote extensively about the prospects of Interstate tolling in his May 1, 2010 issue of *Innovation Briefs*:

> Two bold predictions concerning the future of the federal surface transportation program have caught our eye in recent days. Both have come from respected veterans of the transportation scene so they cannot be lightly dismissed as speculations of some anonymous bloggers.
>
> The first prediction comes from Pennsylvania Governor Ed Rendel, a longtime advocate of greater investment in transportation infrastructure. "I have a prediction for you," the Governor said at an April 6 press conference called in the wake of the federal rejection of the state's application to toll Pennsylvania's Interstate-80. "When there is a reauthorization they (the Feds) will lift the ban on tolling. There is no appetite for raising the gasoline tax and it [tolling the Interstates] is one of the only ways for us to maintain these highways."
>
> The other prediction comes from former Secretary of Transportation, James Burnley. Since leaving the Department of Transportation in 1989, Burnley has remained an active player on the transportation scene as a regulatory lawyer. "I started saying a year ago that we were facing four years of short-term extensions of existing programs, and I am sorry to say this is a prediction that I believe will come true," Burnley said in an interview with *DC Velocity*, a local online newspaper. He went on to say that it will be difficult to raise the gas tax in a more Republican-leaning Congress next January. "What worries me is that the whole concept of the trust fund is breaking down," ...

17

RESPONSES

24 Improving local streets that may need increased capacity in multiple jurisdictions with or without the *I-5 NCC Project* is beyond the scope and authority of Caltrans. Such improvements are planned and implemented by local jurisdictions through their circulation plans, which are considered in the SANDAG transportation models that are employed by Caltrans in evaluating the transportation impacts of its highway projects. The EIR/EIS does address needed improvements to intersections that include a highway ramp.

25 Tolling existing interstate highways is not preferred as most drivers believe that they have already paid for the interstate highway through fuel taxes levied to maintain and improve it. As noted in your comment, imposing a toll on existing interstate lanes is not currently permitted. Accordingly, pursuit of such an alternative would not be consistent with CEQA Guidelines 15126.6(f)(3), which notes that an EIR need not consider an alternative whose implementation is remote and speculative. New lanes can be tolled, and that would be consistent with the concept of Single Occupancy Vehicle (SOV) payers.

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25 cont.

In fact, both predictions— the tolling of Interstate Highways and increased reliance on general revenue appropriations to support the federal surface transportation program— have been a subject of an ongoing debate in the transportation community for some time.

Interstate highway tolling has been discussed extensively in two online discussions — the National Journal's Transportation Experts Blog (week of August 17, 2009) and IBTTA's "Tolling Points" blog (week of April 11, 2010). Over 30 transportation professionals took part in the two online exchanges. The question of Interstate highway tolling was also a subject of a poll conducted by the trade publication "Roads & Bridges" (October 2009) and of a recent editorial in "Better Roads" magazine (April 2010).

Political and professional opinion on tolling is divided, with neither proponents nor opponents scoring a decisive advantage. But Governor Rendell's prediction has given the prospect of Interstate highway tolling the kind of plausibility that it had not enjoyed before.

In sum, the revised DEIR/DEIS should identify and evaluate an alternative that tolls existing interstate lanes. Once this, and the other alternatives discussed above are developed, Caltrans must use appropriate modeling (i.e., gravity model with a feedback process) to evaluate the comparative effects of these alternatives (non-freeway widening) with Caltrans' proposed project (freeway widening).

26

The Project is Inconsistent with the Mandates of SB 375

On September 23, 2010, the California Air Resources Board approved a target for SANDAG of reducing its VMT-based greenhouse gas emissions per capita by 13% in 2035 relative to 2005 (not including the additional reductions from higher fuel efficiency and low carbon fuels). These emissions are 8.1% below those represented in the adopted Regional Transportation Plan.[20] As discussed above, the forecast VMT in the DEIR/DEIS is much higher than the numbers in the Regional Transportation Plan, and the modeled VMT is higher with the project than without. Furthermore, as discussed above, the DEIR/DEIS grossly underestimates the negative effects the proposed project would have on future VMT. Therefore, there is an enormous disconnect between the requirements of SB 375 and the DEIR/DEIS. The DEIR/DEIS section on climate change (4.6) fails to quantity the impacts of the project on greenhouse gas emissions or to make any reference to SB 375.

[20] CARB, http://arb.ca.gov/cc/sb375/mpo.co2.reduction.calc.pdf.

18

RESPONSES

26 The EIR/EIS discusses GHG emissions and climate change impacts in *Section 4.6*, including additional information that was circulated within the Supplemental Draft EIR/EIS in August 2012. The dominant GHG emitted is CO_2, mostly from fossil fuels. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and approximately 40 percent of all human-made GHG emissions are from transportation, Caltrans has created and is implementing the Climate Action Program at Caltrans that was published in December 2006. One of the main strategies in the Climate Action Program to reduce GHG emissions is to make California's transportation system more efficient. The baseline analysis for GHG emissions (expressed as CO_2 emissions) is provided in EIR/EIS *Section 4.6*. The project's quantitative GHG analyses show that when compared with the No Build alternative, the Preferred Alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 340 tons per day, while the 10+4 Barrier and 10+4 Buffer alternatives are estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 350 tons per day. Please also refer to Topical Response "Climate Change."

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	26 cont. Regarding VMT, the project would not generate traffic. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. The project would provide features that would better accommodate increased traffic volumes and reduce travel times compared to the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. Transportation facilities may redistribute traffic, however. The build alternatives would accommodate more traffic than the No Build condition on I-5, so the project would result in more traffic being carried on the freeway versus other parallel facilities. The traffic would also be carried more efficiently on the freeway at higher speeds and with fewer stops and starts versus parallel surface streets. This is reflected in the additional VMT at higher speeds for build alternatives versus no build in Final EIR/EIS *Table 3.14.10*. Under the Preferred Alternative and as noted in *Chapter 2*, total daily VMT would increase four percent compared with the No Build alternative. Please also refer to the response to your Comment 04 regarding CA SB 375 consistency.

ORGANIZATIONS – COMMENTS

Resume

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EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982

Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE:

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at Resource Systems Group, Inc. for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior, and doing planning that coordinates multi-modal transportation with land use and community needs.

Regional Land Use/Transportation Scenario Planning

Climate Plan (California statewide) – Assisted large coalition of groups in reviewing and participating in the target setting process required by Senate Bill 375 and administered by the California Air Resources Board to reduce future greenhouse gas emissions through land use measures and other regional initiatives. This work including reviewing the transportation models of the four largest Metropolitan Planning Organizations (MPOs) and less detailed analyses of the planning efforts of the smaller MPOs.

27 Chicago Metropolis Plan and Chicago Metropolis Freight Plan (6-county region)— developed alternative transportation scenarios, made enhancements in the regional travel demand model, and used the enhanced model to evaluate alternative scenarios including development of alternative regional transit concepts. Developed multi-class assignment model and used it to analyze freight alternatives ncluding congestion pricing and other peak shifting strategies. Chicago Metropolis 2020 was awarded the Daniel Burnham Award for regional planning in 2004 by the American Planning Association, based in part on this work.

Envision Central Texas Vision (5-countyregion)—implemented many enhancements in regional model including multiple time periods, feedback from congestion to trip distribution and mode choice, new life style trip production rates, auto availability model sensitive to urban design variables, non-motorized trip model sensitive to urban design variables, and mode choice model sensitive to urban design variables and with higher values of time (more accurate for "choice" riders). Analyzed set land use/transportation scenarios including developing transit concepts to match the different land use scenarios.

Mid-Ohio Regional Planning Commission Regional Growth Strategy (7-county Columbus region)—developed alternative future land use scenarios and calculated performance measures for use in a large public regional visioning project.

Baltimore Vision 2030—working with the Baltimore Metropolitan Council and the Baltimore Regional Partnership, increased regional travel demand model's sensitivity to land use and transportation infrastructure. Enhanced model was used to test alternative land use and transportation scenarios including different levels of public transit.

Chittenden County (2060 Land use and Transportation Vision Burlington Vermont region) – leading extensive public visioning project as part of MPO's long-range transportation plan update.

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RESPONSES

27 The resume of the author of this comment letter is acknowledged and is part of the public record.

ORGANIZATIONS — COMMENTS

RESPONSES

Burlington (Vermont) Transportation Plan – Leading team developing Transportation Plan focused on supporting increased population and employment without increases in traffic by focusing investments and policies on transit, walking, biking and Transportation Demand Management.

Transit Planning

Regional Transportation Authority (Chicago) and Chicago Metropolis 2020 – evaluating alternative 2020 and 2030 system-wide transit scenarios including deterioration and enhance/expand under alternative land use and energy pricing assumptions in support of initiatives for increased public funding.

Capital Metropolitan Transportation Authority (Austin, TX) Transit Vision – analyzed the regional effects of implementing the transit vision in concert with an aggressive transit-oriented development plan developed by Calthorpe Associates. Transit vision includes commuter rail and BRT.

Bus Rapid Transit for Northern Virginia HOT Lanes (Breakthrough Technologies, Inc and Environmental Defense.) – analyzed alternative Bus Rapid Transit (BRT) strategies for proposed privately-developing High Occupancy Toll lanes on I-95 and I-495 (Capital Beltway) including different service alternatives (point-to-point services, trunk lines intersecting connecting routes at in-line stations, and hybrid).

Central Ohio Transportation Authority (Columbus) – analyzed the regional effects of implementing a rail vision plan on transit-oriented development potential and possible regional benefits that would result.

Essex (VT) Commuter Rail Environmental Assessment (Vermont Agency of Transportation and Chittenden County Metropolitan Planning Organization)—estimated transit ridership for commuter rail and enhanced bus scenarios, as well as traffic volumes.

27 cont.

Georgia Intercity Rail Plan (Georgia DOT)—developed statewide travel demand model for the Georgia Department of Transportation including auto, air, bus and rail modes. Work included estimating travel demand and mode split models, and building the Departments ARC/INFO database for a model running with a GIS user interface.

Highway Corridor Planning

Hudson River Crossing Study (Capital District Transportation Committee and NYSDOT) – Analyzing long term capacity needs for Hudson River bridges which a special focus on the I-90 Patroon Island Bridge where a microsimulation VISSIM model was developed and applied.

State Routes 5 & 92 Scoping Phase (NYSDOT) —evaluated TSM, TDM, transit and highway widening alternatives for the New York State Department of Transportation using local and national data, and a linkage between a regional network model and a detailed subarea CORSIM model.

Twin Cities Minnesota Area and Corridor Studies (MinnDOT)—improved regional demand model to better match observed traffic volumes, particularly in suburban growth areas. Applied enhanced model in a series of subarea and corridor studies.

Developing Regional Transportation Model

Pease Area Transportation and Air Quality Planning (New Hampshire DOT)—developed an integrated land use allocation, transportation, and air quality model for a three-county New Hampshire and Maine seacoast region that covers two New Hampshire MPOs, the Seacoast MPO and the Salem-Plaistow MPO.

Syracuse Intermodal Model (Syracuse Metropolitan Transportation Council)—developed custom trip generation, trip distribution, and mode split models for the Syracuse Metropolitan Transportation Council. All of the new models were developed on a person-trip basis, with the trip distribution model and mode split models based on one estimated logit model formulation.

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ORGANIZATIONS – COMMENTS

RESPONSES

Portland Area Comprehensive Travel Study (Portland Area Comprehensive Transportation Study)—Travel Demand Model Upgrade—enhanced the Portland Maine regional model (TRIPS software). Estimated person-based trip generation and distribution, and a mode split model including drive alone, shared ride, bus, and walk/bike modes.

Research

Obesity and the Built Environment (National Institutes of Health and Robert Wood Johnston Foundation) – Working with the Dartmouth Medical School to study the influence of local land use on middle school students in Vermont and New Hampshire, with a focus on physical activity and obesity.

The Future of Transportation Modeling (New Jersey DOT)—Member of Advisory Board on project for State of New Jersey researching trends and directions and making recommendations for future practice.

Trip Generation Characteristics of Multi-Use Development (Florida DOT)—estimated internal vehicle trips, internal pedestrian trips, and trip-making characteristics of residents at large multi-use developments in Fort Lauderdale, Florida.

Improved Transportation Models for the Future—assisted Sandia National Laboratories in developing a prototype model of the future linking ARC/INFO to the EMME/2 Albuquerque model and adding a land use allocation model and auto ownership model including alternative vehicle types.

Critiques

27 cont.

C-470 (Denver region) – Reviewed express toll lane proposal for Douglas County, Colorado and prepared reports on operations, safety, finances, and alternatives.

Intercounty Connector (Maryland) – Reviewed proposed toll road and modeled alternatives with different combinations of roadway capacity, transit capacity (both on and off Intercounty Connector) and pricing.

Foothills South Toll Road (Orange County, CA) – Reviewed modeling of proposed toll road.

I-93 Widening (New Hampshire) – Reviewed Environment Impact Statement and modeling, with a particular focus on induced travel and secondary impacts, and also a detailed look at transit potential in the corridor.

Stillwater Bridge – Participated in 4-person expert panel assembled by Minnesota DOT to review modeling of proposed replacement bridge in Stillwater, with special attention to land use, induced travel, pricing, and transit use.

Ohio River Bridges Projects– Reviewed Environmental Impact Statement for proposed new freeway bridge east of Louisville Kentucky for River Fields, a local land trust and historic preservation not-for-profit organization.

PUBLICATIONS AND PRESENTATIONS (partial list)

Understanding the Transportation Models and Asking the Right Questions. Lead presenter on national Webinar put on by the Surface Policy Planning Partnership (STTP) and the Center for Neighborhood Technologies (CNT) with partial funding by the Federal Transit Administration, 2007.

Sketch Transit Modeling Based on 2000 Census Data with Brian Grady. Presented at the Annual Meeting of the Transportation Research Board, Washington DC, January 2006, and *Transportation Research Record*, No. 1986, "Transit Management, Maintenance, Technology and Planning", p. 182-189, 2006.

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ORGANIZATIONS – COMMENTS

RESPONSES

Travel Demand Modeling for Regional Visioning and Scenario Analysis with Brian Grady. Presented at the Annual Meeting of the Transportation Research Board, Washington DC, January 2005, and *Transportation Research Record*, No. 1921, "Travel Demand 2005", p. 55-63, 2006.

Chicago Metropolis 2020: the Business Community Develops an Integrated Land Use/Transportation Plan with Brian Grady, Frank Beal and John Fregonese, presented at the Transportation Research Board's Conference on Planning Applications, Baton Rouge LA, April 2003.

Chicago Metropolis 2020: the Business Community Develops an Integrated Land Use/Transportation Plan with Lucinda Gibson, P.E., Frank Beal and John Fregonese, presented at the Institute of Transportation Engineers Technical Conference on Transportation's Role in Successful Communities, Fort Lauderdale FL, March 2003.

Evidence of Induced Travel with Bill Cowart, presented in association with the Ninth Session of the Commission on Sustainable Development, United Nations, New York City, April 2001.

Induced Demand at the Metropolitan Level – Regulatory Disputes in Conformity Determinations and Environmental Impact Statement Approvals, Transportation Research Forum, Annapolis MD, November 2000.

Evidence of Induced Demand in the Texas Transportation Institute's Urban Roadway Congestion Study Data Set, Transportation Research Board Annual Meeting, Washington DC: January 2000.

27 cont.

Subarea Modeling with a Regional Model and CORSIM" with K. Kaliski, presented at Seventh National Transportation Research Board Conference on the Application of Transportation Planning Methods, Boston MA, May 1999.

New Distribution and Mode Choice Models for Chicago with K. Ballard, Transportation Research Board Annual Meeting, Washington DC: January 1998.

"Land Use Allocation Modeling in Uni-Centric and Multi-Centric Regions" with S. Lawe, Transportation Research Board Annual Meeting, Washington DC: January 1996.

Multimodal Statewide Travel Demand Modeling Within a GIS with S. Lawe, Transportation Research Board Annual Meeting, Washington DC: January 1996.

Linking a GIS and a Statewide Transportation Planning Model, with L. Barbour and Judith LaFavor, Urban and Regional Information Systems Association (URISA) Annual Conference, San Antonio, TX, July 1995.

Forecasting Land Use Changes for Transportation Alternative with S. Lawe, Fifth National Conference on the Application of Transportation Planning Methods, Seattle WA, April 1995.

Forecasting Land Use Changes for Transportation Alternatives, with S. Lawe, Fifth National Conference on the Application of Transportation Planning Methods (Transportation Research Board),: Seattle WA, April 1995.

Integrated Transportation, Land Use, and Air Quality Modeling Environment with C. Hanley and M. Lewis Fifth National Conference on the Application of Transportation Planning Methods (Transportation Research Board), Seattle WA, April 1995.

MEMBERSHIPS/AFFILIATIONS

Member, Institute of Transportation Engineers
Member, American Planning Association
Member, Congress for the New Urbanism

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ORGANIZATIONS — COMMENTS

SEA CLIFF HOMEOWNERS ASSOCIATION

November 19, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation – District 11
4050 Taylor Street, MS242
San Diego, CA 92110

Lindsay Management Services
A division of Corporate Management Consult Inc
6126 Innovation Way
Carlsbad, CA 92009-1728

Subject: Impact on Sea Cliff of the I-5 Widening

Dear Shay Lynn Harrison,

01 300 homes comprise the Sea Cliff community. More than 80 homes abut the banks on the west and south sides of the development that slopes down to I-5 and Caltrans property. The first enclosed map, used by the City of Carlsbad to show areas of responsibility, shows our HOA and Caltrans property.

All of the options being considered for widening the freeway will have a large impact on our community. Our resident engineers need to work with your engineers as detailed designs are accomplished to implement the final configuration of the project.

According to your preliminary plans (e.g. Figures 2.2-14z & 2.2-14aa on pp 2-53 & 2-54 of http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/CDraft.html) the recommended soundwall (S736) would lie directly on Sea Cliff property and it would severely and unacceptably impact residents of 79 lots; however, there is a much better and acceptable location that lies on Caltrans property.

There are four areas where we are directly and deeply concerned and have questions:

- 02 Will the soundwall (S736) location and configuration be changed to prevent loss of Sea Cliff property such as common area and private patios, and will the wall have clear sections to preserve the ocean views we now have above our 3' patio walls? How can we be sure that sound levels will be reduced below the current levels? What cost will there be to the Association to tailor the wall to our needs?
- 03 Will the soundwall be moved west onto Caltrans property in order to mitigate adverse air quality, especially Ultrafine Particle Pollution (UFP), by placing the wall at a sufficient distance west of our property so the "dead air" region east of the wall that traps UFP (due to separation and prevailing breezes) does not extend onto our patios? Some studies show that the height-to-distance ratio should be as high as 20.
- 04 How will structural damage to buildings, concrete slabs, patio decks and block walls throughout the community be identified and corrected during construction?
- 05 What are details of design of the walkways on the new Poinsettia Lane Bridge so they provide safe, low-noise and pedestrian-friendly crossing of I-5?

06 In the recent past, we expressed concern about the safety of the residents and their homes at the top of our west bank due to fire hazards from brush on Caltrans property. We have fulfilled our responsibility to remove the brush within our property lines, but we and the City of Carlsbad have had difficulty in achieving dangerous shrub removal by Caltrans. We seek better co-operation on this project.

07 We appreciate your attention to our concerns and look forward to future response that will seek inputs from our community.

Sincerely,

James D. Lang

James D Lang
President, Sea Cliff Homeowners Association
Encl: Maps of Sea Cliff HOA and surrounding areas

RESPONSES

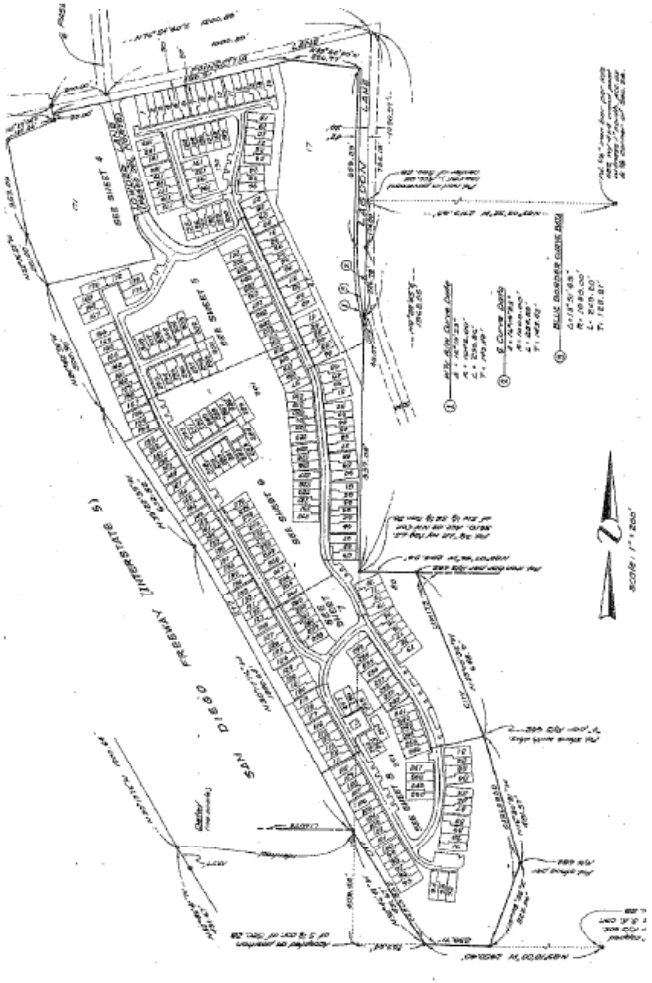
Responses to James D. Lang, President, Sea Cliff Homeowners Association

01 Thank you for your comments, which are part of the public record. The potential effects of the proposed project on the Sea Cliff community were reported in the Draft EIR/EIS using the largest potential footprint of the proposed 10+4 Barrier alternative. Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

Regarding your concerns on the potential location of Soundwall S736, please note that the location of this soundwall depicted on the referenced Final EIR/EIS graphics (*Figures 2-2.3, Sheets 42* and *43*) is preliminary and approximate. Because the project design process is ongoing, the exact locations of project soundwalls (and other facilities) are still being determined. As described in EIR/EIS *Section 3.15, Noise*, and the associated Noise Study Report (NSR), S736 would replace an existing six-foot-high glass/block property wall. Accordingly, S736 would generally be constructed in the same location as the existing wall, depending on associated engineering considerations such as footing requirements. A depiction of the preliminarily proposed wall location is provided on Sheets 38 and 39 of the NSR Appendix C, available for review at:

http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf.

ORGANIZATIONS — COMMENTS



RESPONSES

01 cont. Properties in this area are elevated by approximately 50 feet or more above the freeway. Both right-of-way and shoulder elevations are substantially lower than the noise receptors; therefore, a soundwall within the Caltrans right-of-way, as suggested in this comment would not be "feasible."

02 EIR/EIS *Section 3.7*, *Visual/Aesthetics,* identifies several alternative soundwall designs, including transparent materials to retain desirable western views for viewers east of I-5 (refer to EIR/EIS *Figure 3-7.122*). This section further states that transparent soundwalls locate on private property could be used if the benefited property owner agrees to maintain wall surfaces. The selection of materials would be determined during the final design process, if a project build alternative were chosen and if this wall were ultimately determined to be "reasonable and feasible." Please also refer to Topical Response "Soundwall Considerations" for additional information regarding the soundwall evaluation process.

03 With respect to your concerns on pre- and post-project noise levels at the subject property, this information is provided in EIR/EIS *Section 3.15*. The projection of future noise levels and effectiveness of abatement are based on detailed models that have been subject to rigorous testing and verification. As shown in *Table 3.15.27*, post-project noise levels with the construction of S736 at the recommended heights would be lower than the corresponding existing levels for all of the associated noise receptors (R13.21 through R13.26), except one (R13.21). Post-project noise levels at R13.21 would be 63 decibels (dBA), the same as the existing level, which would not reduce noise levels by the required 5 dBA below measured existing conditions.

04 Regarding tailoring soundwall S736 to the needs of the Seacliff Homeowners Association, please note that the proposed project's soundwalls, including S736, would encompass materials, design specifications, and construction methods that would provide adequate noise abatement to meet applicable FHWA and Caltrans guidelines. If this comment is in reference to relocating the wall on Caltrans right-of-way, such a change would not be "feasible" as noted above in the response to your Comment 01. With respect to retaining ocean views, because Soundwall S736 would replace

ORGANIZATIONS — COMMENTS

RESPONSES

04 cont. the existing 6-foot-high glass and block property wall, it would be constructed as a transparent soundwall to preserve existing views. Caltrans would coordinate with the property owner on the construction materials.

As noted in the response to your Comment 02, the use of transparent soundwalls located on private property would require property owner agreement to maintain wall surfaces. The maintenance of "wall surfaces" referenced in this discussion would include efforts such as cleaning and painting. Caltrans' requirements to conduct maintenance for soundwalls located on private property are related to structural issues, such as repairing cracks and addressing wall and/or foundation failures.

05 With respect to the potential relocation of S736 west into the Caltrans right-of-way, please refer to the responses to your comments 01 and 03 above. As noted, such a change may not be "feasible" and could affect the determination of "reasonableness" for S736, as well as the related recommendation to construct this soundwall. The proposed relocation of S736 in this comment would also not have a notable effect on the dispersal of air quality pollutants, including regulated particulate matter (PM) such as PM_{10} (inhalable PM) and $PM_{2.5}$ (fine PM). Specifically, this conclusion is based on the typically large topographic separation between the freeway and the subject property, the relatively small scale of S736 (8- to 12-feet high), and the fact that this wall would replace an existing 6-foot-high property wall. Ultrafine particles (UFPs), as referenced in this comment, are defined as those with a diameter of less than 100 nanometers (with one nanometer equal to one billionth of a meter) and are not regulated under existing air quality criteria. It should be noted, however, as described in EIR/EIS *Section 3.14, Air Quality*, that the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions (including PM) and related improvements to air quality compared with existing conditions. Please refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality considerations.

ORGANIZATIONS — COMMENTS	RESPONSES
	06 The proposed project is not anticipated to result in substantial structural damage to buildings, patios, or block walls in your area during construction.
	07 Detailed design plans have not been completed at this time; however, pedestrian facilities will be designed with sidewalk, curb, gutter, and street lighting based on accepted roadway design and safety standards.
	08 Caltrans will continue to work with residents and property owners to resolve issues during construction of this project. Also, as described in Topical Response "Soundwall Considerations," the soundwall design process would include property owner coordination.

ORGANIZATIONS – COMMENTS

1050 Regal Road, Encinitas, CA 92024

22 November 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110
Transmitted via email to: I-5_NCC_EIR_EIS@dot.ca.gov

Subject: Comments on the Interstate 5 North Coast Corridor Project Draft EIR/EIS

Dear Ms. Harrison:

We appreciate the opportunity to comment on the Draft Environmental Impact Report/Environmental Impact Statement for this significant project.

Seacoast Community Church Profile

Seacoast Community Church owns a substantial length of property along the eastern side of Interstate 5, beginning just north of Santa Fe Drive in Encinitas. The church has been at this location since the 1960s, and was known as Encinitas First Baptist Church until 1988 when it changed to its current name.

01 We have a number of ministries and activities on our property for all ages. In addition to the typical Sunday worship services and Sunday School, we also have a number of activities during the week. Following is a sample of some of the activities:

- Junior high and high school youth group meetings, which include indoor and outdoor activities
- Monthly outdoor barbeques
- Elementary age home-school groups which use the classrooms and the playground area
- Weekly after-school tutoring for children of all ages
- Weddings and funerals

RESPONSES

Responses to John A. Economides, P.E., Facilities Team Chair, Seacoast Community Church

01 Thank you for your comments, which are part of the public record. Your concerns regarding noise, air quality, visual impacts, drainage, security, and local traffic impacts are addressed in the following responses.

ORGANIZATIONS — COMMENTS

- Community musical events (e.g., the North Coast Symphony Orchestra)
- Numerous community groups, such as Al-Anon

01 cont. In addition to all of the existing activities, we are actively investigating the leasing of some of our classrooms and playground area to a charter school. If a decision is made to move forward on this, the school will likely be in place before construction starts on the freeway widening.

Comments on the Draft EIR/EIS

Our main concerns are regarding noise, air quality, visual impacts, drainage, security and local traffic impacts. These concerns exist for the period of construction for each phase, and well as during the interim and final conditions.

Visual

02 We consider our freeway frontage to be a valuable asset. For this reason, we support the recommendation to not construct a sound wall along the portion of the freeway adjoining our property.

03 Additionally, we support the plans for changing the character of the drainage channel running between the freeway and our property. We look forward to interacting with Caltrans and its various designers regarding the details of how this area will be treated and how it will look from our property.

04 During construction, we have concerns about the visual impact of the equipment, stockpiles, and other construction-related impacts. For this reason, we urge Caltrans to locate stationary equipment and stockpiles away from residential, institutional and commercial areas such as the area around our church.

Hydrology/Drainage

05 There is a large storm drain within Caltrans property and parallel to our property line. This empties into a drainage channel that continues within Caltrans property and parallel to our property line. There is also a local storm drain that captures local street drainage on Regal Road and drainage from our northerly parking lot that empties into this channel. We believe the headwall of this drain is on our property, but we are not sure of the ownership of the storm drain that traverses our property. Since the project proposes significant changes within the drainage channel, we anticipate the need for close coordination during the design and construction phases of the project to minimize any impacts to the storm drain and headwall, and to maintain access to the channel for the discharge from this storm drain.

RESPONSES

02 As shown on *Figures 2-2.3, Sheets 32* and *33* of this Final EIR/EIS, no soundwall is proposed along the frontage of the Seacoast Community Church. Please note that the "severely impacted" noise receptor R10.13 (the church) is proposed to receive individual abatement, as stated in *Section 3.15, Noise*, of the EIR/EIS.

03 Regarding the drainage channel between the freeway and your property, several potential regional and community enhancements along the project corridor are being coordinated with local cities. One of these includes a north–south trail connection that would be part of the proposed I-5 North Coast (NC) Bike Trail on the east side of I-5 between Santa Fe Drive and Requeza Street with related drainage improvements and wetland vegetation restoration. Please refer to Final EIR/EIS *Figures 2-2.3, Sheets 32* and *33*. It should be noted that the implementation of community enhancements depend upon reaching a Maintenance Agreement with the affected city, in this case Encinitas. Should this community enhancement move forward, Caltrans would coordinate with Seacoast Community Church regarding the drainage channel.

04 Regarding construction-related impacts, specific locations for construction staging areas have not been identified yet, but they typically occur within the freeway right-of-way. While equipment and materials may be visible from adjacent areas during construction activities, such views are temporary. Additionally, a number of measures are identified in the EIR/EIS to control construction

ORGANIZATIONS — COMMENTS

Noise

06 We concur with the "severely impacted" determination for our property. The current noise level is significantly above the NAC threshold of 67 dBA, and the planned expansion will only increase the noise level. In addition, even a 4.9 m soundwall fails to bring the noise level below the threshold.

07 We were not able to obtain a copy of the Noise Study Report, so we could not determine if there was any analysis of the added noise associated with accelerating trucks and automobiles on the Santa Fe Drive to N/B I-5 onramp. If the noise study did not include this, we recommend that it be added. Since the onramp and acceleration lane run the length of our property, we believe the added noise will be substantial.

08 We have particular concerns regarding noise impacts during construction and any interim conditions between phases. Stationary construction equipment such as rock crushers, and concrete batch plants should be located away from residential, institutional and commercial areas, such as the area around our church. Mobile construction equipment should be properly quieted with hospital-grade mufflers. Materials should be handled with consideration for the noise generated (e.g., steel plates placed, not dropped), to minimize noise impacts. Backup warning devices should be uni-directional.

We look forward to discussing with Caltrans at the appropriate time the noise issues and alternative abatement strategies so that both Federal and State requirements can be met.

Air quality

09 Seacoast Community Church is not on your list of sensitive receptors. Considering the proximity to the freeway of our children's center, we believe it should be on your list of sensitive receptors, as should our neighbor to the north, Aviara Healthcare Center.

10 We have particular concerns regarding dust impacts during construction. Stationary construction equipment such as rock crushers, and concrete batch plants should be located away from residential, institutional and commercial areas, such as the area around our church. Materials stockpiles should be similarly situated away from these areas. When considering methods for earthmoving and removing existing pavement, consideration should be given to those methods that produce the least fugitive dust.

11 We find the mitigation measures for managing dust and other pollutants during construction of the various phases to be inadequate. The proposed measures "minimize" dust and other pollutants, but we do not believe they minimize them to a level of insignificance. While we realize that onsite mitigation measures need to balance cost with effectiveness, and that there are limits to how much can be done on site, we also believe there are offsite mitigation measures that are available for mitigating impacts to sensitive receptors. These include installation of air conditioning and new windows to reduce exposure to outside air on warm days. These measures are also useful in mitigating noise impacts and should be implemented with the project.

RESPONSES

04 cont. equipment noise, emissions, and dust during construction activities. These measures are identified in Appendix D, Environmental Commitments Record, of the EIR/EIS.

05 Please refer to the response to your Comment 03 regarding the existing drainage facilities.

06 Regarding noise levels at the subject property (1050 Regal Road), the projected future noise level (with the project and no soundwall) at the noise receptor site associated with the Seacoast Community Church and School playground (R10.13) is 77 decibels (dBA, refer to EIR/EIS *Table 3.15.21*). The identified future noise level at this site would represent an increase of one dBA over the existing level of 76 dBA (as shown in *Table 3.15.21*). Changes of three dBA or less generally are not detectable by the average healthy human ear. Because the projected noise level at R10.13 exceeds 75 dBA, however, the associated noise receptor site would be "severely impacted" under Federal Highway Administration (FHWA) and Caltrans guidelines, and noise abatement is required. To this end, Soundwall S664 was identified at the subject property. Because Soundwall S664 was determined not to be "reasonable," this property would instead receive individual abatement.

07 The Noise Study Report (NSR) prepared for the project is available for review at the following location: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf. As discussed therein, the traffic data used for the project noise analysis of the build and No Build alternatives incorporate freeway ramps, including the northbound on-ramp at Santa Fe Drive (refer to NSR Tables 7-2 and 7-3).

08 Regarding your concerns on potential construction-related noise concerns, this issue is addressed in *Section 3.15*. Specifically, this analysis notes that construction-related noise generation would be intermittent and would vary in intensity for different areas of the project site, as well as with the nature of individual construction activities. Information on noise levels for typical construction

ORGANIZATIONS — COMMENTS | RESPONSES

08 cont. activities that can be expected in the project area can be found at the following website: http://www.fhwa.dot.gov/environment/noise/handbook/09.htm.

Section 3.15.4 of the EIR/EIS identifies a number of related equipment and administrative noise control measures under the discussion of *Measures to Minimize Construction Noise*, as outlined below:

Equipment Noise Control

- Ensure that all equipment items have manufacturers' recommended noise-abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. All construction equipment would be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices.
- Turn off idling equipment.

Administrative Measures

- Implement a construction noise-monitoring program to limit impacts.
- Plan noisier operations during times least sensitive to noise receptors.
- Keep noise levels relatively uniform and minimize impulsive noises.
- Plan rests between construction activities so that noisy activities are followed by more quiet activities.
- Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. Provide frequent activity updates of all construction activities.

During the construction period, contractors would have to comply with the above requirements. These standards have been included in *Section 3.15* of this Final EIR/EIS, under the discussion of "Measures to Minimize Construction Noise."

ORGANIZATIONS — COMMENTS	RESPONSES
	08 cont. In addition, as referenced in EIR/EIS *Section 3.14.4* with regard to air quality, Caltrans Standard Specifications require the location of construction equipment and materials storage sites as far away from residential and park uses as practical. A number of measures are included in EIR/EIS *Section 3.14.4* to reduce air quality impacts during construction pursuant to Caltrans Standard Specifications, which also require conformance to San Diego Air Pollution Control District (SDAPCD) regulations.
	09 Based on the information available on the Seacoast Community Church website, the children's center does not appear to include a school or preschool. As children are present periodically rather than on a daily basis, the facility is not considered a sensitive receptor for the purposes of air quality analysis.
	10 Regarding your concerns about effects related to dust or other particulate matter (PM), generation during project construction, this issue is addressed in EIR/EIS *Section 3.14, Air Quality*. Specifically, a number of measures are identified in *Section 3.14* to avoid, minimize, and/or mitigate potential air quality impacts from project construction. These include conformance with applicable SDAPCD regulations and Caltrans Standard Specifications. As noted in the response to your Comment 08, these measures include specifications regarding the placement of construction equipment and materials storage areas. Implementation of these attenuation measures would avoid or reduce dust and other emission impacts from project construction.
	11 The measures from EIR/EIS *Section 3.14* identified above in the response to your Comment 10 would effectively avoid, minimize, or mitigate construction-related dust, other PM, and pollutants derived from vehicle and equipment emissions. Accordingly, the additional types of measures suggested in this comment such as installation of air conditioning and new windows are considered unnecessary, and as indicated, would not provide a balance between cost and effectiveness, especially considering the short-term nature of construction activities.

ORGANIZATIONS — COMMENTS

12 We disagree with the following statement (page 3.14-9), and believe it is misleading:

> "Differences in MSAT emissions among the proposed alternatives is also noted in Tables 3-14.7 and 3-14.8. Although the No Build Alternative is expected to accommodate less traffic as indicated in Table 3-14.6, its MSAT emissions are expected to be greater than those of other Build Alternatives in both 2015 and 2035. The greater MSAT emission projected for the No Build Alternative, despite less traffic, are attributable to the congested traffic conditions and breakdown of travel speeds during peak periods."

The MSAT Analysis completed in 2008 indicates that all alternatives for expansion will result in a substantial increase in emissions of the six high-priority MSAT pollutants over the no-build 2030 (the year used in the MSAT Analysis, not 2035 indicated in the above statement) alternative along many of the segments. This is true along Segment 10, which is the relevant segment for our church. While we recognize there are limitations to the analytical methods currently available to estimate emissions, we remain concerned about the impact of the increased emissions on the children and youth who frequent our campus. We urge Caltrans to consider re-evaluating the air quality impacts, and to implement proper and appropriate mitigations measures.

13 Lastly, we believe the monitoring station being used for most baseline ambient air pollutant concentrations (12th Avenue Downtown San Diego) is so distant from the project site as to be irrelevant, and the monitoring station being used for ozone (Del Mar 9th Street) is ineffective in measuring ambient concentrations for areas east (downwind) of Interstate 5. The DEIR/EIS (page 3.14-2) mistakenly states the Del Mar station is east of Interstate 5.

Security

14 We note the plan for a bike/pedestrian trail on Caltrans property adjacent to our property. While we support this trail, we have concerns regarding unauthorized access to our property from the trail. To mitigate this, we believe a secure fence or wall should be placed along the property line.

Local Traffic

15 Improvements to the Santa Fe Drive interchange should provide adequate queuing space for vehicles turning left from eastbound Santa Fe Drive to Regal Road.

16 Regal Road should have dedicated right and left-turn lanes onto Santa Fe Drive with adequate queuing space for each turn lane, plus standard-width bike lanes and sidewalks.

RESPONSES

12 Regarding the cited text in this comment from EIR/EIS *Section 3.14* (paragraph three under the heading *MSAT Discussion of Results*), this information has been deleted to show more accurately the differences in mobile source air toxics (MSAT) emissions among the No Build alternative and the proposed build alternatives. For forecasted emissions in future years 2015 and 2030, see *Tables 3.14.8* and *3.14.9* in *Section 3.14* of the Final EIR/EIS. Based on this information, the MSAT analysis indicates that there would be an approximately 49 percent decrease in 2030 in MSAT emissions over base year conditions (2006).

Because MSAT emissions would be decreased relative to existing conditions, no associated mitigation measures would be required.

13 With respect to your comments on the use of air quality monitoring data from the Downtown San Diego Station, this issue is addressed in *Section 3.14* of this Final EIR/EIS. Regarding the location of the Downtown monitoring stations relative to the project corridor, *Section 3.14* notes that:

> The SDAPCD [San Diego Air Pollution Control District] air quality monitoring station that represents the project area, climate, and topography in the SDAB [San Diego Air Basin] is the Del Mar-Mira Costa College Monitoring Station… However, the Del Mar-Mira Costa College Monitoring Station only monitors O_3 [ozone]. The next nearest monitoring station is San Diego Beardsley, 1110A Beardsley Street, San Diego, CA 92112. This station monitors CO [carbon monoxide], SO_2 [sulfur dioxide], NO_X [oxides of nitrogen] O_3, PM_{10}, and $PM_{2.5}$.

There are nine air quality monitoring stations in San Diego County: in Alpine, Camp Pendleton, Chula Vista, Del Mar, Downtown San Diego, El Cajon, Escondido, Kearny Mesa/Miramar and Otay Mesa. These locations were selected by the SDAPCD based on efforts to provide relatively conservative background

ORGANIZATIONS — COMMENTS | RESPONSES

13 cont. (ambient) data that accurately represent the SDAB. Accordingly, the availability of ambient air quality data is limited to the noted locations and is beyond the control of Caltrans. The Downtown station was identified as the most suitable for the project analysis, as it is one of only two stations, along with Chula Vista, that monitor all six criteria pollutants. It should also be noted, however, that because the identified pollutants are evaluated on a regional basis to identify appropriate ambient air quality conditions, the Downtown station data are appropriate in that context (i.e., regional ambient air quality conditions), and also provide a conservative estimate of the highest background pollutant concentrations in the project area due to the nature of Downtown traffic and emission levels. In addition, the EIR/EIS includes localized assessment and screening, respectively, for applicable pollutants including CO and PM. Specifically, for CO, *Section 3.14* includes "hot spot" analyses at a number of local intersections (refer to Final EIR/EIS *Table 3.14.6*), with the resultant data added to the regional background CO monitoring data to calculate the modeled maximum concentrations. Based on this evaluation, it was concluded that: "The results of the quantitative CO hot spot analysis show that the proposed project would not adversely impact the local air quality." For PM_{10}, and $PM_{2.5}$, the project was screened under the USEPA's PM Guidance for a "Project of Air Quality Concern." This analysis concluded that the proposed project is not a Project of Air Quality Concern because it does not meet the criteria due to relatively low total and truck annual average daily traffic (AADT), truck percentage, and increase in truck volumes comparing the Build and No Build Alternatives.

For the issue of the effectiveness of O_3 data from the Del Mar monitoring station, while it is true, as noted in this comment, that the Del Mar station is located west (upwind) of the I-5 corridor, this location is irrelevant due to the noted regional context of O_3, as well as the nature of formation for this pollutant. That is, O_3 is a secondary pollutant and is formed in the atmosphere through a series of chemical reactions involving reactive organic gases (ROG) and oxides of nitrogen (NO_X) in the presence of sunlight. Based on its mode of formation and the regional dispersal of O_3 and associated precursor pollutants, the use of O_3 monitoring data

ORGANIZATIONS — COMMENTS | RESPONSES

13 cont. from the Del Mar station was appropriate. This comment is correct in noting that the Del Mar monitoring station is located west, rather than east of I-5, as stated in the EIR/EIS, and *Section 3.14* of this Final EIR/EIS has been revised.

14 As noted in response to your Comment 03, design plans for the trail community enhancement have not been completed. Such design elements as a fence separating the trail and your property would be determined during the final design process. Should this community enhancement move forward, coordination with Seacoast Community Church regarding your request for a fence would occur during the design process.

15 Queuing space would be provided for vehicles turning left onto Regal Drive from eastbound Santa Fe Drive as part of the signalization improvements. The forecasted turning volumes from eastbound Santa Fe Drive onto Regal Road are expected to be less than 300 vehicles per hour (vph), which is the volume that would warrant a double-left turn lane per Caltrans' design standards. That is, the expected forecasted volumes during the a.m. and p.m. peak periods would be 70 vph and 30 vph, respectively, with the 8+4 alternative (including the Direct Access Ramp [DAR]). Caltrans' traffic studies reflect that the intersection of Santa Fe Drive and Regal Road would operate at Level of Service (LOS) D during the a.m. peak period, and at LOS B during the PM peak period in 2030 under the 8+4 alternative (with DAR). Adding a second left-turn lane along eastbound Santa Fe Drive onto Regal Road would require widening Regal Road to the east, which is not practicable at this time due to the presence of an existing service station. The project does propose, however, to widen Santa Fe Drive within the interchange limits. This widening would include an additional eastbound through lane that would improve mobility within this segment of Santa Fe Drive. There would also be other improvements in this location, including the installation of bicycle lanes and sidewalks at the Santa Fe Drive/ Regal Road intersection. There would also be improvements along the southbound and northbound lanes of Regal Road, and both directions would remain, following the proposed improvements, so that proposed improvements would maintain traffic flow in both the northbound and southbound lanes. The arrows showing

ORGANIZATIONS — COMMENTS	RESPONSES
	15 cont. eastbound and westbound turns at Regal Road were inadvertently placed in the northbound lane of Regal Road on *Figure 2-2.14t* of the Draft EIR/EIS, instead of showing them in the southbound lanes as proposed, thus creating the impression that northbound traffic on Regal Road would be eliminated. This has been corrected on *Figures 2-2.3, Sheet 32*, of this Final EIR/EIS.
	16 Due to restricted right-of-way for Regal Road and minimization of impacts to private parcels, bike lanes would not be provided on this section of Regal Road and sidewalks would remain at existing widths. As explained above in the response to your Comment 15, both northbound and southbound traffic on Regal Road would remain. The project proposes bicycle facilities, referred to as the NC Bike Trail, along the I-5 North Coast Corridor. The proposed NC Bike Trail would traverse along a segment of Regal Road as shown on *Figure 2-3.4e* "North Coast Bikeway Elements" of the Final EIR/EIS. It would most likely be a Class III bike facility (shared with motor vehicles), according to preliminary project design and Caltrans' design standards. Caltrans would work closely with the City of Encinitas regarding the proposed improvements along Regal Road.

ORGANIZATIONS — COMMENTS

Conclusion

17 We appreciate the hard work that has gone into this environmental document, and the opportunity to comment on it. Should this very large and significant project move forward, we look forward to working with Caltrans and its designers to implement a project that meets the transportation needs of the region in a way that is sensitive to needs of the adjacent residents, institutions and businesses.

Sincerely,

John A. Economides, P.E.,
Facilities Team Chair
Seacoast Community Church

Cc: Board of Elders
Facilities Team
John Tebay
Jonathan Searle
Linda Jara-Ratajsczak
Stephen Bennett

RESPONSES

17 The project has been designed to minimize impacts, where possible, and to be sensitive to the needs of the adjacent residents, institutions, and businesses. Caltrans would continue to coordinate with affected property owners to avoid, minimize and/or mitigate the effects of the project on such properties.

ORGANIZATIONS – COMMENTS

SKYLOFT

HOMEOWNERS' PROTECTIVE CORPORATION

C/O J.D. Richardson Company 2550 Fifth Avenue, Suite 701, San Diego, CA 92103 (619)234-9884 FAX: (619)234-9570

November 8, 2010

I-5 North Coast Corridor
Caltrans District 11, MS# 242
4050 Taylor St.
San Diego, CA 92110

Re.: Planned Elimination of Traffic Control Light and Intersection at La Costa Ave. Park & Ride

From: Skyloft Homeowner's Protective Corporation
C/O J.D. Richardson Company
2550 5th Avenue, Suite 701
San Diego, CA 92103

Attention: Shay Lynn M. Harrison,

Skyloft Homeowners Protective Corporation represents the community of Skyloft, which comprises 98 individual homes, located 1735 Burgundy Road off of Skyloft Ave.

The intersection of Piraeus and La Costa Ave., located immediately east of the existing Park & Ride intersection is the main access point to our community from the freeway and La Costa Ave.

As such, we are strongly opposed to the proposed plan to eliminate the existing intersection that services the Park & Ride.

01 We are concerned that this action will result in an extremely unsafe traffic condition at the Piraeus/La Costa intersection, as well as eliminating the ability for vehicles exiting the Park & Ride to proceed eastward. These vehicles will be forced to proceed westward and make an illegal U-turn somewhere on La Costa Ave., west of the freeway on-ramp. If the I-5 south on-ramp turn lanes are reconfigured to allow a U-turn, this creates a significant traffic hazard. Additionally, vehicles wishing to enter the Park & Ride from the west will be required to make a U-turn at the Piraeus/La Costa intersection, creating an additional safety hazard.

This section of La Costa Ave. is notorious for vehicle collisions, often resulting in injury. Please review the vehicle collision history for this area and reconsider eliminating the La Costa Ave. Park & Ride intersection and control light as this will surely create an additional safety hazard resulting in an increase in traffic incidents and injuries.

If you must make changes to that section of La Costa Ave., we request that you link Piraeus and the Park & Ride into a single signalized intersection with La Costa, as was your original proposal for this intersection modification. Doing so would make this area much safer than it is now, while greatly improving access to/from the Park & Ride.

Sincerely,

James O'Neal
President of the Board of Directors
Skyloft Homeowners Protective Corporation

RESPONSES

Responses to James O'Neal, President of the Board of Directors, Skyloft Homeowners Protective Corporation

01 Thank you for your comments regarding the intersection of Piraeus Street and La Costa Avenue, which are part of the public record. As shown in Appendix B-2 of the Supplemental Draft EIR/EIS and Appendix K of this Final EIR/EIS, Caltrans' preliminary design does not propose to align the park and ride access to Piraeus Street. The most recent design proposes the removal of the traffic signal at the park and ride driveway. As a result, left turns out of the park and ride would be prohibited, while left turns into the park and ride lot would be allowed but not controlled. Removing the signal at the driveway would improve the spacing between the nearby intersections, provide more stacking area between the intersections, and allow for better overall signal timing and coordination that would result in improved traffic operations along La Costa Avenue. Under this design, users who currently turn left out of the park and ride onto eastbound La Costa Avenue would be rerouted onto westbound La Costa Avenue and would then be required to make a U-turn at the La Costa Avenue/southbound ramps intersection to access eastbound La Costa Avenue.

ORGANIZATIONS – COMMENTS

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL® Company

November 19, 2010

Shay Lynn Harrison
4050 Taylor Street
MS-242 San Diego, CA 92110

RE: I-5 North Coast Corridor Project – DEIR/EIS Comments

01 Southern California Edison (SCE) has reviewed the Draft Environmental Impact Report/Environmental Impact Statement (DEIR/EIS) for the I-5 North Coast Corridor Project. In general, SCE believes that the characterization of the habitat in the San Dieguito River Valley has not been updated to accurately reflect the current conditions of the area. The DEIR/EIS fails to take into account the restoration activities associated with the San Dieguito Wetlands Restoration Project.

In 2005, SCE began construction of the San Dieguito Wetlands Restoration Project. This project represents the creation of over 115 acres of wetlands in the area as well as restoration of upland areas adjacent to the I-5 crossing at the San Dieguito River (See Figure 1). Construction of these wetlands is largely completed. Due to the San Dieguito Wetlands Restoration Project, conditions of the San Dieguito River Valley have dramatically changed. A general increase in the distribution of wildlife habitat, endangered species, and recreational opportunities has resulted from the progress of the restoration project.

As a result of the San Dieguito Wetlands Restoration Project, sections of the DEIR/EIS and Natural Environment Study (NES) that address the San Dieguito River Valley are now out of date and should be revised. The environmental analysis for this project needs to take the current habitat status into consideration to fully evaluate the potential environmental impacts. The description of existing conditions for parks/recreational facilities, hydrology, biological, and wetland resources should be updated to account for these recent changes. The impact analysis should also be reevaluated due to the presence of additional sensitive resources within the study area.

SCE has provided detailed comments below on key sections of the DEIR/EIS that require further analysis.

RESPONSES

Responses to Patrick Tennant, Project Manager, San Dieguito Wetlands Restoration Project, Southern California Edison

01 Thank you for your comments, which are part of the public record. It should be noted that, since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons (including San Dieguito) and/or related waterways, with important, up-to-date information provided in the August 2012 Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS, as appropriate. *Section 3.1.1, Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons Optimization Analysis*, of the Supplemental Draft EIR/EIS discusses SCE's large restoration project within the San Dieguito Lagoon (the San Onofre Nuclear Generating Station [SONGS] restoration project). This information also has been incorporated into this Final EIR/EIS in *Sections 3.9, Hydrology/Drainage (and Floodplains)*, and *3.17, Natural Communities*. Please also refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since the circulation of the Draft EIR/EIS in 2010.

Please refer to responses to your Comments 02 through 11 for detailed responses regarding the San Dieguito River Valley and Lagoon.

ORGANIZATIONS — COMMENTS

Section 3.1.3 – Parks and Recreational Facilities - San Dieguito River Park

Pages 3.1-44 and 45

02 The DEIR/EIS states that current recreational uses are very limited. At the time of drafting the DEIR/EIS construction was ongoing; however, most of the San Dieguito Wetlands Restoration Project construction is now complete. The JPA has constructed a new trail along the northern edge of the wetland restoration area. This trail is routed underneath the I-5 overpass at the San Dieguito River. This trail is currently open to the public and is accessed daily by recreationalists. It is recommended that the description of existing conditions be updated to accurately reflect the current conditions.

The DEIR/EIS states that the North Coast Corridor Project would not impede the function of the park or interfere with existing or planned trails. As stated above, an existing active trail is located within the proposed construction area. It is recommended that potential impacts to public use of the park be reevaluated following the update of existing conditions at this location.

03 The DEIR/EIS (bottom of Page 3.1-44) states, "It is not expected that the use of 0.46 ha (1.14 ac) of the SDRP would not impact any of the activities, features, or attributes of the resource." Acknowledging the double negative in the prior sentence, the 1.14 acres of impacts *would* impact the park resources. We agree with this statement as 1.14 acres of direct impacts would directly affect resident coastal California gnatcatchers. Furthermore, construction and post-construction

04 indirect impacts (e.g., noise) may adversely affect California least terns and Belding's savannah sparrow located both east and west of the I-5 corridor. Additional concerns relating to potential adverse effects to these species are further explained in the comments below.

05 The DEIR/EIS (Section 3.1.3.4, Page 3.1-45) states, "The proposed project would not result in any adverse impacts, since the function of the recreational facilities remain. No mitigation measures are required." As stated above, an existing active trail is located underneath the I-5 overpass at the San Dieguito River, which is within the proposed construction area. At the very least, it seems that temporary impacts to recreation use would occur from the project and mitigation measures would subsequently be warranted. It is recommended that potential impacts to public recreational use of the San Dieguito River Park be reevaluated following the update of existing conditions.

Section 3.15.4 – Noise: Avoidance, Minimization and/or Mitigation Measures

Page 3.15-3

06 The preliminary noise abatement decisions are described in the text; however, an exhibit correlating with this discussion could not be found. Please provide a reference to an exhibit that shows the locations of proposed sound walls, specifically within the San Dieguito River Valley.

RESPONSES

02 *Section 3.1.3* of the EIR/EIS provides a summary of detailed analysis regarding park and recreational facilities. Please also refer to EIR/EIS Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f). As indicated in Appendix A, the portion of the trail that crosses under the freeway, which is a portion of the Coast to Crest Trail, would be subject to temporary closures during construction activities, but no permanent impacts to this trail would occur. The proposed project is not considered to "interfere with existing or planned trails" because it would not disrupt the overall experience of trail users. Moreover, the connectivity between the east and west sides of the freeway would be maintained during construction via detours or short durations for trail closures.

A design study is in progress to confirm whether the trail could remain open during construction of the *I-5 NCC Project* improvements in the vicinity of the San Dieguito River. The goal would be to maintain connectivity of the trail between the east and west sides of the freeway during construction, either through a detour or keeping the existing trail open. There is also the possibility that the trail could be subject to temporary closures during construction. Again, Caltrans is studying whether these goals are practicable.

03 *Section 3.1.3* of the EIR/EIS provides a summary of the detailed analysis regarding park and recreational facilities. Please see EIR/EIS Appendix A. The existing trail that is referred to in this comment is a portion of the Coast to Crest Trail. As noted in the response to your Comment 02, this portion of the Coast to Crest Trail crossing under I-5, within the Caltrans right-of-way, may be subject to temporary closures during construction activities. No permanent "use" of the trail by Caltrans would occur.

Regarding the cited text from the Draft EIR/EIS, this analysis relates to functions of the property protected under the California Public Park Preservation Act and Department of Transportation Act Section 4(f). Subsequent to circulation of the Draft EIR/EIS, all build alternatives have been refined to avoid the need to acquire any land in the park. Therefore, the project would not affect the ability of the park to provide wildlife habitat, walking

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03 cont. trails, water exchange, etc. Although not required for the 8+4 Buffer alternative, the SDRP administration has concurred that potential impact associated with connecting the trails under other build alternatives would be beneficial in nature as it would support recreational use (see *Figure 5-5.1*).

04 The EIR/EIS states that impacts to sensitive habitats, including areas within the San Dieguito River Park (SDRP) would occur as a result of project implementation. These and other project-related impacts to biological resources, however, would be avoided, minimized, and/or mitigated through appropriate measures.

Regarding impacts to coastal California gnatcatcher (*Polioptila californica californica*) habitat (i.e., coastal sage scrub), *Section 3.17.3.2, Conservation Measures*, of the Final EIR/EIS notes that these impacts are likely to be mitigated at a 2:1 ratio, unless mitigation is achieved in advance of impacts. Several parcels have already been identified and approved for acquisition as potentially appropriate upland mitigation areas, including all or part of the 23.1-acre Dean Mitigation Site located adjacent to the San Dieguito Lagoon, and portions of the upland slopes adjacent to the W19 wetland restoration site within the lagoon. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures.

Indirect impacts, including noise effects, on sensitive avian species were analyzed in detail in the Supplemental Draft EIR/EIS circulated in August 2012 and have been incorporated into this Final EIR/EIS. Specifically, *Section 3.21, Threatened and Endangered Species*, notes that the potential build alternatives would result in incremental increases to indirect effects, such as noise, that are already occurring. For construction-related noise effects, the EIR/EIS states that the periodic, point-source noise impacts typically associated with construction activities would result in short-term effects to wildlife species. These potential effects would be minimized, however, through the use of identified conservation measures such as limiting applicable activities (e.g., pile driving near lagoons) to the non-breeding season for applicable bird species, review of pre-construction plans by a qualified biologist to address the protection of sensitive biological resources, and

ORGANIZATIONS – COMMENTS | RESPONSES

04 cont. the biological monitoring of construction activities to ensure that identified protective measures are properly implemented.

Potential project-related operational (long-term) noise levels at San Dieguito Lagoon were projected to increase at the three associated monitoring sites by two decibels (dBA, from 66 dBA L_{eq}, to 68 dBA average sound level [L_{eq}]), with similar increases of two to three dBA likely across the entire open lagoon area. A majority of the documented locations of the Belding's savannah sparrows east of I-5 (6 of the total 10 locations) and coastal California gnatcatcher west of I-5 (8 of the total 11 locations), occur within the existing 66 dBA L_{eq} noise contour. The Belding's savannah sparrow population west of I-5 occurs between the existing 56 and 62 dBA L_{eq} contours and is not subject to the relatively higher noise levels on the eastern side. This is due primarily to the distribution of suitable habitat and naturally sound-attenuating geographic features of the landscape. Regardless, the predicted relative noise increase for these individuals west of I-5 is also approximately two dBA. The EIR/EIS notes that noise in excess of 70 dBA occurs over various amounts of wetland and upland habitats that either support, or have the potential to support, special status bird species at coastal lagoons, including Belding's savannah sparrow and coastal California gnatcatcher. Although population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and otherwise consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels.

05 The EIR/EIS states that impacts to sensitive habitats, including areas within the SDRP, would occur, and sensitive biological resources would be avoided, minimized, and/or mitigated through appropriate measures.

To read a full discussion, combining the information circulated to the public in a Draft EIR/EIS and Supplemental Draft EIR/EIS, see *Chapter 3, Affected Environment, Environmental Consequences*. You will also find information on CEQA "significance" in *Chapter 4, California Environmental Quality Act Evaluation*. Information is itemized in Appendix D to this Final EIR/EIS, the Environmental Commitments Record. Indirect impacts are discussed in this Final

ORGANIZATIONS — COMMENTS	RESPONSES
	05 cont. EIR/EIS, including bridge shading in *Section 3.18, Wetlands and Other Waters* and noise effects on sensitive avian species in *Section 3.21*. Additionally, conservation measures are defined, such as limiting applicable activities (e.g., pile driving near lagoons) to the non-breeding season for applicable bird species, as well as review of pre-construction plans by a qualified biologist to address the protection of sensitive biological resources, and the biological monitoring of construction activities to ensure that identified protective measures are properly implemented. Please refer to *Section 3.1.3* of this Final EIR/EIS, which includes a full discussion on the potential impacts, and the proposed avoidance, minimization, and mitigation measures to be applied during and after construction of the project. Please also refer to the response to your Comment 02 relative to recreational trail use. 06 Proposed soundwalls are shown on *Figures 2-2.3, Sheets 1* through *67,* of this Final EIR/EIS. These walls have been preliminarily recommended for construction with the project. As seen in *Figures 2-2.3, Sheets 18 and 19*, no soundwalls are recommended within or adjacent to the San Dieguito River Valley. This is due to the fact that no noise sensitive receptors (e.g., houses, schools, hospitals, etc.) are located within the river valley. Please also refer to the response to your Comment 04 regarding anticipated changes in noise levels in this area.

ORGANIZATIONS — COMMENTS

Section 3.17 – Biological Environment: Natural Communities

Page 3.17-4

07 The DEIR/EIS states, "San Dieguito Lagoon was thoroughly studied for the large restoration project that began in late 2006. No eelgrass was found during these studies, and none is expected to occur in the future due to lack of tidal flushing and scour in the main channel of the San Dieguito River." As a result of the San Dieguito Wetlands Restoration Project, eelgrass has been documented in areas that were previously devoid of this species. The constructed tidal basins on the east and west side of the I-5 are subject to routine tidal fluctuations and the mouth of the river has been open for some time. Eelgrass is growing within the newly constructed tidal basin on the west side of the I-5 and within the main San Dieguito River channel from the tidal basin west to the railroad bridge. Based on this information, it is recommended that the existing conditions and impact analysis be updated.

Figure 3-17.1d

The vegetation community mapping appears to be based on outdated conditions prior to the progression of the San Dieguito Wetlands Restoration Project. The Natural Environment Study (page 14) infers that aerials from the year 2003 were used. Conditions have substantially changed since 2003, as construction of the San Dieguito Wetlands Restoration Project began in 2005. It is recommended that the existing conditions and subsequent impact analysis be updated to reflect current conditions.

08 Figure 3-18.1b

The depiction of wetlands and other waters of the United States do not appear to be accurate or updated based on current conditions. The sharp transition from wetlands to open water at the east edge of the I-5 Bridge should be corrected or clarified. ACOE wetlands are likely more abundant than what is depicted, especially following the restoration project. It is difficult to determine from the exhibit what areas are non-jurisdictional what areas are merely outside the study area. It is recommended that the exhibit be updated based on current conditions and clearly depict the limits of the study area. Impacts to wetlands should be reevaluated after the existing conditions are updated.

Section 3.21 – Threatened and Endangered Species

Page 3.21-4

09 The DEIR/EIS states, "… there are least tern nesting areas relatively close to where construction would be completed at San Dieguito and Batiquitos Lagoons. Construction noise and activities may affect birds nesting at these sites. In addition, night lighting due to construction related activities may result in potential adverse effects on breeding behaviors of sensitive species." It should be noted that four California least tern nesting areas were constructed as part of the San

RESPONSES

07 "Existing conditions" generally are set at the issuance of the notice of preparation (NOP) of an environmental document; many of the maps within the EIR/EIS therefore were created around that time. Eelgrass has been found well west of I-5 now that the restoration is in place. As stated in project conservation measures, eelgrass surveys would be completed before, during, and after construction at all affected lagoons (including San Dieguito). Where eelgrass is identified, surveys would continue during and after construction with mitigation implemented in accordance with the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) and the Environmental Commitments Record as described in this Final EIR/EIS.

08 Impacts to vegetation and jurisdictional waters were reviewed during the preparation of the August 2012 Supplemental Draft EIR/EIS, which focused on lagoons. Based on that analysis, no impacts would occur outside the Caltrans right-of-way in the SDRP, and associated project impacts to wetlands would not change from those described in the Draft EIR/EIS. As depicted on *Figure 3-17.1d* of the Draft EIR/EIS, no encroachment into areas identified as SCE or JPA components on the comment figure would occur. A small retaining wall would keep the project from encroaching into City of San Diego mitigation parcel W6. Additional pre-construction surveys would be completed where sensitive species were noted to verify potential project-related impacts. Please refer to the response to your Comment 07 for related information regarding the potential occurrence of eelgrass and associated survey requirements.

09 Information regarding sensitive species in the coastal lagoons was confirmed in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. Specifically, Final EIR/EIS *Sections 3.17* and *3.21* provide updated information on restoration efforts in San Dieguito Lagoon and note the related occurrence of the California least tern (*Sterna antillarum browni*). The discussion also notes, however, that observed least terns are not located within the anticipated impact footprint.

ORGANIZATIONS – COMMENTS

09 cont. Dieguito Wetlands Restoration Project. The DEIR/EIS and NES do not mention these new nesting areas. The DEIR/EIS notes that California least terns were observed in other lagoons within the project study area, however San Dieguito was not included in the observations. Please note that California least terns were observed foraging in San Dieguito River and associated tidal basins during the 2010 summer.

10 The noise analysis performed within the San Dieguito Valley appears to have been performed prior to the change in topography and hydrology resulting from the wetlands restoration project. The wetland restoration project has likely modified noise attenuating geographic features. Please review the current conditions and determine if the change in conditions would result in a substantial change in the modeled noise contours. Potential indirect impacts resulting from increased noise to the newly constructed California least tern sites and Belding's savannah sparrow nesting habitat is of particular concern.

SCE appreciates the opportunity to provide comments on the DEIR/EIS. If you have any further questions, please feel to contact me at (626) 302-3066.

Sincerely,

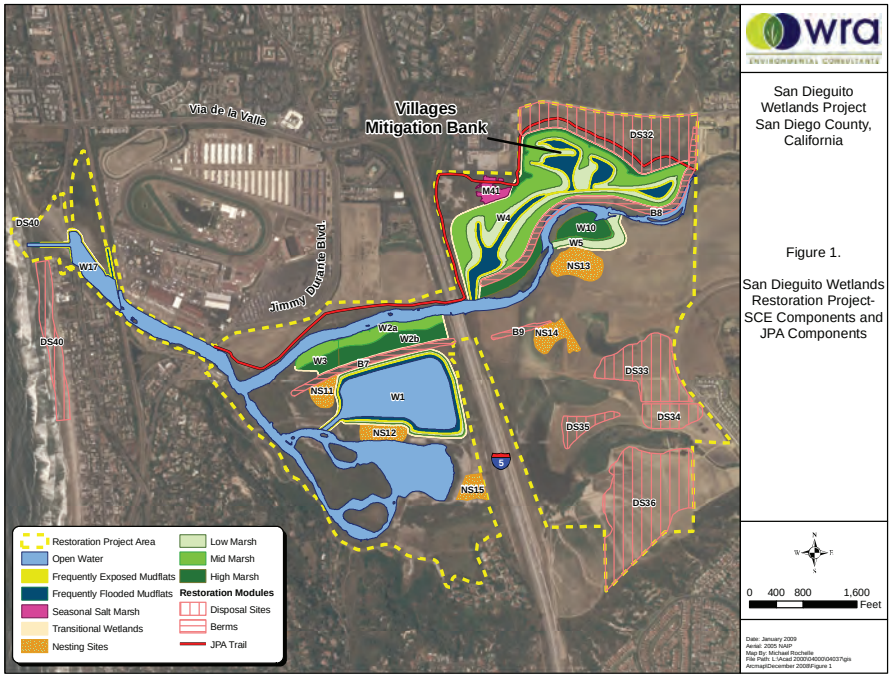
Patrick Tennant
Project Manager, San Dieguito Wetlands Restoration Project

Attachment: Figure 1 – San Dieguito Wetlands Restoration Project Map

RESPONSES

10 The text will be clarified to note the newly constructed nesting areas within the SONGs Restoration. Least terns were not observed during surveys near I-5 at San Dieguito; however, the likelihood that they forage within the San Dieguito River near the project footprint will be noted. Topographic changes would be accounted for in the final design noise study. Please also refer to the response to your Comment 04.

ORGANIZATIONS – COMMENTS | RESPONSES



San Dieguito Wetlands Project
San Diego County, California

Figure 1.

San Dieguito Wetlands Restoration Project-SCE Components and JPA Components

Date: January 2009
Aerial: 2005 NAP
Map By: Michael Rochelle
File Path: L:\Acad 2000\04000\04037\gis
Acmap\December 2008\Figure 1

ORGANIZATIONS — COMMENTS

Surfrider Foundation San Diego County Chapter
P.O. Box 1511
Solana Beach, California 92075
Phone (858) 792-9940 Fax (858) 755-5627

November 22, 2010

To: California Department of Transportation (Caltrans)
Att: Shay Lynn Harrison

Via Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RE: Draft Environmental Impact Report, I-5 North Coast (San Diego) Corridor Improvements

Dear Ms. Harrison;

01 Please accept the comments below in regard to the Draft Environmental Impact Report/Environmental Impact Statement, I-5 North Coast Corridor Improvements (hereby deemed "The Plan"). On behalf of the Surfrider Foundation San Diego County Chapter ("Surfrider") and our 5,000 members we urge you to carefully consider all significant environmental impacts associated with the expansion of the Interstate 5; and we encourage you to examine alternative methods of managing the community's needs for a progressive, balanced, and environmentally-sound transportation system.

02 Given that San Diego is located within a coastal region of the state, expansion of any arterial road in close proximity to the coast is of immense concern to the residents of the county. Having said this, water quality and lagoon restoration and preservation, are two highly sensitive issues San Diegans have a vested and continued interest in maintaining. An increase in lanes from the current I-5 corridor, will increase water quality problems due to the rise in accumulated runoff (i.e., when air pollution settles on the road, it is washed into surrounding bodies of water causing water quality problems). Surfrider is equally concerned about the six lagoons and four watersheds that the road will impact. North San Diego County is know as "lagoon country" and exemplifies the biological uniqueness of our coastal area. These lagoons have already been affected by the current circulation network and development. The delicate ecosystems and sensitive habitats will face increased harm by addition of more impervious surfaces, closer to the lagoons, and resulting runoff from increased traffic on each of the proposed builds contained in the Plan.

03 In a time of noticeably increasing sea level rise, building additional freeway lanes will further impinge the flow of sand to our beaches, lessening the amount of sand to our unique beaches, making them narrower, and lessening which lessens a vital area resource for recreation and enjoyment. Degradation of our beaches has necessitated costly sand replenishment projects which, as a result, will inevitably have to increase in frequency. Also, given the length of the project, ongoing construction will impede beach access and accessibility.

04 Surfrider holds reservations regarding implementation of the Plan in that it would affect the availability of fresh water in the region. Increased development and, thus, an increase in impervious surfaces will affect aquifers in areas that may not even be adjacent to the proposed freeway and would increase water consumption in a time of drought. A further decline in San Diego's already stressed water reserves will further press political action demanding additional desalination plants that only lead to an increase in energy consumption and harm to ocean and marine life.

05 Given the five options that Caltrans has provided within the scope of this project, we ask Caltrans to further consider an alternative, not yet discussed. In order to reach San Diego's goals of providing a

RESPONSES

Responses to Executive Committee, Surfrider Foundation, San Diego County Chapter

01 Thank you for your comments, which are part of the public record. The EIR/EIS provides thorough documentation of anticipated environmental impacts associated with the project.

Several alternatives were considered before the build alternatives were chosen as the most viable options to meet the project's purpose and need. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the I-5 corridor, as well as Topical Response "Multimodal System" regarding the regional transportation planning process. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. The project would include High Occupancy Vehicle (HOV)/Managed Lanes, which would provide an incentive for carpooling or ridesharing by providing such users a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods.

02 Regarding your concerns on project-related water quality effects and potential impacts to coastal lagoon preservation and restoration and associated biological resources, these issues are addressed in greater depth in the August 2012 Supplemental Draft EIR/EIS, and the information has been included in the Final EIR/EIS in *Section 3.10, Water Quality and Storm Water Runoff*,

ORGANIZATIONS — COMMENTS	RESPONSES
	02 cont. and under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures* (including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*). For water quality concerns, *Section 3.10* provides an evaluation of potential water quality impacts associated with the identified project build alternatives and the No Build alternative, including potential effects to lagoons and related waterways. This includes direct impacts from short-term (construction) activities, such as erosion within disturbed soil areas (DSA) and the accidental discharge of construction-related pollutants such as fuels and lubricants, as well as long-term (operational) impacts such as the generation of vehicle-related pollutants, for example, particulates and metals from brake pad wear and exhaust-generated pollutants such as nitrite. This analysis also addresses associated indirect impacts, including downstream sediment/pollutant transport (i.e., sedimentation) and the potential discharge of pollutants related to long-term facility operation and maintenance activities such as landscaping, for example, green waste and pesticides and/or herbicides. Based on the above noted analysis, *Section 3.10* identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

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	02 cont. Airborne contaminants include compounds related to the combustion of motor fuels, based on fuel formulation, as well as the efficiency of the vehicle burning the motor fuels. The formulation of motor fuels is regulated exclusively by the California Air Resource Board (CARB), which has exclusive regulatory control over fuel formulations, including seasonal blends, and is a co-regulator of fuel efficiency standards. Because Caltrans cannot limit the individual vehicles that use its facilities, controls of compounds that may ultimately be deposited is a function of fleet composition and fuel formulation, neither of which Caltrans has the legal authority to address. The continuing and long-term trend, however, is that because of more stringent fuel formulation regulations and increased fleet efficiency regulations, as well as continual monitoring and enforcement through the "Smog Check" program, deposition of compounds related to fuel combustion will decrease in the region, even assuming an overall increase of vehicle miles traveled. Similarly, with respect to the deposition of compounds associated with automotive brake systems, Caltrans is not legally authorized to regulate the components of automotive brake systems. It should be noted, however, that in 2010, California Senate Bill 346 was passed into law. That law provides for changes to the California Health and Safety Code to address automotive brake systems. That law, like the regulatory schemes for motor fuel formulation and fleet efficiency standards, will greatly assist in reducing the emission of materials that might be associated with vehicles using the State highway system at the source—the vehicles themselves. For the issue of runoff and flows in the lagoon, additional detailed studies were prepared regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways since the circulation of the Draft EIR/EIS, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. Specifically, these studies evaluate the relationships between tidal exchange and the "health" of individual lagoons and identify a number of options for improving tidal exchange and fluvial flow characteristics, with associated benefits for water quality, lagoon habitats, residence time (which affects sediment transport), and flood control. Due to the preliminary nature of project design, the EIR/EIS notes that

ORGANIZATIONS – COMMENTS	RESPONSES
	02 cont. BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. From these considerations and the noted additional lagoon studies, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards. With regard to increased impervious surfaces, approved "treatment" BMPs proposed as part of the project would provide "treatment" of runoff from both existing and proposed pavement areas within the project corridor. As shown in Final EIR/EIS *Table 3.10.8*, the Preferred Alternative (the refined 8+4 Buffer alternative and the smallest of the build alternatives proposed in the EIR/EIS) would result in approximately 214 acres of new paved area, with "treatment" to be provided for approximately 112 percent of the equivalent new impervious area for the Preferred Alternative. Currently seven percent of existing impervious areas is being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. Regarding increased traffic, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2035 through beyond as part of a multimodal system. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in the project's analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road as a result of project improvements is anticipated to be relatively

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	02 cont. small. Please refer to Topical Response “Projected Growth” for additional information regarding the project’s accommodation of anticipated and latent traffic.
	03 The transport of sand as an element of overall sediment from freshwater sources is directly related to the width and depth of the I-5 crossings. Sediment transport for each lagoon was discussed as appropriate in the Supplemental Draft EIR/EIS, with the information incorporated into this Final EIR/EIS. Information regarding shoreline sand supply for each lagoon is presented in T*ables 3.17.5* through *3.17.10* of the Final EIR/EIS. As indicated in these tables, except Batiquitos Lagoon, each of the proposed bridge designs would result in sand transport that would be the same as existing or, dependent on lagoon restoration scenarios, better than, existing conditions. For example, an important component of the San Onofre Nuclear Generating Station (SONGS) restoration project, which was modeled and planned to accommodate the existing I-5 bridge span and channel dimensions, is to keep flows within the channel at a level sufficient to transport sand to the beach in Del Mar; the SONGS project is required to maintain a condition of no decrease in downstream sand transport. With regard to access, the project is not located adjacent to beaches and, therefore, would not directly affect beach access or accessibility. Regarding potential indirect effects on regional accessibility due to I-5 construction activities, mitigation for traffic construction impacts would be addressed through the preparation of a Traffic Management Plan (TMP), as required and described in EIR/EIS *Section 3.6.4*. The TMP would encompass a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please also refer to Topical Response "Construction Traffic." Potential indirect impacts on beach access and accessibility are anticipated to be minimal. Over the long term, improvement of vehicular movement on I-5 would be expected to result in improved accessibility to the coast for travelers using the State route.

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SURFRIDER FOUNDATION
SAN DIEGO COUNTY CHAPTER

November 22, 2010
To: California Department of Transportation (Caltrans)
Att: Shay Lynn Harrison
Page Two

05 cont. seamless network of transportation to the community, we ask Caltrans to consider a framework that promotes mass transit over an auto-laden arterial solution that will not only exacerbate the already contentious water quality issues within the county, but will also deplete the region of the characteristics that so define San Diego;: our lagoons, watersheds, and ocean beaches. Rather than increasing surface layer of the existing Interstate-5, we recommend the affiliated agencies consider transportation improvement projects that focus on public transportation. Specific alternatives to this project should include, but are not limited to: using congestion fees to alleviate traffic in peak hours; investing in rapid transit; and improving current mass transit operations.

06 As part of the Regional Transportation Plan envisioned for the year 2050, this Plan and the underlying projects envisioned are flawed in their very foundation as they give short shrift to increasing public transportation infrastructure and rather rely on using 20th century solutions to solve mobility issues for a growing San Diego County. We envision a future, instead, where ocean users from throughout the county are able to reach and enjoy their beaches in a way that does not cause further harm to the environment.

Thank you for opening the public comment period to receive feedback and recommendations on the Draft Environment Impact Report/Environmental Impact Statement. Please sincerely consider the comments contained within this letter.

Respectfully,
Executive Committee
Surfrider Foundation, San Diego County Chapter

The Surfrider Foundation is a non-profit grassroots organization dedicated to the protection and enjoyment of our world's oceans, waves and beaches. Founded in 1984 by a handful of visionary surfers in Malibu, California, the Surfrider Foundation now maintains over 50,000 members and 90 chapters worldwide. For an overview of the San Diego Chapter's current programs and events, log on to our website at www.surfriderSD.org or send email to info@surfridersd.org.

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04 With regard to potential effects on water supply and energy consumption resulting from increased development in the region, please note that this project is not designed to encourage or foster regional growth. Please refer to Topical Response "Projected Growth" regarding growth forecasts and the accommodation of projected growth. As described in EIR/EIS *Section 2.1, Project Description*, the overall objective of the I-5 expansion project is to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor. Caltrans is not a land use planning agency and does not have jurisdiction over local land use planning. Project-related growth projections are derived from established sources such as the San Diego Association of Governments (SANDAG) series forecasts, as well as project-specific technical analyses. Specifically regarding the incorporation of water availability; SANDAG works closely with the San Diego County Water Authority during the preparation of the growth forecasts, which the Water Authority then incorporates into its Urban Water Management Plans.

05 Please refer to the response to your Comment 01 regarding project alternatives and the multimodal nature of planned improvements for the North Coast Corridor. With respect to your suggestion to implement congestion pricing, converting an existing free highway to a toll-only facility is not within Caltrans' existing authority and could have unforeseen consequences such as the diversion of highway traffic onto local streets and generation of economic hardships for businesses and workers that rely on the highway. Please note, however, that California Senate Bill 468 authorizes SANDAG to conduct, administer, and operate a value pricing High Occupancy Vehicle (HOV) toll lane program on I-5, which is part of the proposed project. It should also be noted that following circulation of the Draft EIR/EIS and receipt of comments, the

ORGANIZATIONS – COMMENTS	RESPONSES
	05 cont. 8+4 Buffer alternatives was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative only proposes HOV/Managed Lanes, with no additional through lanes proposed. The HOV/Managed Lanes would accommodate mass transit bus use and allow for a "toll" paid by single-occupancy vehicles (only) to use the HOV/Managed Lanes. All multiple-occupancy vehicles would travel at no charge. Please also refer to Topical Responses "Rail Preference" and "Mass Transit" for additional discussions regarding mass transit options.
	06 The 2050 Regional Transportation Plan (RTP) is designed to expedite and facilitate mass transit. The largest proportion of the transportation funding identified in the RTP will go toward transit. Under the 2050 RTP, mass transit will receive 36 percent of the funds in the first 10 years. The percentage dedicated to transit will grow each decade, up to 44 percent from 2021 to 2030, 47 percent in the third decade, and 57 percent in the last decade of the plan. More specifically, the Early Action Program developed for TransNet sales tax revenues places a major emphasis on funding transit-related projects including upgrades to the Blue and Orange San Diego Trolley routes, construction of a Mid-Coast route for the San Diego Trolley, new and modified Bus Rapid Transit stations along I-15 between SR-163 and SR-78, construction of HOV/Managed Lanes on segments of I-15 and I-805, double-tracking along the Los Angeles-San Diego-San Luis Obispo (LOSSAN) corridor, and rapid bus service in Mid-City. Please also refer to the response to your Comment 01 regarding project alternatives and the multimodal nature of planned improvements for the North Coast Corridor.

ORGANIZATIONS — COMMENTS

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November 22, 2010

Ms. Shay Lynn M. Harrison, Branch Chief
Environmental Planning Branch C
Caltrans District 11, MS 242
4050 Taylor Street
San Diego, CA 92110
I-5_NCC_EIR_EIS@dot.ca.gov

Subject: SDG&E Comments on the Draft EIR/EIS for the Interstate 5 North Coast Corridor Project

Dear Ms Harrison:

01 San Diego Gas and Electric Company (SDG&E) and Southern California Gas (SCG) appreciate the opportunity to provide comments on the above-referenced Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) document (document). SDG&E/SCG would greatly appreciate consideration of the following comments for incorporation into the final document (Final EIR/EIS).

In summary, SDG&E has three main concerns:

1. The environmental review, pursuant to the California Environmental Quality Act (CEQA), for the relocation of electrical facilities over 50 kV and the ability for SDG&E to rely on the Final EIR/EIS for California Public Utilities Commission (CPUC) approval for the relocation of affected facilities under the exception provision of General Order (GO) 131-D;

2. The relocation of gas facilities and electrical facilities under 50 kV and the environmental impacts analysis, permitting and potential mitigation required under CEQA; and

3. Impacts to SDG&E's properties north of Cannon Road from the proposed Cannon Road Direct Access Ramp (DAR) and the widening of Cannon Road.

There are several alternatives proposed in the document that could affect SDG&E and SCG facilities through relocations of existing facilities or the acquisition of portions of facility properties. In compliance with CEQA and National Environmental Policy Act (NEPA), the Draft EIR/EIS must adequately address all impacts related to the Project. This includes any potential impacts for

RESPONSES

Responses to Edalia Olivo-Gomez, San Diego Gas & Electric

01 Thank you for your comments, which are part of the public record.

SDG&E's three main concerns, summarized in this comment, are further addressed in responses to your Comments 02 through 12, below. Please note that the project utility assessment is preliminary in nature, given that the proposed project is in the Project Report and Environmental Document (PR and ED) phase. Specifically, during the preliminary design phase, the Caltrans project development team obtains preliminary utility conflict information and uses these data to limit impacts and determine the overall project footprint. From project initiation through construction, Caltrans coordinates closely with affected utility owners to discuss available alternatives in order to resolve any conflicts while also ensuring efficient and timely utility relocation. Utility owners are consulted during this process, for example, to ensure that necessary utility operations and maintenance activities would remain unimpaired during project construction, as well as to identify any concerns to utilities from the selection of the alternative. EIR/EIS *Section 3.5.2*, *Environmental Consequences*, notes that all build alternatives would require both above ground and below ground

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all project alternatives requiring the relocation of SDG&E/SCG utilities. Such coordination will help protect against any potential "piecemealing" arguments under CEQA and ensure more efficient and timely utility relocation and project construction.

Adequately addressing all project impacts in the Final document, including utility relocations and impacts to transmission corridors, would be of great assistance in expediting SDG&E's regulatory process through the CPUC, which in turn may facilitate expeditious utility relocations. As described in more detail below, SDG&E strongly recommends that the final document:

- Include all utility relocations (ie, work areas, access routes, pull-sites, etc) in the project description,
- Adequately assess all potential impacts to environmental resources, and
- clearly demonstrate that the final CEQA/NEPA document finds no significant unavoidable environmental impacts caused by the proposed utility relocations.
- Clearly identify any required permits from regulatory agencies (e.g., Storm Water Pollution Prevention Plan (SWPPP), US Army Corp of Engineers, California Department of Fish and Game, etc.) for the relocation of SDG&E facilities. And address associated impacts and mitigation. The relocation of utilities which are a component of the Project are also subject to compliance with state and federal laws, such as the federal Clean Water Act, the State Fish and Game Code, California Coastal Act, and the federal Coastal Zone Management Act.

01 cont.

Addressing all utility relocations in the document may enable SDG&E to take advantage of expedited approval from the CPUC. The relocation of utilities associated with the Proposed Project are subject to a discretionary action by the CPUC. CPUC discretionary actions are governed by CPUC GO 131D, which requires a Permit to Construct (PTC) or Certificate of Public Convenience and Necessity (CPCN). The Draft EIR/EIS has the potential to satisfy the terms of a GO-131-D exemption for, proposed utility relocations that have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document finds no significant unavoidable impacts caused by the proposed relocations. <u>If adequately addressed, the proposed relocations may qualify for an exemption to the General Order's PTC, which otherwise may take upwards of 18 to 24 months for SDG&E to obtain prior to the start of construction</u>.

SDG&E provides the following specific comments for incorporation in the Final EIR/EIS:

1. Describe in detail the relocation and/or undergrounding of all SDG&E electric and gas utilities in the project description. What is the area of potential effect associated with relocating these facilities? How will the work site be accessed? Are there any pull sites and/or temporary or permanent work pads associated with each pole location? Are any potential significant environmental resources going to be impacted? If so, how will they be mitigated? Are there any permits required from other regulatory agencies?

02

- Provide an analysis of potential environmental impacts associated with gas and electric facility relocations/modifications. The environmental analysis should include construction methodology, temporary and permanent access roads for construction, as well as for future operation and maintenance. Identify pull sites, construction laydown yards, potential for night time work and compliance with any local laws and regulations.

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RESPONSES

01 cont. utility relocations in several locations, existing utilities conflicting with proposed construction activities would require protection or relocation during construction, and the location of all utilities would be verified prior to subsurface investigation or construction. All utility relocations would occur in coordination with the respective utility companies. When the project is approved, and it moves to the design phase, the assessment of the utility relocations, impacts to transmission corridors, and coordination will continue, including coordination with utility companies and local jurisdictions to identify and accommodate their needs.

To the maximum extent possible, each of the items requested in this comment to assist in expediting SDG&E's regulatory process through the California Public Utilities Commission (CPUC) has been addressed in the EIR/EIS. EIR/EIS *Section 3.5, Utilities and Emergency Services*, notes that numerous buried and overhead utilities are present in the project area, and utilities conflicting with proposed construction activities would require protection or relocation during construction. This section provides a discussion of potential environmental impacts, as well as avoidance, minimization, and/or mitigation measures associated with utility relocations. The relocations would occur within existing utility easements, wherever possible, or within the identified project impact footprint, and would not create any additional environmental impacts. Utility relocation impacts also are addressed for other issue areas in EIR/EIS *Chapter 3*, *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, and *Chapter 4, California Environmental Quality Act Evaluation*, as appropriate, in order to allow SDG&E to approve and proceed with the relocations to meet the CEQA requirements of the CPUC. Please also refer to the Environmental Commitments Record, included as Appendix D of the EIR/EIS, which requires that impacts to resources be avoided or minimized when utilities are relocated, including the delineation and avoidance of Environmentally Sensitive Areas (ESAs) during construction. As indicated in Final EIR/EIS *Section 4.2, Less than Significant Effects of the Proposed Project*, less than significant impacts were identified for utilities and emergency services under CEQA, including potential utility relocations, based on the

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	01 cont. related analysis in *Section 3.5* as summarized above. Similarly, no significant unavoidable environmental impacts related to proposed utility relocations were identified under CEQA in EIR/EIS noted in *Section 4.4, Unavoidable Significant Environmental Effects*. With regard to identifying required permits from regulatory agencies for the relocation of SDG&E facilities, Final EIR/EIS *Table 2.7.1, Permits and Approvals Needed*, identifies the permits, reviews, and approvals required for project construction. The table identifies the need for a Utilities Construction Permit Request from the CPUC, as well as necessary approvals from the Regional Water Quality Control Board (Region 9), U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Coastal Commission, and California Department of Fish and Wildlife (previously the California Department of Fish and Game). The project would be designed and constructed in compliance with all applicable federal, State, and local regulations, including those listed in the comment. Caltrans has continued to work closely with SDG&E to identify the impacts of utility relocations within the Final EIR/EIS, to meet the CPUC permitting needs, and will continue to work closely with SDG&E throughout the remainder of the design and construction processes. 02 The area of potential effects associated with relocating utility facilities would be within the existing utility easements and/or the limits of the I-5 right-of-way, and such impacts are addressed within the *I-5 NCC Project* EIR/EIS *Chapter 3* and *Chapter 4,* with avoidance and minimization measures provided as needed. This includes evaluation of both permanent impacts and temporary construction-related impacts, for example, temporary construction staging and laydown areas, access and other requirements. Refer to *Section 3.17.3, Avoidance, Minimization and/or Mitigation Measures*, for additional discussion. No access would be allowed within the ESAs. Access requirements for utility relocations are assumed to be similar to those for project construction; further refinement of final construction access areas will continue through final project design. Please also refer to the response to your Comment 01.

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03 • Identify any retaining walls or other project components that may encroach on SDG&E property or utility easements.

04 • Identify, describe and quantify all temporary and permanent areas of impact.

05 • Provide a project description for the Proposed Lagoon Bridge Pedestrian Undercrossing and Trail Improvements referenced on Figure 2-2.14ae, page 2-58. Clearly identify, describe and quantify temporary and permanent impacts to SDG&E properties and right-of-way resulting from these proposed facilities.

06 • Chapter 3.5 Utilities and Emergency Services includes a table (Table 3.5.1) of utilities over 50kV that may require relocation. Similar tables to address distribution and gas lines should be included to identify all utilities that require undergrounding or relocation. Similar to the relocation of transmission lines over 50kV, pursuant to CEQA all distribution lines and gas lines should be fully analyzed for impacts to sensitive environmental resources (i.e, cultural, water and biological).

07 • Identify if the relocation of any electric or gas facilities requires federal or state resource permits or approvals such as Section 404, State Fish and Game Code Section 1600, Water Quality Certifications, Coastal Development Permits easements, SWPPP. All necessary permits and agency approvals should be coordinated with and obtained concurrently with related permits required for the freeway widening itself. Such coordination will help protect against any potential "piecemealing" arguments under CEQA and ensure more efficient and timely utility relocation and project construction.

08 • Include specific impact analysis related to utilities and utility properties for Biological Resources, Hydrologic and Wetland Resources, Visual Resources, Coastal Resources, Recreation and Land Use, etc. For each subsection discussion covering utility relocation/facility modification impacts and assessment, specific mitigation measures and a statement that the associated impacts would be reduced to a level of less than significant, as appropriate, would also be integral to assisting in an expedited CPUC process.

09 2. State and SDG&E design requirements include specific project design criteria, such as conductor ground clearance that should be addressed in the document.

• Coordinate with SDG&E to adequately identify all impacted transmission, distribution, substation, and gas facilities.

10 • Relocating transmission facilities may result in an increased span and further result in the need to replace transmission poles with taller poles and/or interest poles in order to comply with required design criteria. The impacts associated with replacement facilities should be addressed.

11 • The elevation of the proposed DAR may impact ground clearances and should be addressed.

12 3. Additionally, SDG&E also provides the following comments related to the Cannon Road Direct Access Ramp (DAR) proposed on SDG&E property:

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RESPONSES

03 Regarding proposed retaining walls and other project components, these are illustrated on EIR/EIS *Figures 2-2.3, Sheets 1* through *67*. Specifics of the project's design would continue to be refined through final project design. Please also refer to the response to your Comment 01 regarding the level of detail currently available in project plans.

04 As noted in the response to your Comment 03, anticipated areas of impact for the 10+4 Buffer alternative were illustrated in the Draft EIR/EIS (see Appendix K of this Final EIR/EIS). Descriptions of temporary and permanent areas of impact are described as applicable throughout EIR/EIS *Chapter 3*. Permanent and temporary impacts associated with each of the four build alternatives are quantified on EIR/EIS *Tables 3.17.1* and *3.17.2*, respectively. Although still subject to refinement during final project design, the refined 8+4 Buffer alternative (identified as the locally preferred alternative in the 2012 Supplemental Draft EIR/EIS and as the Preferred Alternative in this Final EIR/EIS) is shown on *Figures 2-2.3, Sheets 1* through *67*.

05 With regard to the proposed bridge undercrossing and trail improvements at Agua Hedionda Lagoon, please refer to *Table ES.13*. As described therein, no land acquisition would be required in association with the proposed trail; thus, no impacts to SDG&E properties or right-of-way have been identified. Please also refer to the response to your Comments 01 and 02 regarding impacts to utility facilities.

06 Such utility relocations are described in *Section 2.2.2, Common Design Features of the Build Alternatives*, as project improvements common to each of the proposed build alternatives, as well as in *Section 3.5*. All utilities improvements are anticipated to be included within the project limits of disturbance and/or other existing public right-of-way. Impacts resulting from utility relocations are addressed in the appropriate sections of EIR/EIS, *Chapter 3* and *Chapter 4*. Caltrans has followed the requirements of CEQA in preparing the Draft and Final EIR/EIS. Because utility impacts are included as part of the overall project analysis, the analysis of utility impacts is considered adequate under CEQA.

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07 Each of the federal and State permits and approvals identified in this comment would be required for project construction, as noted in Final EIR/EIS *Table 2.7.1*. These permits and approvals would encompass all aspects of the proposed project, including utility relocations. Therefore, "piecemealing" would not apply.

08 Specific impact analyses related to utilities and utility properties have been adequately addressed in the EIR/EIS for each issue area, as appropriate, including those noted in this comment. These analyses and appropriate mitigation and minimization measures are summarized below:

- Project-related land use and recreation impacts are addressed in EIR/EIS *Section 3.1, Land Use*. Public utility and facility uses are included, as appropriate, in the discussion of existing and future land uses within the project corridor, as described in EIR/EIS *Section 3.1.1, Existing and Future Land Use*. As noted in *Section 3.1.1.2, Environmental Consequences*, construction-related impacts to existing land uses in the vicinity of the proposed project are considered temporary proximity impacts and are not anticipated to result in permanent impacts to existing land uses along the corridor. A Traffic Management Plan (TMP) would be implemented during construction activities to minimize project-related construction disruptions, including those related to utility relocations. Regarding recreational facilities within the project corridor, implementation of the proposed project, including utility relocations, would not result in any adverse impacts.

- EIR/EIS *Section 3.5* specifically addresses utilities impacts and associated avoidance, minimization, and/or mitigation measures, as discussed in the response to Comment 01.

- *Section 3.7, Visual/Aesthetics*, notes that visual impacts related to utility relocations would be minor and would have little impact on visual quality as existing views would, for the most part, be similar to the existing view conditions. In some areas, visual quality would improve as some utilities would be relocated within bridge structures or underground.

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	08 cont. • Construction and utility easements were included in the Area of Potential Effect (APE) analyzed for cultural resources impacts, as indicated in EIR/EIS *Section 3.8, Cultural Resources*. Project-related effects to cultural resources within the APE are identified in *Section 3.8.3* and appropriate avoidance, minimization, and mitigation measures are provided in *Section 3.8.4*. • Utilities excavation is included in the examples of construction activities that have the potential to impact water quality during the construction phase, as noted in *Section 3.10, Water Quality and Storm Water Runoff*. As noted in *Section 3.10.3, Environmental Consequences*, best management practices (BMPs) would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. • EIR/EIS *Section 3.11, Geology/Soils/Seismic/Topography*, notes that existing buried and overhead utilities conflicting with proposed construction activities would require protection or relocation during construction, and that the location of all utilities would be verified prior to subsurface investigation or construction. Geologic, soils, and seismic conditions presented within the EIR/EIS and supporting technical studies would be addressed during project design and construction, including utilities relocation, in conformance with state and federal requirements and standard engineering practices. • EIR/EIS *Section 3.13, Hazardous Waste/Materials*, indicates that petroleum hydrocarbons, which would primarily be of concern in relation to service stations located within the project study area, may be encountered in soil and groundwater at intersections during trenching to move utilities and during bridge reconstruction that would involve widening at abutments and bents. Caltrans would comply with the National Pollutant Discharge Elimination System (NPDES) permit for the handling and disposal of groundwater for intersections.

ORGANIZATIONS – COMMENTS	RESPONSES
	08 cont. • EIR/EIS Section *3.14, Air Quality*, generally addresses utility relocation under project construction impacts and notes that during construction activities, including utility relocation, short-term degradation of air quality may occur due to the release of particulate emissions. Project construction, including utility relocation, would have the greatest effect on air quality during site preparation for each project phase, because most engine emissions are associated with the excavation, handling, and transportation of equipment to and from the site. These emissions would be temporary and limited to the immediate area surrounding the relocation site, and, therefore, would not adversely affect air quality. • Regarding noise impacts, EIR/EIS *Section 3.15, Noise*, indicates that while construction activities, including utility relocations, would likely generate a temporary, short-term increase in noise, the increase would be temporary and limited to the immediate area surrounding construction and utility relocation activities. A combination of attenuation techniques, equipment noise control, and administrative measures would minimize construction activity noise impacts; please refer to the heading *Measures to Minimize Construction Noise* in *Section 3.15*. • Potential impacts to biological resources and their associated mitigation related to utilities relocations are addressed in response to your Comment 02, and also in EIR/EIS *Section 3.17, Natural Communities*. • Impacts and avoidance, minimization, and mitigation measures regarding hydrologic, wetland, and biological resources are provided in EIR/EIS *Section 3.9, Hydrology/ Drainage (and Floodplains),* and *Section 3.17* through *Section 3.22, Invasive Species*. The utilities relocation impacts would be within the defined limits of disturbance for the *I-5 NCC Project,* and the avoidance, minimization, and mitigation measures would also be applicable to utilities relocations.

ORGANIZATIONS – COMMENTS	RESPONSES
• There are state and federal mandates and guidelines governing utility facilities relative to public safety and system integrity/reliability that may preclude SDG&E's/SCG's ability to accommodate project alternatives that require the relocation of existing utility facilities or the acquisition of all or portions of utility properties, such as the Cannon Road Direct Access Ramp (DAR).	08 cont. Regarding the provision of a statement that impacts would be reduced to a level less than significant under CEQA, as noted in *Chapter 4* of the Draft EIR/EIS, the issues of corridor-wide noise along the 27-mile project, biological resources, cultural resources, paleontological resources, and hazards and hazardous materials were each found to be less than significant under CEQA following avoidance, minimization, and mitigation. Two areas were identified for CEQA-significant impacts after avoidance, minimization, and mitigation efforts: the issues of Visual/Aesthetics (for all build alternatives) and Community Character and Cohesion (for the 10+4 Barrier alternative). The significance conclusions for these two issues were not related to utilities relocations, however. Impacts to all other resource areas were found less than significant prior to mitigation under CEQA due to the magnitude of the project's effects (i.e., minor footprint impacts or beneficial effects associated with project implementation) or compliance with regulations.
• Include a complete alternatives analysis for locating the DAR at Cannon Road and provide an impact analysis of the proposed DAR as it relates to SDG&E facilities (ie, egress and ingress for facility maintenance, conductor ground clearance, Cannon Road widening, etc.).	09 As noted in response to your Comment 01, Caltrans has coordinated and will continue to coordinate closely with SDG&E to ensure that necessary utility operations and maintenance activities would remain unimpaired during project construction, as well as to identify any concerns to utilities from the selection of an alternative. Caltrans will continue to work closely with SDG&E to meet its utility relocation design requirements.
• Per Technical Report #5, Section 3.1: "The Year 2015 scenario shows an average corridor volume increase of 40 to 45 percent in demand when compared to existing volumes". With respect to economic downturn, is the above statement still valid and the construction of Cannon DAR for Year 2015 justified?	10 As discussed above in the response to your Comment 01, project implementation would include a number of measures to avoid and/or minimize potential impacts related to utility relocations. Specifically, this would include placing relocated utilities within existing easements and/or the project impact footprint wherever practicable, as well as initiating early and continued coordination with affected utility companies to assist in minimizing relocations and meeting related technical and regulatory requirements for relocations that cannot practicably be avoided. To this end, Caltrans has conducted extensive coordination with potentially affected utility owners, including SDG&E and will continue to work closely with SDG&E to meet the company's utility relocation design requirements.
• At one location; the intersection of Cannon Road and Avenida Encinas, the LOS and delay appear to have been improved from existing conditions to future Year 2030 (No Build) conditions. In general, due to future anticipated growth in traffic volumes; regardless of the construction of DAR, the delay at a given intersection is expected to degrade. This inconsistency requires attention and perhaps revisit of background calculations. Inaccurate assumptions due to calculation errors may have lead to incorrect mitigation measures at other intersections.	
• Per Table 3.9 of Technical Report #6 (below), a portion of Cannon Road between Paseo Del Norte and Legoland Drive under Year 2015 10+4 with DAR scenario will be over capacity. Why the mitigation measures have not been identified for Year 2015?	
• Per CEQA, isn't the mitigation improvement required to precede the construction of the DAR?	
• What is the timing for the mitigation improvements to local roadways? How will Caltrans ensure implementation of the mitigation measure? How about funding the fair share by the City of Carlsbad; how will that impact the timing for improvements?	
• City of Carlsbad Circulation Plan as amended in 2003 shows Cannon Road as a Major Arterial. The Cannon Road; between Paseo Del Norte and Legoland Drive, will need to be widen from a four-lane Major roadway to a six-lane Prime Arterial. In order to widen this road, is a General Plan amendment of the circulation element of the Carlsbad General Plan required? If yes, the City's planned update to the General Plan will not go to the City Council for approval earlier than 2013. Also the Local Coastal Program must be approved by the California Coastal Commission. Include a description of the timing of the amendment.	
• Currently the Right-of-Way width along Cannon Road is estimated to be 102 feet. With the required improvement/mitigation that is proposed along Cannon Road, an additional 24 feet of roadway (minimum 12 feet per lane) would potentially impact the south side of the SDG&E owned property. Per SDG&E's review the road is now built out to the	

12 cont.

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ORGANIZATIONS — COMMENTS

12 cont.

- SDG&E operation vehicles and maintenance trucks would continue to require access to/from Cannon Road. The intersection of proposed DAR at Paseo Del Norte does not show any traffic control. It is unclear if the access to current land use has been taken into consideration. Describe how access will be achieved. Will southbound traffic from SDG&E remaining land be able to access the Cannon Road?

13

As we discussed on Monday, November 15, 2010, SDG&E/SCG is willing to coordinate with the Caltrans to ensure that the project description, assessment of impacts and findings are sufficient to result in the most expeditious CPUC approval process. However, if either a PTC or a CPCN must be obtained from the CPUC, then SDG&E/SCG will need to prepare their own environmental document in compliance with CEQA and apply for a PTC or CPCN. This is a lengthy approval process that is estimated to take approximately 18 to 24 months and should be incorporated into the project schedule.

By including an adequate level of analysis in as much detail as possible, the Final EIR/EIS may be used by SDG&E to potentially obtain an exemption from CPUC GO- 131D permit requirements, thus expediting utility relocations/modifications and potentially saving one to three years in the permitting process. However, even with this detailed analysis in the document the CPUC still maintains the ultimate authority and discretion over regulated utility activities throughout the state.

SDG&E/SCG is available to coordinate and communicate with Caltrans with regards to utility facilities to ensure that transportation projects are implemented as efficiently and as timely as possible. For project coordination please contact David Emerson, Governmental Liaison at (858) 654-1136, Demerson@SempraUtilities.com or for specific environmental questions contact me at (858) 637-3728 or eolivogomez@SempraUtilities.com. We look forward to the opportunity to meet with your environmental, right-of-way, and engineering design staff to ensure the Final EIR/EIS results in the most efficient PUC approval process.

Sincerely,

Edalia Olivo-Gomez,

Cc: Nicholas Sher, CPUC
Mary Jo Borak, CPUC
Rebecca Giles, SDG&E
Allen Trial, SDG&E
Estela de Llanos, SDG&E
David Emerson, SDG&E
Ruth Love, SDG&E

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RESPONSES

11 It is not clear which direct access ramp (DAR) facility the commenter is referencing. Please note that, subsequent to the circulation of the Draft EIR/EIS for public review, the previously proposed DARs at Oceanside Boulevard and Cannon Road have been removed from the build alternatives. Additionally, the Manchester Avenue DAR has been redesigned such that it would consist of an underpass rather than an overpass. The Voigt Drive DAR would be wholly located within the I-5 right-of-way and would not exceed the elevation of the adjacent slopes; please refer to *Figure 3-7.43* in the Draft EIR/EIS. Caltrans will continue to work closely with SDG&E to meet the company's utility relocation design requirements.

12 As noted in the response to your Comment 11, a DAR at Cannon Road is no longer proposed as an element of the build alternatives.

13 Thank you for this information. Caltrans will continue to coordinate with SDG&E to pursue the most expeditious CPUC approval possible, and will continue to coordinate with SDG&E during final design and construction to complete necessary utilities relocations.

ORGANIZATIONS – COMMENTS

San Elijo Lagoon CONSERVANCY

Preserving, protecting and enhancing the San Elijo Lagoon Ecological Reserve and its watershed

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November 12, 2010

California Department of Transportation – District 11
Division of Environmental Analysis, MS 242
Attn: Shay Lynn Harrison, Environmental Analysis Branch Chief
4050 Taylor Street
San Diego, CA. 92110

Subject: Comments on the Draft Environmental Impact Report / Environmental Impact Statement for the Interstate 5 North Coast Corridor Project, San Diego, California.

Dear Ms. Harrison:

The San Elijo Lagoon Conservancy (SELC) has reviewed the North Coast Corridor Project Draft Environmental Impact Report / Environmental Impact Statement (DEIR / DEIS), dated June 2010. We offer the following comments on the draft document.

01 The scope of our comments is guided by our mission statement. SELC is a non-profit, public benefit corporation whose mission is to protect and restore the resources of the San Elijo Lagoon Ecological Reserve, its watershed, and related ecosystems for the benefit of current and future generations. Consistent with our mission, the Conservancy takes no position on regional transportation policy and the overall merits of the project as a whole. Rather, our comments address the specific effects of the project on the San Elijo Lagoon, watershed, and related ecosystems, and the opportunities available to mitigate or avoid adverse effects of the project on the Lagoon.

SUMMARY

In summary, SELC finds there are aspects of the proposed project that will benefit the lagoon. Principal among these are the lengthening of the Lagoon overcrossing bridge, which will remove the hydraulic bottleneck caused by the existing bridge, and the potential for project to participate in a significant way in regional plans for a major Lagoon restoration project. We welcome these improvements and opportunities to benefit the Lagoon.

02 In addition however, SELC also finds there are aspects of the proposed project that will be detrimental to the Lagoon, and for which project modifications are warranted to avoid or mitigate for these impacts, and for which in many instances we believe additional analysis and public disclosure of information is warranted. Principal among these is the proposed Manchester park-and-ride lot, which will remove this important open space, habitat linkage, and sea level rise refugia. The Conservancy is opposed the Park and Ride complex and HUB as designed for the reasons that 1) other alternatives are not considered in the document; 2) the Hub will have

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RESPONSES

Responses to Doug Gibson, Executive Director/Principal Scientist, and Denise Stillinger, President of the Board, San Elijo Lagoon Conservancy

01 Thank you for your comments, which are part of the public record.

Specific responses to your comments regarding the effects of the project on the San Elijo Lagoon, watershed, and related ecosystems, and the mitigation opportunities available to mitigate or avoid adverse impacts to the Lagoon are provided in the responses below.

02 The potential for minimizing impacts has been an ongoing process since the Draft EIR/EIS was circulated for public review. During that time, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons, including San Elijo Lagoon, and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into the Final EIR/EIS, as appropriate. This evaluation incorporates the results of associated technical analyses, including hydrologic and hydraulic studies and Caltrans interaction with lagoon scientists, to determine the appropriate bridge lengths and channel dimensions that would reduce the level to which levees or other man-made features restrict tidal flushing (water movement and exchange). These studies were used to determine the appropriate I-5 bridge lengths to meet the project objectives and maximize the health and function of the lagoons.

ORGANIZATIONS — COMMENTS

02 cont. unavoidable adverse effects on the Reserve; and 3) the Hub is inconsistent with local, state, and federal land use).

03 Because of these detrimental effects and the lack of specific information on avoidance and mitigation options, and because of the several areas where the document does not provide adequate information from which to draw a conclusion, SELC requests that Caltrans provide additional information and analyses requested within this document and recirculate the document for public comment.

SELC BACKGROUND AND PLANNED LAGOON RESTORATION PROJECT

SELC is a landowner within, and an active managing partner for the San Elijo Lagoon State Ecological Reserve ("Reserve"). The management authority for the Reserve is outlined in a three-party Memorandum of Understanding among SELC, the County of San Diego, and the California Department of Fish & Game. The directives outlined in the agreement state that SELC is responsible for planning and carrying out restoration projects within the Reserve as well as scientific monitoring that is required for baseline documentation, adaptive management, and scientific research.

04 SELC has been working with primary stakeholders and agencies for the past 20 years on developing a restoration / enhancement plan for the Reserve that will maximize habitat diversity, increase tidal prism and circulation, and address anticipated effects of climate change and sea level rise throughout the lagoon system. The primary cause of habitat degradation in this system is the restriction of tidal flow due to obstructions from current transportation corridors that cross the lagoon. These infrastructure projects were built before the CEQA, the NEPA, and the Coastal Act review processes were in place and thus impacts to the environment were not a addressed. To date, we have assisted in the development of the San Elijo Lagoon Enhancement Plan and developed the San Elijo Lagoon Action Plan and the Escondido Creek Watershed Restoration Action Strategy. These plans all assert that current transportation infrastructure in the Reserve needs to be changed if a restoration project aimed at maximizing habitat diversity, tidal extent, and tidal prism while also minimizing residency times is to be successful.

Currently, several other systems in North County have had full restoration projects that have (or are) achieving the goals set out by the wildlife agencies and local stakeholders. SELC and the agency stakeholders have been developing the EIR / EIS for the full restoration of the San Elijo Lagoon system for the past 10 years; first with the City of Encinitas and the Army Corps of Engineers as the lead agencies, and now with SELC taking the lead with funding from the California Coastal Conservancy and SANDAG.

We agree with CalTrans that there are opportunities that could benefit San Elijo Lagoon as components of the proposed Interstate 5 North Coast Corridor Project, but we must ensure that those benefits are not outweighed by additional impacts. Many of our comments that follow are to assist Caltrans in determining the avoidance and minimization measures of impacts that would have negative effects to the Reserve. It is our goal to ensure that any proposed mitigation for these impacts follow the aforementioned restoration plan, which is being designed for the benefit of the lagoon and not any individual mitigation impact or project. Any final mitigation credit determination would be developed and agreed upon solely by the relevant permitting agencies.

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RESPONSES

02 cont. The San Elijo Lagoon bridge is proposed to be lengthened and widened. Please also refer to the Environmental Commitments Record (Appendix D of this Final EIR/EIS) for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons.

As described in *Table ES.2* and *Chapter 2*, the need for the Manchester Direct Access Ramp (DAR) was re-evaluated following a revision in the 2050 Regional Transportation Plan (RTP) that eliminated the El Camino Real Bus Rapid Transit (BRT) service. The Manchester Avenue DAR was retained as a project element because it would provide access to coastal resources, Mira Costa College, town centers, major arterials paralleling the freeway, important trails in the area, and because it is expected to have a high volume of traffic. It was, however, redesigned to eliminate an overcrossing and integrate a DAR undercrossing, substantially reduce proposed parking, and commit to pervious hardscape. This and other project changes are evaluated in the Supplemental Draft EIR/EIS and have been incorporated into this Final EIR/EIS. Please also refer to the responses below to your detailed comments regarding this facility.

03 The EIR/EIS provides adequate information from which to draw conclusions in accordance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Where additional important information became available following the production of the Draft EIR/EIS, Caltrans prepared and circulated a Supplemental Draft EIR/EIS that presented updated or more detailed information. That document was circulated in August 2012 and the public and responsible agencies were given the opportunity to comment during the public review period. Recirculation of the Draft EIR/EIS is not warranted. Please refer to responses to your Comments 04 through 43 for detailed responses to your comments.

ORGANIZATIONS — COMMENTS

04 cont. SELC will not be involved in determining mitigation credit for the Interstate 5 North Coast Corridor Project.

Detailed Comments

Bridge Structures

05 DEIR/DEIS, Pg 2-1, sec. 2.2 lists lengthening of the San Elijo Lagoon bridge. We have given you our hydraulic modeling results which support the need for at least a 80M bridge. This length should be included here with a discussion on the rationale for choosing this length. We also ask that a larger length be analyzed to include wildlife migration from the east basin to the central basin. Will this addition be made to the EIR?

06 DEIS, Pg 2-6, Table 2.2 does not include the bridge over San Elijo Lagoon in the overcrossing & lagoon bridge section. We ask that you separate out the lagoon bridges from the Overcrossing bridges and add existing and proposed dimensions (lengths and widths). We insist that the bridge at San Elijo lagoon be listed both as a 'lagoon bridge' and as the Manchester Ave undercrossing. This is important because it's currently a major constraint of tidal flow in the Lagoon. Will the EIR include this requested separation and delineation with respect to the lagoon bridges?

Local Land Use and Policy Consistency

07 DEIR/DEIS, Pg 3.1-8 and 3.1-9, figures 3-1.4 and 3-1.5. The proposed land use changes around the lagoon are not consistent with any of the build alternatives. The agricultural fields on the north east side of the lagoon change from Agricultural to Residential in an area where there is a common design feature for transportation. The existing land use figure also shows the Cardiff Cove community on the west side of 5 north of the lagoon as mainly park and open space, when it is developed residential. Will the EIR accurately reflect the current land uses near the Mancherster interchange, i.e. agricultural on the north east side of the lagoon and developed residential in the Cardiff Cove community?

City of Encinitas Resource Element

08 The proposed project conflicts with the following sections of the City of Encinitas Resource Element:

Policy 4.7 is violated in terms of the DAR ramps and the BRT stations, which will change the visual and scenic corridor around the Reserve.

09 *Policy 10.6* No net loss of Wetlands: The project will impact 1.8-3.1 acres of federal jurisdictional wetlands and slightly more State jurisdictional wetlands. No specific mitigation measures to offset these impacts are described in the DEIR/DEIS.

10 *Goal 12* Prime Agricultural Lands – the goal is to preserve Prime Agriculture lands. Building the proposed Park & Ride facility at Manchester Avenue is inconsistent with this goal.

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RESPONSES

03 cont. Caltrans understands the responsibilities of the San Elijo Lagoon Conservancy (SELC) as described in this comment.

04 Based on the analyses in EIR/EIS *Sections 3.17, Natural Communities,* through *Section 3.22, Invasive Species*, project-related impacts to biological resources in coastal areas, including lagoons and related waterways, would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed through coordination efforts with the wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. Please note that the lagoon optimization study completed for San Elijo Lagoon proposed bridge designs that would allow any potential restoration program under consideration to be implemented. Information specific to this issue was provided in the August 2012 Supplemental Draft EIR/EIS and is now incorporated into this Final EIR/EIS.

05 The San Elijo Lagoon bridge is proposed to be lengthened. Please refer to Final EIR/EIS *Table 2.2.4*. The proposed length is longer than the 262 feet requested in this comment. The proposed length would accommodate wildlife movement through the lagoon. Please also refer to Final EIR/EIS *Sections 3.9, Hydrology/Drainage (and Floodplains)* and *3.17* for detailed discussion of the rationale for the proposed bridge length.

06 As part of the lagoon evaluations described in the response to your Comment 02, modifications were identified to I-5 bridge designs, including a new San Elijo Lagoon Bridge. Consistent with your request, Final EIR/EIS *Table 2.2.4* identifies the existing and proposed dimensions of the San Elijo Lagoon Bridge. Please note that this structure previously was identified in the Draft EIR/EIS as the "Manchester Avenue Undercrossing" but is now referred to as the "San Elijo Lagoon Bridge."

ORGANIZATIONS — COMMENTS

10 cont. How will the EIR resolve the three conflicts listed above?

11 MSCP and MHCP Consistency
DEIR/DEIS, Pg 3.1-19. The DEIR/DEIS indentifies portions of the project that will be in the Multiple Habitat Planning Area (MHPA), but there is no analysis of the impacts as they relate to the San Elijo Lagoon or the adjoining open space and agricultural lands that provide existing wildlife corridors. Will the EIR include the impacts to the current plans, which include figures showing MHPA boundaries and impact areas, as well as avoidance measures?

12 Coastal Act Section 30233 & 30240 – Because no mitigation alternatives are outlined or quantified we cannot address these issues. There are direct wetland impacts and Environmentally Sensitive Habitat Areas that will be impacted in San Elijo Lagoon. In order to determine if these impacts are being mitigated we need to see a proposed mitigation plan that outlines where the projects will be completed. Will the EIR contain specific mitigation alternatives, including where they will be completed?

13 **Common Design Feature – Park and Ride & DAR at Manchester Ave.**
DEIR/DEIS, pg 3.1-17. Prime agriculture loss due to Park and Ride construction. The loss of 18.5 acres of Prime agriculture and surrounding upland refugia will represent a 60.7% decrease in Coastal Agriculture in Encinitas. This represents 100% of the prime agriculture loss in the Encinitas project zone. This loss is inconsistent with the Coastal Act Section 30241, and the economic viability of agricultural lands section 30241.5. The City of Encinitas General Plan and LCP, states that within the I-5 corridor they should maintain a sense of spaciousness and semi rural living and the Resource Management Element encourages the preservation of Agricultural lands.

The DEIR/DEIS attempts to show that the remaining 12 acres "could" remain in agriculture production. Currently, all farm storage and housing exist on the lands slated for development which would require a portion of the remaining 12 acres to be taken up by these uses. At that point it gives the property owner a good level of assurance that there is economic hardship to continue agricultural practices thereby asking for a zoning change for development at the local level. Although Caltrans does not directly affect local land use policy, the indirect effect could potentially support an argument of economic hardship to change the current land use ,which would be inconsistent with Encinitas LU-26, Policy 9.1 (DEIR/DEIS, pg 3.1-33). How will the project prevent this unexpected outcome, specifically influencing local land use policies, which would be inconsistent with Encinitas LU-26, Policy 9.1?

14 The property slated for the Park and Ride facility is on the Tier 1 priority acquisition list as outlined in the Escondido Creek Watershed Action Strategy dated November 2005. These lands are also a component of the California Department of Fish & Game's Conceptual Area Protection Plan (CAPP) for the San Elijo Lagoon.

4

RESPONSES

07 The EIR/EIS reflects the land uses near the Manchester Interchange in *Figure 3-1.4*, *Solana Beach/Encinitas Land Use*, including the agricultural area on the northeast side of the lagoon and the Cardiff Cove community on the west side of I-5, as of the referenced 2006 data sources. The land use designations for this area on *Figure 3-1.5, Solana Beach/Encinitas Planned Land Use,* are derived from the City of Encinitas General Plan (dated 1989, as amended 7/16/2003), which designate the area in question as Rural Residential (RR2). Thus, the figure is consistent with the planned land uses set forth in the Encinitas General Plan.

08 City of Encinitas Resource Element Policy 4.7 is listed in EIR/EIS *Table 3.1.1*, which notes that all four alternatives are potentially inconsistent with various Resource Management Element goals. Please refer to the response to your Comment 02 with regard to changes to the proposed Manchester DAR and BRT station. These changes would reduce the visual impacts relative to those described in the Draft EIR/EIS.

09 With respect to mitigation for jurisdictional wetlands and other habitats, this issue is addressed in *Sections 3.17, Natural Communities,* through *3.21, Threatened and Endangered Species,* of this Final EIR/EIS. Within the context of the PWP/TREP referenced in the response to your Comment 04, identified wetland mitigation would include a minimum 51.67 acres of habitat establishment in addition to preservation and enhancement efforts to comply with regulatory "no net loss" requirements.

10 As noted in response to your Comment 02, the proposed San Elijo Multi-use Facility and DAR facilities at Manchester Avenue have been redesigned to minimize their environmental impact. Impacts and benefits of the redesigned DAR are presented in this Final EIR/EIS *Table ES.2* and *Chapter 2*. Specifics of farmland acreages are provided in *Section 3.3*. EIR/EIS *Section 3.1, Land Use, 3.1.2.2* also indicates that the project alternatives would be inconsistent with the agricultural goals of the City of Encinitas General Plan. As described in Final EIR/EIS *Sections 3.1* and *3.3*, impacts would be mitigated using a tiered approach detailed in *Section 3.3.4*.

ORGANIZATIONS — COMMENTS	RESPONSES
	10 cont. If an in-kind project-specific action within the jurisdiction is not feasible, impacts would be mitigated pursuant to the Agricultural Resource Impact Mitigation Fee program developed as part of the PWP/TREP. The fee would provide a number of new opportunities to preserve and maintain a variety of agricultural resources and activities in the corridor. On a project level, potential project-related farmland impacts would be below thresholds set by the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) Farmland Mapping and Monitoring Program as requiring consideration for protection. Subsequent to that finding by the NRCS, potential farmlands impacts were additionally minimized through the elimination of the Cannon Road DAR from the project. As described in Final EIR/EIS *Section 3.3, Farmlands/Agricultural Lands,* under the heading *Coastal Zone Management Act/California Coastal Act*, none of the parcels abutting I-5 meet the definition of prime agricultural land under Coastal Act Section 30241. 11 With respect to the Multiple Species Conservation Program (MSCP) and Multiple Habitat Conservation Plan (MHCP) consistency, this issue is addressed in EIR/EIS *Section 3.1*. As noted, the City of Encinitas has prepared a Draft MHCP Subarea Plan, but it has not been adopted. The Multiple Habitat Planning Area (MHPA) is a City of San Diego term, not applicable to San Elijo Lagoon. While not applicable to the MSCP or MHCP, Caltrans strives to be consistent with the associated guidelines and will continue to coordinate with the appropriate wildlife agencies and municipalities to ensure that impacts to sensitive biological species or communities targeted for preservation are minimized wherever possible. The project has been designed to minimize impacts to biological resources by acquiring reduced amounts of right-of-way and limiting the grading footprint to the maximum extent possible (refer to EIR/EIS *Table 3.1.1*). Unavoidable project-related impacts to sensitive wetlands and upland habitats at San Elijo Lagoon as well as other locations would be mitigated to achieve no net loss. Please refer to the responses to your Comments 04 and 09 above for additional information on the proposed project mitigation efforts.

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	11 cont. Regarding wildlife corridors, EIR/EIS *Section 3.17* indicates that I-5 currently acts as a wildlife barrier to east-west movement, and each of the lagoons, rivers, and creeks and the surrounding upland habitat are potential corridors for wildlife to cross from east to west. The analysis in *Section 3.17* goes on to point out that while the proposed project would not necessarily cut off these corridors, it could make them less attractive for wildlife use. Specifically, wildlife, especially large mammals, tends to use crossings and corridors that are wider as the length of travel increases. Most of the existing lagoon bridges including San Elijo have steep, narrow abutments that provide somewhat limited opportunities for use by wildlife. As part of the additional lagoon studies described above in the response to your Comment 02, the proposed modified bridge designs were evaluated to incorporate improvements to existing wildlife corridor capabilities. At San Elijo Lagoon, this includes the proposed addition of a dedicated wildlife "bench" located on the southern embankment slope. As shown on EIR/EIS *Figure 3-18.2d*, the wildlife bench at San Elijo would be physically separated from the proposed pedestrian path on the southern embankment by a section of riprap, and the pedestrian path would be fenced and signed to keep pedestrians on the improved areas and out of the wildlife bench and sensitive lagoon habitats. Fencing material and design would be chosen to accommodate nighttime wildlife movement and flood events. The proposed bridge design at San Elijo also includes a suspended bicycle and pedestrian path extending parallel to the bridge, running north-south, which would be part of the I-5 North Coast (NC) Bike Trail. As depicted in EIR/EIS *Figure 2-3.3*, this path would also be physically separated from the noted wildlife corridor bench. Based on the described design, the proposed wildlife bench at San Elijo is expected to improve opportunities for wildlife use by providing a wider and more segregated corridor. 12 Regarding proposed project mitigation efforts for wetlands and other environmentally sensitive habitats at San Elijo Lagoon, please refer to responses to your Comments 04 and 09 above. 13 Please refer to response to your Comment 02 regarding the redesign of the Manchester DAR and proposed San Elijo Multi-use Facility in order to reduce project impacts, and to the

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	13 cont. response to your Comment 10 regarding inconsistency with the City of Encinitas General Plan Resource Management Element. The Preferred Alternative would impact approximately 8.4 acres of farmland (Sections 30241, 30241.5, 30242 of the California Coastal Act [CCA]) in Encinitas as a result of project improvements adjacent to Manchester Avenue. Loss of Prime and Unique Farmland from any of the Build alternatives would represent approximately one percent of the Prime and Unique Farmland within the County. The majority of impacts would be contained to an area directly adjacent to the existing highway, and they would not substantially displace agricultural resources or disrupt or preclude continued agricultural operations of the affected properties. (See more on this below in this answer.) This would be necessary to concentrate and maintain anticipated development growth within and/or contiguous to the existing developed corridor, consistent with Section 30250 of the CCA. As noted in response to your Comment 10, impacts would be mitigated pursuant to the Agricultural Resource Impact Mitigation Fee program developed as part of the PWP/TREP. Therefore, loss of project farmland and associated impacts to agricultural resources would be less than significant under CEQA. Please also note that as discussed in the Final EIR/EIS in *Section 3.1.3*, approximately 8.4 acres of agricultural land would be impacted under the refined 8+4 Buffer alternative (Preferred Alternative). This would be approximately 28 percent of the current agricultural acreage. Strictly comparing these parcels to the overall County average of parcel size and production viability, the answer of continued agricultural viability is positive. The impacts of the Preferred Alternative would not impair the viability of the parcels to remain in active agricultural production. Determination of profitability of this individual parcel at present would be speculative; however, anecdotal evidence indicates that the grower would remain in production given the fact that historical crop production rotates on the site and that crop production has changed over time consistent with the prevailing trends. Historical evidence also supports the viability of the parcel and products and their proximity to large markets and articulated transportation networks with access to even larger distribution centers. With regard to maintaining a sense of spaciousness and semi-rural living, the proposed project would consist of improvements to

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14 cont. Currently, there are 41.5 acres of vacant open lands surrounding the Reserve that can be utilized as upland refugia for wildlife. The "Take" that would result from building the Park and Ride represents 74% of the remaining lands that could be acquired surrounding the Reserve. This area is proposed for conservation within the Focused Planning Area (FPA) of the MHCP. Given current sea level rise forecasts, these lands will be extremely important as time goes on for refugia and wildlife corridors into the vegetated uplands. Even though there is no Federal Guidance on Sea Level rise, the State of California has adopted guidance that should be used when planning a project around sensitive coastal resources in the State of California.

15 The Park and Ride and DAR is a common design feature carried through all "build" alternatives. The DEIR/DEIS has not given adequate data to show the need at this location. There are additional existing locations that are not included in the analysis, such as the under-utilized Birmingham Park and Ride, where there is already grade separation for the DAR. Additionally, the 2003 RTP and the current DEIR/DEIS do not examine the additional impacts to the lagoon that will be caused by focusing more traffic through Encinitas towards a sensitive resource.

In Summary regarding the proposed Manchester facility, the DEIR/DEIS:

- does not provide justification for the need for a Park and Ride facility at this sensitive location, given the existing infrastructure nearby. The 2003 RTP also does not analyze these other areas in terms of function or expansion. *Will the EIR provide this critical analysis?*
- 16 does not give a rationale for the proposed size (400 spaces). *Will the EIR provide the rationale or analysis that determined the necessary size of the parking lot?*
- 17 does not address whether the Park and Ride and DAR will result in increased traffic and improvements along Manchester, which will create additional impacts to the sensitive resources of the San Elijo Lagoon. Will *the DEIR/DEIS address these impacts and provide appropriate mitigation.*
- 18 does not adequately address whether continued operation of the remaining 12 acres of agricultural lands will be financially viable, and if not, how Caltrans will avoid supporting a land use designation change at the local level. *Will the DEIR/DEIS include an economic study per the Coastal Act section 30241.5?*
- 19 does not address the environmental impacts that would come from a public facility at this location such as trash, lighting, runoff and invasive species. *Will the EIR provide the appropriate analysis and mitigation, minimizations or avoidances?*

20 **The impacts from this common design features are immitigable and impose a significant environmental impact to the San Elijo Lagoon. For these reasons, we ask that this feature be removed from all alternatives within the project. This includes the DAR, Park & Ride Facility as currently designed and the Transit HUB as currently designed**

Tidal Wetland Impacts

21 The project as outlined will impact roughly three (3) acres of tidal wetland habitat (depending on the alternative and the jurisdiction) in the San Elijo Lagoon. This is primarily due to the widening and lengthening of the bridge and the shading effects and bent placement within the channel. New acreage of aquatic habitat will, however, be opened up by lengthening the current

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13 cont. the existing transportation facility located in previously developed and disturbed areas within or immediately adjacent to the existing highway right-of-way. Details of visual impacts and proposed mitigation measures are addressed in *Sections 3.7.3* and *3.7.4* of the EIR/EIS. The Manchester Avenue DAR would add visual mass, or size, to the facility and expand the highway facility into adjacent agricultural areas. A loss of visual open space would occur in these areas east of the highway. View impacts from the project to the coastline, lagoons and river valleys, however, would be avoided or minimized. The Manchester Avenue DAR's visual effects have been substantially minimized through the elimination of the overpass and incorporation of an underpass. Please note that these visual resources are typically most visible across or below the corridor's large lagoon and river bridges. These views would be maintained.

It is important to note that Caltrans is not a land use planning agency and, therefore, has no authority on land use designation or "influencing local land use policies." Conversely, it is Caltrans' responsibility to plan, design, and maintain the State highway system as well as to set the standards for facility development within the corridor.

Regarding your concerns on the proposed location of the Manchester Avenue DAR and the proposed San Elijo Multi-use Facility, the facility was placed in this location for reasons stated in response number 02.

14 Sea level rise has been addressed in the Supplemental Draft EIR/EIS and is carried over into this Final EIR/EIS, including optimization studies of San Elijo Lagoon.

15 Please refer to the response to your Comment 02 with regard to the need for and impacts resulting from the Manchester DAR and proposed San Elijo Multi-use Facility.

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16 Based on comments on the Draft EIR/EIS, the Manchester DAR and proposed San Elijo Multi-use Facility have been redesigned, as described in the response to your Comment 02. Redesign changes include the reduction from Draft EIR/EIS proposed parking from approximately 400 to 150 spaces. The revised DAR footprint and San Elijo Multi-use Facility illustration is depicted on Final EIR/EIS *Figure 2-2.5b.*

17 Potential impacts to the local circulation associated with the DARs were analyzed in Draft Technical Report No. 7: Direct Access Ramps/Local Circulation System Operations (August 2007). As detailed in that report, no impacts to the local circulation system were identified in association with the implementation of the Manchester DAR. This report was prepared in support of the EIR/EIS, is available on www.keepsandiegomoving.com for review, and is incorporated by reference. As no circulation impacts were identified, no additional improvements to Manchester Avenue are anticipated as a result of the proposed *I-5 NCC Project* improvements.

18 Please refer to response to your Comment 13 with regard to agricultural impacts resulting from the Manchester DAR and proposed San Elijo Multi-use Facility.

19 With respect to potential trash, lighting, runoff, and invasive species impacts associated with the Manchester Avenue DAR and proposed San Elijo Multi-use Facility, these are all considered indirect effects. Indirect effects associated with the project, as well as the avoidance and minimization measures for such impacts, are discussed in EIR/EIS *Section 3.21, Threatened and Endangered Species*, and *Section 3.22, Invasive Species*. The proposed San Elijo Multi-use Facility would be on the far side of Manchester Avenue from the lagoon. The facility would be designed with bioswales to treat runoff, native and non-invasive drought-tolerant landscaping, and the restoration of coastal sage scrub habitat in adjacent areas. Please refer to the response to your Comment 14 above, and to EIR/EIS *Figure 2-2.5b*. Lighting at the park and ride lot would be shielded and directed down to minimize impacts to surrounding habitats, and appropriate maintenance efforts would

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bridge of Highway 5. These added acres will replace an upland berm which is part of the original 1960's construct. Habitat type-conversion in the east basin from salt marsh to fresh/brackish water habitat over the past 50 years is due to this original berm. It should be pointed out that this will greatly increase our ability to restore the lagoon as well as ensuring that fresh water fluvial flows exit the system and tidal flows extend further into the east basin.

As stated in the Tidal Wetlands Impacts section above, the new bridge will dramatically benefit the conveyance of fresh water both out of the system as well as tidal waters into the eastern portion of the lagoon. This will also help reduce the sedimentation issues that currently exist in the east basin because flood waters will move faster through the system. The new structure will also lower the 100 year flood plain and help protect local infrastructure including Manchester Ave.

21 cont.

Although there are clear benefits to the bridge lengthening, this element of the project will nevertheless have wetland impacts for which wetland mitigation will be required. Mitigation measures are not given as a component of the DEIR/DEIS and therefore we are unable to analyze the impacts without this data. Will the DEIR/DEIS include:

- all compensatory mitigation that will occur, by alternative,
- any additional mitigation that is determined under the current MOU with California Department of Fish and Game and the United States Fish and Wildlife Service, and
- a final determination on the Public Works Plan with the California Coastal Commission, including any potential conflict resolution disputes that can be identified now where inconsistencies exist.

Physical Environment
Section 3.9

22

DEIR/DEIS, Pg 3.9-6 States that the existing bridge over San Elijo Lagoon will need to be widened by 20 feet, or 6.1 meters. It is not clear whether this is 20 feet for each of the two existing bridges or 20 feet in total for the entire bridge. Also, does the proposed bridge include filling the center and is that part of the 20 feet. We request that a table be included in the DEIR/DEIS that gives dimensions and number of new lanes as compared to existing conditions for each alternative. Will the EIR include this table?

Upland Impacts

23

DEIR/DEIS Pg 3.17-9 When collecting duff from areas with Coastal Sage Scrub we ask that you not import this from other watersheds without prior knowledge of source and location. This is to ensure that new exotic invasive plant species are not brought into the Reserve. Will this request be included in the project's protocol?

Species Impacts

24

DEIR/DEIS Section 3.21 As outlined in the DEIR/DEIS there will be impacts, both temporary and permanent, to resident and migratory species as well as impacts to sensitive listed species. Under the build alternatives 10 California gnatcatchers and 1 Light-footed clapper rail will be impacted at San Elijo Lagoon. No proposed mitigation or offset is given. Will the DEIS include quantify planned offsets for these impacts?

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19 cont. be implemented to address potential concerns related to trash generation and dispersal. In addition, the redesigned San Elijo Multi-use Facility would incorporate pervious hardscape, as noted in the responses to your Comments 02 and 14, which would reduce runoff and provide related water quality "treatment." Additional information on project-related water quality concerns and related avoidance, minimization, and mitigation measures is provided in *Section 3.10, Water Quality and Storm Water Runoff*.

20 Regarding the nature of project-related impacts at the Manchester Avenue DAR and the proposed San Elijo Multi-use Facility, please refer to the responses to your Comments 02, 04, and 13 through 19 above for additional discussions related to the nature and extent of the noted impacts, as well as associated avoidance, minimization, and mitigation measures.

21 Your comments on the overall benefits to tidal wetland habitats and associated restoration potential from the proposed modifications to the I-5 bridge at San Elijo Lagoon are consistent with the analysis provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. Please refer to response to your Comment 04 above. The updated mitigation contained in this Final EIR/EIS describes compensatory mitigation in detail, including requirements identified during the CDFW and U.S. Fish and Wildlife Service (USFWS) permitting processes and consistent with the PWP/TREP. As impacts from an alternative other than the LEDPA would not be permittable, detailed mitigation programs associated with the other build alternatives are not relevant.

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	22 The existing San Elijo Lagoon bridge is approximately 158 feet wide. The proposed width of the bridge was shown in *Table 2.2.1* of the Supplemental Draft EIR/EIS circulated in August 2012 and the most current proposed design has been incorporated into the Final EIR/EIS (see *Table 2.2.4*). The project is also shown in plan view over San Elijo Lagoon in *Figures 2-2.3, Sheets 25* and *26*.
	23 Potential impacts and associated avoidance and minimization measures related to invasive species are addressed in EIR/EIS *Section 3.22.* This section explains that invasive plants currently within the impact area can be removed through careful handling of soil and equipment that works the soil. Duff from areas with coastal sage scrub, maritime succulent scrub, and maritime chaparral that would be impacted by project grading would be salvaged to the extent practicable to aid in revegetating slopes with native habitats. Thus, the source and location of the duff would be known. To minimize spread of invasive weeds, all heavy equipment would be washed and cleaned of debris prior to entering a lagoon area.
	24 Regarding your concerns on project-related effects to sensitive bird species, including the coastal California gnatcatcher and light-footed clapper rail, these potential impacts are addressed in EIR/EIS *Section 3.21, Threatened and Endangered Species*. As described in the response to your Comment 04, project-related impacts to sensitive species and other biological resources would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the current project design, and an extensive mitigation package for unavoidable impacts to animal species and related habitats has now been developed through coordination efforts with the wildlife agencies. The currently proposed I-5 bridge improvements at San Elijo Lagoon would result in impacts to portions of four coastal California gnatcatcher territories. The permanent impact area would not affect Belding's savannah sparrow or light-footed clapper rail habitat, although temporary impact areas may affect both of these species.

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	24 cont. Mitigation measures for impacts to threatened and endangered species are also included in this Final EIR/EIS and would focus on the preservation, restoration, and/or establishment/creation of appropriate related habitats. Specifically, this would include wetland habitat mitigation for temporary impacts associated with Belding's savannah sparrow and the light-footed clapper rail, with related information provided above in the response to your Comment 09. For impacts to the coastal California gnatcatcher, mitigation efforts would encompass the preservation, restoration, and/or creation of coastal sage scrub. For San Elijo Lagoon this includes the Laser Mitigation Site. This area currently supports primarily non-native grasses and eucalyptus trees and would be restored to coastal sage scrub as part of the project mitigation efforts. A number of additional potential upland and wetland mitigation parcels have also been identified for the project in the coastal zone, with these sites under review for potential acquisition and use in the project mitigation program. Caltrans will continue to work closely with the wildlife agencies to develop the proposed mitigation efforts, which will be subject to further refinement during the permitting process. This will include measures to ensure that preserved, restored, and established/created areas provide suitable habitat for attendant species, through efforts such as establishment of appropriate success criteria and the implementation of associated monitoring and maintenance activities per resource agency requirements (refer to Final EIR/EIS *Table 2.7.1*).

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25 DEIR/DEIS Pg S-16. Exclusion devices must be consistent with the Migratory Bird Act. Will the DEIR/DEIS to include an analysis of the number of bridges under construction with exclusion devices at any given time to ensure that impact to migrating species are minimized?

26 The current draft of the South Coast MLPA designations has placed San Elijo Lagoon as a State Marine Reserve. The level of protection allows for restoration and maintenance of existing infrastructure, but the proposed project would represent a new project and therefore an impact to the preserve. Will the DEIR/DEIS include a statement regarding the MLPA and associated impacts to aquatic species as well as an analysis of minimization and avoidance measures for pile driving, which can affect fish species?

27 **Water Quality / Runoff Impacts**
The existing infrastructure of Highway 5 has little to no runoff best management practices (BMPs). Given the beneficial uses of the San Elijo Lagoon and the current 303d listings we must look to do significantly better in our control of storm water runoff. Any of the build alternatives will add a significant amount of additional runoff directly into the tidal area of the lagoon. This additional water should be considered a pollutant by itself because of its capacity to aid in habitat type-conversion by lowering soil salinities and allowing brackish species to become established or persist. Increased bridge lengths will help this issue by moving water more quickly though the system, but additional channel configuration and inlet conditions also need to play a role to mitigate this impact. The DEIR/DEIS does list San Elijo Lagoon as a potential mitigation site, but it fails to address any specific mitigation activities that would minimize or avoid these impacts beyond a general list of BMP's. Will the EIR include specific mitigation activities to minimize or avoid the water quality impacts?

28 Whichever alternative is eventually selected we need to think out of the box when it comes to storm water runoff. There is an opportunity in this stretch of highway that does not exist in other areas. The City of Encinitas is currently replacing an underground pump station in the east cloverleaf of the northbound off ramp. This new facility will have the ability (and planned connector) to transport runoff from the freeway into the San Elijo sewer treatment facility for processing and either recycling or moving to the ocean outfall. This could potentially make this section of the project a no-net runoff area, thereby protecting all the existing beneficial uses in the lagoon. *We request that this be analyzed within the document and given a high level of importance. Will this request be explored and given a high level of importance?*

29 The existing Water Quality and Storm Water Runoff section in the DEIR/DEIS – from Pg 3.10-1 to 3.10-11 discusses different BMPs but does not analyze the potential impacts they may have to existing species and habitat. It does not address how storm water will be managed in any particular area and fails to show sizing and capacity of bio-swales and siltation basins. In order to fully understand the proposed storm water runoff we request the following be included in the DEIR/DEIS:

- Surface and subsurface flow diagrams for the segment between Birmingham and Lomas Santa Fe with a water budget for 1, 5, and 10 year storm events.
- 30 Proposed BMP holding capacity, holding times, and rated effectiveness for pollutant loads.

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25 With respect to the proposed use of exclusion devices to prevent nesting by birds or bats on or within bridge structures proposed for demolition (as identified in EIR/EIS *Section 3.20, Animal Species*), the following information on the Migratory Bird Treaty Act (MBTA) is derived from the Federal Highway Administration (FHWA) Environmental Review Toolkit – Guidebook (available for review at: http://www.environment.fhwa.dot.gov/guidebook/documents/migbird.asp).

Take is defined as "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities." A take does not include habitat destruction or alteration, as long as there is not a direct taking of birds, nests, eggs, or parts thereof. Activities which are most likely to result in take of migratory birds on highway projects include, but are not limited to, clearing or grubbing of migratory bird nesting habitat during the nesting season when eggs or young are likely to be present, bridge cleaning, painting, demolition, or reconstruction where bird nests are present, for example, swallows. In anticipation of this situation, structures can be protected from nest establishment by various measures, such as netting or other means of interference with establishment of nests that does not result in death or injury to adults.

Based on the noted information, the proposed use of exclusion devices is consistent with the MBTA. To ensure regulatory compliance, however, Caltrans would coordinate with applicable agencies regarding the use of exclusion devices during bridge or other structure demolition.

26 Regarding the status of San Elijo Lagoon as a State Marine Conservation Area and related potential requirements, the updated information that this designation has been approved has been incorporated into this Final EIR/EIS. Specific to permitted uses, I-5 is an existing facility and the project would include the expansion of this existing facility. Maintenance, dredging, habitat restoration, and other activities associated with the project would

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26 cont. be undertaken in accordance with State and federal permits obtained for the project (refer to Final EIR/EIS *Table 2.7.1*).

The following avoidance, minimization, and mitigation measures related to pile driving are identified in *Section 3.21* of this Final EIR/EIS:

- Pile driving for bridge construction near the lagoons and San Luis Rey River would be completed between September 16 and February 14 to minimize construction noise impacts to rail and gnatcatcher breeding. Pile driving may commence earlier in the fall if a biologist knowledgeable of gnatcatcher and rail biology and ecology approved by the USFWS demonstrates to the satisfaction of the USFWS that all rail and gnatcatcher breeding is complete within the area where construction noise would exceed ambient levels as a result of pile driving. Caltrans would submit the biologist's name, address, telephone number, and work schedule on the project to the USFWS at least five working days prior to initiating project impacts.

- During in-water bridge construction activities at all lagoons and the San Luis Rey River, bubble curtains or other methods to minimize acoustical impacts to aquatic species would be implemented. These measures would be developed in coordination with the resource agencies to mitigate construction noise on fish species as design continues on each of the bridges in each of the phases of construction. Methodology may be different at different bridges depending on resources present, bridge design, and existing conditions/species.

- A channel large enough for fish movement would be kept open throughout construction within the San Luis Rey River and all of the lagoons. Prior to initiation of construction in those locations, Caltrans would submit a plan to the USFWS for maintaining a channel for fish and/or rail movement in the San Luis Rey River and each of the lagoons.

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	27 With respect to water quality concerns and existing and proposed best management practices (BMPs) in the project corridor, these issues are addressed in EIR/EIS *Section 3.10*. Specifically, this section describes the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program. *Section 3.10* also provides an evaluation of potential water quality impacts associated with the identified project build alternatives and the No Build alternative, including potential effects to lagoons and related waterways. This includes direct impacts from short-term (construction) activities, such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related pollutants (e.g., fuels and lubricants), as well as long-term (operational) impacts such as the generation of vehicle-related pollutants, for example, particulates and metals from brake pad wear and exhaust-generated pollutants such as nitrogen oxides. This analysis provides quantified assessments of potential impacts related to existing and proposed impervious (paved) surfaces, as well as the identification of associated potential pollutant generation and related effects. This analysis also addresses associated indirect impacts, including downstream sediment and pollutant transport (i.e., sedimentation) and the potential discharge of pollutants related to long-term facility operation and maintenance activities such as landscaping, for example, green waste, pesticides, and herbicides. Based on the above noted analysis, *Section 3.10* identifies appropriate BMPs to address potential project-related water quality concerns, pursuant to approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the Final EIR/EIS based on current project design, with preliminary locations shown on *Figures 2-2.3, Sheets 1* through *67* as applicable. While specific BMP location and design details are not currently available due to the ongoing nature of the project design process, preliminary design, operational, and maintenance criteria for "treatment" BMPs, including detention basins and bioswales, is provided in the

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27 cont. project Water Quality Technical Report (which has been updated as part of this Final EIR/EIS document). Additional information on these and other potential BMPs that may be used to avoid or minimize water effects in San Elijo Lagoon and other waters are provided in the associated Caltrans Storm Water Quality Manuals and Handbooks, available for review at the following locations:

http://www.dot.ca.gov/hq/construc/stormwater/CSBMPM_303_Final.pdf.

http://www.dot.ca.gov/hq/oppd/stormwtr/ppdg/swdr2012/PPDG-July-2010-r2merged-appendix-E62012.pdf.

For the issue of runoff and flows in the lagoon, and as described in the response to your Comment 02, additional detailed studies were prepared regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways since the circulation of the Draft EIR/EIS. Specifically, these "optimization" studies evaluate the relationships between tidal exchange and the "health" of individual lagoons and identify a number of options for improving tidal exchange in San Elijo Lagoon through the modification of the existing bridge and channel dimensions, in concert with the proposed San Elijo Lagoon Restoration Project (SELRP). The SELRP identifies a number of alternatives to maximize the restoration of the lagoon's functions and habitat values, including modifications to the main channel and lagoon basins, as well as enlarging or relocating the lagoon inlet. Accordingly, the proposed project lagoon analysis concludes that the optimized I-5 bridge and channel dimensions identified for San Elijo Lagoon, in concert with and depending upon applicable SELRP features, would result in increased tidal range and fluvial flow characteristics, with associated benefits for water quality, lagoon habitats, residence time, which affects sediment transport, and flood control.

Regarding additional runoff onto the tidal area of the lagoon, as the *I-5 NCC Project* moves onto the design phase, a thorough assessment of impacts related to the project would be completed. Storm water collected from the freeway lanes would be routed to a BMP that would either slow or detain the runoff (infiltration); the

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	27 cont. use of pollution prevention BMPs in combination with applicable LID techniques would ensure that any discharge from the project would not cause direct or indirect impacts to the lagoon. Based on the preliminary nature of project design, as well as the described analyses and data sources, the EIR/EIS notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases, and concludes that Caltrans is committed to prevent or minimize impacts to water quality. From these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations, including federal Clean Water Act (CWA) Section 303(d) impaired water listings, and beneficial uses identified for coastal lagoons and related waterways in the San Diego Basin Plan.
	28 Caltrans is investigating the logistics of diverting the detention basin first flush onto the sewer connection that is constructed at Manchester. Due to the drainage patterns, other treatment BMPs are also being proposed in this interchange to treat runoff. General sizing criteria and detention times is general at this stage. As the project moves into detailed design tributary areas, holding times and time of concentration will be determined. Based on Caltrans BMP handbooks (Appendix B PPDG design and sizing criteria) the following are general requirements for bioswales: minimum residence time of five minutes, maximum velocity of one foot per second, maximum depth of flow of six inches, and swale longitudinal slope at least 0.25 percent to a maximum of 6 percent. Extended Detention Basin (EDB) design parameters include flow to width ratio of 2:1, optimal detention time of 48 hours, maximum of 96 hours, inlet and outlet aprons for scour protection and use of trash racks. Also, Caltrans developed an infiltration tool used by designers to maximize opportunities for infiltration hours, maximum of 96 hours, inlet and outlet aprons for scour protection, and use of trash racks. http://www.dot.ca.gov/hq/construc/stormwater/tempsoilstabilizationguide.pdf For stockpile management please see to WM-3 stockpile management in the handbook.

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	29 With respect to potential effects to existing species and habitats from identified project BMPs, this issue is addressed under the *Biological Environment* heading of *Chapter 3* (including *Sections 3.17* through *3.22*). Specifically, most preliminary BMPs, including those in the vicinity of San Elijo Lagoon, are located within the existing I-5 right-of-way and project impact footprint, and, therefore, were included in the assessment of project-related impacts to biological and other resources. As described above in the response to your Comment 27, because project design is ongoing, specific details such as post-development flows and exact BMP locations, dimensions, and capacities cannot be provided at this time. These details would be generated as additional project design information becomes available and, as previously noted, all BMPs and related storm water management activities and facilities would comply with applicable regulatory standards.
	30 Regarding project-related BMP design details such as holding capacities and holding (detention) times, please refer to the responses to your Comments 27 and 29 above. As indicated therein, such details are not currently available due to the ongoing nature of project design, but they would be generated as the design process moves forward. Technical information on the identified Caltrans-approved "treatment" BMPs is provided in the Caltrans Storm Water Quality Handbooks – Project Planning and Design Guide (http://www.dot.ca.gov/hq/oppd/stormwtr/ppdg/swdr2012/PPDG-May-2012.pdf; refer to Table 2-2 and Appendix B).

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33

- Annual maintenance requirements, access needs, and locations.
- An evaluation for capture and treatment at the San Elijo Lagoon Water Treatment Facility for stormwater flows specified above to ensure capacity is not exceeded for first-flush and entire storm events.
- Avoidance measures for impacts to the MSCP and MHCP listed wandering skipper (*Panoquina errans*). During a recent survey, this species was observed where the lateral west bioswale is proposed.

Will the five items listed above be included in the DEIR/EIR

Erosion Control

34

DEIR/DEIS Pg 3.14-10, Dirt pile stabilization. We request that the DEIR/DEIS include specific chemical constituents that will be utilized for this process if piles are to remain for longer periods (> 2 weeks). We request that no cationic polymers be used in areas near the lagoon as they have been shown to cause fish suffocation at low concentrations.

35

DEIR/DEIS Pg 3.18-4 BMPs for erosion control. We request the use of biodegradable materials for erosion and sediment control and that any jute or straw / hay used is certified weed free or seed-sterilized to prevent wildlife entanglement and the spread of exotic invasive plants.

Noise Impacts

36

DEIR/DEIS Pg 3.21-5 address the noise impacts from the future traffic levels to the lagoon. This section does not discuss whether noise impacts exceeding 60 dBA Leq (hourly), which may result in masking effects to sensitive bird species, will extend farther into the habitat. Will the EIR quantify these noise impacts?

Vegetation

37

DEIR/DEIS Pg S-15. Any revegetation that would occur within or around the Reserve must use a local seed source to protect from potential genetic drift. This will also ensure that all plants are appropriate for the eco-region and the local habitat. Landscaping plants should be native to the eco-region when possible and should not include Oleander, Iceplant, Eucalyptus, Myoporum, Pampas Grass or Palms. Specifically, any plant on California Invasive Plant Council's Invasive Plant Inventory should not be used. Will revegetation protocol include these requests?

38

DEIR/DEIS Pg S-16 under the Invasive Species section. Any imported fill for slope development should be certified as "exotic invasive plant free" to prevent contamination into the Reserve; specifically, but not limited to, Saharan mustard, yellow star thistle, and perennial pepperweed. Will a discussion of this certification be included in this section?

Lighting Impacts

39

DEIR/DEIS Pg 2-8 Solana Hills Trail Head. Any improvements must not include lighting as public access to the Reserve is only allowed from sunrise to sunset.

Same Page – Encinitas, Manchester Ave Pedestrian bridge and trail. The lagoon is a "dark Skies" area that has restricted access from sunrise to sunset. No lighting should be included on

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31 With respect to project BMP design details such as maintenance requirements, access and locations, please refer to the responses to your Comments 27, 29, and 30 above. As noted, such details are not currently available due to the ongoing nature of project design, but they would be generated as the design process moves forward.

32 Regarding the potential diversion of project-related storm flows to local wastewater treatment facilities, please refer to the response to your Comment 28 above.

33 The wandering skipper butterfly has been identified in the vicinity of the proposed lateral west bioswale as identified in this comment. Presence information has been added to *Section 3.20* of this Final EIR/EIS.

34 Cationic polymers are specifically excluded in *Section 3.20.4* of *Section 3.20, Animal Species*, and in Appendix D, the Environmental Commitments Record. Cationic polymers will not be used for dust control (cationic polymers are attracted to the hemoglobin in fish gills and can cause suffocation at relatively low concentrations). Regarding specific design details for project-related BMPs, please refer to the responses to your Comments 27, 29, and 30 above. While, as noted in these responses, specific BMP details are not currently available due to the ongoing nature of project design, the Caltrans Construction Site BMP Manual includes the following specific guidance on the issue of chemical constituents for material stockpile stabilization:

- Storm water quality runoff sampling is required for many soil binders. Soil binders that do not require sampling are identified in the Caltrans SWPPP/WPCP Preparation Manual, Pollutant Table, Attachment S.
- Site-specific soil types will dictate appropriate soil binders to be used.

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34 cont.

- A soil binder must be environmentally benign (non-toxic to plant and animal life), easy to apply, easy to maintain, economical, and shall not stain paved or painted surfaces; refer to Standard Specifications Section 20-2.
- Some soil binders are compatible with existing vegetation.
- Avoid over-spray onto the traveled way, sidewalks, lined drainage channels, and existing vegetation.
- Suitability to situation – Consider where the soil binder will be applied; determine if it needs a high resistance to leaching or abrasion, and whether it needs to be compatible with any existing vegetation. Determine the length of time soil stabilization will be needed, and if the soil binder will be placed in an area where it will degrade rapidly.

Based on these and other related criteria, a number of non-toxic and biodegradable soil binders are identified in the Construction Site BMP Manual located at:

http://www.dot.ca.gov/hq/construc/stormwater/CSBMPM_303_Final.pdf.

35 With respect to the use of biodegradable and "weed free" materials for erosion control, the Caltrans Construction Site BMP Manual referenced above in the responses to your Comments 27 and 34 address these issues. Specifically, a number of biodegradable soil stabilizers are identified, including bonded fiber matrix, plant fiber mats and nets, soil binders (e.g., guar), and mulches. In addition, the manual identifies the potential for invasive weed seeds to be present in plant-based erosion control materials and includes measures to address this concern, such as composting mulches to kill seeds prior to application.

36 Regarding the extent of existing and future with the project noise contours in San Elijo Lagoon, future noise level increases during the noisiest hour at most receptor points are projected to be between one and three decibels (dBA). While both the existing and future 60 dBA noise contours extend beyond the noise monitoring sites

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36 cont. in San Elijo Lagoon and "farther into the habitat" as stated in this comment, the related discussion of potential noise impacts to bird species in EIR/EIS *Section 3.21* notes that:

> There is no single standard or threshold for determining significant noise effects on all bird species. Prior studies that have indicated a possible noise effect threshold for certain species of songbirds have not been scientifically shown to be valid for those species addressed in this report. Under existing conditions, noise in excess of 70 dBA occurs over various amounts of wetland and upland habitats that either support, or have the potential to support, special status bird species at the coastal lagoons within the Study Area. Although population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and otherwise consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels.

37 With respect to the use of local seed sources and appropriate plant varieties for project revegetation and restoration efforts, all project landscaping near the lagoons and native habitat will be with native species. All revegetation plantings will be from San Diego and Orange Counties. If certain species are genetically specific to an area, seed collection and contract growth of select species could be completed. However, due to the magnitude of the project, collection and contract growing of all native species to be planted is impracticable. No plants listed on the California IPC inventory lists would be used in landscaping on the I-5.

38 Regarding your concern on the potential for imported fill to encompass invasive plant seeds, this issue is addressed in EIR/EIS *Section 3.22, Invasive Species*. Specifically, this analysis notes that special care would be taken when transporting, using, and disposing of soils with invasive weed seeds. All heavy equipment would be washed and cleaned of debris prior to entering a lagoon area, to minimize spread of invasive weeds. Please also refer to the response to your Comment 27 above for additional discussion of invasive plant species control. It should also be noted, as stated in EIR/EIS *Section 3.11*, *Geology/Soils/Seismic/*

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the pedestrian bridge or under the new overcrossing. This is the only access point from the east basin to the central basin and any permanent lighting will affect species migration through this critical wildlife corridor. Will the DEIR specify that lighting will not occur in these two locations?

39 cont. The DEIR/DEIS does not outline what planned fixed lighting will occur on the corridor after the project is completed. SELC recommends a "Dark Skies" across the lagoon to protect from light pollution which might affect sensitive species close to the system. Will a "Dark Skies" easement be placed on the final Highway 5 corridor across San Elijo Lagoon?

Mitigation Processes

40 DEIR/DEIS Pgs S-14-15 and 3.21-7 and 3.21-8 list mitigation opportunities. However, they do not include any commitment to perform mitigation at any given location, which makes it virtually impossible to assess the impacts of this project to a given location like the San Elijo Lagoon. Due to the size of this project across the San Elijo Lagoon, the rarity of the habitat, and the historic, cumulative, and ongoing impacts to this system, we recommend that significant mitigation be provided to offset the impacts of the project in San Elijo Lagoon. In order to fully analyze this project, we must first know how the impacts will be offset and mitigated. This analysis should also include long-term maintenance and management funding, which should be outlined in the PWP and DEIR/DEIS before a final is adopted. Will specifics on mitigation as well as long-term maintenance and management funding be included in the DEIR?

Sea Level Rise

41 DEIR/DEIS Pg 4-8. Not having Federal Guidance on Sea Level Rise should not eliminate the need to include this into the analysis of the project. The location of the Highway 5 corridor through San Elijo Lagoon and its proximity to the coast (< 1 mile) means that the effects of sea level will greatly affect the environment. Local sea level rise scenarios have been conducted and analyzed for San Elijo Lagoon. Dr Gersberg of San Diego State University has conducted the SLAMM model and our own consultants have run hydrologic models with different sea level elevations. These data and reports are available for your use in the analysis. *Will the DEIR/DEIS specifically address Sea Level Rise, consistent with the "Coastal Conservancy Climate Change Policy and Project Selection Criteria" adopted June 4, 2009?*

Air Quality / Nitrogen Deposition Rates

42 DEIR/DEIS Pgs 3-14-1 to 11 all discuss air quality in regard to human health risk and concerns. It does not address the long-term effects of nitrogen deposition into the salt marsh and surrounding habitats of the San Elijo Lagoon. There is strong evidence that availability of nitrogen controls plant growth and vegetation succession in salt marshes. (Nitrogen and Vegetation Dynamics in European Salt Marshes, Rozema, Jelte, et al.). Recent research has shown that increased nitrogen deposition from traffic has adversely affected the development of salt marsh vegetation.

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38 cont. *Topography*, that it is anticipated that the majority of soil needed to construct fills would be derived from cuts in nearby formational strata. No fill will be imported for use. Duff will not be used from areas with a large weed component.

39 With respect to potential concerns related to the use of lighting at the Solana Hills (or other) trailheads and the Manchester Avenue pedestrian trail, such lighting would be provided only for safety reasons and, therefore, would be limited to the lowest illumination practicable. Any such lighting would also be shielded and directed away from the Reserve to avoid or minimize related potential effects to wildlife. Specific information regarding lighting associated with community enhancement projects is provided in Final EIR/EIS *Table ES.13.* It is anticipated that security lighting for the Pedestrian Trailhead at Solana Hills Drive would be provided only at the City street. Trail lighting may be provided along Manchester Avenue and on the suspended bridge if it is determined to be compatible with sensitive resources (see Final EIR/EIS *Table ES.12*).

The request for a "dark skies" easement along the I-5 corridor across San Elijo Lagoon is not practicable, due to safety concerns and related requirements for illumination of freeway features such as travel lanes as well as warning and informational signs. Caltrans, however, would consider the use of low-illumination, directional, and/or shielded lighting in applicable areas such as near San Elijo Lagoon.

40 Regarding proposed mitigation opportunities, strategies and locations, please refer to the responses to your Comments 09, 11, 24, 26, 33, and 37 above.

41 With respect to the consideration of potential effects from sea level rise, this issue has been included in *Sections 3.9* and *4.6* of this Final EIR/EIS based on the additional detailed studies of coastal lagoons and related waterways described above in the response to your

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42 cont. Will the DEIR/DEIS include an analysis of current and future nitrogen deposition rates into the lagoon separated out from natural atmospheric rates for the area? Will it also include a discussion on how this potential impact will be offset or minimized?

Summary

43 In summary, we agree with the DEIR/ DEIS that there are considerable opportunities in this project to restore habitat at San Elijo Lagoon beyond the listed impacts to this rare and valuable resource. For the first time, we have an opportunity to look forward in restoration, while removing historical impacts that have significantly affected the physical, chemical, and biological environment of the San Elijo Lagoon. However, the current DEIR / DEIS outlines too many significant impacts that have not been adequately addressed in the DEIR / DEIS, including substantial impacts associated with common design features, a need for further analysis of avoidance and minimization measures to the San Elijo Lagoon biological resources, and preparation of a mitigation plan for this area to offset these impacts.

Because of the numerous substantial issues with the DEIR/DEIS we request that Caltrans revise and recirculate the document in draft form so we may fully comment on the impacts and associated mitigation and offsets relative to the San Elijo Lagoon and its related ecosystems.

We appreciate the opportunity to submit comments on the DEIR/DEIS. If you have any further questions, please contact Doug Gibson, Executive Director / Principal Scientist at Doug@sanelijo.org or 760-436-3944 ext 707.

Sincerely,

Doug Gibson
Executive Director / Principal Scientist

Denise Stillinger
President of the Board

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41 cont. Comment 02. Specifically, a conservative projected sea level rise of 55 inches, or approximately 4.5 feet, by 2100 was factored into bridge designs evaluated for the applicable lagoons including San Elijo Lagoon, with summary information also provided in Topical Response "Lagoon Evaluations."

42 Regarding your concerns on potential effects to San Elijo Lagoon and adjacent habitats from project-related nitrogen deposition, this issue is addressed in EIR/EIS *Sections 3.14* and *3.10*. Specifically, as noted in *Section 3.14*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared with existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality considerations. In addition, as described above in the response to your Comment 27, *Section 3.10* provides an evaluation of potential water quality impacts and related BMPs associated with the identified project build alternatives, including long-term (operational) impacts from sources such as exhaust-generated nitrogen oxides.

43 The Draft EIR/EIS fulfills requirements of both the CEQA and the NEPA. Caltrans also circulated a Supplemental Draft EIR/EIS in August 2012, which provided newly available information on potential effects to lagoons, as well as clarification of issues related to latent traffic demand, sea level rise, and water quality. The information also covered common design features and community enhancements proposed by the project. As applicable,the information contained in that document has been incorporated into this Final EIR/EIS. Recirculation of the Draft EIR/EIS is not warranted. Please also refer to the responses to your specific comments above.

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November 18, 2010

Shay Lynn Harrison
Environmental Analysis Branch, Chief
CA Department of Transportation --
District 11
Division of Environmental Analysis,
MS 242
4050 Taylor Street
San Diego, CA 92110

Re: Interstate 5 North Coast Corridor Project Draft Environmental Impact Report/Environmental Impact Statement

Dear Ms. Harrison:

001 This firm represents Prevent Los Angeles Gridlock Usurping the Environment ("PLAGUE") relating to the proposed Interstate 5 North Coast Corridor Project ("I-5 Project" or "Project"). On behalf of PLAGUE, we respectfully submit these comments to help ensure that agency decision-makers fully comply with the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000 *et seq*., the National Environmental Policy Act ("NEPA"), 42 U.S.C. section 4321 *et seq*., the Public Park Preservation Act, Public Resources Code section 5400 *et seq*., the Department of Transportation Act, 49 U.S.C. section 303, and the California Coastal Act, Public Resources Code section 30000 *et seq*. Our client is deeply concerned about the far-ranging environmental impacts the Project may have in northern San Diego County.

After carefully reviewing the I-5 Project Draft Environmental Impact Report/Statement ("DEIR/S") for the Project, we have concluded that it fails in numerous respects to comply with the requirements of CEQA and NEPA. As described below, the DEIR/S violates these laws because it fails: (1) to adequately describe the Project, (2) to analyze the significant environmental impacts of the Project or propose adequate mitigation measures to address those impacts, and (3) to undertake a legally sufficient

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Responses to Rachel B. Hooper, Erin B. Chalmers, and Laurel L. Impett, AICP, Urban Planner with Shute, Mihaly & Weinberger LLP representing Prevent Los Angeles Gridlock Usurping the Environment (PLAGUE)

001 Thank you for your comments, which are part of the public record. Specific responses to your detailed comments are provided in separately numbered responses below.

As noted in the introduction to the PLAGUE letter, submitted comments on the project consist of the body of the primary letter as well as Exhibits 1 and 2 to that letter. As appropriate, responses to each of the issues raised in those three documents have been provided above. The remainder of the exhibits consisted of source material and documentation for statements made, including such items as the 2050 Regional Transportation Plan (RTP), technical papers prepared for other jurisdictions or projects, published notices, etc. The remainder of these exhibits provide back up for the comments submitted, but do not comprise comments in and of themselves, do not require responses, and are not reproduced here.

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study of alternatives to the Project. The Project, as described in the DEIR/S, also violates section 4(f) of the Department of Transportation Act, the California Public Park Preservation Act, and the California Coastal Act.

The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of University of California*, 47 Cal. 3d 376, 392 (1988) (citations omitted). It is "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended 'to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.' Because the EIR must be certified or rejected by public officials, it is a document of accountability." *Id.* (citations omitted). Likewise, NEPA requires that federal agencies "consider every significant aspect of the environmental impact of a proposed action . . . [and] inform the public that [they have] indeed considered environmental concerns in [their] decision-making process[es]." *Earth Island Institute v. U.S. Forest Service*, 351 F.3d 1291, 1300 (9th Cir. 2003) (citations omitted).

001 cont. Where, as here, the environmental review document fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy the basic goals of either statute. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."); 40 C.F.R. § 1500.1(b) ("NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.").

As a result of the I-5 DEIR/S' numerous and serious inadequacies, there can be no meaningful public review of the Project. The California Department of Transportation ("Caltrans") must revise and recirculate the DEIR/S in order to permit an adequate understanding of the environmental issues at stake. Further, Caltrans must develop feasible and prudent alternatives to using parklands that are protected under section 4(f) of the Department of Transportation Act, and must undertake further planning to minimize harm to any parkland that would be impacted. Caltrans also must inform the public of how it intends to replace any parkland taken, as required by the Public Park Preservation Act. Lastly, it must redesign the Project so that it does not intrude on environmentally sensitive habitat areas in the coastal zone and does not fill coastal zone wetlands.

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001 cont. In general, substantial information was contained in the Draft EIR/EIS and additional information was provided in response to public and agency comments within a Supplemental Draft EIR/EIS and supporting documents, circulated to the public in August 2012. The supplemented EIR/EIS complies with the requirements of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), Section 4(f) of the Department of Transportation Act, the California Public Park Preservation Act, and the California Coastal Act. The EIR/EIS thoroughly describes, rigorously analyzes, and sufficiently studies all "reasonable alternatives," as required by 40 Code of Federal Regulations (CFR) 1502.14(a). The process of identifying the build alternatives that were addressed in detail in the EIR/EIS is discussed in *Section 1.4, History and Background*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor. A single "Project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider project approval and selection of an alternative for final design. This approach is specifically allowed by 40 CFR 1502.14(e), which states, "Identify the agency's Preferred Alternative or alternatives, *if one or more exists* [emphasis added] in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." From this detailed analysis and after due consideration of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) in the Supplemental Draft EIR/EIS and is identified in the Final EIR/EIS as the Preferred Alternative.

Specifically with regard to Section 4(f) and the State Park Preservation Act, these issues are detailed in Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f), and in *Section 3.1.3, Park and Recreation Facilities*, of the EIR/EIS. Updates to the park

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001 cont. This letter, along with the transportation report prepared by Smart Mobility Inc. (Exhibit 1) and the report on biological resources prepared by the Conservation Biology Institute ("CBI") (Exhibit 2), constitute PLAGUE's comments on the DEIR/S. In addition, we incorporate by reference the September 7, 2010 letter submitted by Jeff Cours to Caltrans regarding the I-5 Project DEIR/S. We respectfully refer Caltrans to the Smart Mobility report, the CBI report, and the Cours letter, both here and throughout these comments, for further detail and discussion of the DEIR/S' inadequacies.

I. THE DEIR/S FAILS TO COMPLY WITH CEQA AND NEPA.

A. The DEIR/S' Flawed Project Description Does Not Permit Meaningful Public Review of the Project.

002 In order for an environmental document to adequately evaluate the adverse impacts of a project, it must first provide a comprehensive description of the project itself. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713, 730 (1994), quoting *County of Inyo v. City of Los Angeles*, 71 Cal.App.3d 185, 193 (1977). NEPA similarly requires an accurate and consistent project description in order to fulfill its purpose of facilitating informed decision-making. 43 U.S.C. § 4332(2)(C). Courts have found that, even if an EIR is adequate in all other respects, the use of a "truncated project concept" mandates the conclusion that the lead agency did not proceed in a manner required by law. *San Joaquin Raptor*, 27 Cal.App.4th at 730.

Accordingly, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *Id.* (citation omitted). While extensive detail is not necessary, the law requires that EIRs describe proposed projects with sufficient detail and accuracy to permit informed decision making. *See* CEQA Guidelines, §15124 (requirements of an EIR). The DEIR/S here fails to meet this basic threshold.

1. The Project Description Is Vague, Incomplete and Internally Inconsistent.

003 Many aspects of the Project description are so vague as to preclude the public and decision-makers from adequately assessing the true impacts of the Project. For example, the DEIR/S states that numerous auxiliary lanes would be added, but it fails to describe what the purpose of these lanes is, or why so many are needed. DEIR/S at 2-3. In fact, given that these auxiliary lanes will extend for most of the Project length, they

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001 cont. facilities impacts are provided based on project refinement since publication of the Draft EIR/EIS and ongoing coordination with the park and recreation agencies. New alternatives are not required; the project either does not adversely affect, or has obtained concurrence on *de minimis* impacts from each of these agencies (see *Section 5.5, Additional Consultation and Coordination with Public Agencies, Concurrence with Proposed Section 4(f) De Minimis Use*). Park Preservation Act findings are also detailed for the (very few) relevant parks in *Sections 3.1.3.3 and 3.1.3.4*.

All environmental issues are examined to satisfy the data presentation and impact disclosure requirements of NEPA and CEQA in EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*. *Chapter 4, California Environmental Quality Act Evaluation*, addresses the identification of impact significance required under CEQA. These chapters and the other parts of the EIR/EIS fully and accurately inform decision makers and the public of the environmental consequences of the *I-5 NCC Project*.

It is not necessary for the EIR/EIS to be rewritten and recirculated. It should be noted, however, that focused studies have been completed since the circulation of the Draft EIR/EIS in 2010. The Supplemental Draft EIR/EIS, circulated in August 2012, addressed specific issues such as habitat impacts and hydrology in the vicinity of lagoons, as well as the clarification of issues related to latent traffic demand, sea level rise, water quality, and the common design features and community enhancements proposed by the project. Those analyses and findings have been incorporated into this Final EIR/EIS. Please refer to Topical Response "Project Changes."

002 The project alternatives, as supplemented in the Supplemental Draft EIR/EIS and also incorporated into the Final EIR/EIS, are presented in adequate detail in EIR/EIS *Chapter 2*, *Project Alternatives*, and adequately analyzed at an equal level of detail in *Chapters 3* and *4*. Please also refer to the response to your Comment 001.

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003 cont. appear to effectively turn the Project into a 14-16 lane highway instead of a 12-14 lane highway, as Caltrans claims. *See* DEIR/S at 2-20.

004 The Project description is also incomplete in that it omits a full description of integral parts of the Project. For example, the DEIR/S lists numerous possible community enhancement projects that will be undertaken as the Project is built. DEIR/S at 2-7 to 2-12. However, the DEIR/S does not state which ones will actually be built, the timing and specifications of their construction, whether new trails would be built in sensitive habitat, whether eminent domain would be needed to carry out the projects, how much grading would be needed, or many other details of the projects. This information is necessary in order to determine the type and severity of impacts that would be caused by these aspects of the Project. Instead of providing this detail, the DEIR/S merely concludes that these projects "would not have additional impacts for the I-5 NCC Project." DEIR/S at 2-7. But this conclusion is wholly unsupported by facts or analysis. Obviously, the construction of trails, bike paths, pedestrian overpasses and park-and-ride lots, with the associated increase in traffic and shoreline access, can all have significant individual and cumulative impacts on habitat, wildlife, traffic and other resources. The DEIR/S must analyze these impacts and identify feasible mitigation for their adverse effects.

005 The Project description also fails to conform to the Project purpose. Caltrans states the Project purpose as: "To maintain or improve the existing and future traffic operations . . . for the planning design year of 2030." DEIR/S at 1-1. As explained in the attached report by Smart Mobility and as discussed below in the transportation section of this letter, the Project will not achieve this objective. Moreover, as the DEIR/S makes clear, the Project will not be complete until 2050. DEIR/S at 2-13. Thus, it is not apparent how the Project will benefit traffic operations in the year 2030, given that construction will only be approximately half finished. Indeed, in light of the large amount of construction that is scheduled to be occurring on the freeway in 2030, including construction of a portion of the Project's 33 new or replaced bridges, widening of at least 17 undercrossings, and alteration of at least 17 intersections (*see* DEIR/S at 2-4, 2-6), presumably traffic would be much *worse* in 2030 than at present. This issue brings to light another Project description deficiency: the DEIR/S apparently provides no description of which bridges will need to be closed and when, what intersections and entrance points will be closed and when, or other information necessary to determine the

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003 The Project Description adequately describes the proposed project and the project alternatives evaluated in the EIR/EIS. The lanes proposed by each alternative are illustrated in Draft EIR/EIS *Figures 2-2.10* and *2-2.11* (now Final EIR/EIS *Figures 2-2.2a* and *2-2.2b)*. The 10+4 Barrier and Buffer alternatives would construct four HOV/Managed Lanes, two in each direction, and add one general-purpose lane in each direction for a total of six new lanes. The Preferred Alternative (refined 8+4 Buffer alternative) would construct four HOV/Managed Lanes, two in each direction (Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). Auxiliary lanes that extend from one intersection to the next would be constructed in 14 locations as described in Final EIR/EIS *Section 2.2.2, Common Design Features of the Build Alternatives.* The auxiliary lanes are not continuous, and would not increase highway lanes for the entire length of the *I-5 NCC Project*.

004 Additional information regarding community enhancements to be implemented as part of the project and the associated impacts was provided within the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. Please refer to *Table ES.13* and *Section 2.3, I-5 North Coast Corridor Regional and Community Enhancement Projects.* Both of these discussions provide enhancement descriptions, and the table itemizes impacts. *Section 2.4, Phased Construction,* and *Figures 2-4.1a* through *2-4.1c* address timing of the noted community enhancements.

005 The purpose of and need for the project are described in detail in EIR/EIS *Chapter 1, Proposed Project*. Objectives of the project include maintaining or improving travel times within the corridor, providing a facility that is compatible with future Bus Rapid Transit (BRT) and other modal options, and maintaining the facility as an effective link in the national Strategic Highway Network. Regarding future traffic operations, please note that *I-5 NCC Project* improvements are intended to maintain or improve travel times along the I-5 corridor through 2035 and beyond to allow the region to work toward complex solutions that take extended time to

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005 cont. Project's impacts on traffic and other areas.[1] This flaw in the Project description means that the public and decision-makers cannot possibly understand the full range of the Project's impact, or whether the Project will meet its stated goal of improving traffic by 2030.

006 The Project description is also internally inconsistent regarding the end date for construction. For example, the DEIR/S states that Project construction will be undertaken in three phases, with the last one beginning in 2036 and ending in 2050. DEIR/S at 2-13. Construction of all four managed lanes will not be complete until the year 2050. *Id*. However, elsewhere in the DEIR/S, the document analyzes Project impacts to traffic based on an assumption that the Project will be complete, at least south of SR-78, by the year 2030. DEIR/S at 3.6-2. These inconsistencies make it impossible to accurately analyze the Project's impacts and compare the Project alternatives. Indeed, this problem with the Project description renders much of the DEIR/S' impacts analysis suspect, if not entirely moot. Traffic and air quality impacts, among others, are measured as of the year 2030. *See, e.g*., DEIR/S at 3.14-5, 3.6-6. But the DEIR/S does not state what portion of the Project it anticipates will be completed by 2030, and whether the air quality or traffic impact analyses are based on partial or full Project completion. If they are based on partial Project completion, they do not disclose the full impacts of the Project. If they are based on full Project completion, the DEIR/S is internally inconsistent regarding when the Project will be complete.

007 As one last example of internal inconsistency, the DEIR/S states that the 10+4 alternative would require taking a 47-unit apartment building in the City of Carlsbad. DEIR/S at 3.4-8. However, the Community Impact Analysis states that the 10+4 alternative might only take 10 out of the 47 units in that building. DEIR/S, Appendix A at May 11, 2010 Addendum to Community Impact Analysis. If this latter information is true, it must be incorporated into the DEIR/S in order to provide an accurate description of the Project's actual impacts.

[1] This information does not appear to be located in the technical appendices. However, even if it is buried there, the DEIR/S must include at least a brief description of the information as well. California courts require that all relevant analysis be presented in an EIR. *See Santa Clarita Organization for Planning the Environment v. County of L.A.* ("*SCOPE*"), 106 Cal. App. 4th 715, 722 (2003) (agency's analysis must be contained in the EIR, not "scattered here and there in EIR appendices").

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005 cont. implement. Relative to the need for traffic improvements and year, initial modeling was based on SANDAG Series 10 projections. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies.

The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 Regional Transportation Plan (RTP) to encourage the use of mass transit and provide compatibility with BRT lines. Please also refer to Topical Response "Projected Growth" with regard to the accommodation of anticipated regional growth.

Projections indicate that with or without the project, traffic will increase in the future throughout the corridor as the result of regional and local population growth and economic development. The EIR/EIS confirms that traffic will be "worse" (i.e., Average Daily Traffic [ADT] on the freeway will increase) compared with existing conditions. The project would provide features that would accommodate increased traffic volumes and reduce travel times compared to the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. Traffic operations would improve compared to No Build conditions with every segment and enhancement feature completed.

The level of service would be improved. As discussed in *Chapter 1* of the Final EIR/EIS, during baseline (2006) traffic monitoring, non-peak and "free flow" traffic took between 23 and

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005 cont. 25 minutes northbound and southbound, respectively. During baseline peak travel (congested) periods, the driver experienced up to a 16-minute delay northbound and up to a 21-minute delay southbound over the non-peak and more free-flowing traffic. In year 2030, this same trip is projected to take up to 69 minutes northbound (up to 46 minutes longer than the baseline condition) and up to 54 minutes southbound (up to 31 minutes longer than the baseline condition). The number of hours for which levels of congestion would occur also would substantially expand—from no period of delay for northbound travelers to over three hours of congestion; and p.m. peak period travel would increase from five to six hours of congestion. With the proposed project, the 3.5 hours of northbound congestion would drop to no hours of congestion for the a.m. peak period. For southbound conditions, duration of congestion would drop by a minimum of one-half hour in the a.m. peak and by five hours in the p.m. peak. This translates into hours of a commuter's time saved or lost on a weekly basis.

Proposed construction phasing is described in EIR/EIS *Section 2.4* and illustrated in *Figures 2-4.1a* through *2-4.1c*. Work in Phase 3 (long-term phase) is described in the EIR/EIS as constructing two new HOV/Managed Lanes, one in each direction, and converting the existing HOV lanes to HOV/Managed Lanes from Palomar Airport Road to State Route 78 (SR-78); bridge improvements at Agua Hedionda and Buena Vista Lagoons, as well as the San Luis Rey River, in order to construct four HOV/Managed Lanes, two in each direction; constructing four HOV/Managed Lanes, two in each direction, from SR-78 to Harbor Drive; constructing braided ramps from Genesee Avenue to Sorrento Valley Road; and improvements at the I-5 / SR-78 Interchange. The Oceanside direct access ramp (DAR) has been eliminated from the project, based on Caltrans' discussions with resource agencies, cities, and the public; therefore, this facility would no longer be constructed. In addition, project phasing has been revised such that most construction would be completed by 2031. The only work remaining between 2031 and 2035 would occur north of Palomar Airport Road.

The structures that would be replaced or widened for each alternative are listed in *Table 2.2.3*. The details of when or if each bridge, intersection, and entrance point would be closed during

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005 cont. construction are not known at this stage of project design. As discussed in EIR/EIS *Section 3.6.4.1*, *Traffic and Transportation*, traffic delays would be controlled to the extent practicable during periods of many simultaneous construction operations. A comprehensive Traffic Management Plan (TMP) to further minimize delays would be developed after the selection of a Preferred Alternative but prior to the start of construction. Development of a detailed TMP for each alternative at this stage of project design would not be appropriate. As discussed above, future traffic operations would improve compared to No Build conditions for any of the build alternatives, which would satisfy the project's purpose.

006 Please see the response to your Comment 005. Final EIR/EIS *Figure 2-4.1c* illustrates that only the portion of the project north of Palomar Airport Road and the Genesee Avenue to Sorrento Valley Road Braided Ramps would remain to be completed after 2030. The project, therefore, would be largely complete by the analysis year of 2030, and totally complete by 2035.

The traffic and air quality analyses assume project completion for full realization of project benefit. Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. Please refer to the response to your Comment 005 for information on new traffic series. In brief, however, traffic volumes used for traffic modeling are indicative of year 2035 volumes and representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*.

007 Impacts to the 47-unit apartment building in the City of Carlsbad are summarized in EIR/EIS *Section 3.4.3.3, Environmental Consequences*. The 10+4 Barrier alternative would impact the entire apartment building. The 10+4 Buffer alternative would avoid impacts to the 47-unit apartment building. The 8+4 Barrier alternative would impact 10 units of the 47-unit apartment complex, and the refined 8+4 Buffer alternative would avoid impacts to the apartment building.

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2. The DEIR/S Improperly Segments the Project from Related Road Construction and Other Projects, Such as the SR-56/I-5 Connector.

CEQA requires that an EIR describe the entirety of a project, including reasonably foreseeable future actions that are part of it. CEQA Guidelines § 15378(a). While an EIR need not include speculation about future environmental consequences of a project, the "EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effect." *Laurel Heights*, 47 Cal.3d at 394-396. Under the *Laurel Heights* standard, "the facts of each case will determine whether and to what extent an EIR must analyze future expansion or other action." *Id.* at 396. A project proponent must analyze future expansion and other such action in an EIR if there is "telling evidence" that the agency has either made decisions or formulated reasonably definite proposals as to such future activities. *Id.* at 396-397. Further, there must be discussion "in at least general terms" of the future activity, even if the project is contingent on uncertain occurrences. *Id.* at 398.

008 Similarly, under NEPA, agencies may not improperly "segment" projects, but must consider related actions in a single document. *Thomas v. Peterson*, 753 F.2d 754, 758 (9th Cir. 1985). "Not to require this would permit dividing a project into multiple 'actions,' each of which individually has an insignificant environmental impact, but which collectively have a substantial impact." *Thomas*, 753 F.2d at 758. The Council on Environmental Quality's NEPA regulations thus require agencies to consider "connected," "cumulative," and "similar" actions within a single EA or EIS. 40 C.F.R. § 1508.25; *Thomas*, 753 F.2d at 758-59. Actions are "connected" if they: "(i) [a]utomatically trigger other actions which may require environmental impact statements; (ii) [c]annot or will not proceed unless other actions are taken previously or simultaneously[, or] (iii) [a]re interdependent parts of a larger action and depend on the larger action for their justification." 40 C.F.R. § 1508.25(a)(1). In short, where it would be "irrational, or at least unwise" to undertake one action without other actions, the actions are connected. *Save the Yaak*, 840 F.2d at 720; *Thomas*, 753 F.2d at 759. An agency should also analyze the impacts from two or more similar projects together "when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement." 40 C.F.R. § 1508.25(a)(3).

Here, the I-5 Project is inextricably connected with other ongoing and planned freeway and roadway expansion projects in the area. In fact, it would make no

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008 As stated in EIR/EIS *Section ES.3, Proposed Project*, the I-5 / SR-56 Interchange Improvements Project would be one of the projects to move forward independently from the *I-5 NCC Project*. The I-5 / SR-56 Interchange Improvements Project is being analyzed in a separate environmental document. The Draft EIR/EIS for that project was released in May 2012, with a final document anticipated for release in late 2013. In addition, neither Final EIR/EIS *Figures 2-2.3, Sheet 12*, nor Exhibit A (Layout Sheets) of the Project Report (PR) reflect the proposed improvements associated with the I-5 / SR-56 Interchange (e.g., proposed new west-to-north and south-to-east direct connectors, or proposed ramp widening at the Carmel Valley Road northbound off- and on-ramps, respectively). Both the *I-5 NCC Project* and the I-5 / SR-56 Interchange Improvements Project have independent utility, and Caltrans would proceed with either project independently. The possible construction of west-to-north and south-to-east connectors was considered in the proposed project traffic studies as a reasonably expected scenario, as shown, for example, on Figures 3.1 through 3.7 of the traffic Draft Technical Report No. 6. However, traffic operations and volumes without the I-5 / SR-56 Direct Connectors in place were also evaluated; Exhibits B and C of the I-5 North Coast Freeway Operations Report depict traffic volumes for the 8+4 and 10+4 alternatives with no I-5 / SR-56 Direct Connectors in place.

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sense to proceed with this Project if other, related projects did not also go forward. For example, Caltrans has been studying and planning for the SR-56/I-5 connector for many years. Indeed, SANDAG has listed this connection as one of the fifteen most important regional freeway improvements necessary to alleviate traffic congestion. *See* SANDAG, Draft 2010 Regional Transportation Improvement Program, p. 250, attached as Exhibit 3 ["SANDAG 2010 RTIP"]. However, when Caltrans previously proposed the SR-56/I-5 connector, it encountered stiff opposition from community groups. As a result, Caltrans chose to proceed with the I-5 Project first, perhaps recognizing that this Project would build momentum for the SR-56/I- 5 connector; the connector will be necessary and inevitable if the I-5 Project is built first.

008 cont.

In reality, then, these two projects are inextricably linked, and must be examined together for CEQA and NEPA purposes. It would make no sense to construct a widened I-5, with managed lanes, without also having adequate access from SR-56 and other east-west freeways. Indeed, Caltrans plans, as part of the I-5 Project, to have SR-56 be an "intermediate access point" for the expanded I-5 freeway. *See* Keep San Diego Moving, I-5 Project brochure, attached as Exhibit 4. Accordingly, under CEQA and NEPA, Caltrans may not segment its study of the impacts of I-5 from the impacts of the SR-56/I-5 connection: they are actually one, single project. In particular, because constructing the I-5 Project would make the SR-56/I-5 connection inevitable, any such segmentation would unlawfully foreclose Caltrans' ability to analyze an adequate range of alternatives for the SR-56/I-5 connection. *Swain v. Brinegar*, 542 F.2d 364 (7th Cir. 1976) (en banc) (the "division of a highway into segments such as here 'precludes meaningful compliance with the statutory mandate to assess in detail environmental impacts, as each segment that is approved limits the alternatives for each succeeding segment.'") (internal citation omitted); *see also San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713 (two interdependent projects must be analyzed in same EIR).

009

As another example, Caltrans is currently moving forward with proposed I-5/Genesee Avenue Interchange Improvements. According to the environmental document recently released by Caltrans for these improvements, the modifications to the Genesee Avenue overcrossing of I-5 have been specifically designed to allow for the I-5 widening Project:

> The length of the Genesee Avenue overcrossing *would allow for anticipated future freeway widening*. In addition, the Project would allow for future planned improvements to the transportation system, and would not preclude the ultimate I-5 freeway condition. Project features have been designed to be compatible with and allow for such future planned

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009 As discussed in Final EIR/EIS *Section 1.3.7, Other I-5 Projects*, the I-5 / Genesee Avenue Interchange Improvements Project is among 11 projects listed that would move forward independently from the *I-5 NCC Project* and be analyzed within separate environmental documents. The EIR/EIS explains that those projects do not require the proposed *I-5 NCC Project* to be implemented nor are themselves required because of project implementation. The projects are independent from the *I-5 NCC Project* because they demonstrate independent utility; present logical termini; do not restrict consideration of alternatives for other reasonably

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> improvements in the Project area. Proposed overcrossings, ramp improvements, auxiliary lanes, and road improvements *would provide for the ultimate improved I-5 configuration*, inclusive of High Occupancy Vehicle (HOV) lanes.

009 cont.

Interstate 5/Genesee Avenue Interchange Reconstruction Project, Initial Study with Proposed Mitigated Negative Declaration /Environmental Assessment, p. S-4, attached as Exhibit 5 [Genesee Ave. EA excerpts](emphasis added). In other words, the I-5 Project could not go forward without the Genesee Avenue project, which would expand the Avenue's overcrossing of I-5 to accommodate the I-5 expansion. Because the Genesee Avenue project is thus an "interdependent part[] of a larger action and depend[s] on the larger action for [its] justification," it must be analyzed in the same EIR/S as the I-5 Expansion Project. 40 C.F.R. § 1508.25(a)(1)(iii). Likewise, the I-5 Project depends on the Genesee Avenue project because, without it, the I-5 could not be widened.

Confusingly, the Genesee Avenue environmental document also states that the "ultimate configuration for this segment of I-5, after the implementation of the Proposed Project and the full implementation of the I-5 North Coast Corridor project, would consist of one high-occupancy vehicle lane, one auxiliary lane, and five general purpose lanes in each direction . . . ." *Id*. at S-2 fn. 1. This is a different description of the I-5 Project from that set forth in the DEIR/S for the I-5 Expansion Project, which calls for four or five general purpose lanes and two HOV lanes in each direction. The Genesee Avenue project must be considered simultaneously with the I-5 Widening Project for the precise purpose of avoiding these types of discrepancies.

010

Another integral part of this Project that has been improperly segmented is the I-5/SR-78 connector ramps. Although these ramps do not appear in the DEIR/S, they are interdependent parts of the Project. *See* DEIR/S, June 2008 Natural Environmental Study, pp. 78-79 (describing the "missing" connector ramps that must be built). Also missing from the Project's DEIR/S are numerous, planned HOV direct connector ramps from I-5 to other freeways and highways, including to I-805, as well as to SR-78 and SR-56, as discussed above. *See* SANDAG, Draft 2010 Regional Transportation Improvement Program, p. 250, attached as Exhibit 3 ["SANDAG 2010 RTIP"]. These direct connector ramps, which would connect HOV/managed lanes on I-5 to HOV/managed lanes on other freeways, depend entirely on the I-5 Expansion Project for their justification. Indeed, in the environmental review document for the I-805 expansion, Caltrans admits that "[a] need exists to provide a *continuous system of HOV lanes throughout major corridors within the San Diego region* and specifically along the I-805 and I-5 corridors. By establishing a continuous HOV lane system, buses and HOVs would travel along I-5 and I-805 with less congestion." I-805 HOV/Carroll Canyon Road

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009 cont. foreseeable transportation improvements; and, where practicable, minimize impacts to sensitive resources. The design of the I-5 / Genesee Avenue Interchange Improvements Project to not conflict with future planning for the *I-5 NCC Project* is considered prudent planning to avoid constructing facilities that could later require removal to accommodate future planned construction, pursuant to the RTP. Implementation of the I-5 / Genesee project does not guarantee or require approval and implementation of the *I-5 NCC Project*. Similarly, with or without the design of the I-5 / Genesee project to accommodate the potential implementation of the *I-5 NCC Project*, the *I-5 NCC Project* could be implemented in the future; the cost would be higher if the I-5 / Genesee project were not also implemented or if it were implemented with a design that would not accommodate the *I-5 NCC Project*. Regardless of the description of I-5 in the Genesee Avenue environmental document, the description and analysis in the *I-5 NCC Project* EIR/EIS govern for I-5, just as the specific description and analysis of Genesee Avenue improvements govern for that project.

010 The I-5 / SR-78 Interchange Improvements Project, I-805 "North" improvements (8+4 HOV/Managed Lanes facility from SR-52 to north of Mira Mesa Boulevard in San Diego), I-805 northbound DAR at Carroll Canyon Road, and HOV lanes between Carroll Canyon Road and the I-5 / I-805 junction are among the 11 projects listed in Final EIR/EIS *Section 1.3.7* as being independent from the *I-5 NCC Project*. Each of these projects has independent utility and independent benefits to improve traffic flow in the region and increase incentives for buses and HOVs. The documents that have tied these projects together are the 2030 and 2050 RTPs and the associated environmental documents. Please also refer to the response to your Comment 009.

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010 cont.

Extension Project IS/MND and EA/FONSI, p. 3, attached as Exhibit 6. This admission that continuous HOV lanes are needed shows precisely why it makes no sense to approve or construct separate HOV/managed lane segments such as the proposed I-5 Expansion Project. These project elements all depend on each other for their justification and must be analyzed together.

In fact, the DEIR/S admits that the connection between the HOV lanes on I-5 and I-805 south of its junction with I-5 was previously "determined to be an *integral part* of the proposed I-5 North Coast HOV/Managed Lanes facility . . . ." DEIR/S at 1-10 (emphasis added). Because the connection between I-5 and I-805 was so integral to the regional flow of traffic, this Project once included the connection ramps with I-805 as well as the expansion of HOV lanes on a portion of I-805 just to the south of its connection with I-5. *Id*. However, in 2007, when funding for the I-805 Project became available, the "construction of the HOV lane and [direct access ramp] on I-805 was… removed from the proposed project and developed as an independent project." *Id*. The DEIR/S admits that this decision was not based on a finding that the projects were no longer integrally related or that one project had independent utility and logical termini from the other. Instead, the decision to separate the two projects was based merely on funding. *Id*. Yet, segmenting environmental review of related, integral highway projects is unlawful where the decision to segment is based on funding instead of based on the projects' actual separate utility. *Western N. Carolina Alliance v. North Carolia Dep't of Transp.*, 312 F.Supp.2d 765, 774 (E.D. N.C. 2003).

011

It is undisputed that the I-5 Project, with its HOV and managed lanes, would not function efficiently if vehicles could not directly connect to other freeways that had similar managed lanes. Without direct access to managed lanes, HOVs and buses must weave through regular lanes of traffic, slowing everyone down. *See* Exhibit 6 [I-805 HOV/Carroll Canyon Road Extension Project IS/MND and EA/FONSI]; DEIR/S at 1-5. Indeed, "[c]reating a *connected system* of managed lanes is one of SANDAG's regional transportation goals." Keep San Diego Moving, I-5 Project brochure, attached as Exhibit 4 (emphasis added). Here, the various "portions of the project are 'so interdependent that it would be unwise or irrational to complete one without the other . . . .'" *Dickman v. City of Santa Fe*, 724 F.Supp 1341, 1346 (D.N.M. 1989) (internal citation omitted); *see also San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal. App. 4th 713 (1994).

Under these circumstances, CEQA and NEPA require that the DEIR/S Project description be revised to include all related freeway improvement projects together. Failure to do so will distort the analysis of Project impacts as a whole. For example, both the I-805 HOV/Carroll Canyon Road Extension Project and the Interstate

011 The I-805 Carroll Canyon Road and HOV lanes and I-5 / Genesee Avenue Interchange Improvements Project are among the 11 projects listed in EIR/EIS *Section 1.3.7* as being independent from the *I-5 NCC Project,* which does not preclude alternatives for these operational improvement projects that have all been included in the SANDAG 2030 and 2050 RTPs. Independent benefits are associated with each of the 11 projects and with the *I-5 NCC Project*, as well as with the combined implementation of the projects in conformance with the RTP. Please also refer to the responses to your Comments 009 and 010.

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011 cont. 5/Genesee Avenue Interchange Reconstruction Project are proceeding not with a full EIR or EIS, but with mitigated negative declarations, "environmental assessments," or a "finding of no significant impact." *See* Exhibit 6 [I-805 HOV/Carroll Canyon Road Extension Project IS/MND and EA/FONSI; Exhibit 5 [Genesee Ave. EA excerpts]. If these projects were considered more accurately as part of the I-5 Project, such streamlined review would not suffice, and mitigation of the projects could be fully integrated.

3. The DEIR/S Fails to Show That the Project Has Logical Termini and Does Not Foreclose Future Alternatives.

012 The DEIR/S fails to describe the logic for the Project's northern terminus. Curiously, this terminus, where 14 lanes of traffic would suddenly have to condense to 8 lanes at the border of Camp Pendleton, appears to have no rationale. There is no major population point or highway here; rather, the northern terminus appears to have been chosen solely based on its proximity to Camp Pendleton. However, on the northern side of Camp Pendleton, in Orange County, I-5 is wide again and includes HOV lanes. Given that a large proportion of the traffic on this section of I-5 is regional in nature, it would create a bottleneck to construct a 12-14 lane freeway up to Camp Pendleton, then to have the traffic squeeze onto an 8-lane freeway for a number of miles before once again expanding onto a wider freeway in Orange County. Ending the Project at this point has no obvious or logical rationale and shows that the Project is really just part of a larger, regional expansion of I-5, all of which must be analyzed together. In fact, Caltrans is planning to expand I-5 through Camp Pendleton, up to the Orange County line. *See* SANDAG, Transportation Committee, Agenda Item 4, Nov. 12, 2010, p. 12, attached as Exhibit 7 (list of planned roadway improvements, including I-5 from Vandegrift Blvd. [south end of Camp Pendleton] to Orange County, expansion from 8 lanes to 12).

013 Further, the present Project would foreclose alternatives in Camp Pendleton, since the freeway there would be sandwiched between wider sections of freeway and, as explained above, is planned for expansion. If this Project moves forward, the section of I-5 in Camp Pendleton would need to match the width of this section to the south, thereby foreclosing the ability to analyze alternatives in Camp Pendleton. Such a lack of a logical terminus and foreclosure of alternatives renders this DEIR/S inadequate under federal and state law. *See, e.g., Patterson v. Exxon*, 415 F. Supp 1276 (D.Neb. 1976) (EIR improperly segmented highway because no logical terminus where highway section at issue was completely dependent on another section of highway being planned); *Swain v. Brinegar*, 542 F.2d 364 (7th Cir. 1976) (en banc) (EIR on a section of highway improperly segmented because, *inter alia*, the section had no independent utility unless the rest of the highway was built to the north); *see also San*

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012 The history of studying the I-5 corridor is summarized in EIR/EIS *Section 1.4*. The northern terminus of the 27-mile corridor addressed by the *I-5 NCC Project* has long been Camp Pendleton, as reflected in the statement that "...in the early 1990s, Caltrans conducted an operational study of I-5 from I-805 to Camp Pendleton, to assess long-range highway needs to the year 2015." The alternative identified as the long-range improvement concept for this portion of I-5 in the 2000 RTP extended from Del Mar Heights Road in San Diego to Vandegrift Boulevard/Harbor Drive in Oceanside. Subsequent development of the features and boundaries of the alternatives examined in this EIR/EIS are discussed further in the EIR/EIS section.

Bottlenecks are analyzed in EIR/EIS *Section 3.6.3, Environmental Consequences*. Many of the identified bottlenecks occur at interchange areas and some on the main lanes where a lane is dropped. In reviewing the traffic projections at the proposed project's southern and northern termini for the future build condition, traffic volumes increase and/or decrease five percent or less over the future No Build condition. This is not demonstrative of moving a bottleneck. A primary objective of the project is to maintain or improve travel times within the corridor. Improvements would be made at interchanges to promote better traffic flow off local streets onto the HOV/Managed Lanes and Single Occupancy Vehicle (SOV) lanes of I-5 within the corridor. Please note that the factors of total delay, congested hours, and travel time, as compiled in *Tables 3.6.3, 3.6.4*, and *3.6.5* of the Final EIR/EIS, are projected to improve in the future for all build alternatives compared with

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013 cont. *Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713 (two interdependent projects must be analyzed in same EIR).

4. Summation

014 As the foregoing authorities demonstrate, the EIR/S for this Project must include the other, related highway projects in its Project description, so that the impacts of these projects may be analyzed together. Even a cursory review of Caltrans' own documents reveals that the projects are interdependent. In fact, taken alone, each project is unusable, and would not constitute a reasonable expenditure of funds unless the other transportation improvements occur. 23 C.F.R. § 771.111(f). Moreover, if examined independently, each project would restrict the agency's consideration of alternatives for the other, related transportation improvements. *Id.; see also Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208 (9th Cir. 1998) (a single EIS should have been prepared for five related projects).

015 Even if the Project description is not revised to include the other related highway projects, at the very least these projects must be examined together with the present Project for their cumulative impacts. *See North Carolina Alliance for Transp. Reform, Inc. v. U.S. Dept. of Transp. et al.*, 151 F.Supp.2d 661, 685 (M.D.N.C. 2001). Disturbingly, the DEIR/S does not even provide that cumulative analysis.

B. The DEIR/S' Analysis of and Mitigation for the Impacts of the Proposed Project Are Inadequate.

016 The evaluation of a proposed project's environmental impacts is the core purpose of an EIR. *See* CEQA Guidelines § 15126.2(a) ("[a]n EIR shall identify and focus on the significant environmental effects of the proposed project"). Likewise, NEPA requires that federal agencies "consider every significant aspect of the environmental impact of a proposed action . . . [and] inform the public that [they have] indeed considered environmental concerns in its decision-making process." *Earth Island Institute v. U.S. Forest Service*, 351 F.3d at 1300 (citations omitted).

As explained below, the DEIR/S fails to analyze the Project's numerous environmental impacts, including those affecting traffic and transportation, air quality, climate change, visual resources, noise, biological resources, water quality, farm and agricultural lands, energy, and growth inducement. These inadequacies require that the DEIR/S be revised and recirculated so that the public is provided with a proper analysis of the Project's significant environmental impacts and feasible mitigation for those impacts. *See* CEQA Guidelines, § 15002(a)(1) (listing as one of the "basic purposes" of

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012 cont. No Build conditions. The need for widening is greater within the North Coast Corridor based on existing conditions; therefore, this project has a higher priority than widening through Camp Pendleton. Traffic currently flows more smoothly through the Camp Pendleton area due to lower peak hour volumes and fewer interchanges with associated weaving and merging movements.

It is not necessary that the entire regional expansion of I-5 be analyzed in a single environmental document. The *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to the response to your Comment 005.

013 The *I-5 NCC Project* would not foreclose developing alternatives for widening I-5 through Camp Pendleton. Alternatives would be no more constrained by the starting point at Harbor Drive/ Vandegrift Boulevard with the *I-5 NCC Project* than without it. As shown on Draft EIR/EIS *Figure 2-2.14ao* (now in Appendix K), and carried forward into this Final EIR/EIS as *Figures 2-2.3, Sheet 67*, the widening and transition back to the current cross section of I-5 for the proposed project would occur within the existing right-of-way for I-5. The *I-5 NCC Project* has independent utility with its current boundaries and is not dependent on the segment through Camp Pendleton being widened. In addition, the segment through Camp Pendleton has independent utility, as it can be widened and connected to a facility in Orange County, whether or not the *I-5 NCC Project* is completed.

014 The analysis in EIR/EIS *Section 3.6* verifies the utility of the *I-5 NCC Project* with its current features and boundaries. The history of project development discussed in EIR/EIS *Section 1.4* documents the independence of the *I-5 NCC Project* as defined. Each project that is being pursued independently has been verified to be a "reasonable expenditure of funds" through State and regional planning. Each of the independent projects is also considered to have independent utility, with no restrictions in the development and selection of alternatives associated with any other project.

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016 cont. CEQA to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities"); 40 C.F.R. § 1500.1(b) ("NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken").

1. The DEIR/S' Analysis of and Mitigation for the Project's Impacts on Transportation Are Inadequate.

017 The DEIR/S' analysis of the Project's transportation impacts is inadequate because it: (1) relies on inaccurate and unrealistic traffic forecasts and other assumptions; (2) omits any consideration of impacts to streets, intersections, interchanges or freeways beyond the boundaries of the Project itself; (3) underestimates the Project's actual impact on traffic levels of service on the I-5 freeway because it fails to acknowledge the Project's travel-inducing consequences; (4) ignores altogether the effect the Project would have on public transportation; and (5) omits any real consideration of how construction of this massive infrastructure Project would affect the local and regional transportation system.

018 In addition to these deficiencies, which are discussed below, we note a critical, over-arching flaw in the DEIR/S. The transportation analysis in the DEIR/S is based on information presented in several documents including: (1) Freeway Operations Report, November 2008; (2) Direct Access Ramps/Local Circulation System Impact Study, Technical Report No. 1, Area of Influence Analysis. Draft, August 2004; (3) Direct Access Ramps/Local Circulation System Impact Study, Technical Report No. 2, Existing Conditions Data Collection Draft, August 2004; (4) Direct Access Ramps/Local Circulation System Impact Study, Technical Report No. 3, Existing Conditions Data Collection Draft, August 2004; (5) I-5 North Coast HOV/Managed Lanes Project, Technical Report No. 4, Existing Conditions Traffic Analysis. March 8, 2006; (6) I-5 North Coast Corridor Project, Technical Report No. 5, Traffic Demand Forecasting Report. August 2007; (7) I-5 North Coast Corridor Project, Draft Technical Report No. 6, Freeway Interchange Operations Report. August 2007; (8) I-5 North Coast Corridor Project, Technical Report No. 7, Direct Access Ramps/Local Circulation System Operations Report. Draft, August 2007; and (9) I-5 North Coast Traffic Report. A Summary of Traffic Reports Revised November 2008; and (10) I-5 North Coast Value Pricing Study Concept Plan Volumes 1 and 2, April 2006. DEIR/S at 3.1-1; 3.6-1.

Remarkably, the DEIR/S itself includes very little of the analysis contained in these *ten separate traffic reports*. More importantly, these traffic reports were not included as technical appendices to the DEIR/S. *See* DEIR/S Table of Contents at xi. In fact, it took several e-mails between Laurel Impett and Arturo Jacobo and Shay Lynn

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015 Final EIR/EIS *Section 3.25, Cumulative Impacts*, presents information regarding resource health or status and then focuses on those projects within the cumulative study area that could result in adverse impacts to those resources that could also be adversely affected by the *I-5 NCC Project*. The following issues were identified as such: visual/aesthetics, natural communities, and wetlands and other waters of the U.S. and State. Cumulative projects (42) are listed in *Table 3.25.2* and shown on *Figure 3-25.2*, and include I-5 / Genesee Bridge Widening and Interchange Improvements, I-5 / SR-56 Direct Connectors, I-5 / Lomas Santa Fe Drive Interchange, and I-5 / SR-78 Interchange Project. Please also note that the traffic analysis includes implementation of all cumulative transportation projects anticipated to occur by 2030, pursuant to Series 10 modeling. As described in the response to Comment 006, the 2030 and more recent Series 12 2050 traffic models yield very similar results along the I-5 North Coast Corridor.

016 The issues listed in this comment are adequately studied in their respective sections of the EIR/EIS, as detailed in the responses below.

017 The traffic forecasts applied in the EIR/EIS analysis are considered to be accurate and realistic. Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes, which were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is

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017 cont. not an appreciable change in predicted traffic volumes; as detailed in *Section 3.6*. Please also note that the project phasing has been revised and the project is now estimated to be completed by 2035. Please refer to the response to your Comment 006.

The EIR/EIS considered impacts to diverse transportation facilities. Several traffic technical studies focused on local streets. For example, Technical Report No. 6, Freeway Interchange Operations Report; presents an assessment of traffic operations for 125 individual roadway segments in the vicinity of the proposed freeway improvements along the *I-5 NCC Project*. *Section 4.2, Summary of Project-Related Impacts*, of the same report includes traffic operations at intersections, ramps, and arterial roadways as a result of increased travel demands.

The potential for the project to result in increased traffic, referred to as induced or latent demand, has been included in the project's analysis and is addressed in the EIR/EIS. The projected increase of vehicle miles traveled (VMT) over no build conditions is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic, including latent demand.

The project takes public transportation into account. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 Regional RTP to encourage the use of mass transit and provide compatibility with BRT lines. Please also refer to the response to your Comment 005.

Regarding traffic impacts during construction, EIR/EIS *Section 3.6.4*, *Avoidance, Minimization, and/or Mitigation Measures*, lists measures that are anticipated to help minimize impacts to communities during construction activities, including preparation of a TMP to minimize

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018 cont. Harrison before Caltrans posted the technical reports on the Caltrans website. This obfuscatory approach to environmental review does not meet CEQA's minimum requirements. California courts require that an agency's analysis be presented in the EIR. *See Santa Clarita Organization for Planning the Environment v. County of L.A.* ("*SCOPE*") (2003) 106 Cal. App. 4th 715, 722 (agency's analysis must be contained in the EIR, not "scattered here and there in EIR appendices"). Here, the DEIR/S' omission of key analysis is even more egregious since the reports are not included in the technical appendices. Because only select portions of the materials actually appear in the DEIR/S and because the reports themselves are not understandable to the lay person, the DEIR/S utterly fails in its role as a public information document.

019 Moreover, despite the extensive number of traffic-related technical reports on the Caltrans website, Caltrans has failed to provide sufficient documentation to allow for an independent assessment of its traffic analysis. Consequently, on August 17, 2010, this firm submitted a letter to Caltrans pursuant to the California Public Records Act ("PRA"), requesting transportation modeling files and other Project-related transportation documents. Almost two months after our request, on November 10, 2010, Caltrans responded that it would mail certain of the requested documents on November 12th; other documents would not be made available until December 1st. Inasmuch as public comments on the DEIR/S are due on November 22nd, it is not possible to fully evaluate this documentation prior to the submission of this letter. We therefore reserve the right to submit additional comment on the DEIR/S' transportation impact analysis at a later date.

(a) The DEIR/S Relies on Faulty Assumptions and Traffic Forecasts.

020 The DEIR/S' transportation analysis relies on a series of inaccurate and outdated forecasts and assumptions that undercut the entire analysis. In one of the most obvious failures, the DEIR/S relies on traffic count data from 2004. *See* DEIR/S at 3.6-3. Yet, circumstances have changed substantially since 2004. The severe recession, high unemployment, the foreclosure crisis, and the slow-down in the building industry have all combined to cause a significant decline in traffic levels. One San Diego newspaper reports with regard to traffic projections for a San Diego toll road: "As unemployment rolls have soared, commuter traffic on area highways has plunged." *See* "Speed bump for a toll road/south bay expressway seeks bankruptcy shelter, Union-Tribune, March 25, 2010, attached as Exhibit 8." Whereas the toll road sponsors had projected 60,000 vehicles on weekdays, daily traffic counts are now in the mid 20,000s. *Id.*

021 Moreover, the decline in traffic occurring over the last several years is likely to become a sustained phenomenon, as cities in San Diego County are taking

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017 cont. traffic delays and closures through the use of various traffic handling practices. Please refer to Topical Response "Construction Traffic." Additional specifics in the TMP cannot be developed until there is project approval, and final design, when detailed construction activities and phasing are known.

018 Technical studies were made available during the public review period, with adequate time allotted for their use. The technical studies that support the EIR/EIS are listed at the beginning of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. In addition, the studies that support each particular environmental analysis discussion are listed at the beginning of each section. The studies were incorporated by reference into the environmental analysis. It is acceptable under both CEQA and NEPA for an environmental document to reference supporting technical studies. NEPA instructs agencies to incorporate material into an EIS by reference when the effect will be to reduce bulk and notes that the material must be reasonably available for inspection "within the time allowed for comment." CEQA Guidelines state that an EIR may incorporate by reference all or portions of another document that is a matter of public record or is generally available to the public. All technical studies listed on Draft EIR/EIS page 3.1-1 were on the Caltrans project website, and are still posted on www.keepsandiegomoving.com, except for the Historic Property Survey Report and Paleontological Report. It is Caltrans' policy to protect historical and paleontological resources by not releasing to the public technical studies that locate such resources. As noted at the beginning of *Section 3.8, Cultural Resources*, the location of archaeological sites is exempt from disclosure to the public by law, to protect sites from looters.

Some technical sources were provided later in the review process. These included Project Report graphics for each of the build alternatives, the biological Natural Resources Study for an I-5 interchange (a separate project with separate utility), the I-5 North

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	018 cont. Coast Freeway Operations Report, and the Community Enhancement Plan Notebook, among others. These were added to the Caltrans' project website and www.keepsandiegomoving.com between August 2, 2010 and August 26, 2010. Because public review did not close until November 22, 2010, there was ample time to review each of these technical data sources. No evidence has been provided to support the comment that the reports are not understandable to the lay person.
	019 The primary set of technical studies (36 documents) were available on the internet at the time the California Public Records Act (CPRA) request was submitted to Caltrans (August 17, 2010); however, the CPRA request asked for copies of documents that are sub-studies of the technical studies that are not typically posted because the technical studies and EIR/EIS contain the information necessary to understand the issues and Caltrans findings. Since the requested documents were prepared by consultants, it took time to obtain them and prepare them to complete the CPRA request. All of the requested documents were available for public review by August 26, 2010 and remained available during the public comment period which ended on November 22, 2010.
	020 The traffic forecasts in the Draft EIR/EIS were based on the Series 10 SANDAG traffic model and have been validated relative to the recently developed Series 12 model. Please refer to the responses to your Comments 006 and 017.

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021 cont. aggressive steps to increase infill development in urbanized locations close to jobs. Thus, while Caltrans projects that travel time and delay will increase and level of service will deteriorate substantially by 2030 as a result of increased traffic congestion, there is no evidence that such projections take into account these changed circumstances. Because the existing traffic data is not credible, it is impossible to judge whether the effects of the Project as documented in the DEIR/S (and especially, the claimed beneficial impacts of the Project) are realistic.

022 Even more disconcerting, Caltrans has forecast traffic growth that is about twice as high as the growth forecast by the regional transportation planning agency, San Diego Association of Governments ("SANDAG"). As the Smart Mobility Report explains, because Caltrans has assumed more traffic than will actually be using the freeway in 2030, it inflates the "need" for the Project, making any benefits of widening appear greater. *See* Exhibit 1, at 2. Moreover, the Report explains, "This enormous discrepancy in traffic forecasts means that every future traffic statistic in the DEIR/DEIS is invalid. This includes the forecast traffic numbers, forecast travel time, and forecast delays."

023 Finally, it is important to note that given these traffic forecasts, the Project is certainly not consistent with SANDAG's 2030 Regional Transportation Plan ("RTP").[2] This last fact is especially important given that "consistency with the 2030 RTP" is one of the objectives of the Project. *See* DEIR/S at 1-1.

024 **(b) The DEIR/S Analyzes Only a Tiny Fraction of the Project's Impacts to the Local and Regional Transportation Network.**

In violation of CEQA's core requirements, the DEIR/S ignores the vast majority of the Project's impacts on the local and regional transportation network. The basic purpose of CEQA is to inform governmental decision-makers and the public about the potential significant effects of proposed activities. *See* CEQA Guidelines §

[2] Moreover, SANDAG implies that the two "10+4" Project alternatives are inconsistent with Transnet and the 2030 RTP. *See* draft letter to Shay Lynn Harrison from Lori Holt Pfeiler, Chair, SANDAG Board of Directors, November 19, 2010 (stating "[t]he Board of Directors supports an 8 + 4 facility for the I-5 North Coast Corridor, which is consistent with the voter-approved *Transnet* Extension Ordinance and the current RTP.")

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021 The traffic forecasts have been validated relative to the Series 2012 traffic model, which takes the recent recession into consideration. The data presented in the EIR/EIS are considered credible. Please also refer to the responses to your Comments 006 and 017.

022 The traffic analysis of the project alternatives was based on regional growth and traffic forecasts prepared by SANDAG, which in turn is based on City community plans and general plans. Please refer to Topical Responses "Projected Growth" and "Project Lifespan" for additional information regarding regional forecasts and future capacity of I-5, as well as the responses to your Comments 006 and 017. The traffic forecasts for the project included the assumption that the LOSSAN double track project and other planned transit improvements would be in place, and the need for the project was still evident. The Series 10 forecasts for the proposed project embodied more rapid growth within the region than what has occurred under the recent recessionary conditions. Nevertheless, the more recent forecasts for the 2050 RTP, incorporating multimodal planning for the region, continue to demonstrate the need for the proposed *I-5 NCC Project*, as well as transit, pedestrian, and bicycle facility improvements regionwide. Caltrans stands by the modeling that was completed for the project. The Smart Mobility report commissioned by PLAGUE represents a difference of opinion among experts. Please see *Section 3.6.2.1* of the Final EIR/EIS for discussion of earlier projections and their relationship to current projections.

023 The 2030 RTP has been followed by the 2050 RTP, as reflected in the updated project purpose and need in *Chapter 1* of the EIR/EIS, and the project is consistent with that document. The *I-5 NCC Project* is also consistent with the 2050 RTP, which shows an 8+4 alternative in the Revenue Constrained Scenario and 8+4 or 10+4 alternative in the Unconstrained Scenario. Please also refer to the response to your Comment 001.

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15002(a)(1). Instead of providing such a comprehensive impact analysis, however, the DEIR/S mostly describes how the I-5 freeway itself would operate. Indeed, the *only* level of service information in the DEIR/S is for those segments of the I-5 freeway proposed to be widened. *See* DEIR/S at 3.6-6. While it is helpful to know whether the I-5 Project would achieve its objectives-- which, as the Smart Mobility Report explains, it does not -- this is no substitute for an evaluation of the Project's environmental impacts, including its local and regional traffic impacts.

The I-5 freeway is the main north-south coastal corridor connecting San Diego County and Mexico with Orange, the Los Angeles Metropolitan area, and beyond to the Canadian border. DEIR/S at 1-2. Traffic, and especially traffic traveling along a major north-south transportation artery, is a regional phenomenon. Cars do not stop after leaving this stretch of I-5, but continue – south to San Diego, and north to Los Angeles and beyond. In addition, as one of the major arteries running through the County, the I-5 affects travel patterns on local and regional roadways and intersections as well as other freeways. Indeed, the DEIR/S itself acknowledges that I-5 serves interregional as well as local and regional trips. *See* DEIR/S at 3.6-7.

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According to the DEIR/S, the freeway, once widened, will carry between 196,000 and 409,000 vehicles.[3] *See* I-5 North Coast Air Quality Analysis at 39. Given these substantial traffic forecasts, it is clear that the effects of this facility extend far beyond the boundaries of the Project itself. Many of these roadways and freeways carry very high traffic volumes and are integral components of the local and regional circulation system. Therefore, to evaluate the Project's traffic impacts, the DEIR/S should have studied the "before" and "after" travel patterns on local street intersections, street segments, freeway ramp terminal intersections, freeway ramps, and freeway mainline segments throughout the region. An EIR may not ignore the regional impacts of a project approval, including those impacts that occur outside of its borders; on the contrary, a regional perspective is required." *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d 553, 575 (1990). Indeed, an EIR must analyze environmental impacts over the entire area where one might reasonably expect these impacts to occur. *See Kings County Farm Bureau*, 221 Cal.App.3d at 721-23. This principle stems directly from the requirement that an EIR analyze all significant or potentially significant environmental impacts. Pub. Res. Code §§ 21061, 21068.

[3] As the Smart Mobility Report makes clear, Caltrans substantially overstated the amount of traffic forecast for the I-5 freeway in 2030.

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024 The four build alternatives would maintain or improve future traffic operations compared to No Build conditions, and therefore conform to the project's purpose and achieve its objectives. Please refer to the response to your Comment 005.

The projections of future traffic are considered to be accurate and not overstated. Please refer to the response to your Comment 006. The EIR/EIS considered impacts to diverse transportation facilities, including local street segments and intersections, freeway ramps, and freeway mainline segments within an appropriate study area. Technical Report No. 6, Freeway Interchange Operations Report, presents the results of the roadway segment analysis conducted for the adjacent local arterial system along the *I-5 NCC Project*. Chapter 3.0, Operations Analysis, of this technical report presents the operations analysis results for each of the project scenarios. Included in these analyses are surface street intersection capacities, peak hour delays, level of service (LOS), and ADT. Section 4.2 of the same report includes traffic operations at intersections, ramps, and arterial roadways due to increased travel demands. Table 3.9 of Draft Technical Report No. 6 shows an assessment of traffic operations for 125 individual roadway segments in the vicinity of the proposed freeway improvements. The table also indicates whether the arterials would operate "over" or "under" capacity. Table 3.1 of Draft Technical Report No. 6 lists proposed ramp intersection improvements that would mitigate potential impacts to the immediately adjacent local intersections. Furthermore, it is expected that the proposed interchange improvements and ramp widening listed in Tables 4.1 and 4.2 of Draft Technical Report No. 6 would benefit the adjacent local streets and intersections.

In addition, Technical Report No. 7, Direct Access Ramp/Local Circulation System Operations Report, addresses scenarios with and without DARs, including local streets affected by the proposed Oceanside Boulevard DAR, which has since been eliminated from the *I-5 NCC Project*. Specifically, Tables 3.1 and 3.3 provide

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Notwithstanding these requirements, the DEIR/S' study area does not include the geographical area over which the Project's traffic impacts will occur. Instead of evaluating the effect the Project would have on the entire local and regional circulation system, the DEIR/S evaluates the effect of only four of the Project's direct access ramps ("access ramps") on certain intersections. DEIR at 3.6-7 and Technical Report No. 7 at 1. While this analysis is certainly necessary, the access ramps are only one – and a comparatively minor – component of the I-5 Project. In fact, an analysis that focuses solely on the access ramps discloses only a fraction of how the proposed Project would affect travel patterns on nearby freeways, freeway interchanges, roadways and intersections. Moreover, as discussed below, the analysis of the access ramps is itself cursory at best.

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While certain of Caltrans' technical studies contain snippets of the missing impact analysis, this information has not been included in one DEIR/S and is far from complete. For example, one of the technical studies found on Caltrans' website provides an indication of the magnitude of impact that the I-5 widening Project is expected to have on the City of Oceanside:

> Various locations within Oceanside could experience temporary disruptions to existing travel patterns, primarily along I-5, during construction activities due to lane restrictions, lane closures, or temporary detours. This could, in turn, affect other major roads within the study area in Oceanside, specifically I-5 interchanges including SR 78, Cassidy Street, California Street, Oceanside Boulevard, Mission Avenue, SR 76, and Harbor Drive. Additionally, the construction of a DAR at Oceanside Boulevard could interrupt circulation on Oceanside Boulevard, as well as other roads in the vicinity of the construction, particularly those that serve the City Center Golf Course. These disruptions could affect local and regional travel patterns depending on the LOS experienced during peak periods.

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I-5 North Coast Final Community Impact Assessment at 3-7. However, no actual analysis of these impacts is included in the DEIR/S. Another technical study on the Caltrans' website, Traffic Report 7 (DAR and Local Circulation) Figure 1-1, contains a figure showing many interchanges in addition to the direct access ramps, but the DEIR/S nowhere analyzes the actual operation of these interchanges.[4] Similarly, while the

[4] These interchanges include, but are not limited, to Mission Avenue, Carlsbad Village Drive, Tamarack Avenue, Poinsettia Lane and La Costa.

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024 cont. information on the reported delay, LOS, and Roadway Segment Capacity analysis. These technical reports were prepared in support of the EIR/EIS, are incorporated by reference therein, and can be accessed at:

http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic6.pdf
http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic7.pdf

The EIR/EIS addresses construction traffic impacts at the level of detail that is available at this stage of project design. Please refer to the response to your Comment 005.

025 Technical Report No. 6 analyzed 51 ramp intersections and 25 arterial intersections within close proximity of the *I-5 NCC Project.* Tables of data in this technical report are:

- Table 2.1 ILV Traffic Flow Conditions At Ramp Intersections At Various Levels Of Operation
- Table 2.2 Level of Service Standards for Signalized and Unsignalized Intersections
- Table 2.3 All-Day Roadway Capacity Thresholds

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025 cont. DEIR/S acknowledges there are a total of 58 freeway on-ramps along the I-5 corridor within the Project limits (*see* DEIR/S at 2-5), the reader can find no analysis of the operation of these ramps.

026 Remarkably, the DEIR/S does not even mention the effect the proposed Project will have on the I-5 freeway itself, up-and down-stream of the segments proposed to be widened. For example, how would the segment of the I-5 freeway south of SR-52 and north of SR-76 operate once the freeway is widened? Since these segments to the south and north would not be widened, would they create bottlenecks for travelers?

027 Likewise, the DEIR/S does not study the effect the proposed Project would have on connecting freeways such as SR-56, SR-78 and SR-76.

028 Finally, as discussed in the Project Description section of this letter, other roadways and intersections would need to be reconstructed to accommodate the I-5 widening Project. Yet, the DEIR/S fails to identify these other projects or analyze how their construction and operation would affect the local and regional transportation network.

029 In short, because the I-5 freeway will extensively impact the local and regional transportation system (intersections, streets, interchanges and freeways), the revised DEIR/S must examine and mitigate these impacts.

(c) The DEIR/S' Analysis of the Impacts of the Direct Access Ramps Is Inadequate.

030 While the DEIR/S itself contains no analysis of the effect the direct access ramps would have on area roadways, one of the technical reports on the Caltrans' website purports to describe potential traffic impacts from these ramps. *See* Traffic Report 1 (Local Area Influence) July 2004. Yet, this discussion does not meet minimum legal requirements. First, the Report identifies only intersections that would be expected to receive a minimum of 500 trips per day. *Id.* While this criterion may be sufficient pursuant to SANDAG's Congestion Management Program (*see* Traffic Report 1 (Local Area Influence) July 2004), it does not suffice under CEQA. *See* Appendix G section XVI (stating a project may cause a significant impact when it conflicts with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system).

031 Critically, the DEIR/S does not even identify the transportation performance standards imposed by cities for area intersections and roadways through which the proposed Project traverses, let alone analyze how the Project would actually impact the cities' circulation systems.

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025 cont.

- Table 3.1 I-5 North Coast Corridor Proposed Ramp Intersection Improvements
- Table 3.2 ILV Ramp Intersection Capacity Analysis – a.m. Peak Hour
- Table 3.3 ILV Ramp Intersection Capacity Analysis – p.m. Peak Hour
- Table 3.4 Intersection Peak Hour Delay and Level of Service – a.m. Peak Hour
- Table 3.5 Intersection Peak Hour Delay and Level of Service – p.m. Peak Hour
- Table 3.6 a.m. and p.m. Peak Hour Ramp Metering Rates
- Table 3.7 Peak Hour Ramp Meter Delay – a.m. Peak Hour
- Table 3.8 Peak Hour Ramp Meter Delay – p.m. Peak Hour
- Table 3.9 Arterial Roadway Segment Capacity Analysis
- Table 4.1 Summary of I-5 North Coast Corridor Proposed Interchange Improvements
- Table 4.2 Summary of I-5 North Coast Corridor Ramp Storage Improvements
- Table 4.3 Summary of Ramp Interchange Intersections Improving to "At" or "Under" Capacity Operations With the I-5 North Coast Corridor Project
- Table 4.4 Summary of Intersections with Reduced Delay of 15% or Greater With the I-5 North Coast Corridor Project
- Table 4.5 Summary of Roadway Segment Operations Improved by the I-5 North Coast Corridor Project
- Table 4.6 Summary of Ramp Interchange Intersections Operating at Over Capacity With the I-5 North Coast Corridor Project
- Table 4.7 Summary of the Intersections Impacted by the I-5 North Coast Corridor Project
- Table 4.8 Summary of Ramp Meter Locations Impacted by the I-5 North Coast Corridor Project
- Table 4.9 Summary of Roadway Segments Impacted by the I-5 North Coast Corridor Project

Results for interchanges including Mission Avenue, Carlsbad Village Drive, Tamarack Avenue, Poinsettia Lane, and La Costa Avenue are presented in the various tables.

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026 The EIR/EIS appropriately focuses on the portion of I-5 within the 27-mile-long study area, and the improvements in traffic flow that would occur with the implementation of the build alternatives, compared with the No Build alternative. Please refer to the response to your Comment 005 above. Regional traffic information may be found in the SANDAG 2030 and 2050 RTPs. With public input, SANDAG developed the 2050 RTP, which identifies the region's transportation project needs and priorities. Currently, there are no improvements identified for the I-5 interchanges at SR-76 or SR-52. Improvements to the I-5 / SR-56 Interchange are identified to occur by 2030 and improvements to the I-5 / SR-78 Interchange are projected by 2035. The traffic projections prepared for the proposed project included all projects in the revenue constrained 2030 RTP.

Bottlenecks are analyzed in EIR/EIS *Section 3.6.3*. Bottlenecks are a persistent drop in speed for vehicles between two locations on the freeway as seen through increased travel time due to the duration of bottleneck and queue length. Existing bottlenecks include freeway segments at Via de la Valle and Oceanside Boulevard. The EIR/EIS notes that under No Build conditions, bottlenecks would increase in duration and queue length. The effect of congested conditions, including bottlenecks, is reflected in the compilation of total delay, congested hours, and travel time in EIR/EIS *Table 3.6.3*. The 10+4 alternatives would reduce total weekday vehicle hours of delay to 600 hours northbound and 3,700 hours southbound compared with 13,700 hours northbound and 14,000 hours southbound for the No Build condition. The 8+4 alternatives would reduce future vehicle hours of delay to 9,600 hours northbound and 8,000 hours southbound. Overall, bottlenecks would be expected to improve with the implementation of any of the build alternatives, compared with the No Build alternative. Please refer to the response to your Comments 005 and 012.

027 Regarding SR-56, please refer to the response to your Comment 008. The interchanges of I-5 with SR-78 and SR-76 are addressed in traffic Technical Report No. 6. Please refer to the list of tables in the response to your Comment 025.

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	028 As stated in Section 4.0, Operations Analysis Summary, of Draft Technical Report No. 6, the primary benefit associated with the *I-5 NCC Project* would be the additional freeway capacity, along with enhanced interchanges, HOV/Managed Lanes, and DARs. It is anticipated, as the report notes, that with the ability to better serve forecast travel demands, this additional freeway capacity would in turn provide a number of corresponding benefits when compared with the future No Build condition, including: • Improved interchange ramp intersection operations; • Improved traffic operations at intersections nearby and adjacent to the freeway ramps; • Additional interchange ramp storage; and • Improved traffic operations on parallel and intersecting arterial roadways. Table 3.1 of Draft Technical Report No. 6 lists proposed ramp intersection improvements that would mitigate potential impacts to the immediately adjacent local intersections. Furthermore, it is expected that the proposed interchange improvements and ramp widenings listed in Draft Technical Report No. 6 Tables 4.1 and 4.2 would benefit the adjacent local streets and intersections.
	029 The EIR/EIS and applicable technical reports listed at the beginning of EIR/EIS *Section 3.6* adequately address impacts to the local and regional transportation system, including intersections, streets, interchanges, and freeways. No mitigation measures for long-term impacts are required because traffic operations with the project would be generally improved compared to the No Build condition. EIR/EIS *Section 3.6.4* provides the measure that a comprehensive TMP to further minimize delays would be developed after the selection of a Preferred Alternative but prior to the start of construction. The TMP would also include components for pedestrians and bicyclists along with consideration for the motoring public. Please refer to Topical Response “Construction Traffic.”

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	030 Technical Report No. 6 analyzes traffic operations for 51 ramp intersections and 25 arterial intersections with and without DARs. Please refer to the list of tables in the response to your Comment 025. EIR/EIS *Section 3.1.2, Consistency with State, Regional and Local Plans and Programs*, addresses the consistency of the *I-5 NCC Project* with the RTP and RTIP, and General Plans and Community Plans of various jurisdictions, including applicable Transportation Elements.
	031 Capacity standards ("thresholds") for type of roadway ("arterial class") are listed in Technical Report No. 6 Table 3.9, which displays arterial roadway capacities and the 2015 and 2030 forecasted daily traffic volumes for the study roadway segments for each project traffic scenario. Utilizing the respective roadway capacities and the forecast ADT, roadway segments were identified as being over or under capacity.

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032 Second, the Technical Report contains no thresholds of significance by which to evaluate the ramps' impacts on the local and regional transportation network. One of the first steps in any analysis of an environmental impact is to select a threshold of significance. Yet, rather than identify a level of service of, say, "C" or "D" as the threshold of significance and then evaluate how intersections in the region would operate upon completion of the access ramps, the DEIR/S simply describes the increase in traffic volumes that would occur at select roadway segments. *See* Traffic Report 1 (Local Area Influence) July 2004, Table 2.2. This information, in isolation, is almost meaningless. The DEIR/S must actually analyze how the increase in traffic would affect the level of service and/or vehicular delay at local and regional intersections.

033 Third, the DEIR/S purports to identify certain mitigation measures that would reduce impacts on the local circulation system resulting from the access ramps. *Id.* at 12. Yet, rather than analyze the feasibility of these intersection improvements, the DEIR/S simply asserts that the mitigation improvements would need to be consistent with the affected jurisdictions' circulation elements and community plans. *Id*. Because the DEIR/S does not disclose whether such mitigation improvements are in fact infeasible, the impacts would remain significant and unavoidable.

(d) The DEIR/S Underestimates the Increase in Vehicular Traffic and Vehicle Miles Traveled That Would Occur Upon Implementation of the Proposed Project.

034 The proposed Project would result in a substantial increase in freeway capacity and, as a result, would facilitate increased travel. As the Smart Mobility Report explains, the reduction in traffic congestion will result in increases in vehicle speeds, which will lead in turn to additional "induced" travel. Induced travel occurs when the cost of travel is reduced (*i.e*., travel time reduction due to additional capacity), causing an increase in demand (*i.e.*, more travelers using the improved facility). The reduction in travel time causes various responses by travelers, including diversion from other routes, changes in destinations, changes in mode, departure time shifts, and possibly the creation of new trips all together.

Numerous studies document the concept of induced travel. One recent study, prepared by Todd Litman of the Victoria Transport Institute, described the effects of vehicle-generated traffic. Set forth below is a summary of this research:

- Using data on California freeway expansion, traffic volumes, and various demographic and economic factors between 1980 and 1994, Cervero (2003) found the long-term elasticity of VMT [vehicle miles traveled] with respect to traffic

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032 Regarding the evaluation of impacts using criteria thresholds of significance typically employed for CEQA, Caltrans provides guidance on the approach to environmental analysis under CEQA on their Standard Environmental Reference (SER) website at: http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition.

This site explains that "because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established." The SER recognizes that some public agencies have established thresholds of significance for CEQA, but because Caltrans has Statewide jurisdiction and the setting for projects varies so extensively across the State, Caltrans "has not and has no intention to develop thresholds of significance for CEQA." This approach is consistent with CEQA Guidelines Section 15064.7, Thresholds of Significance, which states that each public agency "is encouraged" to develop thresholds of significance, and when adopting thresholds of significance, a Lead Agency "may consider" thresholds of significance previously adopted or recommended by other public agencies. The establishment of thresholds, therefore, is discretionary for each agency, depending on its specific needs for its environmental review process. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant, and the EIR/EIS does not need to conduct analysis of traffic or any other issue using them.

Regarding the analysis of how the increase in traffic would affect the LOS and vehicular delay at local and regional intersections, Technical Report No. 6 Tables 3.4 and 3.5 display the results of the peak hour intersection operations analysis for the a.m. and p.m. peak hours, respectively, including overall intersection delay and LOS.

033 Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, is to disclose the potential environmental effects under both NEPA

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speed to be 0.64, meaning that a 10% increase in speed increases VMT 6.4%. Thus, about 80% of added road capacity is filled with additional peak-period traffic.

- Time-series data indicates an elasticity of vehicle travel with respect to lane miles of 0.5 in the short run, and 0.8 in the long run (Noland, 2001). This means that half of increased roadway capacity is filled with added travel within about 5 years, and 80% of the increased capacity eventually fills. Urban roads, which tend to be most congested, had higher elasticity values than rural roads, as expected due to their greater congestion and latent demand.

034 cont.

- The medium-term elasticity of highway traffic with respect to California state highway capacity was measured to be 0.6-0.7 at the county level and 0.9 at the municipal level (Hansen and Huang, 1997). This means that 60-90% of increased road capacity is filled with new traffic within five years. Each 1% increase in highway lane-miles increased VMT about 0.65%.

- A major study found the following elasticity values for vehicle travel with respect to travel time: urban roads, -0.27 in the short-term and –0.57 over the long term; rural roads, –0.67 in the short term and –1.33 in the long term (Goodwin, 1996). These values are used by the U.S. Federal Highway Administration for highway project evaluation. Because of these effects it is unsurprising that urban highway expansion provides modest congestion reduction (STPP 2001).

See Victoria Transport Policy Institute, T. Litman, Smart Congestion Reductions: Reevaluating the Role of Highway Expansion for Improving Urban Transportation, February 2, 2010 at 8, attached as Exhibit 9.

The I-5 DEIR/S does not even acknowledge the potential for the Project to induce travel. This failure has three serious implications for the DEIR/S and for the Project itself. First, as the Smart Mobility Report explains, the document overstates the need for, and the benefit of, the proposed Project. Second, the DEIR/S understates the environmental impacts of the Project. Because many of the environmental impact analyses (*e.g.*, traffic, air quality, climate change and noise) are based on the Project's trip generation, an underestimation in trip volumes necessarily results in an underestimation of the Project's environmental effects. Third, the DEIR/S fails to grapple with the fact that widening freeways are a temporary solution, at best, to the complex problems of traffic congestion.

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033 cont. and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*.

The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible through specific, tangible actions that will reduce a physical environmental effect. "Mitigation" for purposes of NEPA is defined in 40 CFR 1508.20 as including avoiding, minimizing, rectifying, reducing, and compensating, and the measures discussed may have been incorporated into the project design/plan. In 40 CFR 1502.14(f) and 40 CFR 1502.16(h), NEPA requires that appropriate mitigation measures be discussed. In contrast, CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. As noted in EIR/EIS *Section 4.1, Determining Significance Under CEQA*, there are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. It cannot be inferred, therefore, that measures listed in *Chapter 3* mean impacts are potentially significant under CEQA. CEQA significance conclusions are provided in *Chapter 4* of the EIR/EIS. Within this section of the EIR/EIS, no significant impacts and no mitigation measures are identified for long-term traffic operations. Please refer to the response to your Comment 029.

034 The potential for the project to result in increased traffic (referred to as induced or latent demand) has been accounted for within the project traffic model. Please refer to the response to your Comment 017.

035 The projections of future traffic and evaluation of project need and benefits are considered to be accurate and not overstated. Please refer to the response to your Comment 006 and response to your Comment 022.

036 The *I-5 NCC Project* improvements are part of a multimodal program of transportation improvements planned for the North Coast Corridor and are intended to maintain or reduce traffic congestion along the I-5 corridor through 2050 to allow the region to work toward complex multimodal solutions that take extended time to implement. Please refer to the response to your Comment 005 and Topical Response "Multimodal System."

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037 The revised DEIR/S should evaluate the travel-inducing consequences of the proposed Project through proper travel-demand modeling. Only by modeling various land use, destination, mode choice and route choice scenarios is it possible to understand actual travel behavior. As the Smart Mobility Report explains, Caltrans must use a gravity model in order to accurately evaluate the Project's impacts.

(e) The DEIR/S Fails to Provide Any Analysis of Impacts to Public Transit Service or Systems.

The DEIR/S identifies as one of the overall Project purposes to provide a facility that is compatible with future bus rapid transit and other modal options. DEIR/S at 1-1. Despite this objective, the DEIR/S provides no discussion of any transit facilities in connection with the Project. Nor does the document provide any analysis of the effect the increase in freeway capacity would have on local and regional transit use. These omissions are glaring, as it is widely known that increases in freeway capacity, as this Project entails, tend to result in reductions in transit ridership. Unfortunately, with this Project, such impacts to transit would be expected to become more severe over time. If transit ridership continues to decline (because travelers are taking advantage of freed-up capacity on freeway lanes), regional transportation agencies earmark even less funding to transit systems and transit service. With less funding, transit agencies cut, or eliminate altogether, routes and transit headways, which in turn reduces transit ridership further.

038 Caltrans' failure to analyze the relationship between freeway capacity and transit service demonstrates the agency's antiquated approach to transportation planning. In fact, there has been a sea-change in transportation planning over the last several years. Whereas traditional transportation planners, such as Caltrans, tend to evaluate transport primarily in terms of motor vehicle traffic, using indicators such as roadway level of service ratings, average traffic speeds, and travel time indices, these evaluations related only to roadway travel conditions. *See* Todd Litman, Smart Congestion Reductions II: Reevaluating the Role of Public Transit for Improving Urban Transportation, Victoria Transport Policy Institute, September 9, 2010, at 2, attached as Exhibit 10.

By contrast, as Litman explains, modern planners use broader, more flexible methods for analyzing mobility, and place greater emphasis on improving public transit:

> From this perspective, transit investments are only valuable to the degree that they reduce motorist delay. However, modern planning tends to use more comprehensive analysis methods that evaluate transport system quality based on *mobility* (the movement of people

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037 Technical experts may disagree and still produce defensible technical analyses and conclusions. Induced demand is considered to be adequately addressed in the EIR/EIS. Please refer to the response to your Comment 017.

038 The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to the responses to your Comments 005 and 036, as well as Topical Responses "Multimodal System," "Rail Preference," "Mass Transit," and "Corridor Alternatives."

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> and goods) and *accessibility* (the ease of reaching desired goods, services and activities). Modern planning also tends to give more consideration to other planning objectives besides congestion reduction, and to a wider range of accessibility improvement strategies, including various mobility management strategies and smart growth land use policies. More comprehensive planning tends to place a higher value on public transit investments, particularly when implemented in conjunction with supportive policies such as road and parking pricing, commute trip reduction programs, and transit oriented land use development.

038 cont. *Id*. (emphasis in original).

Consistent with this more contemporary approach to transportation planning, the Office of Planning and Research recently amended the CEQA Guidelines. The CEQA Environmental Checklist Form now deemphasizes the importance of accommodating the automobile to meet transportation mobility needs. Instead, the Checklist suggests that a lead agency should evaluate a Project's potential to "conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities." *See* Appendix G section XVI (f).

Nevertheless, rather than plan for regional transportation mobility in this more holistic manner, Caltrans continues its myopic focus on accommodating the automobile. In keeping with contemporary planning norms, the DEIR/S must be revised to evaluate the Project's interaction with and impact on transit use.

(f) The DEIR/S Fails to Analyze or Mitigate the Project's Construction-Related Transportation Impacts.

039 According to the DEIR/S, construction of the proposed Project would occur over the next forty years. DEIR/S at 2-5. One would expect that, given the massive scale and prolonged duration of such a construction project, the DEIR/S would have comprehensively analyzed what are certain to be extensive local and regional traffic impacts. For example, traffic patterns will be impacted from lane closures, rerouting of traffic, delivery of materials, hauling of excavated material, and construction employees commuting to/from the job site.

Unfortunately, the reader can find no indication that the DEIR/S has even begun to analyze the Project's construction-related impacts. Instead, the DEIR/S looks to

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039 As explained in the Final EIR/EIS in *Section 2.4*, construction would occur on some project segments over a 20-year period (2015 to 2035). The Traffic Management Plan (TMP) is a comprehensive planning tool, with numerous elements specified in the EIR/EIS and in Topical Response "Construction Traffic." Specifics of the TMP are deferred to post-project approval because it is a living document and needs to be responsive to project detail and construction specifics that can only be known closer to the construction date (e.g., the precise dates that a specific road segment would be constructed and the number of construction personnel mobilized and what other construction

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039 cont. a future "Traffic Management Plan" to minimize the expected traffic delays and closures (*Id*. at S-9)—a Plan will be developed only after the preferred alternative is selected. *Id*. But this deferral of mitigation violates CEQA. *See* CEQA Guidelines § 15126.4(a)(1)(B) ("Formulation of mitigation measures should not be deferred until some future time."); *Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th 70, 93 (2010).

A revised DEIR/S must be prepared that (1) provides a complete analysis of the Project's construction-related impacts, and (2) includes the agency's actual mitigation plan. The public and decision-makers must be apprised of the magnitude of these impacts and the actions that will be necessary to mitigate them, prior to the Project's approval.

2. The DEIR/S Fails to Adequately Analyze and Mitigate the Project's Air Quality Impacts.

040 The DEIR/S' analysis of air quality impacts is grossly inadequate. In several instances, the DEIR/S fails to analyze the Project's effects at all. Where the document does attempt to analyze impacts, it underestimates the increase in emissions because it underestimates the Project's increase in predicted traffic volumes. The DEIR/S devotes a mere two paragraphs to construction-related air quality impacts despite the fact that the freeway could be a construction site for the next forty years.[5]

The fact is that this Project will have a devastating impact on local and regional air quality. Unfortunately, the details remain unknown because the DEIR/S does not provide anything close to a complete analysis of these impacts. The most egregious flaws in the air quality analysis are described below. In addition, we incorporate by reference the letter dated September 7, 2010 from Jeff Cours to Shay Lynn Harrison.

(a) The DEIR/S Underestimates the Project's Air Quality Impacts Because it Underestimates the Amount of Traffic That Would Be Generated.

041 As discussed above, the DEIR/S underestimates predicted traffic volumes because it fails to take into account induced travel demand. Inasmuch as the air quality

[5] The DEIR/S describes a phased approach to construction: Phase 1 would occur from 2012 to 2020; Phase 2 would occur from 2021 to 2035; Phase 3 would occur from 2036 to 2050. DEIR/S at 2-13.

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039 cont. efforts might be ongoing in an area). At that time, specifics of the public information, motorists' information strategies, incident management, construction strategies, demand management, and alternate route strategies would be defined. Mitigation for traffic construction impacts has been developed to the extent possible at this phase of project development by specifying elements of a TMP, as discussed in Topical Response "Construction Traffic."

040 The Draft EIR/EIS contained a detailed assessment of air quality impacts, which was supplemented by additional analysis provided within the Supplemental Draft EIR/EIS circulated in August 2012. Final EIR/EIS *Section 3.14*, *Air Quality*, presents a detailed discussion of impacts based on the August 2007 Air Quality Analysis and August 2013 Final Air Quality Analysis Update for the *I-5 NCC Project,* as well as other sources. Traffic volumes are not underestimated; please refer to the response to your Comment 006.

Construction emissions would be temporary and limited to relatively small geographic areas at any given time during the overall construction period for the project, and therefore would not adversely affect air quality. Additional information has been incorporated into Final EIR/EIS *Section 3.14*, as detailed in the response to your Comment 047, below, but this additional information does not alter the conclusion.

The project would not have a devastating impact on local and regional air quality. EIR/EIS *Section 3.14.3, Environmental Consequences,* concludes that the proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower particulate matter (PM) emissions as compared with the No Build alternative. The results of the quantitative carbon monoxide

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041 cont. emissions are dependent on the transportation analysis assumptions, any underestimation of vehicular trips necessarily results in an underestimation of vehicular emissions. Once Caltrans accurately models the Project's increase in traffic volumes, it must revise the air quality impact analysis.

(b) The DEIR/S Fails to Evaluate Whether the Project Would Violate Air Quality Standards or Substantially Contribute to an Existing or Projected Air Quality Violations.

042 CEQA's and NEPA's most basic purpose is to inform governmental decision-makers and the public about the potential significant environmental effects of a proposed project. CEQA Guidelines § 15002 (a) (1); 40 C.F.R. § 1500.1(b). Here, although the San Diego Air Basin is non-attainment for ozone under the state and federal standards and non-attainment for PM_{10} and $PM_{2.5}$ under the state standards, the DEIR/S fails to evaluate whether the Project would result in exceedances of the ozone, PM_{10} or $PM_{2.5}$ standards. The DEIR/S concludes, incorrectly, that it has no obligation to provide these analyses.

(i) Ozone

043 The DEIR/S fails to evaluate the Project's potential to violate ozone standards, or substantially contribute to ozone violations, in the San Diego Air Basin. Such an analysis is particularly important because motor vehicles are a major source of reactive organic gases ("ROG") and nitrogen oxides ("NO_x), both of which are ozone precursors.[6] Since the Project will result in an increase in vehicular travel, it will result in a corresponding increase in ozone precursor emissions. By Caltrans' own estimates, peak period vehicle miles traveled ("VMT") is projected to double between the "no-build" scenario and "build" alternative (from 754, 638 VMT under 2030 "no-build" to

[6] Motor vehicle emissions, or mobile sources, contribute to emission inventories of criteria pollutants and air toxics and thus have the potential to significantly impact air quality. Mobile sources are responsible for more than 50 percent of carbon monoxide, 34 percent of nitrogen oxide (NO_x) emissions, and more than 29 percent of hydrocarbon emissions (which combine with NO_x in sunlight to form ozone). *See* Smart Mobility Memorandum, April 2006, attached as Exhibit 11.

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040 cont. (CO) hot spot analysis also show that the proposed project would not adversely impact local air quality.

The analysis of air quality impacts is considered to be complete. Modeling for long-term emissions has been conducted in accordance with Federal Highway Administration (FHWA) guidance on this issue and consistent with FHWA and Caltrans guidance as required for joint CEQA/NEPA documents on the Caltrans SER. The FHWA and Caltrans have coordinated to develop templates for joint CEQA/NEPA documents and supporting technical studies prepared by these agencies that address necessary legislative and regulatory mandates. The studies completed for this EIR/EIS are consistent with those templates.

Please refer to the responses to your Comments 041 through 048 below for additional details. The comment letter from Jeff Cours was received separately and responses are provided separately within this Final EIR/EIS.

041 Traffic volumes are not underestimated; please refer to the response to your Comment 006 and response to your Comment 022.

042 Regarding long-term operational effects on air quality in general, the EIR/EIS concludes that the proposed project would improve traffic operations and therefore would contribute to lower air pollutant emissions. Please refer to Topical Response "Air Pollutants." Specific responses regarding ozone and PM_{10} and $PM_{2.5}$ are provided in separately numbered responses below.

043 The process for addressing ozone within the EIR/EIS and supporting technical study is summarized in EIR/EIS *Section 3.14.1*, *Regulatory Setting*. Potential impacts of ozone are analyzed in the Air Quality Analysis in accordance with the Clean Air Act, which requires a demonstration that federal actions conform to approved plans in areas that are designated as nonattainment

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1,561,754 VMT under the 10+4 alternative).[7] DEIR/S at 3.14-7. Clearly, the Project's increase in VMT will result in the potential for an increase in ozone concentrations.

Although the DEIR/S does not explain why it omits an ozone analysis, it asserts that because the Project is consistent with SANDAG's (2030) RTP and SANDAG's regional emissions analysis, it would not have a regional air quality impact. DEIR/S at 3.14-1. As explained in the transportation section of this letter, however, Caltrans' traffic forecasts are more than twice as high as the traffic forecasts in the 2030 RTP. Consequently, Caltrans cannot rely on the Project's alleged consistency with the RTP as an excuse for its failure to conduct a regional emissions analysis. Even if the Project were consistent with the RTP, which it is not, the DEIR/S is nonetheless obligated to evaluate whether the Project would violate the federal and state ozone standards or contribute to existing or projected ozone violations.

043 cont.

Indeed, Caltrans evaluated this issue, albeit superficially, when it conducted its initial investigation of the Project's potential environmental impacts. In the CEQA Environmental Checklist, included in the DEIR/S technical appendix, Caltrans simply checked "no impact" in response to the question of whether the Project would violate an air quality standard. *See* CEQA I-5 DEIR/S Appendix G at G-2. Yet, neither the DEIR/S nor its technical appendix includes any evidence, let alone analysis, to support a "no impact" determination.

Moreover, it is important to distinguish between a Project's inconsistency with an air quality plan (question II(a) in the CEQA Guidelines) and the Project's potential to violate an air quality standard (question II(b) in the CEQA Guidelines.) *Id*. Possibly, the DEIR/S preparers concluded that the Project's purported consistency with the 2030 RTP and SANDAG's regional emissions analysis lends support for the conclusion that the Project would not obstruct attainment of the air quality plan. But this consistency, even if true, does not relieve Caltrans of its independent obligation to analyze the Project's potential to violate the ozone standards. *See Kings County Farm Bureau v. City of Hanford*, 221 Cal. App. 3d 692, 712-18 (1990) (even if a project's emissions comply with applicable regulations and standards, an agency still must analyze the impacts from the project's entire emissions in an EIR); *Riverwatch v. County of San Diego*, 76 Cal. App. 4th 1428, 1453-55 (1999) (same).

[7] As discussed above, and in the Smart Mobility Report, Caltrans substantially understates the Project's increase in traffic.

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043 cont. or have maintenance plans for criteria pollutants. Transportation improvements, such as the *I-5 NCC Project*, are analyzed for conformity as part of RTPs and RTIPs. The Air Quality Analysis circulated with the Draft EIR/EIS noted that the proposed project was included in the 2030 Revenue Constrained RTP (SANDAG 2006) and 2006 RTIP (SANDAG 2007). The 2030 RTP and 2006 RTIP were found to be in conformance with the Clean Air Act. The U.S. Department of Transportation (USDOT) made a finding of conformity for the 2006 RTIP and a conformity redetermination for the 2030 RTP, 2006 Update (USDOT 2006). The proposed project is also listed in the 2050 financially constrained RTP, which was found to conform by SANDAG on October 28, 2011. The FHWA and FTA made a regional conformity determination on December 2, 2011. The project is included in SANDAG's financially constrained 2012 RTIP, page 33. The SANDAG 2012 RTIP was adopted by the SANDAG Board on September 28, 2012, and was determined to conform by FHWA and FTA on December 14, 2012. The design concept and scope of the proposed project is consistent with the project description in the applicable RTP and RTIP, as well as the "open to traffic" assumptions of the SANDAG's regional emissions analysis. FHWA approved the project Air Quality Conformity Determination in 2013. Therefore, the project would be in conformity with applicable approved plans and no adverse regional air quality impact would occur as a result of the project.

The project would not generate traffic. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. The project would provide features that would better accommodate increased traffic volumes and reduce travel times compared to the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. Transportation facilities may redistribute traffic, however. The build alternatives would accommodate more traffic than the No Build condition on I-5, so the project would result in more traffic being carried on the freeway versus other parallel facilities. The traffic would

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(ii) PM_{10} and $PM_{2.5}$ Emissions

044 The DEIR/S fails to evaluate the Project's potential to result in PM_{10} and $PM_{2.5}$ standard violations. Increases in particulate matter emissions overall and $PM_{2.5}$, in particular, would represent a significant adverse environmental impact of the Project. The serious health risks associated with $PM_{2.5}$ exposure are well-documented. In its final rule designating attainment and non-attainment of $PM_{2.5}$ standards, the U.S. EPA noted the "significant relationship between $PM_{2.5}$ levels and premature mortality, aggravation of respiratory and cardiovascular disease . . . , lung disease, decreased lung function, asthma attacks, and certain cardiovascular problems such as heart attacks and cardiac arrhythmia," particularly among "older adults, people with heart and lung disease, and children." *See generally* Air Quality Designations and Classifications for the Fine Particles ($PM_{2.5}$) National Ambient Air Quality Standards, 70 Fed. Reg. 944, 945 (Jan. 5, 2005) [Vol. 2, Ex. 28-e]; s*ee also* Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, Rajiv Bhatia and Thomas Rivard, May 6, 2008, attached as Exhibit 12. This latter document elaborates on the health effects of particulate matter exposure, the epidemiology of roadway proximity health effects, and provides guidance for assessing these effects.

Rather than provide a comprehensive study of the proposed Project's effect on particulate matter emissions and exposure, the DEIR/S preparers assert that such an analysis is not required pursuant to the U.S. EPA's *Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Nonattainment and Maintenance Areas* ("PM Guidance"). DEIR/S at 3.14-5. There are two flaws to this reasoning. First, an analysis of particulate impacts is required in addition to, not as a substitute for, CEQA and NEPA compliance. CEQA Guidelines § 15002 (a) (1); 40 C.F.R. § 1500.1(b).

Second, because the DEIR relies on vague and inaccurate assumptions and data, it incorrectly concludes that a particulate analysis is not required under the PM Guidance. Specifically, the DEIR/S determines that the proposed Project is not "a Project of Air Quality Concern" pursuant to the PM Guidance because the widened freeway would have a relatively low number of diesel fuel vehicles. DEIR/S at 3.14-5 and 3.14-6. This determination is erroneous. The PM Guidance defines "a significant number of diesel vehicles" as 8 percent or more of the total average daily traffic. *Id*. While the DEIR/S states that the existing and projected diesel-fuel truck percentage within the Project limits is and will continue to be 6 percent, the DEIR/S lacks any evidentiary support for this assumption. In particular, Caltrans' reliance on Table 3.14-7 is misplaced; because this table shows vehicle miles traveled rather than truck

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043 cont. also be carried more efficiently on the freeway at higher speeds and with fewer stops and starts versus parallel surface streets. This is reflected in the additional VMT at higher speeds for build alternatives versus no build in Final EIR/EIS *Table 3.14.10*. Under the Preferred Alternative and as noted in *Chapter 2*, total daily VMT would increase four percent compared with the No Build alternative.

044 As noted in EIR/EIS *Section 3.14.3*, Caltrans followed the Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Nonattainment and Maintenance Areas (PM guidance) published by the U.S. Environmental Protection Agency (USEPA) and FHWA, in conducting the qualitative hot spot analysis. This qualitative PM_{10} and $PM_{2.5}$ hot spot analysis method is deemed sufficient to reasonably evaluate potential project effects. Discussion has been expanded in Final EIR/EIS *Section 3.14.3* under the heading *Projects of Air Quality Concern* for clarification purposes. The EIR/EIS concludes that the proposed project does not meet the criteria of a project of air quality concern (POAQC) as defined in the PM Guidance and instead falls under category 3 of the advisory analysis, not likely a POAQC. Additionally, because the San Diego Air Basin (SDAB) is not a federally designated PM_{10} or $PM_{2.5}$ nonattainment or maintenance area, the project does not require PM_{10} or $PM_{2.5}$ hot spot analyses.

Emissions burdens for PM_{10} or $PM_{2.5}$ have been calculated in *Table 3.14.9* for CEQA purposes, which requires that the future build project be compared with the existing conditions. While PM_{10} would experience a slight increase due to increased volumes, diesel truck emissions, which are directly related to the pollutant, $PM_{2.5}$ would experience a five percent decrease for the 2030 Preferred Alternative when compared with existing conditions.

The analysis process is considered adequate to satisfy the requirement of CEQA Guidelines Section 15002(a)(1) to inform

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percentages, the DEIR/S cannot use this table's statistics to conclude the Project is not a Project of Air Quality Concern.

In fact, truck traffic on I-5 is expected to increase significantly over the next 40 years. A recent SANDAG study found that the number of freight trucks passing through the region is projected to quadruple to 4.4 million annually, up from 1.2 million in 2007. *See* Region: Study estimates surge of region's freight trucks by 2050, North County Times, article attached as Exhibit 13. Finally, diesel trucks are not the only vehicles that generate particulate matter. All motorized vehicles generate particulate matter. Indeed, the vast majority of operation-related particulate matter emissions are the result of road dust. *See* U.S. EPA Air Emission Sources: Particulate Matter, attached as Exhibit 14.

044 cont. Finally, the DEIR/S contains no discussion of the secondary component of $PM_{2.5}$ that forms as a result of atmospheric chemical reactions. NO_x is a major $PM_{2.5}$ precursor, and is currently required to be analyzed as such in transportation conformity determinations. (40 C.F.R. ''93.102, 93.119; Transportation Conformity Rule Amendments for the New $PM_{2.5}$ National Ambient Air Quality Standard: $PM_{2.5}$ Precursors, 70 Fed. Reg. 24,280 (May 6, 2005) [Vol. 2, Ex. 28-h].) The DEIR/S does not acknowledge the substantial role that NO_x plays in atmospheric formation of $PM_{2.5}$. Nor, as discussed above, does the DEIR/S identify the Project's certain increase in NO_x.

The DEIR/S' failure to evaluate the Project's potential to violate ozone, PM_{10} and $PM_{2.5}$ air quality standards is a fatal flaw, requiring revision and recirculation of the environmental document. Inasmuch as these air quality standards are health-based, the DEIR/S also fails to evaluate the Project's impact on public health. Once this assessment is undertaken, the DEIR/S' preparers will be in a position to identify mitigation measures and/or Project alternatives to mitigate the Project's air quality impacts.

(c) The DEIR Fails to Adequately Analyze Impacts Relating to Carbon Monoxide Impacts.

045 The San Diego Air Basin is designated as a federal maintenance area for carbon monoxide ("CO"). DEIR/S at 3.14-2. Caltrans' Air Quality Report acknowledges that projects that are likely to worsen air quality necessitate a CO hotspot analysis. *See* I-5 North Coast Air Quality Analysis at 28, 29. The agency then defines projects that worsen air quality as "those that substantially increase the percentage of vehicles in cold start mode, defined as an increase in the number of vehicles operating in cold start mode of 2 percent or more; those that substantially increase traffic volumes,

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044 cont. decision makers and the public about environmental effects, and the requirement of 40 CFR 1500.1(b) to ensure that environmental information is available to public officials and citizens before actions are taken. Neither of these sections of CEQA or NEPA mandates a specific air quality analysis for particulates or any other pollutant.

The EIR/EIS notes that the proposed project would not result in an increase in the ratio of trucks to the volumes. As compiled in *Table 3.14.7* (now Final EIR/EIS *Table 3.14.10*), estimated horizon year truck AADT would remain at an average of six percent of total vehicle volumes. The ratio obtained from Draft EIR/EIS *Table 3.14.7* (Final EIR/EIS *Table 3.14.10*) is valid even though the numbers are VMT.

The EIR/EIS addresses air quality-related public health issues in terms of MSAT emissions, with updated (2013) analysis provided in Final EIR/EIS *Section 3.14*. These are projected to be substantially less than existing conditions for the Build Alternatives, even though these alternatives would carry much greater traffic. Mobile source air toxics (MSAT) emission rates would only increase an average of four percent (2030) compared with the No Build Alternative. The decrease in emissions compared with baseline year (2006) conditions would be approximately 49 percent. These results validate the conclusion that the project would contribute to improved future air quality conditions. The project would not generate traffic; long-term control of nitrogen oxides (NO_X) and PM emissions from vehicles is being addressed at State and federal levels to better control emissions from vehicles. While all motorized vehicles generate PM, the focus of the USEPA and FHWA guidance for analyzing PM_{10} and $PM_{2.5}$ in diesel vehicles. The PM Guidance listed in the EIR/EIS lists the following types of projects for which air quality is a concern: new or expanded highway projects that have a significant number of or significant increase in diesel vehicles; and projects affecting intersections that are LOS D, E, or F with a significant

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defined as an increase in volume in excess of 5 percent; and those that worsen traffic flow, defined for intersections as increasing average delay at signalized intersections operating at level of service (LOS) E or F." *Id*.

While the DEIR/S includes a CO concentration hot spot analysis, this analysis is limited to only *three* intersections along the entire 27-mile Project alignment. *See* Table 3.14.5. Based on this cursory sample of intersection locations, it concludes that future traffic operations would not result in CO impacts. *Id.* The DEIR/S then asserts that "all other intersections in the project area are predicted to experience less delay time and improved operating conditions." *Id*.

The DEIR/S rationale for conducting this extraordinarily limited analysis is that, rather than generate traffic, the Project would accommodate future traffic volumes by providing increased efficiency via expanded capacity. *See* I-5 North Coast Air Quality Analysis at 30. Yet, by the DEIR/S' own admission, this Project would generate traffic. *See* Table 3.6.1 at 3.6-4. In addition, as discussed in the transportation section of this letter, the DEIR/S underestimates the amount of traffic that would be generated because Caltrans' analysis does not take into account induced travel. Clearly, the Project would result in a substantial increase in traffic volumes. 045 cont.

A comprehensive analysis of CO hotspots is also important because CO emissions increase substantially as vehicle speeds increase. In 1996, when the federal government increased the speed limit from 55 miles per hour (mph) to 65 mph, the U.S. EPA determined that CO emissions increased by over 150 percent. *See* 1996 U.S. EPA Memo reproduced by Drive 55 Conservation Project, attached as Exhibit 15. As Caltrans concedes, by adding capacity to the I-5, the proposed Project will certainly relieve congestion and therefore result in an increase in vehicular speeds, at least for a period of time. Consequently, the DEIR/S should be revised to evaluate potential CO hotspot concentrations over the hundreds of intersections in the vicinity of the I-5 freeway.

Finally, the DEIR/s evaluates the Project's CO impacts only through 2030, even though the Project will not be completed until 2050. DEIR/S at 2-13; *see also* Figures 2-2.3 and 2-2.4). Vehicles traveling on I-5 will not stop generating emissions in 2030. The DEIR/S must be revised to evaluate the impacts associated with the entire Project.

046 **(d) The DEIR/S Fails to Adequately Analyze the Project's Health Risks.**

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044 cont. number of diesel vehicles, or those that would change to LOS D, E, or F, because of increased traffic volumes from a significant number of diesel vehicles related to the project. Measures are provided in *Sections 3.14* and *4.6, Climate Change,* of the EIR/EIS to address emissions of NO_x and diesel PM during project construction.

Please also refer to the response to your Comment 043.

045 The Air Quality Analysis notes that the procedures and guidelines used in evaluating the potential local level CO impacts of the project are contained in Transportation Project-Level Carbon Monoxide Protocol (the Protocol) (UCD ITS 1997), which complies with the Clean Air Act, federal and State conformity rules, NEPA, and CEQA.

The Air Quality Analysis explains that three intersections were chosen that represent, from an air quality standpoint, the highest potential locations for adverse concentrations of CO: Palomar Airport Road and I-5 access ramps, Genesee Avenue and I-5 access ramps, and Del Mar Heights Road and I-5 access ramps. These intersections were identified as having the highest volumes, with poor traffic flow, and the greatest potential delay time during peak traffic commuting hours. The Air Quality Analysis notes that, according to the traffic information provided by Caltrans, while some other intersections in the area may also be operating at LOS E or F, they would operate more efficiently than the selected intersections with the proposed project than without; i.e., they would have less delay time, which would represent a decrease in the potential for harmful buildup of CO at project intersections.

The project would not generate traffic. Please refer to the response to your Comment 043. In addition, the potential for the project to result in increased traffic, referred to as induced or latent demand, has been included in the project's analysis and is addressed in the EIR/EIS. Please refer to the response to your Comment 017.

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Air pollution studies indicate that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. *See* California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, excerpts attached as Exhibit 16. Measurements of traffic-related pollutants show that concentrations within 300 meters (approximately 1,000 feet) downwind of freeways are higher than regional values. *Id*. at 8. In addition to respiratory health effects, proximity to freeways increases potential cancer risk. *Id*. The alignment of the I-5 freeway traverses several cities and communities. Consequently, one would expect the DEIR/S to vigorously examine the Project's impact on sensitive receptors in these communities and mitigate for potential health risks. Unfortunately, the DEIR/S fails to undertake this analysis.

Although the DEIR/S acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document observes that toxic air contaminants are expected to decline generally between now and 2030. The DEIR/S then concludes that air toxic "emissions in the study area are likely to be lower in the future in nearly all cases," thus implying there is no need to conduct a health risk assessment. The DEIR/S next states that it is not even possible to conduct a quantitative assessment of air toxic emissions' impacts on human health because there are no established regulatory concentration targets for air toxics. DEIR/S at 3.14-7, 3.14-10. The DEIR/S thereupon concludes "that it is not possible to make a determination of whether any of the alternatives would have 'significant adverse impacts on the human environment.'" *Id*. 046 cont.

The DEIR/S' assessment of the Project's health risks fails on at least two levels. First, FHWA's Interim Guidance of Air Toxic Analysis for NEPA Documents (USDOT 2006) ("Interim Guidance") for highway expansion projects states that if a project analysis "indicates meaningful differences in levels of MSAT [mobile source air toxics] emissions [between each alternative], mitigation options should be identified and considered." Interim Guidance at 4. While neither the Interim Guidance nor the DEIR/S provides a precise definition for the term, a "meaningful difference" appears to be the standard of significance used in the DEIR/S and recommended in the Interim Guidance. Accordingly, if there is a meaningful difference between the Project's alternatives, this would constitute a significant impact —and mitigation options should be identified and considered. Mitigation could include measures suggested by the Interim Guidance, such as "establishing buffer zones between new or expanded highway alignments and areas of vulnerable populations." Interim Guidance, Appendix E-MSAT Mitigation Strategies.

The DEIR/S provides a quantitative comparison of existing emissions, emissions under the "no-build" alternative, and emissions under the "build" alternatives

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045 cont. CO emissions are highest when a vehicle is idling, decline as speeds rise, and then climb as speeds increase above the 50 to 55 mph level. The lowest CO emissions are found in about the 35 to 60 mph range. Even at the 65 mph speed limit, CO emissions would be lower than at any speed from 0 mph to about 30 mph.

Projected 2030 traffic volumes have been confirmed as indicative of 2035 volumes in Series 12. Please also note that project phasing has been revised and the project is now expected to be completed by 2035. Please refer to the response to your Comment 006.

046 Please see the response to your Comment 044 regarding discussions in *Section 3.14.3*. Final EIR/EIS *Section 3.14* presents an enhanced discussion regarding incomplete or unavailable information for project-specific MSAT health impacts analysis. While much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques for assessing project-specific health outcomes as a result of lifetime MSAT exposure remain limited. These limitations impede the ability to evaluate how potential public health risks posed by MSAT exposure should be factored into project-level decision making within the context of NEPA. The FHWA, USEPA, the Health Effects Institute (HEI), and others have funded and conducted research studies to try to more clearly define potential risks from MSAT emissions associated with highway projects. In FHWA's view, information is incomplete or unavailable to credibly predict the project-specific health impacts due to changes in MSAT emissions associated with a proposed set of highway alternatives. Technical difficulties in forecasting health impacts are magnified for lifetime (i.e., 70-year) MSAT assessments, particularly because assumptions have to be made regarding changes in travel patterns and vehicle technology (both of which affect emissions rates) over that time frame, and such information is generally unavailable. It is also particularly difficult to reliably forecast 70-year lifetime concentrations and exposure near roadways; to determine the portion of time that people are

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046 cont. in 2015 and 2030. DEIR/S at 3.14-7, Tables 3.14.8; 3.14.9. The two "build" alternatives are the 8+4 alternative and the 10+4 alternative, and the years used are 2015 (operational year) and 2030 (horizon year). *Id*. Table 3.14.8 indicates that 8+4 alternative will result in an average increase of 7.5% in MSATs in 2015, compared to the "no-build" alternative, and an average 14% increase for the 10+4 alternative. Table 3.14.9 indicates that 8+4 alternative will result in an average 11% increase in 2030, and an average 20% increase for the 10+4 alternative. Certainly, a 20% increase in mobile source air toxics is "meaningful" for purposes of the Interim Guidance. Consequently, the DEIR/S should have identified appropriate mitigation measures for these impacts.

Second, contrary to the DEIR/S assertion that it is impossible to conduct a health risk assessment, health risk assessment procedures for mobile source toxics are in fact well established. *See* Exhibit 12 [Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways]. Relying upon this guidance, the revised DEIR/S must include a health risk assessment which evaluates the Project's potential to result in cancer and respiratory health risks for nearby sensitive receptors.

(e) The DEIR/S Fails to Analyze the Project's Construction-related Air Quality Impacts.

The DEIR/S devotes a total of two paragraphs to its discussion of construction-related air quality impacts. *See* DEIR at 3.14-10. Not surprisingly, these two paragraphs are superficial and therefore entirely uninformative. Air quality impacts from construction vary significantly depending on a number of factors, including the length of construction, type and extent of land disturbance, types and models of construction machinery required, and amounts and types of required resources (both material and human).

047 While the Caltrans' website contains a construction-related air quality analysis (2007 Air Quality Report), it is not proper to bury important analyses in background documents. CEQA requires that the analysis be presented in the EIR. *See SCOPE*, 106 Cal. App. 4th at 722. Moreover, the construction analysis is incomplete. For example, the analysis does not quantify the increase in diesel particulate emissions ("DPM") from engine exhaust or analyze the health effects from exposure to DPM. In addition, the analysis assumes 50% control efficiency for fugitive dust measures, but provides no documentation to support such ambitious control efficiency. The construction analysis also omits a quantification of $PM_{2.5}$ emissions.

Finally, the analysis concludes that the construction of the I-5 Project would result in only a nominal increase in construction emissions. Indeed, the analysis

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046 cont. actually exposed at a specific location; and to establish the extent attributable to a proposed action, with such information being similarly unavailable.

Because of the limitations in the methodologies for forecasting health impacts described in detail in *Section 3.14*, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting the impacts. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits. These benefits include reducing traffic congestion, accident rates, and fatalities, as well as improved access for emergency response, each of which is better suited for quantitative analysis.

Please also refer to Topical Response "Air Pollutants," which notes that air toxics analysis is a continuing area of research. The Topical Response also explains that the USEPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from its 1999 National Air Toxics Assessment (NATA) (http://www.epa.gov/ttn/atw/nata1999/). These are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases, formaldehyde, naphthalene, and polycyclic organic matter. Differences in MSAT emissions among the proposed alternatives are shown on *Tables 3.14.8* and *3.14.9* (now Final EIR/EIS *Tables 3.14.11* and *3.14.12*), and incorporate results of new modeling completed in 2013. MSAT emissions are projected to be approximately 49 percent less than the base year (2006) conditions for most of the MSATs. Under the Preferred Alternative, MSAT priority pollutant levels would increase by a small amount compared to the 2030 No Build alternative, with the 2030 increase due to higher projected traffic volumes.

In addition, prior to preparation of this Final EIR/EIS, Caltrans recalculated MSAT analyses for the refined 8+4 Buffer (Preferred

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047 cont. asserts that the segments of this massive infrastructure project would result in only 0.8 tons per year of PM_{10}. Air Quality Analysis at 42. It is instructive to compare this estimate to the construction estimates prepared for a roadway construction project in Riverside County. For that project, an air quality expert conducted preliminary calculations for the construction of a six-lane arterial and determined that over a four-year construction period, the construction would generate about 10,000 tons of PM_{10}. This is equivalent to about 2,500 tons per year, or about 14,000 pounds per day ("lbs/day"). *See* Mid County Parkway, Air Quality Analysis, Nathan Miller, December 2008, attached as Exhibit 17.

The I-5 DEIR/S should be revised to include details such as estimated construction fleet composition, construction schedules, impacts of emissions on ambient air quality, and potential health impacts on sensitive receptors. Without this, the DEIR/S' air quality analysis is legally inadequate.

(f) The DEIR/S Fails to Adequately Examine the Project's Cumulative Air Quality Impacts.

048 The DEIR/S fails to analyze the Project's operational and construction-related cumulative air quality impacts. The DEIR/S should have evaluated whether the Project would result in a cumulatively considerable net increase of CO, NO_x, ROG, PM_{10}, $PM_{2.5}$ and air toxic emissions. Rather than conduct this analysis, however, the DEIR/S asserts that the proposed Project would conform to the conformity analyses for the 2030 RTP – 2006 Update (SANDAG 2006) and 2006 RTIP, as amended (SANDAG 2007). Yet, the DEIR/S provides no evidence that the conformity analysis prepared for the 2030 RTP includes all of the past, present and reasonably foreseeable future actions that can collectively pose a cumulative impact.

For example, the DEIR/S's list of cumulative projects identifies several land use projects, such as the Riverview Office Project in Del Mar and the Oceanside Pier Resort in Oceanside. *See* Table 3.25.1: Cumulative Projects at 3.25-3. However, because these projects are not transportation-related, they would not have been considered in the last RTP. Indeed, there is no evidence that emissions from *any* non-mobile sources of pollution (*e.g.*, stationary sources such as manufacturing, combustion and mechanical facilities) have been taken into account. Furthermore, it appears that Table 3.25.1 itself fails to provide a complete list of land use projects. One notable omission includes the Carlsbad Energy Center, the 558 megawatt combined cycle generating facility. DEIR/S at 1-9.

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046 cont. Alternative). This analysis indicates that a substantial decrease in most of the MSAT emissions can be expected for the Preferred Alternative from the base year through future year levels. The discussion concludes that Caltrans has provided a quantitative analysis of MSAT emissions relative to the various alternatives, and has acknowledged that some alternatives may result in increased MSAT emissions in certain locations. However, no meaningful differences in MSAT emissions were observed amongst alternatives and thus no mitigation measures are required. In addition, due to the described uncertainties regarding concentrations and the duration of exposures, the health effects from these emissions have not been estimated.

Technical experts may disagree and still produce defensible technical analyses and conclusions that are adequate under CEQA. The FHWA and Caltrans have coordinated to develop templates for joint CEQA/NEPA documents and supporting technical studies prepared by these agencies that address necessary legislative and regulatory mandates. The studies completed for this EIR/EIS are consistent with those templates.

047 The discussion of construction emissions in Final EIR/EIS *Section 3.14* has been augmented with additional details regarding construction assumptions, based on the Air Quality Analysis Update for the I-5 North Coast Corridor Project, dated August 2013. Air quality construction emissions were evaluated for criteria pollutants using emission factors from the Sacramento Metropolitan Air Quality Management District's (SMAQMD) Road Construction Model Version 6.3.2 (July 2009) and assumptions from the 2007 Air Quality Analysis (with the exception of start date), Tables 7, 8, and 9. As shown in those tables (as well as *Table 3.14.14, Estimated Construction Emissions*), although conservative (greatest impact) assumptions were made regarding length of construction period and amount of ground disturbed and roadway constructed, emissions would vary from 2.7 to 20.9 percent of the general conformity limit. Construction emissions

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048 cont. The DEIR/S must be revised to provide a comprehensive analysis of Project's operational and construction-related cumulative impacts on air quality. This analysis must include a detailed accounting of *all* sources of pollution in the San Diego Air Basin, not just from projects located within the I-5 Project study area.

3. The DEIR/S Fails to Adequately Evaluate and Mitigate Impacts Related to Climate Change.

(a) Analyzing Global Warming Impacts under CEQA and NEPA.

049 The law is clear that lead agencies must thoroughly evaluate a project's impacts on climate change under CEQA. In 2007, the state Legislature passed Senate Bill 97, which required the Governor's Office of Planning and Research to prepare guidelines "for the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions *as required by* [CEQA], including, but not limited to, effects associated with *transportation* or energy consumption." SB 97 (2007), codified as Pub. Res. Code § 21083.05 (emphasis added). Consistent with this mandate, the state Natural Resources Agency adopted revisions to the CEQA Guidelines that require lead agencies to determine the significance of a proposed project's greenhouse gas ("GHG") emissions. CEQA Guidelines § 15064.4 ("A lead agency should make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of greenhouse gas emissions resulting from a project"). The agency may do this through one of two methods. First, it may perform a quantified analysis, which involves using a significance threshold based on a numeric standard, i.e., emissions over a certain level, constitute a significant impact. *Id*. at § 15064.4(a)(1). Alternatively, an agency may use a qualitative analysis which determines significance based on (1) a project's compliance with performance standards for GHG reductions or (2) its consistency with GHG reduction plans or regulations put into place by other agencies (*e.g.*, a Climate Action Plan). *Id*. at § 15064.4(a)(2).

Agencies must also analyze the cumulative impacts of a project's GHG emissions in conjunction with other projects causing related impacts. CEQA Guidelines § 15130. Indeed, climate change is the classic example of a cumulative effects problem; emissions from numerous sources combine to create the most pressing environmental and societal problem of our time. *Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, 538 F.3d 1172, 1217 (9th Cir. 2008) ("the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct."); *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 720 (1990) ("Perhaps the best example [of a cumulative impact] is

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047 cont. associated with community and regional enhancements also were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012 and are now incorporated into this Final EIR/EIS. Measures proposed to reduce emissions during construction are presented in EIR/EIS *Section 3.14.4, Avoidance, Minimization, and/or Mitigation Measures*.

The three major phases of construction are described in EIR/EIS *Section 2.4*. Details regarding construction equipment and schedules for individual components are highly dependent on local conditions at the time of construction and cannot be known or provided in the environmental document.

048 Regarding long-term operational effects on air quality in general, the EIR/EIS concludes that the proposed project would improve traffic operations and would therefore contribute to lower air pollutant emissions compared with the No Build alternative. The project would not result in cumulatively considerable increases of air pollutants. The RTP and associated traffic and air quality modeling include the consideration of land use development and associated traffic growth within the region, which is why the project is considered to have a less than significant air quality impact based on its consistency with the RTP. Therefore, the analysis of air quality conformity is an appropriate cumulative analysis for the project. To ensure that conformity requirements are being satisfied, the FHWA's guidance specifies that areas such as San Diego County should examine the year(s) within the transportation plan or regional emissions analysis, as appropriate, during which the peak emissions from the project are expected, and new violation or worsening of an existing violation would most likely occur due to the cumulative impacts of the project and background concentrations in the project area. The USEPA believes that conformity requirements would be met if the San Diego area demonstrates that no new or worsened violations would occur in the year(s) of highest expected emissions, which includes the

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air pollution, where thousands of relatively small sources of pollution cause serious a serious environmental health problem.”). If an agency’s analysis indicates that a proposed project will have a significant project-specific or cumulative impact on climate change, the agency must identify and adopt feasible mitigation measures to address this impact. CEQA Guidelines § 15126.4(c).

The California Air Pollution Control Officers Association (“CAPCOA”)[8] has issued a “CEQA & Climate Change” white paper to assist lead agencies in analyzing greenhouse gas impacts under CEQA. *See* Exhibit 18. Although the paper was issued before the new CEQA Guidelines regarding GHGs became effective, its analysis and recommendations, which were reviewed by air quality specialists from numerous air districts and the California Air Resources Board, are still useful. Noting that “the absence of an adopted threshold does not relieve the agency from the obligation to
049 determine significance” of a project’s impacts on climate change, CAPCOA explored
cont. various approaches to determining significance and then evaluated the effectiveness of each approach. In doing so, CAPCOA determined that only thresholds of zero emissions or of 900 tons of CO2 equivalent (“CO2 eq.”)[9] emissions had “high” effectiveness in reducing GHG emissions and “high” consistency with the emission reduction targets set forth in AB 32 and Executive Order S-3-05. *Id*.

NEPA also requires Caltrans to analyze the Project’s GHG emissions. *Ctr. for Biological Diversity*, 538 F.3d at 1217 (NEPA requires agencies to assess impacts of project on GHG emissions); *Earth Island Institute*, 351 F.3d at 1300 (NEPA requires that federal agencies “consider *every* significant aspect of the environmental impact of a proposed action . . . .”) (emphasis added) (citations omitted). The President’s Council on Environmental Quality recently issued draft guidance on analyzing this issue under NEPA. *See* February 18, 2010, Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions, attached as Exhibit 19. This document recognizes that “the NEPA process should incorporate consideration of both the impact of an agency action on the environment through the mechanism of GHG emissions and the impact of changing climate on that agency action.” *Id*. at p. 11. Specifically, the

[8] CAPCOA is an association of air pollution control officers representing all local air quality agencies and air districts in California.

[9] Carbon dioxide equivalents (CO2 eq.) provide a universal standard of measurement against which the impacts of releasing different greenhouse gases can be evaluated. As the base unit, carbon dioxide’s numeric value is 1.0 while other more potent greenhouse gases have a higher numeric value.

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048 cont. project’s emissions in addition to background regional emissions. If such a demonstration occurs (as was demonstrated in the Conformity Analysis for SANDAG’s 2050 RTP), then no adverse impacts would be expected to occur in any other years within the time frame of the transportation plan or regional emissions analysis. The USDOT approved the project conformity analysis on December 2, 2011. Additional discussion of the project relative to cumulative greenhouse gas emissions is provided in EIR/EIS *Section 4.6*.

The Carlsbad Energy Center Project was considered in the evaluation of cumulative impacts provided in *Section 3.25.3, Environmental Consequences*, under the discussion of Visual/ Aesthetic Resources. This project has been added to *Table 3.25.2* in the Final EIR/EIS; no associated changes to the cumulative impact conclusions result from this addition. Air quality health/ status in the basin is identified as declining on *Table 3.25.1,* but the project’s contribution is assessed as less than considerable.

Please note that the Air Quality Analysis determined that the proposed project would conform to the SIP, which also takes into account traffic growth from land development and the planned transportation improvements in the region, and concluded there would be no regional air quality impact. Please refer to the responses to your Comments 015 and 043.

049 The Draft EIR/EIS discussed greenhouse gas (GHG) emissions and climate change impacts in *Section 4.6.* The Final EIR/EIS includes additional information that was circulated within the Supplemental Draft EIR/EIS in August 2012*. Table 4.3, Estimated Annual Construction GHG Emissions*, shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Please refer to the response to your Comment 006 with regard to changes in VMT. As detailed in the responses to your Comments 111 through 113, below, project operation is not anticipated to result

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049 cont. proposed regulations would require that agencies: (1) quantify the direct GHG emissions over the project's life, (2) discuss measures to reduce GHG emissions, and (3) qualitatively discuss the link between GHG emissions and climate change. *See generally, id*. Agencies are not excused from analyzing impacts from GHG emissions just because these regulations are not yet in effect; instead, as the draft document states, the new regulations are "not intended as a '*new*' component of NEPA analysis, but rather as a potentially important factor to be considered within the *existing* NEPA framework." *Id*. at p. 11 (emphasis added).

(b) The DEIR/S' Perfunctory Climate Change Analysis Fails to Inform the Public and Decision-makers About the Project's Greenhouse Gas Emissions.

050 The DEIR/S is seriously flawed because it trivializes the Project's contribution to climate change. The DEIR/S labels impacts due to climate change as "speculative" and then fails to conduct an adequate analysis of these potential impacts. However, the Project's GHG emissions from construction equipment, increased VMT, and energy use are far from speculative. As detailed below, the DEIR/S must be revised and recirculated to properly assess the Project's impacts on global climate change. The revised DEIR/S must also identify enforceable mitigation for the Project's significant climate change impacts.

The California Climate Action Team's 2009 Report to Governor Schwarzenegger details the science behind, and the environmental impacts of, global warming.[10] The Climate Action Team report makes clear what the DEIR/S has grudgingly accepted: the release of greenhouse gases into the atmosphere leads to global warming, which in turn leads to a myriad of environmental impacts. As stated in the Climate Action Team's report, "[c]limate change poses serious risks to California's natural resources. California-specific impacts are expected to include changes in temperature, precipitation patterns, and water availability, as well as rising sea levels and altered coastal conditions." Moreover, climate change is already beginning to have significant impacts on natural resources in coastal areas. *See* Exhibit 2 at 8 [CBI Report]. Climate change modeling for the San Diego area predicts that the region will be subjected

[10] *See* California Environmental Protection Agency, Climate Action Team Biennial Report to Governor Schwarzenegger and the Legislature, April 2010, available at http://www.climatechange.ca.gov/ climate action team /reports/index.html. The entire Report is incorporated herein by reference.

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049 cont. in a meaningful increase in energy use. Operational improvements are projected to result in a decrease of approximately 124,000 MT per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial and, therefore, less than significant. As no significant impacts would occur, no mitigation measures are required. Nonetheless, the section describes several measures that have been included in the project to reduce GHG emissions. The revised section also includes a discussion of applicable "adaptation strategies" to potential effects associated with climate change. Please also refer to Topical Response "Climate Change."

050 The *I-5 NCC Project* is part of the balanced, multimodal transportation network that is planned for the region. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project and related planning fit within the regional transit system and 2050 RTP, as well as Topical Response "Climate Change" for additional information regarding achievement of the State's goals regarding climate change and GHG.

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to a number of climate-change related effects that have the potential to adversely impact ecological systems if current trends continue. *Id*.

As one appellate court noted, "[t]he harms associated with climate change are serious and well recognized." *Massachusetts v. EPA*, 127 S. Ct. 1438, 1455 (2007). Reducing greenhouse gas emissions in order to limit these harms is one of the most urgent challenges of our time, one recognized by the targets embodied in Governor Schwarzenegger's Executive Order S-3-05 and AB 32, California's Global Warming Solution Act of 2006, codified at Health and Safety Code § 38500, *et seq*. By these authorities, California has committed to reducing emissions to 1990 levels by 2020, and to 80 percent below 1990 levels by 2050.

Despite all of this – the scientific consensus, the potentially catastrophic impacts on the State, and California's well-founded commitment to reducing emissions – the DEIR/S' climate change analysis is essentially perfunctory. It fails to determine a threshold of significance, it calculates only a portion of the GHG emissions for which the Project will be responsible, and then ignores its obligation to determine whether the impact is significant. The document even neglects to describe the expected impacts of climate change on the region: more drought, more severe weather, sea level rise, etc. It thus fails to satisfy the most basic purpose of an EIR/EIS: to disclose to decision makers and the public a project's significant environmental impacts. *See* Pub. Res. Code § 21061 ("The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment"); 40 C.F.R. § 1500.1(b) ("NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.").

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Having failed to make a significance determination, as CEQA requires, the DEIR/S then fails to identify mitigation measures to reduce or avoid the Project's project-specific and cumulative contributions to global warming. The DEIR/S further suggests that because there are no adopted thresholds or similar requirements on the federal level, it has no obligation to conduct the analysis of these impacts. This approach, which flies in the face of science and law, stands in stark contrast to the conscientious treatment of global warming impacts undertaken by other lead agencies throughout the state. Caltrans must make substantial modifications to the DEIR/S' climate change analysis to achieve compliance with CEQA and NEPA.

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(c) The DEIR/S' Refusal to Make a Significance Determination Regarding the Project's Contribution to Climate Change Is Unlawful.

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051 As described in the response to your Comment 050, the Final EIR/EIS clarifies that because the proposed project would reduce GHG emissions relative to the No Build alternative,

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The DEIR/S contains no thresholds of significance for the Project's potential impacts on climate change. Instead, the DEIR/S suggests that in the absence of specific regulations, development of a significance threshold would be "speculative." DEIR/S at G-3 and 4-3. This approach is unlawful. First, the CEQA Guidelines expressly require agencies to "make a good-faith effort . . . to describe, calculate or estimate the amount of greenhouse gas emissions resulting from a project." CEQA Guidelines § 15064.4. Indeed, the Guidelines were recently updated with a new section entitled "Determining the Significance of Impacts from Greenhouse Gas Emissions." *Id*. In any event, there is nothing in CEQA that relieves a lead agency from its obligation to determine significant effects simply because the impact is related to a rapidly-evolving area of science and policy. *See Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1106-12 (CEQA does not allow impact analysis to be labeled too "speculative" based on lack of threshold). Thus, there is no justification for Caltrans' refusal to make a significance finding for GHG emissions. *See* CEQA Guidelines § 15065 (entitled "*Mandatory* Findings of Significance") (emphasis added).

CEQA Guidelines section 15064.4(a)(1) & (2) provides two methods for making a significance determination related to GHG emissions. An agency may either:

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(1) use "a model or methodology to quantify greenhouse gas emissions resulting from a project . . . [that] it considers most appropriate provided it supports its decision with substantial evidence," or

(2) "[r]ely on a qualitative analysis or performance based standard []."

Caltrans pursued neither approach here, opting to make no significance determination at all. Again, there is no justification for this intransigence. The Guidelines give direction for what an agency must do, and Caltrans must comply.

Determining whether a project may have a significant effect plays a critical role in the CEQA and NEPA processes, and this determination must be "based to the extent possible on scientific and factual data." CEQA Guideline § 15064(a) and (b). Accordingly, a significance threshold for greenhouse gases must reflect the grave threats posed by the cumulative impact of adding new sources of emissions into an environment when deep reductions from existing emission levels are necessary to avert the worst consequences of global warming. *See Center for Biological Diversity*, 508 F.3d at 550 ("we cannot afford to ignore even modest contributions to global warming.").

Although the CEQA Guidelines do not provide a particular methodology for making the significance determination, other agencies and groups have established

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051 cont. impacts would be less than significant. A detailed description of compliance with applicable policies and regulations intended to reduce GHG emissions is also provided. SANDAG's 2050 RTP and Sustainable Communities Strategy (SCS) include a regional analysis of GHG emissions. The 2050 RTP/SCS impacts to GHG emissions, in combination with alternative transportation projects scheduled during the planning period, include specific upgrades to Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail project double-tracking, Coaster and Sprinter use, bus use, etc. The 2050 RTP incorporates land use planning proposed by local planning agencies as well as specific transportation upgrades projected within the planning period. The document also provides analysis regarding conformance with California Assembly Bill (CA AB) 32 and meeting the goal of achieving 1990 GHG emissions levels by 2020. The Preferred Alternative is consistent with the I-5 improvements detailed in the RTP. As explained in Final EIR/EIS *Section 4.6* discussion and stated in *Section 4.7, Mitigation Measures for Significant Impacts under CEQA*, project-related climate change effects would be less than significant under CEQA.

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methodologies, and their analysis may be useful for Caltrans. The "CEQA & Climate Change" paper by CAPCOA proposes a variety of potential thresholds of significance, and describes appropriate applications for each. *See* Exhibit 18. According to CAPCOA's analysis, the only two thresholds that are highly effective at reducing emissions and consistent with AB 32 and Executive Order S-3-05 are a threshold of zero or a quantitative threshold of 900-ton CO2 Equivalent. The zero threshold is preferable in light of ongoing scientific advances showing that global warming is more significant than originally anticipated. For example, even the ambitious emissions reduction targets set by Executive Order S-3-05 in 2005, which were consistent with contemporaneous science indicating that reductions of 80% below 1990 levels by developed countries would be sufficient to stabilize the climate, are now believed to be insufficient. Given the recent extreme losses in arctic sea ice, scientists at the National Snow and Ice Data Center have concluded that "the observed changes in the arctic indicate that this feedback loop is now starting to take hold."

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Based on these and other recent climate change observations, leading scientists now agree that "humanity must aim for an even lower level of GHGs."[11] Thus, the scientific and factual data now support a threshold of significance of zero in order to ensure that new projects do not have a cumulatively significant impact on global warming. Consistent with this data, many EIRs have adopted a zero threshold of significance because it is the most "scientifically supportable" threshold. *See, e.g.*, DEIR, Venoco Ellwood Full Field Development Project at 4.3-33, SCH # 2006061146.

The Bay Area Air Quality Management District ("BAAQMD") has also adopted guidelines to establish thresholds for GHG emissions. *See* BAAQMD Air Quality Guidelines, excerpts attached as Exhibit 20. These thresholds establish 1,100 metric tons of CO2 equivalent as the standard for most new development, and n*o net increase* in emissions for transportation and other regional plans. *Id*. at pp. 2-1 to 2-4. While these guidelines are specific to the Bay Area, they demonstrate that, contrary to this DEIR/S' assertion, it is feasible to establish thresholds of significance.

Although the DEIR/S fails to make a significance determination, it does offer minimal, unsupported data that purports to demonstrate that the Project would actually reduce GHG emissions. DEIR/S at 4-5. Although Caltrans may have intended that this data show the Project would not result in significant impacts to climate change,

[11] James Hansen et al., *Target Atmospheric CO_2: Where Should Humanity Aim?* 2 Open ATMOSPHERIC SCI. J. 217, 226 (2008).

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051 cont. the paltry analysis is insufficient for a true significance determination and, in any event, is faulty itself. For instance, the analysis compares emissions from the Project alternatives in the year 2030 to the "2030 no build" alternative and then concludes that the Project would decrease CO2 emissions relative to business as usual. However, for a significance determination, CEQA requires an agency to analyze "[t]he extent to which the project may increase or reduce greenhouse gas emissions as *compared to the existing environmental setting* . . . ." CEQA Guidelines § 15064.4(b)(1) (emphasis added). The Act does *not* allow comparison of future Project impacts to hypothetical future impacts from business as usual. *Woodward Park Homeowners Assn, Inc. v. City of Fresno*, 58 Cal.Rptr.3d 102, 119 (2007) (EIR may not compare proposed project to build-out of an existing plan). As Caltrans' chart shows, even using the agency's inadequate data, the Project alternatives would result in an increase in CO2 emissions of approximately *19,000 tons per day* over current emissions. Yet, Caltrans ignores this data when it declares that, if the Project goes forward, "overall CO2 emissions would be reduced." DEIR/S at 4-5.

In short, Caltrans must revise the DEIR/S to make the required significance determination. Moreover, such a significance determination must "be based on substantial evidence in the record." Pub. Res. Code § 15064(f).

052 **(d) The DEIR/S Fails to Properly Quantify the Project's Contribution to Global Warming.**

The DEIR/S' estimate of carbon emissions from the Project tells only a small part of the story of the Project's contribution to global warming. The DEIR/S limits its analysis of GHG emissions to emissions from regional fuel consumption and then claims that, because the proposed Project is intended to reduce congestion and improve travel times, future GHG emissions would be lower with the Project than under the "no-build" scenario. DEIR/S at 4-4 and 4-5. As discussed below, this logic is flawed.

The DEIR/S omits analysis of emissions from sources other than fuel consumption of roadway users. Moreover, gases and pollutants other than carbon dioxide also contribute to the greenhouse effect. For instance, methane (CH4), Nitrous Oxide (N2O), and hydrofluorocarbons (HFCs) also contribute to climate change. *See* CEQA Guidelines § 15364.5 (defining "greenhouse gas" to include methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride). Black carbon is also an important, short-lived pollutant that contributes to global and regional warming. The DEIR/S must fully inventory the Project's emissions of each of these gases and

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052 EIR/EIS *Section 4.6* notes that efforts devoted to GHG emissions reduction and climate change research and policy are primarily concerned with the emissions of GHG related to human activity that include CO_2, methane, NO_X, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 – tetrafluoroethane), and HFC-152a (difluoroethane). The dominant GHG emitted is CO_2, mostly from fossil fuels. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and approximately 40 percent of all human-made GHG emissions are from transportation, Caltrans has created and is implementing the Climate Action Program at Caltrans that was published in December 2006. One of the main strategies in the Climate Action Program to reduce GHG emissions is to make California's transportation system more efficient. The baseline analysis for GHG emissions (expressed as CO_2 emissions) is provided in EIR/EIS *Section 4.6*. The project's quantitative GHG analyses show that when compared with the No Build alternative, the Preferred

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052 cont. pollutants.[12] The DEIR/S' failure to account for the Project's full inventory of GHG emissions violates both NEPA and CEQA.

(e) The DEIR/S' Baseline is Incorrect.

As described above, CEQA requires an agency to analyze "[t]he extent to which the project may increase or reduce greenhouse gas emissions as *compared to the existing environmental setting* . . . ." CEQA Guidelines § 15064.4(b)(1) (emphasis added). This Guidelines provision incorporates the basic principle that "the significance of a project's impacts can be ascertained only if the agency first establishes the physical conditions against which those impacts are to be measured." Michael H. Remy et al., *Guide to CEQA California Environmental Quality Act*, 198 (11th ed., Solano Press 2007). The idea, then, is to compare "what will happen if the project is built with what will happen if the site is left alone." *Woodward Park Homeowners Assn, Inc.*, 58 Cal.Rptr.3d at 119. Guidelines section 15125(a) describes the proper environmental baseline as follows:

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> An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant.

The DEIR/S here ignores these fundamental principles. Instead, it relies upon a comparison of the proposed Project to the "2030 no-build" scenario to conclude that the Project will not lead to an increase in GHG emissions. DEIR/S at 4-5. Although the DEIR/S also provides emission numbers reflecting existing conditions, these are not the "baseline" numbers to which the document compares the Project's emissions. *Id*. Furthermore, it is not even clear whether the DEIR/S' emissions numbers for the "2030 no-build" scenario include emissions from the Project itself. If the "2030 no-build" numbers were developed assuming the existence of the Project, with the additional travel

[12] Because carbon dioxide is the prevalent greenhouse gas, we frequently refer here to "carbon emissions." This term should be taken to mean any greenhouse gas emissions from any source.

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052 cont. Alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 340 tons per day, while the 10+4 Barrier and 10+4 Buffer alternatives are estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 350 tons per day. The general results of this analysis would not change with specific quantification of less substantial components of GHG emissions.

053 The EIR/EIS does analyze what will happen "if the site is left alone." If the site is left alone, then existing I-5 would not be able to accommodate traffic growth in 2030 and beyond. Population and related transportation needs would be expected to increase, but this major element of North Coast Corridor infrastructure would not keep pace. Unlike a situation where an empty lot at the time of notice of preparation would be left empty prior to project approval, in this instance, the facility is an existing entity subject to current and future use as an existing condition. This scenario is represented by the No Build alternative, as it is in all NEPA documents. *Section 2.2.4, No Build Alternative*, explains that under the No Build alternative, some projects would move forward separately; however, the proposed community enhancements would not be built and there would not be any changes to the existing number of lanes along this portion of I-5. Regarding vehicle trips, the project would not generate traffic. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. For this reason, the analysis shows that traffic conditions would be worse in the future without the project than with the project. Please refer to the response to your Comment 043.

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053 cont. that it would induce, then they create a false, inflated "baseline" that cannot possibly serve as a lawful point of comparison.[13]

This precise issue was adjudicated in *Sierra Club v. Dept. of Transportation*, 962 F. Supp. 1037, 1043 (1997), which overturned an EIR that contained a study that "assumes the construction of a highway [] and then applies that forecast to both the build and no-build alternatives." The court held that this approach resulted in the creation of "a self-fulfilling prophecy that makes a reasoned analysis of how different alternatives satisfy future needs impossible." *Id*. Similarly here, Caltrans may not properly include the increase in vehicle trips due to the Project in the "2030 no-build" emissions numbers.

(f) The Rationale That Widening I-5 Will Reduce GHG Emissions Is Flawed.

054 As the attached Sightline Institute article explains, under almost any set of plausible assumptions, widening a highway in a congested urban area will substantially increase long-term greenhouse gas emissions. *See* "Increases in Greenhouse-gas Emissions From Highway-widening Projects," Sightline Institute, October 2007, attached as Exhibit 21. Road-building proponents often suggest that adding lanes to a highway will reduce greenhouse gas emissions. By easing congestion, they argue, new lanes will reduce the amount of fuel that vehicles waste in stop-and-go traffic, leading to reduced emissions of climate-warming gases from cars and trucks. *Id*. Over the short term—perhaps 5 to 10 years after new lanes are opened to traffic—this argument may hold some slim merit. Nevertheless, when one considers the full increase in emissions from highway construction and additional VMT, experts at Sightline conclude that adding one mile of new highway lane will increase CO2 emissions by more than 100,000 tons over 50 years. *Id*.

Here, the DEIR/S adopts the faulty reasoning debunked by Sightline to claim that widening I-5 will ease congestion and thus reduce GHG emissions. *See, e.g.*, DEIR/S at 4-3 and 4-4. This position not only ignores Sightline's analysis, but also fails to account for the fact—which is admitted in the DEIR/S—that the Project will increase VMT by 150,000 to 600,000 miles *per day* over the coming decades. DEIR/S at 3.14-7.

[13] The increase in VMT due to the proposed Project may already be reflected in the RTP, which calls for construction of this Project.

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054 As discussed in previous responses, the project is not the cause of increased vehicle trips and miles traveled; these increases are associated with projected future increases in population and housing growth within the region. The project is part of a multimodal transportation plan for the North Coast Corridor that seeks to promote mass transit and carpooling. The multimodal improvements for the corridor are evaluated within the 2050 RTP, which concludes that the region will achieve 1990 GHG levels by 2020. Please refer to the responses to your Comments 050 to 053, and the referenced Topical Responses.

Regarding estimates to the year 2030, Caltrans has determined that the 2030 traffic volumes used for the project are equivalent to projected 2035 traffic volumes, which is when the entire project would be completed. Please refer to the response to your Comment 006.

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This oversight is remarkable since the Project-related increase in VMT will clearly lead to massive increases in emissions. Thus, despite any alleged reductions in CO2 emissions due to more free-flowing traffic and future technological advances (such as cleaner engines, hybrids, etc), GHG emissions will still rise as a result of the Project.

A recent report shows how the nation's increase in VMT is projected to overwhelm planned improvements in vehicle efficiency, thus making reductions in GHG emissions impossible without concomitant reductions in VMT. Growing Cooler: Evidence on Urban Development and Climate Change" attached as Exhibit 22, at 3. Recognizing the nation's unsustainable growth in driving, the American Association of State Highway and Transportation Officials, representing state departments of transportation, is urging that the growth of VMT be cut in half. *Id*. Under these circumstances, Caltrans' contention that the Project will result in reduced GHG emissions is simply untenable.

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Finally, despite the fact that Project construction is projected for completion in 2050, the DEIR/S calculates fuel consumption and related carbon emissions only to the year 2030. *See* DEIR/S at 2-13. The DEIR/S must correct this and the other deficiencies detailed above.

(g) The DEIR/S Omits Analysis Of Significant Sources of GHG Emissions.

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The DEIR/S fails to recognize that the Project will contribute to GHG emissions through sources other than vehicles driving on the completed Project. To reflect the Project's actual effect on climate change, the DEIR/S needs to inventory the carbon emissions generated through: (1) Project-related increases in VMT; (2) energy consumption; (3) electric generation for lighting of the Project; (4) construction activities (*e.g.*, ground clearing and equipment operation);[14] and (5) the manufacturing and lifecycle of the Project's building materials. Without an inventory of these additional emissions, the DEIR/S' analysis is incomplete, and the formulation of appropriate mitigation is impossible.

Equally troubling, the DEIR/S' calculation of greenhouse gas emissions fails to account for the Project's increase in black carbon emissions. Black carbon, which is a component of soot produced by incomplete combustion, is a significant contributor to global warming. Although combustion produces a mixture of black carbon and organic

[14] For example, these activities will cause fugitive emissions such as methane.

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055 Construction emissions of GHGs were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012, and the information has been added to *Section 4.6.4, Construction Emissions*, of this Final EIR/EIS. *Table 4.3, Estimated Annual Construction GHG Emissions,* shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 MT per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Regardless, measures are provided within *Sections 3.14* and *4.6* of the EIR/EIS to reduce construction-related GHG and diesel PM emissions, which include black carbon. Long-term electricity use for project lighting would generate only minor GHG emissions because such emissions are already heavily controlled at the power generation source. Project construction emissions have been incorporated into this Final EIR/EIS and are minor relative to the projected decrease

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carbon, the proportion of black carbon produced by burning fossil fuels, such as diesel, is much greater than that produced by burning biomass. *See* Global and Regional Climate Changes Due to Black Carbon, Ramanathan and Carmichael, Scripps Institution of Oceanography, March 2008, attached as Exhibit 23.

Black carbon heats the atmosphere through a variety of mechanisms. First, it is highly efficient at absorbing solar radiation and in turn heating the surrounding atmosphere. Second, atmospheric black carbon absorbs reflected radiation from the surface. Third, when black carbon lands on snow and ice, it reduces the reflectivity of the white surface, which causes increased atmospheric warming and accelerates the rate of snow and ice melt. Fourth, black carbon evaporates low clouds. Notably, black carbon is often complexed with other aerosols such as sulfates, which greatly increases its heating potential. *Id*. 055 cont.

Due to black carbon's short atmospheric life span[15] and high global warming potential, decreasing black carbon emissions offers an opportunity to mitigate the effects of global warming trends in the short term. *Id*. At the same time, it is estimated that black carbon is the second greatest contributor to global warming behind carbon dioxide. *See id*. In developed countries, diesel burning is the main source of black carbon.[16]

Development of the Project will require the use of diesel-powered heavy duty trucks and construction equipment. Because diesel is the main source of black carbon and these emissions are a major contributor to global warming, the DEIR/S must analyze this issue in its assessment of Project impacts.

056 **(h) The DEIR/S Fails to Provide Evidence Supporting Its Conclusion that Project Impacts to Climate Change Will Be Mitigated to A Less Than Significant Level.**

[15] Black carbon is considered a "short lived pollutant" because it remains in the atmosphere for only about a week, in contrast to carbon dioxide, which remains in the atmosphere for over 100 years. *Id*.

[16] Diesel emissions include a number of compounds such as sulfur oxides, nitrogen oxides, hydrocarbons, carbon monoxide, and particulate matter. Diesel particulate matter is approximately 75% elemental carbon. *See* EPA 2002 Diesel Health Assessment at http://www.scribd.com/doc/1011457/Health-Assessment-Document-for-Diesel-Engine-Exhaust-EPA-May-2002.

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055 cont. in operational emissions (see the response to your Comment 050). The project would not generate VMT (see response to your Comment 054); long-term control of GHG, black carbon and other diesel particulate emissions from vehicles is being addressed at the State and federal levels to better control emissions from vehicles. The GHG analysis protocol followed by Caltrans/FHWA does not include a separate analysis of black carbon. However, this pollutant is addressed as a component of diesel PM within the MSAT analysis for the project. Vehicle emissions following project implementation are anticipated to be less than under existing conditions.

056 As described in the response to your Comment 055, the net impacts of project construction and operation would be improved over existing conditions. As a result, mitigation is not required under CEQA. Regarding the TMP, please refer to the response to your Comment 039. The additional suggestions for additional GHG reduction strategies are noted. The project would comply with all State and federal requirements for the reduction of GHG emissions, and would incorporate practicable and appropriate energy- and water-efficient features, which also serve to reduce GHG emissions. Project construction must also meet State and federal design standards to achieve a useful life of the project and meet safety requirements. These considerations are all balanced

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Had the DEIR/S included all sources of GHG emissions in its analysis, it would have found that Project-generated emissions and cumulative emissions exceed all of the potential thresholds of significance discussed above. The Project's contribution to global warming must therefore be considered significant. With this significance determination comes CEQA's and NEPA's mandate to identify and adopt feasible mitigation measures that would reduce or avoid the impact. CEQA Guidelines § 15126.3(a)(1); *see also Woodward Park Homeowners Ass'n, Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 724 ("The EIR also must describe feasible measures that could minimize significant impacts."); *South Fork Band Council v. U.S. Dept. of Interior*, 588 F. 3d 718, 727 (9th Cir. 2009).

Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." *Berkeley Keep Jets Over the Bay Comm. v. Bd. of Port Comm'rs*, 91 Cal. App. 4th 1344,1354 (2001) (quoting Pub. Res. Code § 21002). Accordingly, CEQA requires lead agencies to identify and analyze all feasible mitigation, even if this mitigation will not reduce the impact to a level of insignificance. CEQA Guidelines § 15126.4(a)(l)(A) (discussion of mitigation "shall identify mitigation measures for each significant environmental effect identified in the EIR"); *see also Woodward Park Homeowners Ass'n, Inc.*, 150 Cal. App. 4th at 724 ("The EIR also must describe feasible measures that could minimize significant impacts."). NEPA, in turn, "require[s] that an EIS discuss mitigation measures, with 'sufficient detail to ensure that environmental consequences have been fairly evaluated.' An essential component of a reasonably complete mitigation discussion is an assessment of whether the proposed mitigation measures can be effective." *South Fork Band Council*, 588 F. 3d at 727 (quoting *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989)).

056 cont.

Here, rather than identify feasible mitigation measures for climate change impacts, the DEIR/S relies on lackluster measures such as the future preparation of a Comprehensive Traffic Management Plan ("TMP") and future formulation of "innovations in plans and specifications." DEIR/S at 4-5. This approach is unlawful. Because the DEIR/S defers the preparation of these plans and specifications and fails to provide performance criteria to guide their formulation, there is no assurance that the Project's climate change impacts will be mitigated to a less-than-significant level. *See San Joaquin Raptor Rescue Ctr. v. County of Merced*, 149, Cal App.4th 645, 669 (2007).

Moreover, the particular "mitigation measures" Caltrans proposes are simply too illusory to pass muster under CEQA. In fact, most of Caltrans' strategies are hortatory rather than binding commitments. Under CEQA, mitigation measures must be

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056 cont. during the final design of the project. The project is included in the 2050 RTP and the associated EIR/EIS, as well as other long-term regional planning documents. These documents assume the implementation of the legislatively mandated Preferred Alternative, which also supports a conclusion of a less than significant impact for the proposed I-5 project. Please also refer to the responses to your Comments 050 to 055.

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"fully enforceable" through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). Similarly, any proposed mitigation must provide assurance that such implementation will in fact occur. *Anderson First Coalition v. City of Anderson*, 130 Cal, App. 4th 1173, 1186-87 (2005); *Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles*, 83 Cal. App. 4th 1252, 1261 (2000); *South Fork Band Council*, 588 F. 3d at 727 (NEPA requires discussion of whether mitigation will actually be effective).

The DEIR/S' proposed mitigation measures do not come close to meeting these standards. For example, section 4.6.4 of the DEIR/S states that listed measures would be implemented only "where feasible." DEIR/S at 4-5. Similarly, the DEIR/S states that "the GHG emissions produced during construction can be *mitigated to some degree* by longer intervals between maintenance and rehabilitation events." *Id.* (emphasis added). These vague statements do not qualify as binding commitments to reduce the Project's GHG emissions. A conclusion that a measure will be effective in mitigating an impact must be supported by substantial evidence—evidence that is lacking here. *Gray v. County of Madera*, 167 Cal. App, 4th 1099, 1115-18 (2008); *see also San Franciscans for Reasonable Growth v. City & County of San Francisco*, 151 Cal. App, 3d 61,79 (1984) (measures must not be so vague that it is impossible to gauge their effectiveness).

056 cont.

Finally, the DEIR/S omits an array of obvious mitigation measures that could reduce the Project's greenhouse gas emissions. Numerous mitigation measures are detailed in Appendix B and C to the 2008 CAPCOA report, attached as Exhibit 18, and Caltrans must consider all feasible, applicable measures therein. Most importantly, the DEIR/S must consider (1) measures to reduce VMT, such as contributing all of funds generated from the Project's lane-pricing toward public transportation, and (2) measures to reduce the Project's energy consumption. In addition, Caltrans must consider the following small sampling of feasible measures:

- Requiring that off-road diesel-powered vehicles used for construction be new low-emission vehicles, or use retrofit emission control devices, such as diesel oxidation catalysts and diesel particulate filters verified by the California Air Resources Board.

- Requiring the Project to generate all or a portion of its own power through alternative means, such as photovoltaic arrays.

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056 cont.

- Requiring use of a catalyzed diesel particulate filter on both new and existing diesel engines (because black carbon is a component of diesel particulate matter, strategies that reduce particulate matter will also reduce black carbon).
- Minimizing and recycling construction-related waste.
- Using salvaged and recycled-content materials for hard surfaces and non-plant landscaping materials.
- Maximizing water conservation measures in landscaping, using drought-tolerant plants in lieu of turf, planting shade trees.
- Landscaping to preserve natural vegetation and maintain watershed integrity.
- Utilizing the combination of construction materials with the lowest carbon footprint.
- Requiring the use of "cool pavement" that reflects more solar energy. Such measures, which can markedly reduce heat islands, have been used effectively in California and elsewhere. In fact, new building standards in California, called "CalGreen", will require use of such pavement in certain instances. *See* http://www.arb.ca.gov/research/seminars/gilbert/gilbert.pdf for a complete description of cool pavement issues, technology and use.

All of these measures would result in direct reductions in emissions that would otherwise be attributable to the Project. In addition, through a combination of other on-site and off-site measures, the agency could require all aspects of the Project to be "carbon neutral." An important aspect of such mitigation would be the adoption of an off-set requirement for any reductions that could not be achieved directly. CEQA specifically envisions such offsets for the mitigation of GHG emissions. CEQA Guidelines § 15126.4(c)(3) ("Measures to mitigate the significant effects of greenhouse gas emissions may include . . . [o]ff-site measures, including offsets that are not otherwise required"). Emissions could be offset either through financial contributions to sustainable energy projects or through the purchase of carbon credits. Such programs are increasingly common and thus raise no issue of infeasibility.

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(i) The DEIR/S Fails to Analyze Cumulative Impacts to Climate Change.

057 The GHG analysis in *Section 4.6* of the project EIR/EIS calculates GHG emissions from traffic along the I-5 corridor, with and without the proposed project. The project would not generate the traffic that would create these emissions. The increase in vehicle trips

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An EIR must analyze a project's significant "cumulative impacts." CEQA Guidelines § 15130(a). A project has a significant cumulative effect if it has an impact that is individually limited but "cumulatively considerable." *Id.* §§ 15065(a)(3), 15130(a). "Cumulatively considerable" is defined as meaning that "the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." *Id.* § 15065(a)(3). As one appellate court recently held, "the greater the existing environmental problems are, the lower the threshold for treating a project's contribution to cumulative impacts as significant." *Communities for Better Env't v. Cal. Res. Agency*, 103 Cal. App. 4th 98, 120 (2002). Similarly, under NEPA, agencies must analyze impacts in an EIS if "it is reasonable to anticipate a cumulatively significant impact on the environment . . . ." 40 C.F.R. § 1508.27(7). The mere "fact that climate change is largely a global phenomenon that includes actions that are outside of [the agency's] control . . . does not release the agency from the duty of assessing the effects of its actions on global warming within the context of other actions that also affect global warming." *Center for Biological Diversity*, 508 F.3d at 550.

057 cont. The DEIR/S entirely ignores these considerations. Although the document acknowledges that climate change is a cumulative impact (at 4-3), it asserts that to perform a cumulative analysis of GHG emissions, the agency would have "to gather sufficient information on a global scale of all past, current, and future projects . . . [which] is a difficult if not impossible task." *Id*. Caltrans' statements notwithstanding, it is well known that other lead agencies around the state have conducted cumulative impacts analyses on GHG. *See, e.g., Communities for a Better Environment v. City of Richmond*, 184 Cal.App.4th 70 (2010). Besides, CEQA does not require that an EIR describe all past, present and future projects on a global level; agencies may analyze cumulative impacts by summarizing projects contained in an adopted plan that "describes or evaluates conditions contributing to the cumulative effect." CEQA Guidelines § 15130(b)(1). In fact, CEQA specifically states that agencies may undertake this analysis by summarizing projects in a regional transportation plan, or plans for the reduction of greenhouse gas emissions . . . ." *Id*. Furthermore, the fact that information may be difficult to gather does not release EIR preparers from their duty to obtain and analyze such information to the best of their ability. *See Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal. App. 3d 421, 430-431.

A recent study evaluating GHG reduction strategies for San Diego County demonstrates that it is certainly possible to conduct a county-wide GHG inventory and evaluation. *See* "Applying California's AB 32 targets to the regional level: A study of San Diego County greenhouse gases and reduction strategies," Anders et al., March 2009,

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057 cont. along I-5 is the result of cumulative development within the region, as well as project implementation to accommodate a greater number of these trips. Thus, the analysis in *Section 4.6* does represent a cumulative analysis. In addition, the proposed project would conform with the 2050 RTP (and associated EIR/EIS), and with the SIP. These plans take into consideration the anticipated regional land development and transportation improvements. The 2050 RTP and its EIR/EIS include an extensive evaluation of cumulative GHG impacts of the planned growth within the region. Please also refer to the responses to your Comments 048, and 050 to 056.

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attached as Exhibit 24 (hereafter "Anders Study"). The Anders Study first conducted an inventory of GHG emissions for the San Diego region from 1990 to 2006, with forecasts to 2020; it next analyzed the GHG emissions reductions necessary in the region to achieve State targets established by AB 32 and by Executive Order S-03-05.[17] The results of the study showed that the San Diego region emissions in 2006 were 17% higher than 1990 levels. The study concluded that through a combination of reduction strategies, including decreasing VMT by at least 10%, the San Diego region could achieve GHG emissions reductions consistent with State targets.

057 cont. Following the same strategy employed by the Anders Study, Caltrans could use available County GHG data to evaluate the I-5 Project's specific contribution toward the 2020 and 2050 reduction goals for the region. Once the Project's contribution is established, the agency must then determine whether that contribution is cumulatively considerable and thereby significant, and identify feasible measures to reduce any significant impacts.

In sum, development of the Project will make it more difficult for the State to meet its commitments to reduce greenhouse gases. Pursuant to CEQA and NEPA, the DEIR/S must be revised to include: (1) a complete and adequate inventory of the project's greenhouse gas emissions; (2) a full discussion of the cumulative impacts from those emissions and others in the region; (3) a significance determination regarding the Project's cumulative impacts; and (4) a thorough and quantitative analysis of mitigation measures to reduce the such impacts. The agency cannot lawfully approve the Project until this required analysis has been completed.

4. The DEIR/S Fails to Adequately Analyze the Project's Visual/Aesthetic Impacts.

058 Under CEQA, it is the State's policy to "[t]ake all action necessary to provide the people of this state with . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities." Pub. Res. Code § 21001(b). Thus, courts have recognized that aesthetic issues "are properly studied in an EIR to assess the impacts of a project." *The Pocket Protectors v. City of Sacramento*, 124 Cal.App.4th 903, 937 (2004) (overturning a mitigated negative declaration and requiring an EIR where proposed project potentially affected street-level aesthetics). Likewise, NEPA requires that the

[17] Mandates for statewide reduction of emissions to 1990 levels by 2020 and to 80% below 1990 levels by 2050, respectively.

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058 The visual effects of the project have been adequately addressed in EIR/EIS *Section 3.7, Visual/Aesthetics,* and the Visual Impact Assessment, revised April 2009. The analysis methodology follows federal guidance as discussed in EIR/EIS *Section 3.7.3, Environmental Consequences*. The analysis includes 38 photos of existing resources and 40 visual simulations. CEQA significance conclusions are provided within *Chapter 4* of the EIR/EIS. CEQA does not mandate the use of significance thresholds. Please refer to responses to your Comments 031 and 032 regarding significance thresholds and conclusions. EIR/EIS *Section 4.4.1, Visual/Aesthetics*, concludes impacts to views that range from moderate visual impact to high visual impact are considered significant under CEQA. The locations

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federal government use all practicable means to ensure all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings. 42 U.S.C. 4331(b)(2).

The accepted approach to analyzing visual and aesthetic impacts is as follows:

- Describe the criteria for significance thresholds.
- Characterize the existing conditions of the project site and the surrounding area by photograph and description, and select key viewpoints within the area, including scenic corridors and landscapes.
- Use photomontages or visual simulations, to illustrate the change in character of the project site before and after project implementation.
- Identify feasible mitigation measures and alternatives to reduce or eliminate significant impacts.
- Where mitigation measures are proposed, use the simulations to illustrate the change in character before and after project mitigation measures are imposed (*e.g.*, landscaping at various stages of construction, aesthetic additions to retaining and sound walls).

058 cont.

Although the I-5 DEIR/S correctly notes that there will be some locations that will experience permanent loss of views (at 3.7-36), the document does not provide the comprehensive analysis necessary to accurately characterize the extent and severity of these impacts. The document is crippled because it fails to provide thresholds of significance, lacks a description of all impacted resources, and fails to evaluate the impacts of the Project on the viewpoints it does identify. These deficiencies lead to a deficient impact analysis and a failure to identify all reasonable mitigation measures.

(a) The DEIR/S Fails to Adequately Describe the Existing Environmental Setting.

059 One of the first steps in the process of determining visual impacts is to describe the environmental setting. CEQA Guidelines § 15125. A description of the setting is necessary to determine the baseline, which is itself critical to a meaningful assessment of the impacts of a project. *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, 87 Cal. 4th 99, 119 (2001). The description of physical environmental conditions must include a local and regional perspective. CEQA

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058 cont. of proposed walls and associated aesthetic improvements have been identified to the level of detail possible at this stage of design. Caltrans has committed to analyzing the visual effects of specific project features, synthesizing applicable mitigation measures from the EIR/EIS and the design guidelines, applying those requirements to actual design features in specific locations, and submitting proposals to the project design team during project design and construction, after project approval and selection of an alternative.

EIR/EIS *Section 3.7.4, Avoidance, Minimization, and/or Mitigation Measures,* explains that because the project has not yet been designed, precise specific visual mitigation measures cannot be proposed at this time. The EIR/EIS also indicates that alternative mitigation measures may be necessary in each viewshed as project designs are developed and mitigation design guidelines are applied, that the overall visual impact of each mitigated build alternative would remain high under NEPA, and that impacts to visual/aesthetics would remain significant under CEQA after mitigation identified in *Chapter 3.*

059 The existing visual resource areas within the immediate project area are generally described and depicted in photos within EIR/EIS *Section 3.7* and the Visual Impact Assessment, revised April 2009. Recreational areas are also addressed in detail in EIR/EIS Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f) and Proposed *De Minimis* Determinations for the I-5 North Coast Corridor Project San Diego, California. Impacts to all of these resources are fully evaluated in the EIR/EIS.

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Guidelines § 15125. The description should also place special emphasis on environmental resources that are rare or unique to the region and that would be affected by a project. CEQA Guidelines § 15125(a).

Although the DEIR/S provides a list of certain visual resources that exist in the area, it fails to describe or catalogue some of the most important and scenic areas. For instance, the document acknowledges that the freeway is adjacent to five natural preserves, two open space parks, five community parks, one recreational area, and one golf course, but the DEIR/S fails to give a substantive description of these resources, and even fails to identify these recreational areas by name. Instead, the document contains the following cursory language: "Those that visit nature preserves and open space parks near the freeway have a high concern about project appearance due to its potential to disrupt their experience of the natural environment. Community park users would have an acute awareness of the proposed project features due to the relative scale of park to freeway." DEIR/S at 3.7-14. Because the DEIR/S fails to place any emphasis, much less special emphasis, on these unique environmental resources as required by CEQA Guidelines § 15125(a), it fails to evaluate the effect that the proposed Project would have on these recreational resources. 059 cont.

The DEIR/S does not explain why only 39 visual assessment points were selected, or recognize that these points do not show the most significant visual impacts caused by the Project. The proposed Project would span 27 miles, offering "expansive views of river valleys, coastal lagoons, beaches and other natural scenic resources [offering] a freeway driving experience like no other in southern California." DEIR/S at 3.7-1. While the DEIR/S mentions some of the region's stunning resources, it does not include visual images that show the Project's impact on these resources. For example, Figures 3-7.4 and 3-7.5 purport to show views of the Sorrento Valley, but the photographs actually show only the existing I-5 freeway itself. Certainly, the open space and rolling hills of the Sorrento Valley are worthy of more descriptive photographs. Adequate environmental review must include an explanation as to the selection of visual assessment points, and support the selection of a limited number of assessment points with substantial evidence. 060

The DEIR/S' selection of viewpoints is also defective because it fails to depict the significant visual and aesthetic effects of the freeway on recreational users of park and open space lands. Instead, the document's description of the affected environment focuses almost entirely on views from the I-5 freeway itself or from I-5 overcrossings. Out of the 39 viewpoints identified in the DEIR/S, only two are taken from park or open space lands, which are some of the most sensitive lands affected by this Project. *See* DEIR/S Figure 3.7-7: (distant view of I-5 from Torrey Pines State 061

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060 As described in EIR/EIS *Section 3.7*, the number of key views and related photosimulations must be limited by necessity, particularly for a project such as this that involves an extensive corridor. Specifically, the discussion of key views in *Section 3.7* notes that because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project. The focus is on photograph locations that will allow for a depiction of changed conditions relative to the project, not the overall setting. The section presents simulations showing visible changes due to the proposed improvements and does not focus on surrounding view elements that would not be affected by project implementation. The evaluation of visual quality and impacts was conducted by trained specialists who applied the FHWA visual assessment methodology and prepared the technical study that is summarized in the EIR/EIS.

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061 cont. Reserve and Figure 3.7-39: view from San Luis Rey River bike trail). The DEIR/S fails to disclose why these views were chosen and why there are no photographs from the many other parks and reserves alluded to in the DEIR/S. As a result, the DEIR/S effectively ignores impacts to users of the region's recreation areas.

062 Equally disturbing, the DEIR/S misrepresents views from the area's treasured scenic resources. For example, the DEIR/S notes that "[t]he vivid sight of native Torrey pines clinging to picturesque coastal bluffs at the headland of Los Penasquitos Lagoon is considered to be one of the scenic treasures of the region." DEIR/S at 3.7-12. Yet, the photograph intended to represent views of this resource does not come close to conveying the scenic beauty of this setting. Rather than show the Lagoon, Torrey pines or coastal bluffs, once again the DEIR/S (Figure 3.7-6) shows a photograph of the freeway itself, with a hillside in the very far distance. Clearly, this representation does not do justice to this valuable scenic resource. The DEIR/S fares no better in its visual depiction of the San Luis Rey River. Indeed, the document states, "As the freeway spans the San Luis Rey River valley, views of the ocean to the west and river valley to the east provide a high level of vividness." DEIR/S at 3.7-11. Yet, the two photographs presented in the DEIR/S do not show a river, a river valley or the ocean. Instead, they show a bicycle trail (Figure 3.7-39) and the freeway itself (Figure 3.7-40).

(b) The DEIR/S Fails to Adequately Analyze the Significant Visual and Aesthetic Impacts of the Project, and Ignores Certain Viewer Groups.

063 As discussed above, the DEIR/S entirely ignores views from the region's recreational areas. Consequently, although the Project would certainly interfere with the use and enjoyment of these areas, the DEIR/S fails to examine how users would be affected by the proposed Project. This approach is untenable. In order to have a full analysis of the effects that the Project will have on views from these areas, the DEIR/S must analyze whether there are trails in these areas, what type of trail users are in the parks, and what effects the Project will have on the views of recreation area users. At a minimum, the revised DEIR/S must show how the Project will affect the region's five natural preserves, two open space parks, five community parks, one recreational area, and golf course.

064 In addition, the DEIR/S fails to adequately analyze impacts on those visual resources it does identify in the Project setting. Typically, an EIR/S contains photographs of vantage points and then superimposes an image or simulation of the completed Project from the same vantage point and of the same view. Indeed, it is this comparison that allows a before/after evaluation of the Project's visual effects. Here, the

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060 cont. The key viewpoints were chosen to be illustrative of the types of visual effects resulting from project implementation. They are not intended to depict every impact. Because the viewshed encompasses 100 percent of the I-5 right-of-way and adjacent "seen" area, and because views shift to incorporate different elements as one moves along the highway, it would be impossible to capture every view. Sufficient views were shown to support the conclusion that there would be a significant and unmitigable impact under CEQA and a high visual impact under NEPA. Regardless, consistent with this comment, additional representative key view simulations have been provided in *Section 3.7* of the Final EIR/EIS and in the Public Works Plan (PWP). Please also refer to Topical Response "Visual/Community Effects" for additional information about visual effects.

061 Following circulation of the Draft EIR/EIS and receipt of public comments, a number of additional photosimulations were prepared that depict views to I-5 from viewpoints off the highway (*Figures 3-7.83* through *3-7.96*). These simulations are included in *Section 3.7* of the Final EIR/EIS and provide the requested information regarding potential visual effects to users of I-5 adjacent park and open space. They generally reflect trail locations from which the I-5 bridges can be seen. The simulations demonstrate the proposed bridge crossing, changes to bridge support features, locations where the NC Bike Trail might also be visible where it is suspended from the bridge, etc. In *Figure 3-7.83*, the viewer can see the trail at San Dieguito, as well as its connection to the NC Bike Trail, which is on the east side of the bridge in this location. A retaining wall south of the bridge would be installed to allow for trail connection encroachment into off-highway native habitat. Tinted concrete would match natural soil color in this area to a greater extent than the existing facility. Retention of the existing bridge supports and the minimal vertical expanse of the NC Bike Trail result in the bridge generally looking similar to existing conditions (*Figure 3-7.84*). Representative simulations of

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061 cont. the Batiquitos Lagoon crossing were taken from Navigator Circle and from the East Trail along the lagoon. The view to the east is panoramic; consisting of the lagoon, I-5, and the hills in the distance (*Figure 3-7.87*). In project build conditions, the retaining wall installed to support the trail, as well as the trail, can be seen on the west side of I-5 north of the crossing (*Figure 3-7.88*), as can the change in bridge supports. From the trail on the east side of the lagoon, the difference in bridge supports is again visible (*Figures 3-7.89* and *3-7.90*). Riprap has been removed from this side of the bridge and native planting is visible on the slopes. The longer extent of the bridge is visible. The viewer's focus on lagoon elements from this viewpoint (vegetation, water, etc.) and the low profile of the bridge would minimize perceived change. Changes to the Bridge at Agua Hedionda are shown on *Figures 3-7.91* through *3-7.94*. The changed bridge supports would be visible, and would provide a slightly more "open" feel under the bridge. Removal of trees at the lagoon crossing would remove existing greenery, but would provide more sky view. From the Agua Hedionda East Trail (shown in *Figures 3-7.93* and *3-7.94*), primary view elements are water in the foreground, backed by I-5 in the mid-ground, with tall trees on the hilltop in the background. The stack at the Encinas Power Plant in Carlsbad is notable. The NC Bike Trail would be visible on the east side of I-5. Existing visual conditions at Buena Vista Lagoon are shown on *Figure 3-7.95*, and changed conditions at the I-5 crossing are depicted on *Figure 3-7.96*. Taken from the south side of the lagoon east of I 5, vegetation largely obscures the bridge supports. Darker coloration would add a slightly more visually consistent aspect to the crossing, as it is more similar to soil color in the area.

Final EIR/EIS *Figures 3-7.105* and *3-7.106*, depict the Old Sorrento Valley Road Bicycle/Pedestrian Enhanced Trail (a potential community enhancement). The existing vacated road would be improved with striping, a bioswale, an improved non-hardscape walking area, and intermittent seating. *Figure 3-7.107* depicts the existing I-5 Viewpoint location. A parking area would be provided just west of I-5 to allow travelers to pull over and view the open space and shoreline from a stationary point rather than a moving one (*Figure 3-7.108*). This is not currently available along the highway. Some low-growing vegetation that currently abuts I-5

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061 cont. would be removed in order to open up access to the larger view. Finally, *Figures 3-7.109* and *3-7.110*, show changes at the San Luis Rey River for westbound drivers on SR-76. The SR-76 overpass would become more visible, as would development west of I-5, due to vegetation removal of at least one mature tree. This would be balanced by elimination of the ramp, a built element which is currently visible between the viewer and I-5 on the south side of the river. Please refer to the responses to your Comments 058 to 060.

062 As discussed in the responses to your comments 058 to 060, it is not practicable to depict every view to and from the proposed project. The EIR/EIS and supporting VIA provide sufficient information to support the conclusion that the overall visual impact of each mitigated build alternative would remain high under NEPA, and that impacts to visual/aesthetics would remain significant under CEQA after mitigation identified in *Chapter 3*. The specific discussion of Los Peñasquitos Canyon Preserve in Appendix A concludes that scenic views from the trails would not be substantially impaired, as the canyon topography obscures most views of I-5. Final EIR/EIS *Figure 3-7.112* depicts the San Luis Rey River area as having these freeway viewer impacts: loss of desirable view (tunnel effect), large walls or structures, and loss of mature trees. Community viewer impacts are also identified with respect to proximity to freeway and incompatible community entry.

063 Recreational areas are addressed in detail in EIR/EIS Appendix A and summarized in EIR/EIS *Section 3.1.3*. Please also refer to the responses to your Comments 059 and 061. As demonstrated in those depictions, viewers would largely see the project in profile, and the perception of the existing industrial element provided by I-5 within these views would continue. Please note that project refinement and ongoing coordination with managers of project-area parks has also resulted in the elimination of direct project footprint impacts discussed in the Draft EIR/EIS and/or has resulted in written concurrence by facility managers that project implementation would not result in adverse effects exceeding a *de minimis* threshold (see Final EIR/EIS *Section 5.5,* under the heading *Concurrence with Proposed Section 4(f) De Minimis Use*).

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064 cont. "after" photographs are from a different vantage point or of a different view altogether from the "before" photos and therefore do not allow for an evaluation of the Project's visual effect. For example, the "before" views of the San Elijo Valley were taken from the I-5 freeway. One view to the west shows the ocean, San Elijo Lagoon, agricultural fields and sandstone bluffs, while the view to the east shows the coastal lagoon, inland foothills, and back-country mountains (*see* Figures 3-7.14 and 3-7.15). The DEIR/S correctly acknowledges that these views contribute to the high level of visual quality. DEIR/S at 3.7-6. Yet, the "key views" that are intended to represent the views before and after the Project's implementation are not taken from the same vantage points or of the same viewshed. Instead, the "key views" are taken from the center lane of I-5 looking north and are dominated by views of the freeway itself, rather than the striking vistas to the west and east. *See* Key View #5, Figures 3-7-50 and 3-7.51. "Key views" that focus on the freeway itself rather than the altered scenery upon completion of the Project are clearly intended to downplay the loss of the region's outstanding visual resources.

065 The DEIR/S's treatment of views of the San Dieguito Valley is equally deficient. Whereas the "before" views show the ocean, the natural forms of the river valley, and surrounding bluffs (*see* Figures 3-7-.0 and 3-7.11), the "key views" show a "before" photograph of the freeway itself, with fill slopes or berms on either side. The "after" "key view" shows sound walls in place of the fill slopes. *See* Key View #2, Figures 3-7-44 and 3-7.45. There is no indication from these "key views" that the views of the Lagoon, the ocean, river valley or bluffs would be lost as a result of the proposed Project.

066 The stunning Batiquitos Valley is ignored altogether in the evaluation of visual impacts. Whereas the photographs in the environmental setting section show Batiquitos Valley's wide expanse of open water and natural open space (*see* Figures 3-7.24 and 3-7.25), there is no visual simulation of how the Batiquitos Valley will appear upon completion of the proposed Project.

067 In yet another remarkable omission, the DEIR/S provides no 'key views" of the Torrey Pines State Reserve. Again, Torrey Pines State Reserve is considered a scenic treasure, but the DEIR/S contains no visual simulation of how views of this resource would be impacted by the Project. Without adequate visual representations, there is no way for the public and decision-makers to evaluate the Project's visual effect.

068 Furthermore, the DEIR/S fails to analyze views of the four direct access ramps, except for a few simulations as to how these massive infrastructure projects would appear to motorists as they travel along the freeway itself. The DEIR/S also does not visually depict the Project's four interchanges proposed for reconstruction. Although

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064 The visual analysis does not downplay impacts to the region's outstanding visual resources. The purpose of Draft EIR/EIS *Figures 3-7.2* through *3-7.40* was to illustrate existing visual resources within the 18 landscape units identified within the project setting and mapped on *Figure 3-7.1*. Draft EIR/EIS *Figure 3-7.41* depicts the locations of 17 key views along the corridor chosen to represent primary viewer groups and the visual effects of the project. The purpose of the project simulations is to present before and after photographs and simulations, respectively, that indicate how the I-5 widening and structures would affect views. The EIR/EIS concludes that all build alternatives would result in highly adverse change to existing visual character and quality. View impacts from the project to the coast line, lagoons and river valleys, however, would be avoided or minimized. Please note that these visual resources are typically most visible across or below the corridor's large lagoon and river bridges, with such views being largely maintained, and in some instances, broadened.

065 The San Dieguito River Valley is addressed in Appendix A, which notes that the visual character of the park would be unchanged as the coastal area of the San Dieguito River Park is already bisected by the I-5, and concludes that the build alternatives would not affect the dominant scenic elements of the 4(f) resource, which are the river, marsh areas, and vast open scenic views compared to the impacts of the existing I-5 freeway. No soundwalls are proposed in this segment of the corridor, as noise modeling indicates that the increases that would occur across the entire open lagoon area would typically range between 2 to 3 decibels (dBA) as compared to existing conditions. Views from the bridge would not be blocked. Additional simulations of this area have been provided in this Final EIR/EIS, as described in the response to your Comment 061 (*Figures 3-7.82* and *3-7.84*).

066 Final EIR/EIS *Figures 3-7.87* through *3.7-90* are provided as additional representative views and show that the impacts to the view of Batiquitos Lagoon would consist of the loss of mature trees.

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these structures would tower over the landscape, the document fails to contain any visual simulations or descriptions of the aesthetic impacts of these ramps. These ramps can present significant aesthetic and visual impacts, potentially cutting off views that some residents, pedestrians and motorists previously enjoyed and cutting off the connectivity of previously intact views. Even if the DEIR/S contained "before" photographs and "after" simulations of each of these massive structures, which it does not, photographs and stationary simulations simply would not allow the public to assess exactly how these industrial concrete structures would affect views of the region's astonishing coastline.

068 cont.

Caltrans itself has demonstrated the feasibility of conducting an animated analysis, for it has developed a 3D animation showing the striking visual impacts of the I-5/SR-56 interchange. In order for the DEIR/S to fully disclose the Project's impact on views, the revised DEIR/S must provide a simulation for each of the proposed direct access ramps.

(c) The DEIR/S Fails to Properly Identify Mitigation Measures for the Project's Significant Visual Impacts.

The DEIR/S approach to mitigation for the Project's impacts on visual resources fails for several reasons. First, the document asserts that its approach to mitigation "is intended to replicate desirable visual qualities that are impacted by a project and to restore in place a view shed's original level of aesthetic excellence." DEIR/S at 3.7-37. This claim – that somehow the Project can replicate and restore the view shed's original level of aesthetic excellence – is preposterous. If the DEIR/S preparers believe this statement will put the public's fears to rest, it utterly fails in its task. As discussed above, the Project would replace treasured scenic resources with a tunnel of walls, forever masking a remarkably scenic view corridor.

069

Second, the DEIR/S "mitigation" confirms the DEIR/S failure to analyze the visual effects of the Project. The DEIR/S looks to a set of corridor design guidelines that will ultimately be developed but explains that since the Project has not yet been designed, specific visual mitigation measures cannot be proposed at this time. DEIR/S at 3.7-37. Indeed, the DEIR/S admits that during project design and construction, it would be the responsibility of the Caltrans' Landscape Architect to analyze the visual effects of the Project, apply requirements to actual design features, and submit proposals to the Project design team. The team would then develop reasonable design solutions. *Id*. Yet, analysis and mitigation of the Project's visual impacts must happen in the context of this DEIR/S; CEQA prohibits deferring the formulation of mitigation until after project approval. *See* CEQA Guidelines § 15126.4(a)(1)(B) ("Formulation of mitigation measures should not be deferred until some future time.").

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066 cont. Appendix A addresses Batiquitos Lagoon and concludes that views from the park toward the proposed project would not be substantially affected as the freeway is visible in the existing condition, and improvements to I-5 associated with the proposed project would occur within the right-of-way and would not dramatically alter the existing view. Views from the bridge would not be blocked.

067 Torrey Pines State Reserve is addressed in Appendix A, which concludes that views from the park toward the proposed project would not be affected because I-5 is visible in the existing condition and improvements to I-5 associated with the proposed project would not substantially alter existing views. As shown on Draft EIR/EIS *Figures 2-2.14g* through *2-2.14i* (see Appendix K) and carried forward into this Final EIR/EIS (*Figures 2-2.3, Sheets 10* through *14),* no retaining walls or long soundwalls are proposed that would interfere with existing views of Torrey Pines State Reserve from the freeway to the west. Views from bridges would not be blocked.

068 The Cannon Road and Oceanside DARs have been eliminated from the *I-5 NCC Project*. The simulations of the other two DARs are focused on I-5 viewers as that is where the majority of the viewers would be located.

The Voigt Drive DAR is analyzed in EIR/EIS Key View #1, *Figure 3-7.41* (existing view) and *Figure 3-7.42* (proposed view). The analysis notes that visual unity and intactness between the freeway and adjacent land uses would be reduced to low levels with the introduction of large walls, ramp structures, and widened local streets, and concludes that the resulting visual impact would be high.

The Manchester Avenue DAR is analyzed in EIR/EIS Key View #5, *Figure 3-7.49* (existing view) and *Figure 3-7.50* (proposed view). The analysis notes that the bridges, walls, loss of trees, and parking lot proposed for this scenic area would cause a high degree of change to its visual quality and character. Intactness and unity levels would change form high to low, and vividness would

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069 cont. In sum, to accurately describe the aesthetic impacts of the Project, Caltrans must first design the Project. It must then lay out the basic guidelines for its sound walls, landscaping, and its lighting plan. In other words, the Project requires the most fundamental level of planning. This plan should then be described, both in text and in artistic renderings. Upon completion of this effort, the *entire* I-5 Project must be superimposed upon the landscape in "before and after" photo simulations. These photo simulations must be undertaken from all representative public vantage points. Only after this exercise is completed can the agency formulate effective mitigation.

(d) The DEIR/S Fails to Adequately Analyze the Cumulative Visual/Aesthetic Impacts.

The DEIR/S' analysis of cumulative visual/aesthetic impacts is flawed due to its cursory, vague nature. The document devotes only one paragraph to past, present and foreseeable future projects that have the potential to cumulatively impact the visual landscape. In this one paragraph, the DEIR/S does not even list all of the other Caltrans' projects that would occur within the I-5 Project boundaries. The document fails to consider the following projects:

070
- I-5 "Mid-Coast" Freeway Improvements (10+2HOV facility from I-8 to I-805)
- I-805 "North" Improvements (8+4HOV/Managed Lanes facility from SR-52 to north of Mira Mesa Boulevard in San Diego)
- Sorrento Valley Road/Roselle Street Improvements
- Manchester Avenue Interchange Improvements
- Encinitas Boulevard Interchange Improvements
- Birmingham Avenue to Leucadia Boulevard Auxiliary Lanes
- I-805 northbound Direct Access Ramps (DAR) at Carroll Canyon Road and HOV lanes between Carroll Canyon Road and the I-5/I-805.

See DEIR/S at 3.25-1.

Even in those instances in which the DEIR/S does identify other projects, it fails to provide any actual analysis of the cumulative effects of these projects along with the I-5 Project. For example, the DEIR/S simply mentions that the Carlsbad Energy Center would contribute to the degradation of visual quality along the corridor with

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068 cont. be reduced to a moderate level. Visual character would change as incompatible built forms replace existing visual resources. The EIR/EIS concludes that the resulting visual impact would be high. Since the circulation of the Draft EIR/EIS, the Manchester Avenue DAR's visual effects have been substantially minimized through the elimination of the overpass and incorporation of an underpass. A post-project view toward I-5 from a trail on the south side of San Elijo Lagoon (Final EIR/EIS *Figure 3-7.86*) demonstrates the lack of visual obstruction from this viewpoint relative to DAR construction.

Every project is different, and 3-D simulations were not considered warranted or cost-effective for this 27-mile corridor project. The key view visual simulations in the *I-5 NCC Project* EIR/EIS are considered sufficient to address visual impacts in the project corridor, documenting the high level of visual impact that is anticipated.

069 Caltrans has developed the Design Guidelines: I-5 NCC Project and coordinated with each of the local cities to ensure that project design, including visual features, is deemed appropriate. *Figures 3-7.113* through *3-7.149* illustrate concepts and features that may be applied to reduce visual impacts.

The EIR/EIS indicates that alternative mitigation measures may be necessary in each viewshed as project designs are further developed and mitigation design guidelines are applied; that the overall visual impact of each mitigated build alternative would remain high under NEPA; and that impacts to visual/aesthetics would remain significant under CEQA after mitigation identified in *Chapter 3*. High adverse visual impacts under NEPA that are also significant and unmitigable under CEQA will be a consideration in the project approval process. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project. Additional information is also provided within the technical studies for the project, including the VIA Community Impact Assessment (CIA) and Community Enhancement Plan. The latest available visual mitigation plans are included in this Final EIR/EIS.

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removal of screen vegetation. *Id*. This cursory discussion violates NEPA and CEQA. *See City of Carmel-by-the-Sea v. U.S. Dept. of Transp.*, 123 F.3d 1142, 1160 (9th Cir. 1997) (EIR/EIS insufficient when it described past projects "with generalities insufficient to permit adequate review of their cumulative impact"). The proposed power plant – with its four-story smoke stacks and nine-story industrial buildings – will be a blight on the coastal landscape. The combination of this towering industrial complex and the expanded I-5 freeway will destroy important scenic views and beach-town ambiance in this location. Yet, the I-5 DEIR never bothers to describe these cumulative visual effects.

070 cont.

Finally, although the DEIR/S does identify the change in visual resources to be a cumulatively considerable contribution, the document neglects to identify feasible mitigation for these impacts. An EIR is inadequate if it fails to suggest feasible mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 79. Here, the DEIR/S failure to identify any measures to mitigate the Project's significant cumulative impacts to visual resources epitomizes Caltrans' failure to meet CEQA's core requirements. The revised DEIR/S must include an analysis of, and mitigation for, the Project's cumulative impacts upon visual and aesthetic resources.

5. The DEIR/S' Analysis of Biological Impacts is Deficient.

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The DEIR/S' treatment of biological impacts suffers from substantial deficiencies and fails to meet CEQA's and NEPA's well established standards for impacts analysis. The document's analysis both understates the severity of the potential harm to biological resources within and adjacent to the proposed I-5 Project's right-of-way, and neglects to identify sufficient mitigation to minimize these impacts. Given that analysis and mitigation of such impacts are at the heart of CEQA and NEPA, the DEIR/S will not comply with these laws until these serious deficiencies are remedied. *See Sundstrom v. County of Mendocino*, 202 Cal.App.3d 296, 311 (1988) ("CEQA places the burden of environmental investigation on government rather than the public."); *see also Natural Res. Defense Council v. U.S. Forest Service*, 421 F.3d 797 (9th Cir. 2005). The most egregious deficiencies in the DEIR/S' analysis of biological resources are discussed below and in a report prepared by consulting biologists Patricia Gordon-Reedy and Jerre Stallcup of Conservation Biology Institute ("CBI"). *See* Exhibit 2.

The proposed Project traverses or runs adjacent to six lagoons within the Project limits – San Dieguito, San Elijo, Batiquitos, Agua Hedionda, Buena Vista and Los Peñasquitos. These waterways contain habitat and wildlife that are protected under state and federal law. DEIR/S at S-1; 1-11; 1-12. Five of the six lagoons in the study

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070 The high level of visual impacts concluded for the *I-5 NCC Project* and related projects in the I-5 corridor, as identified in *Table 3.25.2* of the EIR/EIS, are sufficient evidence to determine that the project would result in a considerable contribution to cumulative visual/aesthetic impacts, as discussed in EIR/EIS *Section 3.25*. Implementation of the measures in *Section 3.7* would partially mitigate adverse effects of the project. EIR/EIS *Section 3.25.4, Avoidance, Minimization, and/or Mitigation Measures*, concludes that cumulative visual impacts would not be fully mitigated. Please also refer to the response to your Comment 069.

071 The effects of the project on biological resources throughout the corridor, including lagoons, have been adequately addressed in the following EIR/EIS sections:

- *3.17, Natural Communities*
- *3.18, Wetlands and Other Waters*
- *3.19, Plant Species*
- *3.20, Animal Species*
- *3.21, Threatened & Endangered Species*
- *3.22, Invasive Species*

Additional analysis regarding the lagoons is presented in Appendix A.

Avoidance, minimization, and/or mitigation measures for each biological resources issue are addressed in their respective sections listed above. Additional details regarding proposed biological

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area are designated by the California Department of Fish and Game as Ecological Reserves for the protection of species and habitat and for education and scientific research. CBI report at 2. Moreover, all of the lagoons are included in the City of San Diego's Multiple Species Conservation Program Subarea Plan ("MSCP Subarea Plan") and the Draft North County Multiple Habitat Conservation Program ("MHCP") as important to biodiversity and long-term sustainability of the regional conservation network. *Id*. The Los Peñasquitos Creek, Carmel Valley Creek and San Luis Rey River drainages also provide important wildlife corridors from inland San Diego County to the coastal region. Further, the Project site includes coastal sage scrub and salt marsh that provide habitat for sensitive species, including endangered and threatened species. DEIR/S at 3.17-1, 3.17-2, 3.21-2 and 3.21-3.

071 cont.

Given the importance of the affected biological resources, the DEIR/S' cursory and incomplete evaluation of impacts to biological resources is troubling. Under CEQA and NEPA, decision-makers and the public must be given sufficient information about impacts and mitigation to be able to evaluate the impacts of a proposed project for themselves. *See* Pub. Res. Code 21061; 40 C.F.R. § 1500.1(b). Furthermore, analysis of impacts cannot be deferred to a later date but must be performed prior to project approval. *Sundstrom*, 202 Cal. App. 3d at 307 ("By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage in the planning process."); 40 C.F.R. 1500.1(b). Accordingly, a revised DEIR/S must be prepared to fully analyze and disclose these impacts and to propose and evaluate feasible mitigation measures for each significant impact.

(a) The DEIR/S Does Not Adequately Describe the Existing Setting.

072

As discussed above, an EIR's description of a project's environmental setting plays a critical role in all of the subsequent parts of the EIR because it provides "the baseline physical conditions by which a lead agency determines whether an impact is significant." CEQA Guidelines § 15125(a). Similarly, under NEPA, an EIS must "describe the environment of the area(s) to be affected or created by the alternatives under consideration." 40 C.F.R. § 1502.15.

The DEIR/S lacks sufficient detail in describing existing biological conditions and in identifying potential impacts, with the result that the document fails to provide an accurate assessment of resulting impacts. CBI report at 1, 2, and 12. What information the DEIR/S does provide about the biological setting is riddled with inaccuracies and omissions.

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071 cont. mitigation were developed after the public circulation of the Draft EIR/EIS. This information was provided in the Supplemental Draft EIR/EIS, which was circulated for public review in August 2012 and has been further updated and incorporated into this Final EIR/EIS. Project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach.

Caltrans is proposing to complete the majority of the mitigation in advance of project impacts to minimize temporal loss and enhance upland habitat through the corridor, where practicable, and as approved by the resource agencies. The described mitigation is included in the project Resource Enhancement and Mitigation Program (REMP), which comprises a substantial part of the Transportation and Resource Enhancement Program (TREP) presented with the PWP. The REMP focuses on opportunities to protect these lagoon systems from potential future degradation and to expand, restore, and/or enhance, habitat within these systems. This approach requires comprehensive solutions with efforts focused on ecosystem-wide enhancements, including preservation, restoration, and long-term management. Mitigation activities include: (1) acquisition of habitat parcels for the REMP because of the sites' contribution to protecting and enhancing North Coast Corridor lagoon system and watershed functions and services, and meeting no net loss through establishment and restoration; (2) acquisition, preservation, and if necessary, enhancement, of parcels that contribute to regionally significant resources, including upland habitat areas; (3) planning and implementation of regionally significant lagoon restoration projects; (4) providing long-term non-wasting endowments for two regionally significant lagoons to fill funding gaps for maintenance and management activities, and (5) funding a Scientific Advisory Committee to provide technical support for the design, implementation, and monitoring of the suite of mitigation activities described in the REMP. Advanced resource enhancement activities are assigned

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	071 cont. specific mitigation credits based on the type of habitat establishment, restoration, enhancement, and/or preservation resulting from individual REMP projects, and/or for endowment of maintenance activities that sustain lagoon functions and values. The REMP coordinates with the larger PWP/TREP Implementation Phasing Plan to ensure mitigation credits are available when PWP/TREP projects are implemented to ensure resource protections are in advance to the maximum extent possible, while achieving a balance of transportation infrastructure and community enhancement projects in each phase. Under these procedures, a percentage of mitigation credits will be released at the time the final site-specific Habitat Mitigation and Monitoring Plans (HMMPs) and Long-term Management Plans (draft and/or final) are approved by resource and regulatory agencies and both site protections and funding mechanisms are secured. Additional percentages of mitigation credits will be released after site grading and planting is complete (as-builts), and interim performance standards are achieved. Monitoring requirements for each REMP mitigation project would be conducted according to final HMMPs and/or restoration plans. In addition, the PWP/TREP Implementation Plan includes a monitoring and reporting program to provide a yearly assessment and summary of information and updates to the Implementation Framework to document projects and associated mitigation requirements completed, and to assess cumulative phase project impacts, benefits, and available resource mitigation credits for future project and/or phase implementation. Each no net loss mitigation site would have its own funding and monitoring plan, with remedial measures to be implemented in the event the site is not attaining its goals. In most cases, it is anticipated that mitigation sites could be corrected through additional grading, planting, weeding, and/or soil amendment. If unanticipated resource impacts occur and cannot be corrected on site, however, mitigation would be confirmed and implemented at another location. Caltrans will continue to work closely with the wildlife agencies to develop the proposed wetland and upland mitigation efforts, which will be subject to further refinement during the permitting process. This will include measures to ensure that preserved, enhanced, and restored areas provide suitable habitat for attendant species;

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072 cont. First, the DEIR/S presents incomplete and inaccurate background data. For example, the DEIR/S relies on outdated wetlands data from surveys conducted in 2004. *See* DEIR/S NES at 6-9. Circumstances have changed since 2004; notably the San Dieguito Lagoon Wetland Restoration Project began in 2006. DEIR/S at S-13, 14. While the restoration project included restoration and creation of wetlands, there is no evidence that the DEIR/S' calculation of current wetland acreage takes into account these changed circumstances. CBI report at 3. Similarly, surveys to establish baseline conditions were restricted to those areas within 500 feet of the proposed Project. DEIR/S Natural Environment Study, 2008. Adjacent and/or downstream habitat that may be directly or indirectly impacted during Project implementation (such as due to increased sediment and other pollutant runoff) were not included in the Project "study area" and so were not surveyed. *Id*. By artificially limiting the study area in this manner, the DEIR/S understates the Project's potential impacts .

073 In another example, the Pacific pocket mouse ("PPM") surveys were conducted in 2003 using protocol live trapping. However, information gathered since 2004 confirms that capture probabilities are very low for this species; timing of trapping efforts is critical to confirming species absence since PPM can go underground for extended periods even during the 'active' season in response to rain. CBI report at 3. Furthermore, PPM often enter traps without triggering them. The U.S. Geological Survey has been experimenting with alternative detection methods and recommends using such alternative methods as scent dogs to search for new PPM populations and, possibly, a combination of track tubes and trapping. *Id*. Based on this improved knowledge, updated surveys for this species should be performed within suitable habitat in the Project's study area. *Id*.

074 Second, the DEIR/S fails to include a discussion of benthic macroinvertebrate assemblages associated with the lagoons and natural drainages in the Project study area, even though Caltrans' Natural Environment Study identifies benthic macroinvertebrates in several lagoons. Benthic macroinvertebrates, particularly aquatic insect larvae and crustaceans, are widely used as indicators of stream health and condition. CBI report at 5. The DEIR/S should have analyzed how the proposed Project activities could alter the existing benthic macroinvertebrate assemblages in the lagoons, which would affect water quality. *Id*. Unfortunately, no such analysis was conducted.

075 In sum, the DEIR/S' description of the sensitive habitats, wetlands and critical habitat areas present in the Project study area is entirely perfunctory. Consequently, the DEIR/S fails to establish an accurate baseline from which to evaluate the Project's impacts. The DEIR/S must be revised to provide detailed and up-to-date information about existing species and habitat resources in the Project study area.

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071 cont. through efforts such as the establishment of appropriate success criteria and implementation of associated monitoring and maintenance activities, per resource agency requirements.

The above mitigation and enhancement features comprise a substantial part of the TREP presented with the PWP), which addresses all impacts and proposed mitigation for the *I-5 NCC Project*, the LOSSAN projects, and local agency projects listed in that document.[1] Please also refer to Topical Response "Lagoon Evaluations" for discussion of additional studies about impacts to lagoons.

072 Although some updated biological resources data have been obtained, the baseline for analysis in an environmental document is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. Details regarding San Dieguito Lagoon are presented in Appendix A. Since the circulation of the Draft EIR/EIS, mapping at San Dieguito Lagoon has been updated. No impacts would occur outside the Caltrans right-of-way in the lagoon restoration area, and impacts would not change. It is noted that eelgrass has been found well west of I-5 now that the restoration is in place. New eelgrass surveys would be completed before, during, and after project construction. This would occur at all affected lagoons. Where eelgrass is identified, mitigation would occur in accordance with the PWP/TREP and the Environmental Commitments Record (ECR; Appendix D). Available updated information about specific lagoons was provided in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS.

Direct and indirect impacts are discussed in the appropriate issue sections in the EIR/EIS. The biological resources surveyed

[1] The PWP/TREP is a separately bound and circulated document used by the CCC for purposes of permitting coastal projects. Compilation of all North Coast Corridor projects into a single mitigation and enhancement effort ensures that the most accurate assessment of total potential impacts is being made and that the best overall options for mitigation of that total effect are being evaluated.

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	072 cont. corridor of 500 feet is considered sufficiently wide to address indirect biological resources impacts and is not artificially limited. As discussed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, best management practices (BMPs) would be implemented to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages; these would minimize water quality impacts and related potential indirect impacts to downstream biological resources.
	073 The protocol surveys and trapping for Pacific pocket mouse constitute the only survey methodology required by the USFWS. Protocols were followed and other species of pocket mouse were caught. Additional surveys and other methods would be used prior to construction if required by the USFWS.
	074 EIR/EIS page 3.17-4 notes that mudflat is important habitat for many invertebrates and is foraging habitat for many shorebirds; and open water habitat provides important foraging and resting areas for many bird species and also provides important fish and invertebrate habitat. Impacts to the lagoons are addressed in appropriate issue sections as well as in Appendix A. The proposed project would not involve use of Batiquitos, Buena Vista, or San Dieguito Lagoons, as discussed in Appendix A. The project would require minimal slivers of land from the San Elijo and Agua Hedionda Lagoons. This use would not adversely affect any of the activities, features, or attributes of the lagoons that qualify them for protection under Section 4(f), and is proposed as *de minimis*. Due to the minimal potential effects of the project on the lagoons, detailed analysis of benthic macroinvertebrates would not change the conclusions of the EIR/EIS regarding biological resources or water quality.
	075 The effects of the project on biological resources throughout the corridor have been adequately addressed. In addition, coordination with the resource agencies whose mandate is to protect biological resources has occurred frequently and regularly in 2011 through 2013 (see *Chapter 5* of the EIR/EIS), and will continue as needed during permitting processes and construction. The Final EIR/EIS provides mitigation requirements for the project that have been reviewed and concurred upon by the resources agencies. Please refer to the response to your Comment 071.

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(b) The DEIR/S Fails to Identify Thresholds of Significance.

As in other sections of the document, the DEIR/S fails to establish thresholds for determining the significance of the Project's impacts. Determining whether or not a project may result in a significant adverse environmental effect is a key aspect of CEQA and NEPA. CEQA Guidelines § 15064(a) (determination of significant effects "plays a critical role in the CEQA process"); 40 C.F.R. § 1502.16 (an EIR must describe direct and indirect effects *and their significance*). CEQA specifically anticipates that agencies will use thresholds of significance as an analytical tool for judging the significance of a Project's impacts. CEQA Guidelines § 15064.7. Because the requirement to provide mitigation is triggered by the identification of a significant impact, the DEIR/S' failure to identify all of the Project's significant impacts also results in a failure to mitigate these impacts. Moreover, here the DEIR/S apparently fails to even arrive at a conclusion regarding the significance of some of the Project's impacts to biological resources. This omission violates CEQA, which requires findings of significance in order to inform the public and decision makers. *Id*. at § 15065 (titled "Mandatory Findings of Significance").

077

(c) Analysis of Impacts on Biological Resources Is Unlawfully Deferred or Simply Not Undertaken.

The Project would result in significant adverse impacts to at least 50 acres of wetlands and jurisdictional waters, numerous listed species, and federal and state critical habitat for three listed species (*i.e.*, California gnatcatcher, southwestern willow flycatcher and tidewater goby). *See* DEIR/S at S-6. As described in detail in the CBI report, the DEIR/S fails to provide sufficient analysis regarding these anticipated impacts and fails to address other impacts entirely. *See* CBI Report at 4-8.

For example, the DEIR/S entirely ignores Project impacts related to nitrogen deposition on habitat and wildlife. Petroleum-burning vehicles are a major producer of nitrogen emissions, and deposition of these nutrients on terrestrial and aquatic environments can degrade sensitive ecosystems. Because the Project would result in a minimum of 32 to 37 percent increase in vehicle miles traveled (*see* DEIR/S at 3.14-9, Table 3.14-7), it would result in an increase in nitrogen emissions in the vicinity of the Project. Nitrogen deposition can lead to dramatic changes in the chemical environment that can potentially upset normal functions of ecosystems and thereby damage wildlife. *See* CBI Report (Exhibit 2) at 7- 8, *see also* Exhibit 25 [Allen, et al., Nitrogen Deposition Effects on Coastal Sage Vegetation of Southern California], Exhibit 26 [Weiss, State of California Energy Commission Public Interest Energy Research Environmental Impacts of Energy Generation, Distribution and Use], Exhibit 27 [Fenn, et

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076 Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*. Mitigation is detailed in *Sections 3.17* through *3.21* relative to sensitive habitats and species, as well as Appendix D, the Environmental Commitments Record. Details of the compensatory mitigation are also spelled out in the project REMP, which has been developed in close coordination with the resource agencies. Post-mitigaton CEQA significance is identified in *Section 4.3.5, Biological Resources*.

Regarding the evaluation of impacts under CEQA in *Chapter 4* of the EIR/EIS, Caltrans provides guidance on the approach to environmental analysis under CEQA on its SER website at http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition, which explains that "because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established." Please refer to the response to your Comment 032 regarding the use of significance thresholds.

077 Effects of the project on biological resources throughout the corridor have been adequately addressed. In particular, critical habitats are discussed in EIR/EIS *Section 3.21*, *Threatened and Endangered Species*. Please refer to the response to your Comment 071. Regarding nitrogen deposition, emissions from the North Coast Corridor are anticipated to decline following project implementation and, therefore, the project is not expected to result in an impact with regard to this issue.

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077 cont. al., Atmospheric Nitrogen Deposition and Habitat Alteration in Terrestrial and Aquatic Ecosystems in Southern California: Implications for Threatened and Endangered Species]. Nitrate concentrations in southern California streams are the highest in North America for wildland watersheds. Exhibit 27 [Fenn, et al., Atmospheric Nitrogen Deposition and Habitat Alteration in Terrestrial and Aquatic Ecosystems in Southern California: Implications for Threatened and Endangered Species]. Thus, an increase in nitrogen deposition in areas already burdened by heavy nitrate loads could result in significant adverse impacts to wildlife that rely on the river, lagoons, or on any of the site's water bodies. *Id*; CBI report (Exhibit 2) at 8. The DEIR/S must be revised to analyze the Project's potential to increase nitrogen, and to evaluate how nitrogen deposition would impact the watershed and its ecosystem.

078 Similarly, shading from constructed bridges can affect species numbers and diversity, diminish or alter wildlife habitat, modify water quality functions, and result in indirect impacts to vegetation. CBI report at 5. Although the DEIR/S acknowledges that shading may affect essential fish habitat (at 3.20-3) and critical habitat for riparian bird species (at 3.21-4), these impacts are neither quantified nor assessed for significance. Further, the DEIR/S does not identify potential shading impacts to additional sensitive habitats, such as coastal salt marsh and freshwater marsh, that may occur below or adjacent to bridges that cross lagoons and the San Luis Rey River.

079 Here, contrary to CEQA's and NEPA's requirements, critical analysis and identification of necessary mitigation are either missing entirely or postponed until after Project approval. In certain instances, the DEIR/S acknowledges species and communities, but the document rarely analyzes the Project's impacts on these resources. Under state and federal law, such deferred analysis and failure to analyze impacts is unlawful. *See* CEQA Guidelines § 15151. As the California Supreme Court has explained, environmental review must happen before a project is approved if an EIR is to be anything more than a "post hoc rationalization of a decision already made." *No Oil, Inc. v. City of Los Angeles*, 13 Cal.3d 68, 81(1974); 40 C.F.R. § 1500.1(b) ("NEPA procedures must insure that environmental information is available to public officials and citizens *before* decisions are made and before actions are taken.") (emphasis added).

080 **(d) The Analysis That Has Been Performed Is Incomplete And Conclusory.**

In those instances where the DEIR/S does determine that the Project may have significant impacts, it frequently fails to determine the extent and severity of those impacts. Merely stating that an impact will occur is insufficient; an EIR must also provide Ainformation about how adverse the adverse impact will be.@ *Santiago County*

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078 Specific shading acreages resulting from each build alternative are quantified on *Table 3.18.3, Additional Shading Indirect Impacts in USACE Waters of the U.S./State Wetlands by Watershed.* EIR/EIS *Section 3.20*, *Animal Species*, documents that the bridge footprints are identified as permanent impacts, and that shading by the wider bridges may reduce some habitats, such as eelgrass, that are used by fish; however, columns, currents, and temperature changes under the bridges may be favored by some fish species. EIR/EIS *Section 3.21* notes that critical habitat for the southwestern willow flycatcher is designated along the San Luis Rey River for its entire length, and that this critical habitat impact area is mostly under the bridge over the San Luis Rey River, which would have shading impacts. These indirect impacts are addressed in the REMP mitigation.

With regard to modified water quality functions, completion of lagoon studies and analysis of the results provided a major focus of continued review following the circulation of the Draft EIR/EIS. Updated information related to design and refinement of potential project-associated resources impacts was circulated for public review and comment in August 2012 in the Supplemental Draft EIR/EIS. The enhanced bridge designs, which have been verified to allow or support restoration efforts, are now incorporated into project design, and environmental review is completed. Specifically, Caltrans has examined the option of building bridges

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Water District v. County of Orange, 118 Cal. App. 3d 818, 831 (1981). This information, of course, must be accurate and consist of more than mere conclusions or speculation. *Id.* The DEIR/S= analysis of impacts to biological resources fails to fulfill this mandate in several instances.

080 cont. For example, although the DEIR/S concludes that construction of the Project has the potential to adversely impact a host of sensitive animal species (*i.e.*, the San Diego horned lizard, Coronado Island skink, orange-throated whiptail, rufous-crowned sparrow, loggerhead shrike, desert woodrat, and San Diego pocket mouse to name a few), the document fails to explain the actual and specific consequences to these species. *See, e.g.*, DEIR at 3.20-1("any impacts to coastal sage scrub, southern maritime chaparral and/or maritime succulent scrub have the potential to impact the San Diego horned lizard (Phrynosoma coronatum blainvillei), Coronado Island skink (Eumeces skiltonianus interparietalis), orange-throated whiptail (Cnemidophorus hyperythrus), rufous-crowned sparrow (Aimophila ruficeps canescens), raptors, loggerhead shrike (Lanius ludovicianus), desert woodrat (Neotoma lepida intermedia), and San Diego pocket mouse (Perognathus fallax fallax)."). The DEIR/S provides no information regarding the number of individuals of each species that will be affected or the degree to which the populations will be impacted.

(e) The DEIR/S Provides Insufficient Mitigation for Many Impacts.

081 For nearly all of the Project's major biological impacts, the DEIR/S incorrectly implies that the impacts would be less than significant with adoption of the proposed conservation and mitigation measures. *Compare* DEIR/S 3.17-9, 3.18-4, 3.19-2, 3.20-3, 3.21-7 *with* DEIR/S at S-6 (no mention of conclusion of significance on impacts to California species of special concern). However, the DEIR/S fails to provide evidence supporting its conclusion that the Project's impacts would be adequately mitigated. Without such evidence, the DEIR/S' conclusions are legally inadequate. CEQA Guidelines § 15064(f); Pub. Res. Code § 21080(e)(1)-(2); *Maryland-Nat'l Capital Park & Planning Comm'n v. U.S. Postal Serv.*, 487 F.2d 1029, 1040 (D.C. Cir 1973) (requiring agencies to take a "hard look" at the environmental impacts of a project, and not merely rest on "bald conclusions"); 40 CFR § 1502.24 (agencies "shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions relied upon in the [EIS]."). Instead, as discussed below, the DEIR/S either: (1) relies on measures that are vague, without factual basis or unenforceable, or (2) that defer specific mitigation to a later date.

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078 cont. with longer spans to enhance flow under the bridges; thereby increasing tidal exchange, decreasing tidal muting, and improving water quality and certain aspects of lagoon health. Lengthening of bridges was found to result in a benefit to resources, and longer bridges at three of the lagoon crossings were incorporated into the project design. These designs were described in detail in the 2012 Supplemental Draft EIR/EIS and have been incorporated into the Final EIR/EIS, including the shading effects discussed above in this response.

The project has undergone Section 7 consultation with the USFWS regarding all potential impacts and required mitigation for listed species. The results of this consultation are reflected in the Final EIR/EIS mitigation measures for such species.

079 The framework for biological resources mitigation (and in many cases specifics) were provided in the Draft EIR/EIS in *Sections 3.17* through *3.22*. The precise locations of appropriate mitigation sites was appropriately deferred to the Final EIR/EIS, pending completion of lagoon studies, confirmation of impact specifics, and resource agency coordination. Mitigation specifics provided a major focus of inter-agency coordination in 2011 through 2013, and the Final EIR/EIS contains this augmented, clarified, and refined information regarding the mitigation program. This information is also provided in the PWP/TREP. Please refer to the responses to your Comments 071 through 078.

080 Sufficient information is presented to reasonably assess impacts. *Table 3.20.1* notes the number of individuals observed during surveys, if that information is available. *Figures 3-20.1a* through *3-20.1g* depict sensitive wildlife locations. As many of the referenced animal species would leave the area at the time of grading and construction or could regenerate from adjacent areas, the impact to these animal species is primarily measured in terms of the loss of habitat, and is mitigated via the creation or preservation of similar habitat.

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081 cont. In one example, a proposed measure intended to reduce impacts to sensitive species states only that a qualified biologist will review the grading plans, "address protection of sensitive biological resources, and monitor ongoing work." DEIR/S at 3.21-7. Similarly, the mitigation measure intended to address impacts from pile-driving on fish species states only that mitigation would be negotiated with the appropriate responsible agencies. DEIR/S at 3.21-7. Likewise, to mitigate cumulative impacts to biological resources, the DEIR/S states that "Caltrans is currently in negotiations with resource agencies that have jurisdiction to determine an appropriate mitigation strategy." DEIR/S at 3.25-9. As these examples show, either because the DEIR/S calls for the formulation of "mitigation measures" after project approval, or because the measures are entirely undefined, the document cannot rely on these measures to conclude that Project impacts would be less than significant.

082 Other mitigation measures proposed in the DEIR/S' violate CEQA because they are too narrow in scope. *See* CEQA Guidelines 15126.4(a)(1). For example, the DEIR/S purports to mitigate the Project's indirect impacts on threatened and endangered species due to increased lighting and noise, by avoiding construction activity during breeding season. DEIR/S at 3.21-7. Although this measure would do nothing to protect these species during the rest of the year, or from the disturbance caused by the day-to-day operations of a greatly expanded freeway,[18] the DEIR/S concludes that the measure would reduce the Project's impacts to a level of insignificance. Once again, the DEIR/S fails to provide any data or analysis to support this conclusion.

083 Still other mitigation measures are simply vague and unenforceable. For example, the Project would result in impacts to Del Mar manzanita, a federally endangered plant species. DEIR/S at 3.21-1 and 3.21-7. The DEIR/S asserts that the species has been avoided to the greatest extent practicable, but acknowledges that some plants would be taken. The DEIR/S fails, however, to describe the number and location of the plants to be impacted, stating only that "these plants would *likely be* salvaged…." DEIR/S at 3.21-7. Because such vague measures do nothing to ensure protection of the Del Mar manzanita and other endangered species, the DEIR/S cannot rely on them to conclude that impacts would be reduced to less-than-significant levels.

[18] In addition, the mitigation measure would do nothing to minimize the light and noise impacts to species resulting from the implementation of other Project components, such as the Project's trails and walkways. *See* CBI Report at 7.

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081 The sections in *Chapter 3* of the EIR/EIS do not conclude significance because this part of the document is prepared to disclose the extent of environmental effects under NEPA and CEQA. Please refer to the response to your Comment 076. Preliminary proposed mitigation was identified within the Draft and Supplemental Draft EIR/EIS documents. Development of the complex regional mitigation and enhancement features for biological resources within the PWP/TREP and negotiation of biological resources mitigation requirements with the responsible resources agencies is not considered deferral of mitigation. The latest measures based on these ongoing negotiations are provided in this Final EIR/EIS and REMP. Please refer to the responses to your Comments 071 and 075.

082 EIR/EIS *Section 3.21* explains that I-5 is already at least eight lanes in width throughout the project and, as such, already results in increased lighting at night, existing high noise levels, and bisection of habitats, with potential for edge effects. All four build alternatives are concluded to have incremental increases to indirect effects already affecting adjacent habitat from the current configuration of I-5, and indirect effects such as increased dust, lighting, and noise would be minimized through conservation measures listed in *Sections 3.17* through *3.22*. These impacts would be mitigated to below a level of significance as further documented in the Final EIR/EIS based on measures developed in consultation with resources agencies.

083 Impacts to Del Mar manzanita have been refined based on the Biological Opinion from the USFWS. Please see *Section 3.21.4*, the project ECR (Appendix D to this Final EIR/EIS), and the response to your Comment 079.

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084 Finally, as the CBI Report explains, the DEIR/S indicates that some subset of the proposed compensatory mitigation actions, rather than all the proposed actions, would be included in the final mitigation plan. *See* DEIR/S at 3.21-9. The DEIR/S must clearly identify which of these measures would be implemented. In the absence of such information, decision-makers and the public cannot determine if the Project's significant impacts would, in fact, be sufficiently mitigated.

(f) The DEIR/S Fails to Analyze Cumulative Impacts to Biological Resources.

085 The DEIR/S fails to adequately evaluate the Project's cumulative impacts on biological resources, instead presenting a disjointed discussion of the subject. For example, the document describes potential cumulative impacts related to two other projects, but never evaluates the combined effects of *all* anticipated projects. In addition, the DEIR/S fails to reach a conclusion regarding the significance of this Project's contribution to that cumulative condition. *See* DEIR/S at 3.25-8 and 9. The DEIR/S also fails to analyze the effects of the Project combined with other projects on each of the habitats and each of the species that would be impacted by the Project. Instead, the DEIR/S merely relies on undetermined mitigation measures to conclude—without any evidence—that cumulative impacts to native upland communities would be reduced to less than considerable levels. DEIR/S at 3.25-9. As described above, such a cursory conclusion does not meet CEQA's or NEPA's requirement that analysis be based on fact, and not speculation.

Finally, the DEIR/S limits its discussion of cumulative impacts to direct impacts within the study area. As a result, the document fails to acknowledge significant changes that have occurred to coastal wetlands as a result of urbanization in the surrounding area, and to analyze the combined effects of direct *and* indirect impacts from this Project "together with other projects causing related impacts." CEQA Guidelines at §15130. The Project would result in a host of significant indirect impacts to species and habitat related to long-term increases in noise levels, changes to lighting and shading, deterioration of water quality due to increased pollutants, turbidity and nitrogen deposition, and degradation of wildlife corridors and connectivity (*see* CBI report at 6-9), yet the DEIR/S fails to address any of these effects under cumulative conditions.

(g) The DEIR/S Fails to Adequately Evaluate the Project's Inconsistency with Regional Habitat Conservation Plans.

086 The proposed Project crosses two regional habitat conservation planning areas, the City of San Diego's MSCP Subarea Plan and the North County MHCP. Within

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084 Mitigation specifics provided a major focus of inter-agency coordination in 2011 through 2013, and the Final EIR/EIS contains this augmented, clarified, and refined information regarding the mitigation program. This information is also provided in the PWP/TREP. Please refer to the response to your Comment 071.

085 As described in EIR/EIS *Section 3.25*, the natural community Resource Study Area is coastal San Diego County between El Camino Real and the Pacific Ocean, as shown in *Figure 3-25.3.* The mitigation program being developed in coordination with resource agencies is anticipated to reduce the project's contribution to cumulative impacts to native upland communities and wetlands and other waters along the coast to less than considerable levels. The mitigation approach to biological resources impacts is appropriate and fully coordinated with resource agencies whose mandate is to protect natural resources. The latest available information regarding this coordinated program is provided in *Sections 3.17* through *3.22,* as well as Final EIR/EIS *Section 3.25. Table 3.25.1, Resource Study Areas and Resource Evaluations,* identifies resource health for each of the biological environment study topics (declining), as well as whether the project contribution to the cumulative condition would be considerable or less than considerable. The rationales for these assessments are provided in text in *Section 3.25.2*. Additional discussion is provided for the biological resources making considerable contributions to the cumulative effect in *Section 3.25.3,* with avoidance, minimization, and mitigation measures addressed in *Section 3.25.4* of this Final EIR/EIS.

086 EIR/EIS *Section 3.1.2* explains that Caltrans and FHWA are not signatory agencies to the City of San Diego's Multiple Species Conservation Program (MSCP), and therefore, the regional highway projects were not covered. Impacts to the MSCP and Multiple Habitat Conservation Program (MHCP) areas are included

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the MSCP and MHCP study areas, a Multi-Habitat Planning Area ("MHPA") and Biological Core and Linkage Area ("BCLA"), respectively, have been designated as permanent preserves for biological resources. The Project has the potential to directly and indirectly impact habitat within the MHPA and the BCLA. CBI Report at 11 and 12.

The DEIR/S foregoes analysis of the Project's significant impacts to the MHPA (of the City of San Diego's MSCP), despite the fact that the Project encroaches on the MHPA at the San Dieguito River Park and Los Penasquitos Lagoon. Instead, it suggests that the proposed Project is compatible with the MSCP. For example, the document inaccurately concludes that because the Project "has been designed to minimize impacts to biological resources, where possible," all project alternatives are consistent with MSCP policies and guidelines. DEIR/S at 3.1-26. This superficial conclusion lacks evidentiary support. The MHPA designation is reserved for the most significant biological resources, and parts of the study area fall within this protective designation. Accordingly, the DEIR/S must look beyond the vague mitigation measures alluded to in this document.

086 cont. Indeed, the DEIR/S entirely fails to analyze one of the key requirements of the MSCP— avoiding impacts to the MHPA altogether. The intent of the MSCP and the Roads and Utilities – Construction and Maintenance Policies in the Subarea Plan is clear: impacts to the MHPA must be avoided unless no other feasible option exists. For example, Policy # 3 states, "Temporary construction areas and roads, staging areas, or permanent access roads must not disturb existing habitat unless determined to be unavoidable." Likewise, Policy #4 states, "Construction and maintenance activities in wildlife corridors must avoid significant disruption of corridor usage." As discussed *infra*, alternatives to the proposed Project exist that would reduce or eliminate both the temporary and permanent impacts to the MHPA. Thus, Caltrans cannot reasonably conclude that no other feasible option to impacting these protected areas exists.

Moreover, the Project study area crosses Biological Core and Linkage Areas of the MHCP at the coastal lagoons and the San Luis Rey River. Thus, the Project has the potential to directly and indirectly impact habitat within the MHCP. Biological Core Areas are defined as areas with a high concentration of sensitive biological resources which, if lost, could not be replaced or mitigated elsewhere. Accordingly, the DEIR/S should have identified the Project's encroachment into the MHCP as a significant impact. The DEIR/S' failure to acknowledge or analyze each of these significant impacts renders it inadequate under both CEQA and NEPA.

087 **6. The DEIR/S Fails to Adequately Analyze or Mitigate Impacts Relating to Water Quality and Storm Water Runoff.**

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086 cont. in the biological resource sections of the EIR/EIS. Consistency with relevant key goals of the MSCP and MHCP is addressed in *Table 3.1.1*.

The *I-5 NCC Project* by necessity is confined to the coastal corridor and lagoons crossed by the existing I-5 freeway. Incrementally widening the existing facility is the only practicable option for the alternatives to increase freeway capacity. Project impacts to biological resources and the associated mitigation have been the subject of consultation with resources agencies in 2011 through 2013. The Preferred Alternative is the refined 8+4 Buffer alternative, which is the smallest of the build alternatives proposed in the EIR/EIS and would result in the least impacts to the MSCP and MHCP preserves. Please refer to the response to your Comment 001 and Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor.

087 Detailed responses to each of the issues raised in your introductory statement regarding water quality and storm water runoff are

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087 cont. The DEIR/S' analysis of the Project's impacts to water quality and storm water runoff is inadequate because it fails to: (a) describe Project design features and construction activities; (b) include objective significance criteria; (c) support its conclusions with the necessary facts; (d) evaluate the Project's cumulative impacts; and (e) identify mitigation capable of minimizing the Project's significant water quality and storm water impacts.

(a) The DEIR/S' Description of Project Design Features and Construction Activities Is Deficient.

088 As discussed above, the DEIR/S fails to provide an adequate description of the Project, a problem that handicaps the document's analysis of the Project's environmental impacts. In particular, with regard to the analysis of the Project's impact on water quality and storm water, the DEIR/S fails to provide adequate details about the proposed design and efficacy of drainage facilities. The document states that "most of the existing culverts would need to be extended, replaced or lined," and that "new drainage facilities would be constructed adjacent to cross roads." DEIR/S at 2-5. The DEIR/S goes on to indicate that detention basins and bioswales would be implemented to filter runoff prior to reaching wetlands and other waters of the U.S. DEIR/S at 3.18-4 and 3.21-7. However, the DEIR/S provides *none* of the necessary details regarding the design or effectiveness of these facilities, or whether the facilities will be permanent or temporary (*i.e.*, implemented only during the construction phase). The DEIR/S is also silent as to whether the detention basins and bioswales would be designed to capture all freeway runoff post-construction. If designed incorrectly, these features may not satisfactorily protect water quality of receiving waters or the biological resources within those waters. Consequently, the details pertaining to these drainage facilities must be fully identified in order to allow for effective environmental analysis.

089 Another glaring omission is the DEIR/S' failure to provide details regarding proposed construction activities. While the document provides a generic list of typical construction activities, it lacks Project-specific information. DEIR/S Water Quality Report at 6-8. This problem hinders the document's analysis in a number of ways, including the analysis of potential degradation of water quality. Petroleum hydrocarbons are present in soil and groundwater at a number of locations proposed for excavation. DEIR/S at 3.13-2. The DEIR/S acknowledges the potential for construction activities to disturb these contaminants, yet the document provides no details on construction activities expected to take place at the contaminated sites. *Id*. Instead, the DEIR/S states only that Caltrans will comply with regulatory requirements for handling and disposal of groundwater. DEIR/S at 3.13-3. Compliance with regulations does not excuse the agency from describing Project activities or from analyzing resulting impacts.

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087 cont. provided below in the responses to your more detailed Comments 088 through 099. The responses further document the adequacy of the information provided in the EIR/EIS for these issues.

088 Project design features and construction activities have been adequately described, at the level of detail possible at this stage of project development. The project would include a number of design measures and BMPs to avoid or address concerns related to water quality and storm water runoff. Project design incorporates measures to minimize project-related construction of new impervious surfaces and related runoff generation and pollutant discharge to the greatest extent practicable. This design strategy to avoid and/or minimize water quality impacts is consistent with associated regulatory requirements, including the Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES), San Diego Basin Plan, Caltrans Storm Water Standards, and Section 30231 of the California Coastal Act (CCA).

The project water quality analysis is based on the July 2009 Water Quality Report (WQR) and Water Quality Technical Memorandum prepared in August 2013 to supplement the 2009 WQR. The purpose of the August 2013 Technical Memorandum is to provide additional information related to the recently adopted Caltrans NPDES permit and to describe Caltrans' practices and policies to ensure all NPDES permit requirements are complied with and documented for the proposed project. The Technical Memorandum also reflects the selection of the refined 8+4 Buffer Alternative as the Preferred Alternative, which occurred subsequent to completion of the 2009 WQR.

Section 3.10.3 of the EIR/EIS and Section 5.0 of the associated WQR identify and evaluate potential direct and indirect water quality impacts associated with implementation of the project

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088 cont. build alternatives and the No Build alternative. This includes direct impacts associated with short-term (construction) activities such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related contaminants (e.g., fuels and lubricants), as well as long-term (operational) direct impacts, including the generation of vehicle-related contaminants (e.g., particulates and metals from break pad wear, and exhaust-generated contaminants such as nitrite). This analysis also addresses associated indirect impacts, such as downstream sediment and contaminant transport (i.e., sedimentation), and the potential discharge of contaminants related to long-term facility operation and maintenance activities such as landscaping (e.g., green waste, pesticides, and herbicides).

The discussion in EIR/EIS *Section 3.10.4*, as well as Sections 6.0 and III of the associated WQR and Technical Memorandum, respectively, identifies appropriate BMPs to address potential direct and indirect water quality concerns outlined above, based on approved Caltrans standards, manuals and guidelines (with individual sources provided in the EIR/EIS text). These would include applicable measures related to maintenance BMPs (Category IA), design pollution prevention (DPP) BMPs (Category IB), construction site BMPs and runoff controls (Category II), and "treatment" BMPs (Category III). While the analysis notes that selection of specific BMPs is an iterative process (with BMPs evaluated and implemented to address impacts during the planning and design, construction, and operational phases), preliminary measures are identified where practicable, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program. All of the described BMP categories encompass specific measures approved by Caltrans. For construction activities, approved Caltrans measures reflect Best Available Technology/Best Conventional Technology (BAT/BCT) performance standards, as identified in the NPDES Construction General Permit (NPDES No. CAS000002, Order 2009-0009-DWQ) and required by the Caltrans NPDES Permit and Statewide Storm Water Management Plan (SWMP). All of the "treatment" BMPs listed in *Table 3.10.12* of the Final EIR/EIS (in addition to Table 6-3 of the WQR and Section III.1.6 of the Technical Memorandum) were evaluated for

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088 cont. this project, as these BMPs have been approved for Statewide consideration and implementation as appropriate.

"Treatment" BMPs are required under the SWMP to avoid or minimize potential long-term impacts from proposed facilities or activities, with the approved measures considered to be technically and fiscally appropriate. Specifically, the approved Caltrans "treatment" BMPs have been found through experience to be constructible, maintainable, and effective at removing pollutants to the maximum extent practicable (MEP), per regulatory requirements. Two of the "treatment" BMP categories identified for the proposed project (biofiltration systems and detention devices) are also designated as low impact development (LID) BMPs in the January 14, 2011 *City of San Diego Storm Water Standards*, and the December 31, 2007 *County of San Diego Low Impact Development Handbook*. The use of LID measures is intended to mimic pre-development hydrologic conditions by effectively capturing, filtering, storing, evaporating, detaining, and/or infiltrating runoff close to its source (with corresponding water quality benefits from regulating and/or reducing runoff rates and amounts and minimizing associated pollutant discharge). A number of preliminary site-specific locations for project LID BMPs (bioswales and detention basins) are depicted on Final EIR/EIS *Figures 2-2.3, Sheets 16* through *67.*

Detailed design of all drainage and water quality features to be incorporated within the proposed project would be highly dependent on the selected project alternative and, therefore, are not available at this stage of project development. The EIR/EIS documents the existence of State and regional regulations for construction and long-term operation, and identifies BMPs that would ensure conformance with those regulations and that the project would provide sufficient features to avoid adverse impacts to the quality of receiving waters and biological resources within those waters. The State Water Resources Control Board (SWRCB) adopted Order No. 2009-0009–DWQ, NPDES No. CAS000002 NPDES General Permit for storm water discharges associated with construction activities. This permit requires dischargers to implement a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs that will prevent construction pollutants from entering a receiving

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088 cont water body. The Caltrans program complies with the substantive provisions of the General Permit; most requirements are met by implementing the SWPPPs prepared for each project during the project's construction phase.

The SWRCB adopted Order No. 99-06–DWQ, NPDES Permit No. CAS000003, Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans) Properties, Facilities and Activities. Order No. 2012-0011-DWQ was adopted in September 2012 and supersedes Order No. 99-06-DWQ upon its effective date of July 1, 2013. This permit requires Caltrans to implement a SWMP, the purpose of which is to protect and achieve water quality standards at all times. The minimum requirement is to ensure that pollutants in discharges from storm drain systems owned or operated by Caltrans are reduced to the MEP and that pollutants in discharges from construction activities covered by the General Construction Permit are reduced by employing BAT/BCT performance standards. The MEP analysis is the process of evaluating the selected BMPs based on legal and institutional constraints, technical feasibility, relative effectiveness, and cost/benefit ratio.

The permit and the approved SWMP consolidated Caltrans storm water compliance activities under one permit and provided a framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting. As indicated in the August 2013 Technical Memorandum, Caltrans continues to modify its guidance documents including, but not limited to, the Project Planning and Design Guide, Construction Storm Water Manuals, and is currently in the process of updating the SWMP in coordination with SWRCB and RWQCBs to reflect the latest Caltrans permit requirements. Project BMPs have been updated accordingly.

Regarding long-term operational facilities, a preliminary review of the project area has been completed and potential locations and types of "treatment" BMPs to avoid impacts to water quality and storm water have been assessed for feasibility based on such factors as climate, water volume, soil conditions, physical

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089 cont. *Oro Fino Gold Mining Corporation v. County of El Dorado*, 225 Cal.App.3d 872, 885 (1990).

090 Similarly, while the DEIR/S asserts that soil excavation activities would be performed according to a Soil Management Plan and Health Safety Plan, this Plan would be prepared at some undisclosed future date. DEIR/S at 3.13-2 and 3.13-3. Once again, the DEIR/S inappropriately defers the analysis and mitigation of the Project's environmental impacts. *See* CEQA Guidelines § 15126.4(a)(1)(B).

(b) The DEIR/S Fails to Identify Significance Criteria.

One of the first steps in any analysis of an environmental impact is to select a threshold of significance. Yet, here too, the DEIR/S contains no thresholds of significance for the Project's potential impacts on water quality or storm water. Although the DEIR/S concludes that the Project would not result in any negative impacts on receiving water bodies (at 3.10-8), it is impossible to evaluate the accuracy of this conclusion because the DEIR/S provides no standard by which to judge the impact's significance. This flaw leads to a cascade of other failures: without a threshold, the DEIR/S cannot do its job.

091 CEQA states that a project may result in a significant impact on water quality if it would create or contribute runoff water that would provide substantial additional sources of polluted runoff. CEQA Guidelines Appendix G. While choosing and applying a standard of significance—for both individual and cumulative impacts— is the lead agency's responsibility, we suggest that Caltrans review the State Water Resources Control Board ("SWRCB") requirements for guidance. SWRCB regulations require that Caltrans obtain a Statewide National Pollutant Discharge Elimination System ("NPDES") Storm Water Permit whenever a project will create more than one acre of impervious surface. DEIR/S at 3.10-1. Therefore, an appropriate threshold of significance here would be the creation of one or more acres of impervious surface. By any reasonable standard, however, the Project's creation of an additional 300-400 acres of impervious surface would result in a significant impact.

Under CEQA, a determination of an impact's significance calls for "careful judgment . . . based to the extent possible on scientific and factual data." CEQA Guideline § 15064(b). Accordingly, a significance threshold must reflect the threats posed by the cumulative impact of additional new sources of pollutants into an environment that is already impaired. Because the DEIR/S here provides no standard or threshold on which to base its conclusion as to the Project's impacts, the DEIR/S must be revised to insert that information, and recirculated for public review and comment.

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088 cont. limitations, and other environmental considerations. Preliminary locations of some of the "treatment" BMPs are shown on the Project Features Maps (Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). As the proposed project proceeds to the design phase, the locations of these "treatment" BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints or hydraulic capacity. In addition, in areas where "treatment" BMPs cannot be incorporated due to the above-noted constraints, vegetation would be maximized and every effort would be made to ensure the successful establishment of project landscaping and erosion control. The project would also consider any future "treatment" BMPs that might be approved by Caltrans from the ongoing research and monitoring program.

Pursuant to applicable requirements under Caltrans Storm Water Standards and related NPDES criteria, the proposed detention basins (and other applicable facilities) would be designed to conform to all required specifications, including an appropriate design storm event. Also as described in *Section 3.10* of the EIR/EIS and Section 6.0 of the project's WQR, BMPs that would be employed to address litter control may include efforts such as good housekeeping (e.g., proper trash containment), street sweeping and appropriate material storage and recycling (i.e., to reduce potential trash generation). The nature, extent and/or location of these (and other) BMP efforts would be further evaluated during the project design phase.

089 The project would provide sufficient features to protect water quality during construction; however, the specific details of all features cannot be determined at this stage of project development. Specific measures for control of hazardous waste would be derived from the Plans, Specifications and Estimates (PS&E) standard specifications, which provide direction for contractors to implement appropriate BMPs to prevent construction debris, lead paint, and other impacted on-site debris and soils from entering the environment. A description of Caltrans-approved BMPs related to bridge (and other) construction is provided in Section 6.0 of the project's WQR (refer to Table 6.6, Construction Site BMPs for Typical Highway Construction Activities), with a number of these measures also called out as avoidance, minimization, and/or

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	089 cont. mitigation measures in *Sections 3.10* and *3.18, Wetlands and Other Waters*, of the EIR/EIS. As required by the resources agencies and discussed within the Final EIR/EIS, measures will be incorporated to minimize the potential for debris to fall within water resources during bridge widening construction; control erosion and sedimentation; and ensure that fueling of construction equipment would occur in appropriate locations. Please also refer to the response to your Comment 088 and Topical Response "Lagoon Evaluations."
	090 Caltrans' commitment to complying with regulations does not constitute deferral of mitigation. CEQA Guidelines Section 15126.4(a)(1)(B) notes that formulation of mitigation measures should not be deferred until some future time but "measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." The EIR/EIS, therefore, documents required conformance with State and regional water quality regulations as performance standards, in addition to providing BMPs to ensure conformance with those regulations, thereby ensuring that the project would avoid adverse impacts to water quality. *Section 3.10.4* provides examples of BMPs that would be implemented to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages. Similarly, *Section 3.13.4* describes the required preparation of site-specific Soil Management Plans and Health and Safety Plans, which would require further characterization of properties once final right-of-way needs are defined, and would list the proper handling and disposal measures for asbestos, lead, and treated wood wastes pursuant to regulatory requirements and standard Caltrans practices. Please also refer to the response to your Comment 088.
	091 Significance criteria are not provided in the EIR/EIS, as explained in the response to your Comment 076. As discussed in response to Comments 088 through 090, implementation of the project build alternatives, as part of (and in conformance with) Caltrans and related requirements, would ensure compliance with applicable water quality standards and regulations, thereby avoiding impacts that would be considered significant under CEQA.

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(c) The DEIR/S Defers Analysis And Fails To Support Its Conclusions With Necessary Facts.

According to the DEIR/S, construction of the Project would require more than 1,500 acres of soil disturbance. DEIR/S at 3.10-9. Depending on the alternative, the completed Project would create between 300 and 430 acres of new impervious surface. DEIR/S at 3.10-8. In two of the alternatives, the increase in impervious surface represents a 100 percent increase in the amount of impervious surface compared to existing conditions. *Id*.

The DEIR/S acknowledges that the Project has the potential to impact water quality during both construction and operation phases. DEIR/S at 3.10-8. The document further discloses that within the Project limits, the freeway crosses six creeks, two rivers and four lagoons, and stormwater run-off from the Project area discharges into these water bodies. DEIR/S Water Quality Report at 2-3 to 2-8. According to the San Diego Regional Water Quality Control Board, all of the water bodies affected by the Project are on the Section 303(d) List of Water Quality Limited Segments for water quality impairments due to nutrients/eutrophication, bacteria, sediment/siltation, total dissolved solids ("TDS"), or a combination of these pollutants. *See* San Diego Section 303(d) List of Water Quality Limited Segments, attached as Exhibit 28. Given the sensitivity of the receiving waters in the area, the amount of soil disturbance, and the new impervious surfaces proposed by the Project, impacts relating to water quality deserve extraordinary close scrutiny. Unfortunately, while the DEIR/S provides details regarding regulatory requirements for water quality protection, its discussion of the Project's compliance with these requirements is scant.

092

Instead of providing facts or analysis to show that the Project's water quality impacts will be reduced to an insignificant level, the DEIR/S provides only unsupported conclusions. For example, the DEIR/S first concedes that "pollutant concentrations in storm water runoff increase with higher traffic volumes," and that the Project will have potential long-term impacts on the receiving water bodies' quality due to the contribution of pollutants from the operation of the freeway. The document then concludes that "no negative impacts to the six designated navigable waterways" will occur. DEIR/S Water Quality Report at ES-1, 4-6 and DEIR/S at 3.10-8. This perfunctory discussion is unlawful. *Citizens to Preserve the Ojai*, 176 Cal.App.3d at 428. The DEIR/S fails to provide the reader with the most basic information, such as: (1) what type of vehicle-related pollutants would be increased and by how much; (2) what specific mitigation measures are proposed; and (3) how any as-yet-undefined mitigation measures would reduce those impacts to less-than-significant.

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092 The EIR/EIS provides sufficient facts for decision makers. The water quality regulatory environment has continued to evolve since the distribution of the Draft EIR/EIS. On February 10, 2010, the San Diego Regional Water Quality Control Board (RWQCB) adopted Resolution No. R9-2010-0001, an amendment incorporating Revised Total Maximum Daily Loads (TMDLs) Project I into the San Diego Basin Plan. This TMDL Basin Plan amendment was subsequently approved by the State Water Resources Control Board on December 14, 2010, the Office of Administrative Law (OAL) on April 4, 2011, and USEPA on June 22, 2011. Under State law, this TMDL Basin Plan Amendment became fully effective on April 4, 2011, the date of OAL approval. Pursuant to these new regulatory requirements, Caltrans is working cooperatively with the San Diego RWQCB and several named dischargers to comply with the adopted Revised TMDLs for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region. Caltrans and the other named dischargers are developing a Comprehensive Load Reduction Plan (CLRP). This CLRP will support the responsible parties' plans to address beach and creek impairments with coordinated, consistent, and phased implementation of BMPs. It will assist the responsible parties in complying with the approved TMDLs for Beaches and Creeks (Bacteria TMDLs) developed in the region. In addition to addressing bacteria, the CLRP will allow for implementation planning that addresses other potential 303(d) impairments and pollutants within the watershed, to increase the effectiveness and efficiency of planning and implementation efforts, and to reduce the overall cost of implementation and compliance monitoring.

A plan will be developed to address the monitoring requirements of the approved Bacteria TMDLs and other existing and/or tentative TMDLs in the watershed. This plan also will address other 303(d) impairments that are proposed for inclusion in the CLRP. Monitoring is needed to evaluate progress toward attainment of the TMDLs and restoring the beneficial uses in the receiving waters.

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	092 cont. EIR/EIS *Section 3.10.3* describes potential sources of pollutants found in highway runoff as including sediment from natural erosion, nutrients (nitrogen and phosphorus) from tree leaves, mineralized organic matter in soil, fertilizer runoff, nitrite from automobile exhausts, atmospheric deposition, emulsifiers and surfactants; pesticides; metals (dissolved and particulate) from combustion products of fossil fuels, wearing of brake pads, and corrosion. It is not practicable to calculate the exact quantities of such materials, but the program of preventing water quality impairment is based on the implementation of BMPs and continued monitoring to achieve the CLRP and other regulatory requirements, as discussed above and in response to your Comments 088 through 090.

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093 The DEIR/S also fails to provide the necessary evidentiary support for the conclusion that the Project-related increase in impervious surfaces, and the accompanying increase of runoff, would have an insignificant impact on surface water quality due to siltation. The DEIR/S acknowledges that the volume and velocity of run-off from the freeway would increase under the Project, entering the creeks, lagoons, and river and exacerbating erosion in the waterways. Caltrans Technical Study at 6-2. But rather than evaluate those potential impacts, the DEIR/S once again defers analysis to a later date. *Id*.

094 Tellingly, the DEIR/S acknowledges its failure to analyze the impacts of the Project through its statements that: (1) "construction staging has not been considered as part of this assessment since it hasn't been determined," and (2) the assessment of permanent impacts is "preliminary." DEIR/S Water Quality Report at 5-3. Again, Caltrans' decision to defer the identification of Project impacts until after Project approval renders the EIR/S useless as an informational document. The agency thus undercuts CEQA and NEPA's core purpose of alerting decision-makers and the public to environmental impacts when mitigation measures can still be imposed and alternatives considered. *See Sundstrom*, 202 Cal.App.3d at 306-07.

095 In short, Caltrans must analyze this Project's potentially significant water quality impacts in a revised EIR/S. This analysis must provide all necessary information to determine the impacts of adding 300-400 acres of impervious surface within the Project limits. For example, how much additional run-off will be diverted into the receiving waters? Will the velocity of the run-off increase? Where does the drainage enter the lagoons and waterways? Are the discharge points lined or natural? Will the additional runoff have any impacts on aquatic habitats in the Project area and beyond? These are just a few of the questions that must be answered to disclose the potential impacts of the Project.

(d) The DEIR/S Defers Identification of Feasible Mitigation Measures.

096 The DEIR/S' persistent error of deferring the analysis of water quality and storm water impacts also infects the document's mitigation measures. The DEIR/S fails to: (1) ensure Caltrans' commitment to implement mitigation; (2) identify specific measures to address Project-specific impacts; and (3) provide evidence that the measures will minimize anticipated effects.

The DEIR/S proposes that it will mitigate all water quality impacts through certain undefined Best Management Practices ("BMPs"). DEIR/S at 3.10-10 and 11.

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093 Local drainage issues, including the potential for erosion and siltation, are addressed in EIR/EIS *Section 3.10*. Implementation of the refined 8+4 Buffer alternative (Preferred Alternative) would result in a total of 112 percent of equivalent new impervious areas being treated. Currently seven percent of existing impervious areas are being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. As noted in *Section 3.10.4*, the Caltrans Permit requires a risk-based approach to assessment of lateral and vertical stability of the receiving water bodies using 13 channel stability indicators. Caltrans projects implement LID efforts to maintain or restore pre-project hydrology, as well as provide overall water quality improvement of discharges. The LID measures include: (1) minimizing impervious surface area and using pervious material for hardened surfaces outside of the roadway prism, (2) grading slopes to blend with the natural terrain and decreasing the need for dikes, promoting sheet flow to vegetated areas that can provide water quality benefits and promote infiltration, (3) maintaining existing vegetation areas, and (4) designing permanent drainage facilities that mimic the existing drainage pattern of the area. The Caltrans LID practices reduce, or in some cases can eliminate, hydromodification impacts from highway facilities. The project will be designed with DPP BMPs that are standard technology-based, non-treatment controls selected to reduce pollutant discharges to MEP. DPP BMPs have the following design objectives: prevent downstream erosion, stabilize DSA and maximize vegetated surfaces consistent with Caltrans policies. These measures will prevent effects on downstream channel stability through changes in the rate and volume of runoff, the sediment load due to changes in the land surface, and other hydraulic changes from stream encroachments, crossings or realignment. Damage to waterways and biological resources that they support from issues like scour and erosion would not be allowed to occur. Mitigation has not been deferred, as explained in the responses to your Comments 088 and 090.

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096 cont. This mitigation is entirely insufficient, for several reasons. First, the DEIR/S nowhere identifies the specific BMPs that would be implemented, but instead simply lists general categories. Because the DEIR/S provides only these general categories, there is no evidence that the measures will serve to minimize Project impacts. Second, the BMPs are merely recommended for incorporation into the design and operation of the Project; they would not be required. DEIR/S Water Quality Report at 6-2, (*e.g.*, "the Department will *evaluate* the downstream channel stability and *consider* the following mitigation measures and *incorporate them as appropriate*…")(emphasis added).

More disturbing, the DEIR/S defers to a later date the evaluations necessary to determine the feasibility of these measures (*e.g.*, environmental constraints, hydraulic capacity, right-of-way limitations). DEIR /S at 3.10-11. The postponement of these evaluations is unlawful. The DEIR/S must (1) describe the actual mitigation measures proposed (*e.g.*, the type of stormwater treatment measures, the secondary environmental impacts, if any), and (2) demonstrate that these measures will actually reduce the potentially significant impacts to a level of insignificance. The DEIR/S, by contrast, simply requires compliance with existing regulations, which are designed merely to reduce pollution from stormwater run-off to the "maximum extent practicable." DEIR/S at 3.10-8.

097 In addition, the DEIR/S lacks the necessary evidence to conclude that mitigation measures would effectively minimize impacts. For example, a stormwater treatment measure necessary to reduce impacts to a level of insignificance may not be "practicable," and thus may not be required under the regulations the DEIR/S relies upon. This fact is recognized in the Program EIR for the 2004 Southern California Association of Governments Regional Transportation Plan ("SCAG RTP EIR"), which concludes that, even if such measures as drainage channels, vegetated buffers, SWPPPs and revegetation are incorporated into transportation projects, their impacts to local surface water would remain significant. *See* Exhibit 29, Excerpts of SCAG RTP EIR, at 3.12-22 – 27; *see also* 2006 Orange County Transportation Authority Long Range Transportation Plan Final PEIR ("Long Range Plan EIR") at 4.7-20 – 21 (concluding that road widening and construction projects could result in residual erosion and sedimentation impacts that remain significant even if the lead agency complies with water quality requirements, uses infiltration and detention devices, and implements sediment control plans), attached as Exhibit 30.

098 In short, the DEIR/S lacks sufficient evidentiary support for its conclusion that the Project's impacts on water quality would be less than significant. To the contrary, there is substantial evidence that the Project's water quality impacts will be

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094 The project features and impacts have been defined adequately within the EIR/EIS and supporting technical studies, for decision makers and the public to understand potential environmental impacts. In accordance with NEPA and CEQA, avoidance, minimization, and/or mitigation measures have been provided for environmental issues in EIR/EIS *Chapter 3*, and *Chapter 4* provides an analysis of significance under CEQA. Four build alternatives are addressed at an equal level of detail. Please refer to the responses to your Comments 001, 088, and 090.

095 Please refer to the responses to your Comments 088 through 094.

096 Please refer to the responses to your Comments 088 and 090.

097 EIR/EIS *Section 3.10.3* lists potential sources of pollutants from construction activities that could generate pollutants through deposition into water, soil, or air. Regardless of the type of deposition, the project is required to incorporate BMPs to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages, as stated in EIR/EIS *Section 3.10.4,* and to meet the performance standards imposed by the agencies responsible for regulating water quality. Implementation of the appropriate programs (tailored to the specific project design that will be developed if the project is approved), as required by law, would adequately mitigate for project impacts. Please also refer to the response to your Comment 092.

098 The project would provide sufficient features to protect the quality of receiving waters and the biological resources within those waters during construction and long-term operation, justifying the inclusion of hydrology and water quality in EIR/EIS *Section 4.2*. Please refer to the responses to your Comments 088 and 090.

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098 cont. significant. Therefore, the DEIR/S' analysis of impacts to water quality is inadequate under CEQA.

(e) The DEIR/S Fails to Analyze Cumulative Impacts to Water Quality.

The DEIR/S fails altogether to evaluate the Project's cumulative impacts on water quality. The document implies that since Project-specific impacts would be less than significant after mitigation, the Project would not contribute to cumulative conditions. As discussed above, this assumption is incorrect. The construction and operation of the proposed Project certainly has the potential to significantly impact water quality. Moreover, the DEIR/S' approach suggests a fundamental misunderstanding of the cumulative impact requirements.

099 Cumulative impacts to water quality occur when polluted runoff from many sources discharge to the same water body (*e.g.*, a stream, river, lake or ocean). Cumulative water quality degradation occurs with almost all types of development. One significant source of water quality degradation results from runoff from urbanization. Most urbanization is associated with an increase in impervious surfaces and automobile use, as with the proposed Project. An individual project may not, by itself, result in discharges of pollutants at a level that would violate water quality objectives or substantially degrade the quality of receiving waters.[19] The assimilative capacity of the watershed might receive these pollutants without measurable impact to beneficial uses. However, if the degraded runoff from the proposed Project is added to degraded runoff from all the other developments in the watershed, it is likely that substantial water quality degradation will occur. *See Kings County*, 221 Cal.App.3d at 720-21 (EIR may not conclude that project will not contribute considerably to cumulative impacts simply because its individual impacts are insignificant). The DEIR/S must analyze this likely cumulative impact.

Moreover, as discussed earlier, all of the water bodies affected by the Project are listed as impaired. This means that the water bodies already have more pollutant inputs than they can effectively assimilate and still support beneficial uses. Therefore, any increase in the aforementioned pollutants will, by definition, result in a cumulative impact to water quality. The DEIR/S must acknowledge this significant impact and therefore identify measures capable of eliminating or minimizing this impact.

[19] The present DEIR/S does not establish this lack of "project -level" impact.

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099 As described in EIR/EIS *Section 3.10.1, Regulatory Setting*, project implementation would require conformance with a number of regulatory requirements related to water quality concerns, including applicable elements of the CWA, NPDES, RWQCB Basin Plan, and associated Caltrans standards. The described regulatory requirements constitute a regional effort to implement water quality protections through a watershed-based program designed to meet applicable criteria such as CWA, NPDES, and Basin Plan standards. To this end, these standards require the implementation of applicable water quality measures on a watershed-wide basis and are specifically intended to address both project-specific and cumulative impacts. The project's contribution to water quality effects within the associated watersheds would not be cumulatively considerable based on the described regional watershed-based approach for water quality issues in existing regulatory standards; the fact that conformance with these requirements would be required for other (cumulative) projects within the associated watershed (as well as the proposed project); and the project design features, standard construction practices, and BMPs identified for the build alternatives in *Section 3.10.4* of the EIR/EIS.

Targeted Design Constituents (TDCs) are identified in EIR/EIS *Section 3.10.2.4, Section 303(d) of the Clean Water Act and Caltrans Targeted Design Constituents*, in order to provide specific information regarding the potential generation of pollutants from the proposed project that would contribute to receiving waters currently included on the CWA Section 303(d) List of Water Quality Limited Segments (i.e., specific pollutants for which the 303[d] segments are listed). As described in EIR/EIS *Section 3.10.3*, potential pollutants and pollutant sources identified for the proposed project include those listed as TDCs in *Section 3.10.2.4* (sediment; total and dissolved zinc, lead and

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	099 cont. copper; nitrogen; phosphorus and general metals), as well as additional potential pollutants such as vehicle fluids, asphaltic emulsions, joint and curing compounds, solvents and thinners, paint, sandblasting material, landscaping materials, treated lumber, concrete rubble, general litter, nitrite, pesticides; and other metals (dissolved and particulate). The BMPs described in EIR/EIS *Section 3.10.4* would address potential pollutants associated with the proposed project, not just those identified as TDCs. The identified project BMPs would address current 303(d) listings as noted and may also address future 303(d) listings associated with other project-related pollutants. The result is that project impacts to already impaired water bodies would be avoided and would not be significant under CEQA.

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7. The DEIR/S Fails to Adequately Analyze and Mitigate the Project's Noise Impacts.

100 A particularly glaring inadequacy of the DEIR/S is its analysis of and mitigation for the Project's noise impacts. The proposed Project will generate two distinct categories of noise impacts: construction equipment noise, and traffic noise from the cars and trucks that would travel along this 15-lane freeway.[20] Some of the closest sensitive receptors will be immediately adjacent to the freeway. The DEIR/S admits that noise from the Project would exceed the noise abatement criteria at 531 receptor locations, prior to potential noise abatement. DEIR/S at 3.15-3. In fact, noise from the traffic traveling along the freeway would be considered *severe* in certain locations. DEIR/S at 3.15-2.

The World Health Organization recognizes noise, and in particular traffic noise, as a serious public health problem. *See* excerpts from Traffic Noise Reduction in Europe, attached as Exhibit 31. Given the severity of the Project's potential noise impacts, coupled with the effect that elevated noise levels has on public health, the DEIR/S should have rigorously examined this issue. Unfortunately, the document's analysis of noise impacts is riddled with errors and critical omissions. A few of the most troubling errors are briefly reviewed here.

(a) The DEIR/S Substantially Understates the Severity and Extent of the Project's Noise Impacts Because the Document Relies on an Unrealistically High Threshold for Evaluating Impacts.

101 The DEIR/S asserts that significant traffic noise impacts are considered to occur at receptor locations where predicted design-year noise levels are at least 12 dB higher than existing noise levels. DEIR/S at 3.15-1. The DEIR/S relies on this inappropriately high threshold because it is the Noise Abatement Criteria ("NAC") used for projects with FHWA involvement. *Id*. While this may be the standard pursuant to federal requirements, it is not an appropriate threshold under CEQA. The CEQA Guidelines state that a project would have a significant noise impact if it would result in

[20] According to the I-5 North Coast Air Quality Analysis, the Project will likely have eight general purpose lanes, four HOV lanes and three auxiliary lanes. I-5 North Coast Air Quality Analysis at 40.

RESPONSES

100 Impacts from project construction and long-term operational noise are evaluated adequately in *Section 3.15, Noise*, and the Noise Study Report referenced in *Section 3.15.2, Affected Environment*, as further discussed below in response to the detailed comments that elaborate on the introductory statements in your Comment 100.

101 Noise study and preliminary noise-abatement decisions are based on Title 23, Code of Federal Regulations (CFR), Part 772 of the FHWA standards, and the Caltrans Traffic Noise Analysis Protocol (Protocol). Under these regulations, noise-abatement measures must be considered when future predicted noise levels with the project "approach or exceed" the Noise Abatement Criteria (NAC) or when the predicted noise levels with the project substantially exceed existing noise levels. One-decibel hourly average (dBA L_{eq}[h]) within the NAC is considered "approaching," and a 12-dBA increase is considered "substantial." NAC values are presented in *Table 3.15.1*, and range from 57 dBA L_{eq}(h) to 72 dBA L_{eq}(h). In addition, there may be situations where "severe" traffic noise impacts exist or are expected, but the abatement measures are not "feasible" or "reasonable." A severe noise impact is considered to occur when predicted exterior noise levels equal or exceed

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substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. *See* CEQA Guidelines Appendix G. The question, then, is what constitutes a substantial increase? Typically, if noise generated by a project causes the L_{dn} at a noise sensitive land use to increase by 5 dBA or greater above existing ambient noise levels, the increase would be considered a substantial temporary or permanent increase and the impact would be considered significant. *See* City of Los Angeles, EIR excerpts for Autry's National Center's Griffith Park Campus Improvements, attached as Exhibit 32. Moreover, acoustical experts have determined that a 5 dBA increase is considered a noticeable increase in noise levels, whereas a 10 dB increase is considered a doubling in noise exposure. *Id*. By using 12 dBA as the significance threshold, the DEIR/S authors take the untenable position that even a doubling of noise levels would not impact nearby sensitive receptors.

Here, the DEIR/S identifies several locations that would experience a tremendous increase in noise levels, yet it finds these impacts to be less than significant. (*See, e.g.*, Receptor R6.9, R6.17 and R6.19 at Noise Study Report 62 showing noise levels at 74 and 75 dBA). These noise levels are similar to the sound of a gas lawn mower at 100 feet or a vacuum cleaner at 10 feet. *See* DEIR/S at 3.15-1. Clearly, exposing receptors to this magnitude of noise would constitute a significant impact. Indeed, San Diego County recognizes that projects that result in the exposure of exterior locations to noise levels greater than 60 dB CNEL are considered to have a significant noise impact. *See* County of San Diego Guidelines for Determining Significance – Noise, January 27, 2009 at 9, attached as Exhibit 33.

101 cont.

It is also important to note that where existing ambient noise is already elevated, tolerance is very low for *any* increase in noise. For example, existing ambient noise at Receptors R6.9, R6.17 and R6.19 is already elevated; these receptors currently experience noise levels of at least 69 dBa. Caltrans Noise Study Report at 60, 61. Here, the proper question is not the relative amount of noise resulting from the Project, but "whether *any* additional amount of [] noise should be considered significant . . ." in light of existing conditions. *Los Angeles Unified School District v. City of Los Angeles*, 58 Cal.App.4th 1019, 1025-26 (1997) (emphasis added).

Had the DEIR/S relied on an appropriate threshold of significance, the noise analysis would likely have concluded that far more receptor locations would approach or exceed the DEIR/S significance threshold. The DEIR/S should be revised to evaluate noise impacts against a more reasonable threshold of significance, one that sufficiently protects sensitive receptors.

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101 cont. 75 dBA-L_{eq}(h) or are 30 dBA or more above existing noise levels. As discussed in EIR/EIS *Section 3.15*, the situation of "severe" traffic noise impacts means that Caltrans must consider "unusual and extraordinary" abatement measures, such as constructing noise barriers even though the estimated construction cost exceeds the "reasonableness" allowance described below, or providing interior abatement in residential units. Unusual and extraordinary abatement proposed on a federal-aid project is subject to approval by the FHWA on a case-by-case basis. This is not the same as an assessment of noise impacts under CEQA or NEPA.

For NEPA, the preliminary noise-abatement decision is based on the feasibility of evaluated abatement and the preliminary "reasonableness" determination. The noise-abatement criteria for determining soundwall locations are from Chapter 23, Part 772 of the Federal Register (July 13, 2010) and specify a maximum of 67 dBA for exterior residential locations. Noise abatement is considered to be acoustically "feasible" if it provides a noise reduction of at least 5 dBA at receivers subject to noise impacts. Other non-acoustical factors relating to geometric standards (e.g., sight distances), safety, maintenance, and security can also affect feasibility. The preliminary "reasonableness" determination is made by calculating an allowance that is considered to be a "reasonable" amount of money per benefited residence to spend on abatement. This "reasonableness" allowance is then compared to the engineering cost estimate of the abatement. If the engineering cost estimate is equal to or less than the allowance, the preliminary determination is that the abatement is "reasonable." If the cost estimate is greater than the allowance, the preliminary determination is that abatement is not "reasonable." The Noise Abatement Decision Report (NADR) presents the preliminary noise abatement decision based on acoustical and non-acoustical feasibility factors, as well as the relationship between noise-abatement allowances and the engineering cost estimate (as identified in the draft environmental document). The final overall "reasonableness" decision would take this information into

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101 cont. account along with other "reasonableness" factors identified during the environmental review process. Specifically, these factors may include: impacts of abatement construction; public and local agency input; life cycle of abatement measures; views and opinions of impacted residents; and social, economic, environmental, legal, and technological factors. At the end of the environmental document public review process, the final noise-abatement decision is made and is included in the final environmental document.

The analyses of issues in *Chapter 3* for NEPA do not involve an identification of significance, as explained in the response to your Comment 033. For CEQA, Caltrans determines the significance of noise impacts based on a comparison of design year with-project conditions to the existing conditions baseline. No single numerical threshold is used on all projects. The evaluation also considers the uniqueness of the setting, the sensitive nature of the noise receptors, the magnitude of the noise increase, the number of noise receptors affected, and the absolute noise level. This evaluation process may not be consistent with thresholds of individual municipalities that the freeway is crossing, or what other entities or experts may apply. Lead Agencies are permitted to establish their own standards. The FHWA and Caltrans have coordinated to develop templates and guidance for joint CEQA/NEPA documents that address necessary legislative and regulatory mandates. The EIR/EIS is consistent with those templates and guidance. Regarding the use of significance thresholds, please also refer to the response to your Comment 032.

For the CEQA noise analysis of the *I-5 NCC Project*, the EIR/EIS explains that the proposed build alternatives would increase future noise levels by three to five dBA in most locations, with some areas potentially experiencing higher increases. At the project level, for the 27-mile corridor, noise impacts are not identified as significant under CEQA. As discussed in *Chapter 4*, however, a small number of segments and 58 individual receptors within the *I-5 NCC Project* area could experience potentially significant noise impacts under CEQA. Receptors identified as experiencing potentially significant noise impacts under CEQA are identified in *Table 4.1* of the Final EIR/EIS. Additional, non-CEQA related abatement is also recommended at other locations where "feasible" and "reasonable," according to

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(b) The DEIR/S Lacks Mitigation For Certain of the Project's Traffic-Related Noise Impacts.

102 Notwithstanding the DEIR/S's reliance on unreasonably elevated thresholds of significance, the document nonetheless appears to determine that the increase in noise under the "build" alternatives would result in significant impacts.[21] In certain instances, the DEIR/S concludes that soundwalls are recommended to abate the increase in noise levels at impacted locations. In other instances, however, the DEIR/S concludes that soundwalls would not be recommended for implementation despite the fact that the walls would be feasible and would reduce noise levels. *See, e.g.*, Receptors R1.2, R1.3, R1.4, and R1.5 in Table 3.15.3 at page 3.15-4. This happens again and again: soundwalls are identified as feasible but are not recommended for implementation. *See, e.g.*, Receptors R3.2 – R3.10A, R3.13 – R3.14, R 4.2 and R4.4 at 3.15-7, 3.15-9. The end result is an environmental document that identifies an extensive number of properties that would be significantly impacted, but fails to recommend the necessary mitigation to protect affected sensitive receptors.

103 In other instances, the DEIR/S clearly identifies receptor locations that would approach or exceed the NAC (with the logical result that these receptor locations would be significantly impacted), yet the document fails to identify *any* mitigation for these impacts. For example, while the DEIR/S notes that Receptors R9.1, R9.2, R10.1 and R10.2 would approach or exceed the NAC under "Project without Soundwall" conditions (*see* DEIR/S at 3.15-22 – 3.15-25), the document asserts that soundwalls would not be feasible. *Id*. As regards Receptors R9.1 and R9.2, the DEIR/S states that a soundwall would not provide the required 5 dB noise reduction and, further, that it would not be feasible to build a soundwall due to the sloped and tiered backyards of these residences. *Id*. at 3.15-22.

[21] We use the phrase "appears to" because the DEIR/S does not use the term "significant" in its evaluation of noise impacts. The document skips this step. Instead, it asserts that when a receptor would approach or exceed the federal noise abatement criteria, "a noise impact would occur." DEIR/S at 3.15-1. Therefore, we presume the DEIR/S is implying that, under these circumstances, the impact is "significant." This distinction is important because, under CEQA, with a significance determination comes CEQA's mandate to identify and adopt feasible mitigation measures that would reduce or avoid the impact. CEQA Guidelines § 15126.3(a)(1).

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101 cont. federal protocols. This attenuation would provide effective noise mitigation for a large number of locales and receptors along the *I-5 NCC Project*, and is over and above CEQA mitigation requirements.

102 *Section 3.15* and the other environmental analysis sections in *Chapter 3* do not conclude significance because *Chapter 3* was prepared to disclose the extent of environmental effects under both CEQA and NEPA, as explained in the response to your Comment 033. Recommended soundwalls may be acoustically "feasible" because they would provide the appropriate noise reduction, but may not be "reasonable" because of the relationship between noise-abatement allowances and the engineering cost estimate, as explained in the response to your Comment 101. A number of soundwalls are recommended and identified as "feasible" but not determined to be "reasonable" in the Draft EIR/EIS. If pertinent parameters change substantially during the final project design, the preliminary design of noise mitigation design may be revised accordingly to continue to meet Caltrans and FHWA requirements.

103 As explained in the response to your Comment 101, a number of soundwalls are recommended but not determined to be "feasible" because they would not provide the appropriate noise reduction, or may cause problems with sight distances, safety, maintenance, and security.

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104 Finally, even in those instances where the DEIR/S implies that soundwalls would be implemented, the document immediately reverses itself and states that the soundwalls may never be constructed. The DEIR/S explains, "if, during final design, it is found that conditions have substantially changed, noise abatement may not be necessary at some locations. The final decision of the noise abatement would be made upon completion of the project design and the public involvement processes." DEIR/S at 3.15-57. This ambiguous language defeats the fundamental purpose of CEQA and NEPA. An EIR is meant to be an informational document, a means of "inform[ing] the public and its responsible officials of the environmental consequences of their decisions before they are made." *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564. Likewise, NEPA's principal purpose is to "insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken." 40 C.F.R. § 1500.1(b). As currently written, the DEIR/S gives no clue as to which receptor locations along the Project alignment would be exposed to a significant increase in noise levels. Because the document fails to identify the locations that would be significantly impacted if not for the eventual construction of soundwalls, thousands of sensitive receptors bordering the freeway's alignment are left in the dark as to whether they will be forced to live with unbearably high levels of traffic noise.

105 In short, CEQA and NEPA require that the public and decision-makers be made aware of the changes that a Project will cause. The revised DEIR/S must identify *each* receptor location that has the potential to be significantly impacted by the Project, evaluate whether and to what extent the increase in noise would significantly impact this receptor, and then identify and evaluate feasible noise attenuation measures. The revised DEIR/S must fill these critical gaps so that the public and decision-makers may understand the actual consequences of the Project.

106 Furthermore, if soundwalls would *not* be implemented in locations that are expected to be significantly impacted, Caltrans has a duty to consider other feasible mitigation. CEQA Guidelines section 15126.4(a). For example, Caltrans could consider the use of rubberized asphalt, a material that has been proven to be quite effective as a noise attenuation measure. Rubberized asphalt can result in an average of a four dBA reduction in traffic noise levels as compared to conventional asphalt. *See* "Report on the Status of Rubberized Asphalt Traffic Noise Reduction in Sacramento County, Bollard & Brennan, Inc., November 1999, attached as Exhibit 34. This level of noise attenuation is significant, as it represents a 60% reduction in traffic noise energy, and a clearly perceptible decrease in traffic noise. *Id*. The revised DEIR/S must consider this and other feasible mitigation measures.

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104 The preliminary NADR does not present the final decision regarding noise abatement, but rather presents key information on abatement to be considered based on the available information at the time the Draft EIR/EIS was circulated for public review. Two of the most important factors affecting final conclusions relate to design and property owner coordination. Please refer to Topical Response "Soundwall Considerations" for additional information about noise-abatement measures.

105 The information presented in *Chapters 3* and *4* is adequate to inform the public and decision makers about noise impacts and abatement measures. Each noise receptor subject to noise impacts is identified in *Tables 3.15.3* through *3.15.46*; the tables also present existing and predicted future noise levels and the initial determination of feasibility and "reasonableness" of abatement. Please refer to the response to your Comment 104 and Topical Response "Soundwall Considerations."

106 Decisions on sound attenuation, including mitigation, for noise impacts will be refined as project design moves forward if a build alternative is approved. Please refer to the response to your Comment 104. Quieter pavement, such as "rubberized asphalt concrete" (RAC), is currently not listed in 23 CFR 772 as a noise abatement measure that can be applied in accordance with federal policy. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. Asphalt surfacing increases maintenance costs, which is a factor being

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(c) The DEIR/S Does Not Evaluate Noise Impacts From Soundwalls.

107 The DEIR/S not only creates confusion over where soundwalls might be installed, but it also fails to examine the noise implications of the soundwalls themselves. As studies show, the sound waves that travel around the ends and over the top of the sound walls can be significant, as can the sound waves reflecting off of other nearby buildings and structures. *See* Sound Walls: Absorptive versus reflective design and effectiveness, Sound Fighter Systems, attached as Exhibit 35. As Sound Fighter Systems explains, reflection is a critical factor when a vehicle (such as a truck) is almost as tall as the wall, or, in many cases, taller than the wall. The sound levels at the receiver can be easily increased perhaps 3 to 5 dB, and sometimes up to 7 dB via reflective noise. *Id*. The DEIR/S' failure to examine this issue is startling. The DEIR/S must be revised to include an analysis of the effect that the Project's soundwalls would have on sensitive receptors.

(d) The DEIR/S Fails to Evaluate Single Noise Events and Nighttime Noise.

108 Another egregious oversight is the DEIR/S' failure to evaluate single noise events or nighttime noise resulting from the proposed Project. Motor vehicle noise is characterized by a high number of individual events, which often create a highly sustained noise level in proximity to areas sensitive to noise exposure.[22] Moreover, heavy-duty trucks and tractor-trailers generate significantly more single noise events than other vehicle types, especially as trucks rev up and brake along a freeway's rolling terrain. *Id*.

Assessing single-event noise, and noise events from trucks in particular, is especially important here because one of the main purposes of the Project is to facilitate increased goods movement (*i.e.*, trucks) along the I-5 corridor. DEIR/S at S-1, S-4. Indeed, the DEIR/S acknowledges that I-5 serves as the predominant goods movement and commerce facility in the region, and that the freeway has a "high percentage of freight trucks." *Id*. at 1-9. In fact, as discussed above, truck traffic in the region is projected to quadruple to 4.4 million annually, up from 1.2 million in 2007.

[22] Single-event noise from motor vehicles was addressed in the context of Riverside County's General Plan. *See* Riverside County General Plan excerpts, attached as Exhibit 36.

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106 cont. considered in wider applications beyond pilot studies. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures.

107 Due to the extensive distance that would be present between parallel soundwalls on I-5, reflection effects would be minimal. Per the FHWA Highway Noise Barrier Handbook, a width-to-height ratio between 10:1 to 20:1 would have a maximum barrier insertion loss of zero to three dB, a range for which the Handbook concludes "at most, degradation is barely perceptible; therefore, no action required in most instances."

108 The Protocol is considered to be the most appropriate noise evaluation process for the *I-5 NCC Project*, which entails widening of an existing facility and would not generate new single noise events. Traffic noise is not typically modeled as a single noise event. The time-weighted measure of noise is integral to the use of the dBA measurement in noise analysis. As discussed in the Noise Study Report, noise levels for traffic noise reports are typically reported in terms of A-weighted decibels (dBA). In environmental noise studies, Equivalent Sound Level (Leq[h]) represents an average of the sound energy occurring over a specified period. Leq(h) is, in effect, the steady-state sound level that, in a stated period, would contain the same acoustical energy as the time-varying sound that actually occurs during the same period. The 1-hour A-weighted equivalent sound level, Leq(h), is the energy average of the A-weighted sound levels occurring during a 1-hour period and is the basis for Noise Abatement Criteria (NAC) used by Caltrans and the FHWA. Traffic noise levels were modeled using the LOS C traffic volumes of 1,800 vehicles per hour per lane to obtain the worst-case noise scenario for the "build" condition. While trucks may be noisier than other vehicle types, the proposed project would not result in an increase in the ratio of trucks to vehicle volumes, which would remain at approximately six percent of total vehicle volumes.

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108 cont. By evaluating average noise, rather than single events, the DEIR/S downplays the Project's profound noise effect on nearby sensitive receptors. The California Court of Appeal, however, has expressly rejected such an approach, reasoning that impacted residents do not hear noise averages, but single events. *See Berkeley Keep Jets Over the Bay Committee v. Port of Oakland*, 91 Cal.App.4th 1344, 1382 (2001). Studies show that single event noise levels are likely to result in sleep disruption and speech interference, as well as heightened levels of stress and annoyance. Noting that "sound exposure level [SEL] has been found to be the most appropriate and useful descriptor for most types of single event sounds," the court in *Berkeley Keep Jets* held that the public agency must prepare a supplementary noise analysis calculating the impacts of single-event sounds. *Id*. at 1382. Similarly here, the DEIR/S for the I-5 Project must be revised to include: (1) an analysis of the impacts of single event noise on sleep, speech, stress and annoyance levels, and (2) adequate measures to mitigate those impacts.

109 The DEIR/S also does not differentiate between daytime and nighttime noise. Noise can be far more intrusive during the evening and nighttime hours, when ambient noise levels are at their lowest and when sensitive receptors are sleeping. Since the surrounding area is quieter at these times, the masking effect of other noise does not screen the freeway noise. The DEIR/S should have acknowledged this important issue, and evaluated how the increase in noise from the widened freeway would affect receptors during evening and nighttime hours.

(e) The DEIR/S' Analysis of and Mitigation for Construction Noise Impacts is Legally Inadequate.

110 Although construction of the I-5 Project would span about forty years (DEIS/R at 2-13) and construction equipment would operate immediately adjacent to residences, businesses and other land uses, the noise impacts of this massive construction project are simply never discussed in the DEIR/S. As anyone notices while walking next to a construction site, construction equipment can be extraordinarily noisy. Noise levels from construction trucks can be as high at 87 dBA at 50 feet.[23] A noise level of 87 dBA approaches the sound that a food blender makes at a distance of one meter. DEIR/S at 3.15-1. Other sources of construction noise include pile-driving, which can generate

[23] *See* Mid County Parkway Noise Study Report at I-1, excerpts attached as Exhibit 37.

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109 *Section 3.15* of the EIR/EIS analyzes noise under build and no build conditions in accordance with the Caltrans Traffic Noise Analysis Protocol for New Highway Construction and Reconstruction Projects, August 2006. Determination of a potential noise impact is related to the worst case (loudest) level of noise likely to be generated due to the project. For the *I-5 NCC Project*, the worst case scenario for freeway traffic generated noise would be when traffic is at LOS C and volumes are at 1,800 vehicles per hour per lane. An analysis of noise at nighttime would result in lower, and therefore better, case noise generated by the project because traffic volumes would be lower and traffic operations would be smoother. In addition, impacts are identified using the NAC, which define levels of noise for various types of activities related to different land uses. If a project would result in noise levels within one dBA L_{eq} of or above the NAC, an impact would be identified. This analysis methodology is governed by how noise is perceived in a particular situation. For example, in a commercial area (NAC of 72 dBA L_{eq}), exterior noise could be slightly higher before an impact would be identified versus at a residence, library, or church (NAC of 67 dBA L_{eq}), where an impact would be identified at lower noise levels. The Protocol noise evaluation process is appropriately independent of time of day, and inherently takes into

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noise levels as high as 95 dBA at the closest sensitive receptor locations.[24] Given the potential for the ear-splitting noise levels associated with Project construction, the proximity of sensitive receptors, and the protracted construction schedule, the DEIR/S should have made at least some attempt to evaluate the Project's construction-related noise impacts.

The DEIR/S dismisses its obligation to conduct this analysis by claiming that long-term noise descriptors are difficult to quantify. DEIR/S at 3.15-57. The document then refers to an FHWA website, which it asserts provides "information on noise levels for typical construction activities that would be expected in the project area." DEIR/S at 3.15-57; Noise Study Report at 157. Directing the reader to a website is clearly not a substitute for environmental impact analysis. Nor may the DEIR/S defer the assessment of the Project's construction-related noise impacts. An agency is not relieved from its obligation to provide environmental analysis simply because the task may be difficult. As explained by the California Supreme Court, "[w]e find no authority that exempts an agency from complying with the law, environmental or otherwise, merely because the agency's task may be difficult." *Laurel Heights I*, 47 Cal.3d 376, 399. Similarly, under NEPA, agencies may not rest on "bald conclusions," but must take a "hard look" at the environmental impacts of a project. *Maryland-Nat'l Capital Park & Planning Comm'n v. U.S. Postal Serv.*, 487 F.2d 1029, 1040 (D.C. Cir 1973). 110 cont.

In any event, the FHWA website actually clarifies that construction noise *must* be considered during the development of any transportation facility, and identifies the specific FHWA model that agencies should use to predict noise levels for highway construction projects. *See* FHWA, Highway Traffic Noise Handbook (emphasis added) available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/rcnm/index.

The DEIR/S must be revised to include an analysis of construction-related noise impacts. An adequate analysis would include the locations of sensitive receptors in the Project area, a description of existing ambient noise levels at these receptor locations, predicted noise levels during each phase of construction at each sensitive receiver location, a comparison of noise levels during construction to the existing ambient noise levels, the establishment of appropriate significance thresholds to assess if the increase would be substantial, and a finding as to whether noise levels would substantially increase. This type of evaluation is necessarily complex, requiring a thorough description

[24] Exhibit 37 at I-2. [Mid County Parkway Noise Report]

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109 cont. account the greater sensitivity of residential receptors compared to receptors engaged in activities where freeway noise and other noise beyond the freeway would be perceived as less important. Please refer to the responses to your Comments 101 and 108.

110 Additional information regarding anticipated construction equipment noise levels is provided in *Section 3.15* of this Final EIR/EIS. Measures to address potential construction-related noise generation are provided under the discussion of *Measures to Minimize Construction Noise*. As discussed, noise at construction sites would be intermittent and would vary in intensity. Specifically, the degree of construction noise may vary for different areas of the project site, as well as with the nature of individual construction activities. During the construction period, the following measures would be implemented to minimize the effects of construction activity noise:

- Ensure that all equipment items have manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. All construction equipment would be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices.
- Turn off idling equipment.
- Implement a construction noise-monitoring program to limit impacts.
- Plan noisier operations during times least sensitive to receptors.
- Keep noise levels relatively uniform and minimize impulsive noises.

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110 cont.

of the amplitude and duration of noise exposure at receptor locations along the entire freeway alignment.

The DEIR/S also ignores construction-related vibration impacts. In addition to contributing to high levels of annoyance, construction-related vibration also can cause substantial property damage. Pile-driving, which is the most significant source of construction vibration, would occur within 50 feet of sensitive receptors. The revised DEIR/S must undertake a comprehensive assessment of such construction vibration. .

The DEIR/S= perfunctory mitigation further confirms the document's failure to analyze the construction-related noise effects of the Project. The document calls for implementation, *after* Project approval, of a construction noise-monitoring program to limit the Project's impacts. DEIR/S at 3.15-57. Yet, Caltrans cannot defer the preparation of this noise program until after Project approval. Such mitigation for the Project's noise impacts must happen in the context of this DEIR/S. *See* CEQA Guidelines § 15126.4(a)(1)(B).

Moreover, the few measures that the DEIR/S does identify to minimize construction noise are vague and unenforceable. For example, the document calls for a measure that would "keep noise levels relatively uniform and avoid impulsive noises." DEIR/S at 3.15-57. This measure is counter-intuitive inasmuch as construction noise levels vary tremendously by activity (*e.g.*, demolition, excavation, pile-driving) and these operations are, by their very nature, impulsive. The DEIR/S simply provides no evidence that this, and the other measures, will be effective, much less enforceable..

In sum, the DEIR/S provides an entirely insufficient analysis of the severe noise impacts resulting from the Project's operation and construction. The revised DEIR/S must include a comprehensive analysis of these impacts and identify feasible mitigation measures to protect sensitive receptors from excessive noise levels.

111

8. The DEIR Fails to Adequately Analyze the Project's Impacts on Energy Resources.

CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy. CEQA Guidelines, Appendix F, Energy Conservation. Specifically, an EIR must include information regarding the "total estimated daily vehicle trips to be generated by the project and the additional energy consumed per trip by mode." *Id*. In addition, CEQA requires analysis of "the project's projected transportation energy use requirements and its overall use of

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110 cont.

- Plan rests between construction activities so that noisy activities are followed by more quiet activities.
- Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. Provide frequent activity updates of all construction activities.

Measures described in *Section 3.15.4* are considered enforceable and are included in EIR/EIS Appendix D, the ECR.

111 Impacts related to energy have been adequately addressed in EIR/EIS *Section 3.16, Energy*. The project is expected to improve traffic flow, in addition to providing multimodal choices for travelers, thereby reducing energy consumption associated with the North Coast Corridor, compared with the No Build alternative. The project would prioritize HOV and transit use, maximizing corridor person trips throughout while reducing vehicle hours traveled and VMT per person trip, thus leading to less energy consumption and air emissions per person trip. The project would also provide important pedestrian and bicycle linkages to facilitate these modes of travel

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efficient transportation alternatives." *Id*. The DEIR/S' purported analysis falls far short of meeting this mandate.

111 cont. The DEIR/S' evaluation of potential impacts related to energy resources suffers from the same inadequacies found in the rest of the document. Relying on unsubstantiated assumptions, the document substitutes bald conclusions for actual analysis, which leads to a systematic understatement of Project impacts. While the DEIR/S acknowledges that most of the existing Project-related energy consumption is due to traffic (at 3.16-1), it never actually identifies the energy consumption from the Project's increase in traffic or VMT. Instead, the DEIR/S assumes that the Project would result in *reduced* energy consumption overall because of reduced traffic congestion and because more drivers would use the HOV/Managed Lanes thereby resulting in fewer vehicles. DEIR/S at 3.16-2. However, for the reasons set forth in this letter, and indeed in the DEIR/S itself (at 3.14-7), the Project would result in a substantial increase in VMT. Without a comprehensive analysis of changes in VMT and the related contribution to energy consumption due to these changes, the DEIR/S' analysis is incomplete and inaccurate.

112 In addition, the DEIR/S fails to conduct the required comparative evaluation to determine whether any of the Project alternatives would result in more or less energy use. Nor does the document provide *any* analysis of the "Project's overall use of efficient transportation alternatives," as required by CEQA. CEQA Guidelines, Appendix F, Energy Conservation. Had the DEIR/S actually conducted these necessary analyses, it would likely have determined that the Project's substantial increase in energy use constitutes a significant impact. Equally important, such a determination would ultimately have led to Caltrans' consideration of alternative methods (*e.g.*, public transportation) of meeting the region's transportation mobility needs.

113 Finally, the DEIR/S fails to provide any facts or analysis to support its conclusion that construction of the Project would not result in energy consumption impacts. The document acknowledges that Project's construction activities could "substantially increase energy consumption," but it then concludes that "the savings in operation energy requirements would offset construction energy requirements and thus, in the long term, result in a net savings in energy usage." DEIR/S at 3.16-1. This conclusion, however, is pure speculation; there is no data or analysis accompanying it. Consequently, the DEIR/S is legally deficient and should be revised and recirculated.

114 **9. The DEIR/S Fails to Adequately Analyze and Mitigate the Project's Impacts on Agricultural Resources.**

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111 cont. that do not rely on fossil fuels. Because energy consumption and emissions would increase as congestion increases, reduced congestion and resulting reductions in trip travel times in the corridor would beneficially affect energy use and air quality.

This general approach to the evaluation of energy impacts in the EIR/EIS is consistent with the Caltrans guidance in the SER. Under the topic Determining the Need for a Separate Technical Report at http://www.dot.ca.gov/ser/vol1/sec3/physical/ch13energy/chap13.htm, the SER states that a detailed energy study, including computations, is only required for large-scale EIS projects with potentially substantial energy impacts. The SER notes that these types of projects are relatively rare. The level of effort for the energy analysis should be based on the anticipated impact the project will have on energy use. If the project is not likely to have substantial impacts on energy consumption, then more generalized procedures can be used to conduct the analysis. For most projects, this means only general construction and operational energy requirements and conservation potential of the various alternatives need to be discussed. The detailed approach, therefore, is not required for this project, where it is concluded that additional auxiliary and HOV/Managed Lanes, new and expanded park and ride facilities, improved bike lane and sidewalk features, ramp metering, and an improved transit-highway interface are anticipated to improve traffic conditions, and thus reduce energy consumption as more people carpool or choose other modal options. Please refer to the response to your Comment 017 with regard to VMT.

112 Although the alternatives were found to have many aspects in common related to energy use, the EIR/EIS notes that the barrier alternatives may require a slightly higher indirect consumption of energy with increased maintenance activities for removal of trash collecting against the barriers, and that the energy requirements of the No Build alternative, such as fuel consumption and routine wear and replacement, may be somewhat greater than the requirements of the proposed project, and may even require larger quantities of

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(a) The DEIR/S Improperly Concludes That There Are No Significant Impacts to Agricultural Lands and Then Fails to Mitigate for Such Impacts.

The DEIR/S asserts that there will be no significant Project-specific or cumulative impacts to agricultural lands as a result of the Project, but this conclusion is not supported by substantial evidence. The Project would convert at least 48 acres of farmland, including prime and unique farmland to non-agricultural uses.[25] DEIR/S at 3.3-2. The loss of 48 acres of farmland is significant, particularly given the importance of farms and farm income to San Diego County.

San Diego agriculture is a billion-dollar industry, ranking 10th in the nation for the value of agricultural products sold.[26] The County ranks number 1 in the nation for value of floricultural, nursery, greenhouse and sod products and in the production of avocados and mushrooms. *Id.* It also ranks within the top twenty in the nation for strawberries, grapefruit, oranges, and fruits, nuts and berries. *Id*. Unfortunately, however, just as conversion of farmland is a widespread phenomenon throughout the State, so San Diego County is losing its farmland at an alarming rate. According to the State Department of Conservation, the net loss of farm and grazing land in the region was more than 34,000 acres between 1990-2002. *See* San Diego County Loses Farmland, Department of Conservation, July 2004, attached as Exhibit 38. Nearly 14,000 of those acres were considered Unique Farmland (a United State Department of Agriculture designation) due to their suitability for specialty crops such as citrus and avocados. *Id*. 114 cont.

The DEIR/S downplays the Project's impact on farmlands by using a federal "farmland conversion impact rating" tool to evaluate the impacts. *See* DEIR/S at 3.3-1. While this tool may be required for compliance with the Farmland Protection Policy Act, it is not determinative of whether the impacts are significant under CEQA. In fact, the CEQA Guidelines suggest using a different rating mechanism to determine the significance of a project's effects on agricultural land. CEQA Guidelines Appendix G.

[25] While the DEIR/S concludes that the Project would result in the loss of 26 acres of agricultural lands, the detailed calculations for the cities of San Diego, Encinitas and Carlsbad identify the potential conversion of 48 acres of farmland to non-agricultural uses. DEIR/S at 3.3-2, 3.3-3.

[26] San Diego Agriculture, Not Your Average Farm; available at: http://www.sdcounty.ca.gov/reusable_components/images/awm/Docs/stats_sdagriculture.pdf.

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112 cont. energy in the future as traffic conditions worsen. Energy impacts during operation are not considered to be significant under CEQA, and no mitigation measures are required.

The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 RTP to encourage the use of mass transit and provide compatibility with BRT lines.

113 The EIR/EIS indicates that construction activities such as the use of heavy machinery, detours, lane closures, the import and export of materials and equipment, etc., could substantially increase energy consumption, and is an unavoidable impact. Adequate detail is provided within the EIR/EIS to document that sufficient efforts would be employed to minimize energy consumption during construction. An additional analysis of public awareness campaign details, recycling methods, or construction vehicle performance is not practicable at this stage of project development. It is generally accepted, however, that educating the public, recycling existing materials, and using energy-efficient construction vehicles represent positive actions that help save energy.

114 As stated in EIR/EIS *Section 3.3, Farmlands/Agricultural Lands*, NEPA and the Farmland Protection Policy Act (FPPA) require federal agencies, such as FHWA (and Caltrans by extension for this project), to coordinate with the Natural Resources Conservation Service (NRCS) if their activities may irreversibly convert farmland. The assessment of potential impacts to farmland is completed on form NRCS-CPA-106, Farmland Conversion Impact Rating for Corridor Type Projects, which rates impacts based on several criteria and a point scale from zero to 260. The form reflects coordination with NRCS, which administers the FPPA, and is included in Appendix E of the Draft EIR/EIS. *Table 3.3.1* presents the Farmland Conversion Impact Rating for each alternative. The analysis methodology followed in *Section 3.3* is considered adequate to evaluate impacts under both NEPA and CEQA.

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	114 cont. Agriculture is a regional resource, and *Table 3.3.1* therefore identifies potential loss of agricultural lands relative to the county as a whole. Regardless, farmlands impacts are below the standards set by the NRCS Farmland Mapping and Monitoring Program as requiring consideration for protection. Subsequent to that finding by the NRCS, potential farmlands impacts have been additionally minimized within the preliminary designs for the Preferred Alternative. Caltrans has minimized the footprint of the Manchester Avenue DAR, and the Cannon Road DAR has been eliminated from the project. If the Preferred Alternative is selected, impacts would be further minimized, as that alternative would require the least amount of new right-of-way. California law requirements are addressed in *Section 3.3.3* under the heading *Coastal Zone Management Act/California Coastal Act*. Based on current conceptual design, the Preferred Alternative would directly impact 10.9 acres of farmland. This alternative would directly impact 8.6 acres in Encinitas. The majority of the impacts would be contained to an area directly adjacent to the existing highway and would not substantially displace agricultural resources, or disrupt or preclude continued agricultural operations on the affected properties. In the City of Carlsbad, the Preferred Alternative would impact 2.3 acres of farmland. The impacts would be necessary to concentrate and maintain anticipated development growth within and/or contiguous to the existing developed corridor. The Agricultural Viability Analysis completed in July 2013 indicates that the remaining parcels would be likely to remain viable (see discussion in EIR/EIS *Section 3.3.3*). Impacts would be mitigated pursuant to the Agricultural Resource Impact Mitigation Fee program developed as part of the PWP/TREP. The fee would provide a number of new opportunities to preserve and maintain a variety of agricultural resources and activities in the corridor. It is important to note that the ability to transport local agricultural commodities to large markets through vital arteries such as the I-5 is also critical to preservation and continued viability of agricultural operations in the corridor and throughout the coastal zone. Close proximity of transportation corridors to agricultural areas reduces costs associated with transporting commodities, and the reliability of these arteries is necessary to ensure delivery and equitable distribution of commodities and compensation to producers.

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This tool, called the "California Agricultural Land Evaluation and Site Assessment Model" ("California Model"), is optional. *See* California Department of Conservation, *California Agricultural Land Evaluation and Site Assessment Model Instruction Manual*, 1997, attached as Exhibit 39. However, because the CEQA Guidelines specifically recommend the California Model, if an agency chooses to use a different model, it should ensure that the model contains the same basic criteria for determining significance.

114 cont. In this case, the federal model used in the DEIR/S simply does not analyze several of the key factors that are a part of the California Model. The California Model bases its determination of significance on: (1) the determination of soil characterizations, (2) the availability of water resources, (3) the amount of surrounding land that is protected through easements, Williamson Act reserves, and public land holdings, (4) the size of the project, and (5) the level of agricultural use of surrounding lands. In contrast, the federal model used in the DEIR/S fails to consider three of these factors: specific soil characterizations and ratings, availability of water resources, and amount of surrounding land that is protected. While the federal model does consider the size of the Project and the amount of surrounding land in agricultural use, the impact analysis is incomplete for CEQA purposes without the other factors.

(b) The Project Would Result in Significant Cumulative Impacts on Agricultural Resources.

Even more remarkable than the DEIR/S' failure to find the Project's specific impacts on agricultural resources to be significant, is the document's failure to find any cumulatively significant impacts. This conclusion is entirely unsupported by the evidence.

115 As discussed above, the analysis of cumulative impacts is a "vital provision" of CEQA and NEPA, helping to ensure that significant impacts are not ignored simply because no single project has an individually large impact. *Bozung v. LAFCO*, 13 Cal 3d 263, 283 (1975); 40 C.F.R. §§ 1508.25(a), (c), *id* at § 1508.7. It is undisputed that San Diego County has experienced the conversion of tens of thousands of acres of farmland over the past decade, and will continue to lose farmland due to other highway and development projects. In fact, there are dozens of past, current and future projects --whether transportation-related, residential, commercial or industrial-- that will impact agricultural land in the County. However, while the DEIR/S includes a list of such cumulative projects (Table 3.25.1), the document fails to quantify, analyze, or even mention how many acres of farmland would be lost due to their construction.

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115 Draft EIR/EIS *Section 3.25* focused on those projects within the cumulative study area that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. Additional clarification is provided in Final EIR/EIS *Section 3.25*. Documentation of additional projects has been added to *Table 3.25.2* and review of environmental resource health or status was added to text on *Table 3.25.1* to provide the reader with clarification regarding the basis for conclusions reached in the Draft EIR/EIS. As detailed in *Section 3.2*5, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative effects remain as stated. Please refer to the response to your Comment 015. Please also note that with regard to cumulative agricultural effects, the position taken in the comment is at odds with findings of the County Department of Agriculture, Weights and Measures. Within the County overall, although percentages of specific crops have varied, agricultural use continues to provide a vibrant economic resource. As noted in the 1997 Crop Statistics summary, in 1986, farming acreage (nursery crops, flower crops, fruit and nut crops, vegetable crops and field crops) totaled 172,948 acres (San Diego

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115 cont. The DEIR/S' omission of this information contravenes the basic requirements of CEQA and NEPA. The document must be revised to provide a meaningful analysis of the impacts to farmland from all of these past, present, and probable future projects. 14 Cal Code Regs § 15065(a)(3). Only thus can Caltrans apprise the public as to the Project's cumulative contribution to the loss of the County's important agricultural lands.

(c) The DEIR/S Fails to Require Mitigation Measures For the Project's Significant Impacts to Farmlands and Agricultural Resources.

116 Because it finds no significant impacts to agricultural resources, the DEIR/S does not require any mitigation measures. Given that its finding of no significant impacts is not supported by evidence, the DEIR/S must be redrafted and must incorporate all feasible mitigation measures. Such measures could include, but are certainly not limited to, (1) avoiding sensitive or special agricultural lands, and (2) purchasing agricultural easements on nearby land to protect it from future development.

10. The DEIR/S Fails to Adequately Analyze the Full Extent of the Project's Growth-Inducing Impacts.

Both NEPA and CEQA require analysis of the growth-inducing impacts of a proposed project. Cal. Pub. Res. Code § 21100(b)(5); 40 C.F.R. § 1508.8(b). CEQA requires that an EIR include a "detailed statement" setting forth the growth-inducing impacts of a proposed project. Cal. Pub. Res. Code § 21100(b)(5); *City of Antioch v. City Council of Pittsburg*, 187 Cal. App. 3d 1325, 1337 (1986). The statement must "[d]iscuss the ways in which the proposed project could foster economic growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." CEQA Guidelines § 15126.2(d). It must also discuss how projects "may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively" or "remove obstacles to population growth." *Id.*

117 According to NEPA, an EIS must consider "growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems." 40 C.F.R. § 1508.8(b). "Induced growth consists not only of growth that would not have occurred absent the project, however, but of relocated or redirected growth due to changes in accessibility." *Senville v. Peters*, 327 F. Supp. 2d 335, 368 (D. VT 2004). The purpose of this analysis is "to evaluate the possibilities [for new growth induced by the project] in light of current and contemplated plans and to produce an

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115 cont. County Department of Agriculture, Weights and Measures [County Department of Agriculture] 1997). In the 2010 Crop Statistics and Annual Report, these same crops totaled 307,291 acres (County Department of Agriculture 2010). The nursery and flower crops are the ones that grow most productively adjacent to I-5 (avocados and citrus are located in more inland portions of the County). As a result, no adverse cumulative effect to these sorts of crops is identified and the project was determined not to have the potential for a cumulatively considerable contribution to cumulative agriculture impacts. Project-related impacts have been further reduced as described above in response to your Comment 114, with a corresponding further reduction in the project's contribution to cumulative impacts. Efforts to avoid and minimize continue as part of routine Caltrans design refinement, but no mitigation is required for cumulative effects.

116 Impacts relative to California Coastal Act analysis would be mitigated pursuant to the Agricultural Resource Impact Mitigation Fee program developed as part of the PWP/TREP. Please refer to the response to your Comment 114.

117 *Section 3.2, Growth*, and the Community Impact Assessment technical study for the project, provide an analysis of whether the proposed project would result in otherwise unforeseen direct, indirect, or secondary growth, or would otherwise influence growth. All alternatives are similar in this aspect so they were grouped together as build alternatives for this particular analysis. Remaining developable area and population growth projections were evaluated to determine the influence of the project on growth. It was determined that the potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends, and would occur with or without the proposed project. No adverse effects associated with growth would be anticipated with implementation of any of the alternatives.

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117 cont. informed estimate of the environmental consequences." *City of Davis v. Coleman*, 521 F.2d 661, 676 (9th Cir. 1975). In conducting this analysis, "an agency must use its best efforts to find out all it reasonably can." *Id.* Applying this standard, the Ninth Circuit in *City of Davis* found "totally inadequate" the government agency's conclusion that a proposed freeway interchange would not have significant growth-inducing effects. *Id.* Indeed, the court found the interchange an "indispensable prerequisite" and "essential catalyst" for future development. *Id.* at 674.

(a) The Scope of the Study Area is too Narrow to Adequately Assess the Project's Growth-Related Impacts.

The DEIR/S' initial error with respect to the Project's growth-inducing impacts is to adopt an artificially narrow scope for its analysis. The document analyzes the Project's growth-inducing effects only in areas immediately adjacent to the proposed Project. Specifically, it analyzes the potential for growth only in the communities of San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad and Oceanside. DEIR/S at p. 3.2-2. Similarly, the Community Impact Assessment, on which the DEIR/S' analysis is based, analyzes the Project's impacts on the same communities. Community Impact Assessment, at 7-1, 7-2. Yet, in adopting this narrow scope, the DEIR/S ignores the fact that highway projects can affect growth patterns in areas that are not immediately adjacent to the highways. *See Senville*, 327 F. Supp. 2d at 368 (the growth potential of outlying towns, where accessibility is marginally increased due to a highway project, is significant enough to require analysis in an EIS).

118 The DEIR/S provides no rationale for its limited analysis. The court's decision in *Senville*, 327 F. Supp. 2d at 368, is instructive in these circumstances. As the *Senville* court found, such "dismissive treatment of relocated growth pressures on [] outlying towns [] is inconsistent with a hard look at relocated or redirected growth . . ." *Id.*at 368. Indeed, the DEIR/S' failure here to "discuss any development pressure on communities not directly adjacent to" the I-5 means that Caltrans' determination that the Project will not have significant impacts related to relocated growth is not "based upon reason," and therefore violates NEPA. *Id*. The DEIR/S' myopic analysis also violates CEQA, which requires an agency to assess all environmental impacts of a project, even if "the project's effect on growth and housing will be felt outside of the project area." *Napa Citizens for Honest Govt. v. Napa County Board of Supervisors*, 91 Cal. App. 4th 342, 369 (2001). As the court in *Napa Citizens for Honest Govt* stated, "the purpose of CEQA would be undermined if the appropriate governmental agencies went forward without an awareness of the effects a project will have on areas outside of the boundaries of the project area." *Id*.

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117 cont. Furthermore, the project would not generate traffic. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. The project would provide features that would accommodate future anticipated increases in traffic volumes and reduce travel times compared to the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists.

118 *Tables 3.2.1* and *3.2.2* present remaining developable area and population growth projections for the six cities crossed by or near the proposed project, from San Diego to Oceanside. This large area surrounding the 27-mile corridor is considered adequate for a comprehensive growth analysis. Conferring benefits in reduced congestion to those who travel on I-5 regardless of their point of origin or ultimate destination would not necessarily lead to impacts on the location, scale, and pace of development in areas outside of the immediate corridor. Please refer to Topical Response "Projected Growth" for information about how the project is accommodating revised growth projections of the 2050 Regional Growth Forecast adopted by SANDAG. Also please refer to Topical Response "Project Lifespan" for information about how Caltrans is planning improvements on an ongoing basis rather than building to ultimate possible need.

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The proposed Project could induce growth, or affect growth patterns, in numerous towns other than San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad and Oceanside. For example, the cities of Vista and San Marcos, as well as unincorporated areas of San Diego County, are within a few miles of the I-5. *See* DEIR/S at 3.1-4. Yet the DEIR/S does not mention these jurisdictions, let alone analyze whether they are nearly built-out or whether an expanded freeway would allow easier access to these areas, thereby inducing growth. Likewise, the DEIR/S fails to describe whether the Project would impact growth in nearby unincorporated communities such as Bonsall, Fallbrook, Rancho Santa Fe or Fairbanks Ranch. It also entirely fails to analyze whether the proposed Project would induce growth in areas of southern Orange County such as San Clemente, Dana Point and San Juan Capistrano, where – due to the Project – commute times to San Diego County would be reduced, thereby making the areas more attractive for development. *See* Community Impact Assessment, at 7-4 (admitting that transportation projects such as this can "reduce the time-cost of travel, thereby . . . promoting growth," and that "changes in accessibility can influence the direction of growth in a region and the rate of growth in local areas.").

118 cont. The DEIR/S' assumption that the proposed Project will not induce growth in communities not adjacent to the freeway is not only illogical, but it flies in the face of current research, which shows that expanded roadways do induce development in such areas. (*See*, Smart Mobility Report). If Caltrans has contrary data -- and there is no indication in the DEIR/S that it does -- it must reference it in the DEIR/S. 40 C.F.R. § 1502.24 (agencies must "identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions relied upon in the [EIS]."). The agency may not lawfully rely on unsupported assumptions to summarily conclude that no induced growth will occur.

In fact, Caltrans' Community Impact Assessment confirms that the Project will impact communities other than those adjacent to the I-5. This assessment states that:

> "The proposed project would generally improve circulation throughout the study area through an increase in freeway capacity. These circulation benefits would accrue not only to residents within the study area, *but for people throughout the region* who would use I-5 to travel along the North Coast corridor and places beyond. . . . [T]he project as a whole – regardless of the final alignment – has the potential to beneficially affect the communities along the I-5 North Coast Corridor *as well as the larger region . . .*"

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118 cont. Community Impact Assessment at 9-3. If the freeway confers benefits on people "throughout the region," then it will certainly impact the location, scale and pace of development in areas throughout the region. The DEIR/S' failure to analyze any such regional impacts renders its analysis inadequate.

(b) The DEIR/S Fails To Analyze Growth and Other Impacts Related to Employees Working on the Project.

The DEIR/S fails to analyze the need for housing and other services for the many construction workers needed for the Project, even though construction on this massive Project is projected to last about forty years. DEIR/S at 2-13. Given the decades-long time frame of the Project, these construction jobs are, for planning purposes, effectively permanent jobs, and the need for housing and services for the workers is similarly long-term.

Nevertheless, the DEIR/S ignores these jobs, and the housing and services needed by workers, in calculating the Project's environmental costs. This omission 119 violates CEQA, which requires an EIR to:

> At a minimum, identify the number and type of housing units that persons working within the Project area can be anticipated to require, and identify the probable location of those units. The []EIR also should consider whether the identified communities have sufficient housing units and sufficient services to accommodate the anticipated increase in population. If it is concluded that the communities lack sufficient units and/or services, the []EIR should identify that fact and explain that action will need to be taken to provide those units or services, or both.

Napa Citizens for Honest Govt., 91 Cal. App. 4th at 370; *see also Citizens to Preserve the Ojai*, 176 Cal.App.3d at 421, 431-32 (finding an "absolute failure to comply [with CEQA]" where EIR omits information relevant to Project's impacts).

(c) The Project Would Lead to Significant Growth in the Area Despite Current Zoning Regulations.

120 The DEIR/S relies on current zoning and land use regulations to conclude that there is very little developable land in the Project study area, and thus that the Project will not induce significant growth. For example, the document states that the Project would not substantially affect growth patterns in the area "due to other limits on growth, including land use controls within local and regional plans and policies . . ." DEIR/S at

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119 The construction duration for the three project phases would be lengthy compared with smaller and more localized types of projects; however, construction activities in any given location would last much less time than each overall phase and would not be permanent. Since the circulation of the Draft EIR/EIS, project phasing has been refined. The approximately 20-year time frame for project completion (i.e., 2015 through 2035) does not mean that construction would be continuous over this period, or that a single set of workers requiring housing and services would be conducting the regional construction over that period. As discussed in *Section 2.4* of this Final EIR/EIS, all construction would be completed by 2035. U.S. Bureau of Labor statistics (http://data.bls.gov/timeseries/SMU06417402000000001?data_tool=XGtable) indicate that the region supported 92,700 construction jobs in 2006, compared with just 58,400 in 2012. It is anticipated that there is a sufficient local labor force to support project related construction jobs. If some of this labor has left the region and needs to return, SANDAG reports that the vacancy rate for homes was seven percent in 2009, compared with four percent in 2001, and is projected to be six percent in 2015 (http://datawarehouse.sandag.org/). Thus it is anticipated that the existing housing supply could support any additional construction workers who would return to the San Diego area to work on the *I-5 NCC Project*.

120 The EIR/EIS addresses the possibility for growth in *Section 3.2* by noting that due to the urbanized nature of the study area and limited availability of developable land, there are no known projects in the vicinity that are dependent on implementation of the proposed project. As such, it can be inferred that further growth in the project area and surrounding region is planned and would most likely occur with or without implementation of the proposed

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3.2-2. But this approach is unlawful. Under CEQA and NEPA, the DEIR/S may *not* rely on general plans or other similar land use restrictions to determine that a project will not induce growth. *Stanislaus Audubon Society, Inc. v. County of Stanislaus*, 33 Cal.App.4th 144, 157 (1995). This is because "zoning is subject to change and amendment of a general plan is not a rare occurrence." *Id*. Thus, there is no assurance that "the area surrounding the project will not one day be rezoned . . . thus permitting [] development . . . ." *Id*.; *see also City of Davis*, 521 F.2d at 676.

120 cont.

Besides, the reality is that there is a great deal of developable land near this section of I-5 that would undoubtedly be affected by the Project. Even using the DEIR/S' estimates for the narrow Project area, there are nearly 21,000 acres of developable land in the immediate Project vicinity. DEIR/S at 3.2-2. Also, as described above, if the DEIR/S had included relevant land areas slightly farther from the Project area, there is even more developable land that will be affected by the Project.

It is clear that "[h]ighways create demand for travel and expansion by their very existence." *Sierra Club, Ill. Chapter v. US Dept. of Transp.*, 962 F. Supp. 1037, 1043 (N.D. Ill 1997) (citing *Swain v. Brinegar*, 517 F.2d 766, 777 (7th Cir.1975)). Accordingly, the DEIR/S must analyze the inevitable growth in the entire area affected by the Project. Although the exact pace and type of this growth cannot be known with certainty, the DEIR/S must "evaluate the possibilities" for the growth in order to adequately inform the public and decision-makers about the Project's impacts. *City of Davis*, 521 F.2d at 678.

(d) The DEIR/S Fails to Analyze the Environmental Impacts of Growth That It Admits Would Occur Due to the Proposed Project.

121

The DEIR/S does not state that the Project will not induce any growth; rather, it admits that the "proposed transportation project would have a *moderate influence on growth*." DEIR/S at 3.2-2. Nevertheless, the document goes on to conclude that "there would be no growth-related *impacts* attributable to the project." *Id*. However, if the Project would moderately influence growth, it does not follow that there will be no impacts related to that growth. Indeed, by its very nature, growth can cause impacts on biological resources, air quality, water quality, and a host of other resources. *City of Davis*, 521 F.2d at 678 ("regardless of its nature or extent, [] development will have significant environmental consequences for the surrounding area [].").

Given that the DEIR/S admits that the Project will have a "moderate" influence on growth, the document must also analyze the impacts that will be caused by

120 cont. project. This conclusion applies to outlying areas as well as the immediate corridor. Please also refer to the responses to your Comments 117 through 119.

121 The EIR/EIS notes that the reduction in congestion and improved safety associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity. That is due to other limits on growth, including land use controls within local and regional plans and policies, and the highly urbanized nature of the surrounding land uses; and concludes that there would be no growth-related impacts attributable to the project.

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121 cont. such growth. CEQA Guidelines § 15126.2(d) (EIR must include analysis of *impacts* of growth, not just description of growth); *Napa Citizens for Honest Government,* 91 Cal.App.4th at 373 (EIR must disclose "environmental consequences of tapping" water resources needed to serve growing population induced by a project); 40 C.F.R. § 1508.8(b) (EIR must analyze "effects [of growth] on air and water and other natural systems, including ecosystems."). The DEIR/S must also consider whether the new population would place demands on public services, such as fire protection, law enforcement services, or schools to the extent that "new or physically altered governmental facilities" are required. Guidelines, Appx. G § XIII(a).

The DEIR/S fails altogether to provide this analysis and therefore must be revised and recirculated. *See Napa Citizens for Honest Government,* 91 Cal.App.4th at 361("The failure to provide enough information to permit informed decision making is fatal" to an EIR).

(e) The DEIR/S Fails to Analyze Cumulative Growth-Inducing Impacts.

122 The DEIR/S admits that the Project may induce moderate growth, yet the document contains no analysis of whether this growth is cumulatively considerable or if the combined impact of other projects, along with the Project, will have significant growth-inducing effects. This omission is unlawful.

It is undisputed that this Project is an integral part of numerous other planned highway expansions in the San Diego region, all of which will affect the movement of goods and people–and induce further growth--in the region. The DEIR/S' failure to analyze the cumulative growth-inducing impacts of these inter-connected projects violates CEQA and NEPA. CEQA Guidelines § 15130(a) (stating requirements for cumulative impacts); *Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713, 732-33 (1994); 40 C.F.R. § 1508.25(a), (c). The DEIR/S must be revised to include this critical analysis.

11. The DEIR/S Fails to Adequately Analyze the Cumulative Impacts of the Project in Conjunction with Other Related Projects.

123 An EIR must discuss significant "cumulative impacts." CEQA Guidelines § 15130(a). "Cumulative impacts" are defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." *Id.* at § 15355(a). "[I]ndividual effects may be changes

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122 The EIR/EIS does not state that the project would induce moderate growth. *Section 3.2* states that the proposed transportation project would have a moderate influence on growth, but, based on this and many other considerations, the EIR/EIS concludes that the project would not be growth-inducing and there would be no growth-related impacts attributable to the project. EIR/EIS *Section 3.25* focuses on those projects within the cumulative study area that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. Please refer to the response to your Comment 015.

Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for discussions of how the project fits within the regional transit system and 2050 RTP. Please also refer to Topical Response "Projected Growth" with regard to the accommodation of anticipated regional growth.

123 Please refer to the responses to your Comments 015, 048, 057, 070, 085, 099, 115, and 122.

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resulting from a single project or a number of separate projects." *Id*. at § 15355(a). A legally adequate "cumulative impacts analysis" views a particular project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project at hand. "Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time." *Id*. at § 15355(b). The cumulative impacts concept recognizes that "[t]he full environmental impact of a proposed . . . action cannot be gauged in a vacuum." *Whitman v. Bd. of Supervisors of Ventura County*, 88 Cal. App. 3d 398, 408 (1979).

123 cont. NEPA also requires analysis of cumulative, connected and similar actions that will lead to cumulative impacts. 40 C.F.R. § 1508.25(a), (c); *see also Florida Wildlife Fed'n v. U.S. Army Corps of Eng'rs*, 401 F. Supp. 2d 1298 (D. Fla. 2005). NEPA regulations define a "cumulative impact" as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions . . . ." 40 C.F.R. § 1508.7. A cumulative impact analysis "must identify: (1) the area in which the effects of the proposed project will be felt; (2) the impacts that are expected in that area from the proposed project; (3) other actions--past, present, and proposed, and reasonably foreseeable--that have had or are expected to have impacts in the same area; (4) the impacts or expected impacts from these other actions; and (5) the overall impact that can be expected if the individual impacts are allowed to accumulate." *Grand Canyon Trust v. F.A.A.*, 290 F.3d 339, 345 (D.C.Cir. 2002).

Although previous sections of this letter provide examples of the DEIR/S' deficient cumulative impact analyses, we discuss below the more global, overarching problems with the document's treatment of the issue.

(a) The DEIR/S Fails to Analyze Impacts From All Relevant Projects.

124 The DEIR/S' cumulative impacts analysis is woefully inadequate. The DEIR/S uses the "summary of projects" approach to analyzing cumulative impacts, yet the analysis fails to account for impacts from numerous other highway projects in the region, even though it lists those projects in other parts of the DEIR/S. For example, in the DEIR/S' cumulative impacts section, the document fails to list the following projects, all of which could have cumulatively considerable impacts in conjunction with the proposed Project: I-5 "Mid-Coast" Freeway Improvements from I-8 to I-805; Sorrento Valley Road/Roselle Street Improvements; Manchester Ave. Interchange Improvements; Encinitas Boulevard Interchange Improvements; and Birmingham Ave. to Leucadia

124 The list of related projects has been updated in the Final EIR/EIS, but this does not alter the conclusions of the document with respect to cumulative impacts. Issues listed at the end of this comment were not found to result in adverse impacts. The resource study areas (RSAs) for issues discussed in EIR/EIS *Section 3.25* are deemed appropriate. For example, the natural community RSA is coastal San Diego County between El Camino Real and the Pacific Ocean, as shown in *Figure 3-25.3*. Please refer to the responses to your Comments 015, 048, 057, 070, 085, 099, 115, and 122.

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Boulevard Auxiliary Lanes. *Compare* DEIR/S at 3.25-4 (not listing the projects, above, in the cumulative impacts analysis) *with id*. at S-3 (listing the related roadway projects, above, as part of the document summary). Equally troubling, the DEIR/S' list of highway projects omits some highway projects that are included in the Community Impact Assessment. *Compare* DEIR/S at 3.25-4 (not listing I-805/Carroll Canyon northbound improvements) *with* Community Impact Assessment at 5-2 (including these improvements as part of cumulative impacts analysis for community impacts). The DEIR/S also omits mention or analysis of other past, present and future highway projects, such as constructing new freeway SR-52, I-15 express lanes, and a 4-lane highway on SR-76. *See* Exhibit 40 [San Diego County Major Construction Projects 2010].

124 cont.

In addition, the table of projects on DEIR/S p. 3.25-4 does not include the Carlsbad Energy Center or the Carlsbad Desalination Project by Poseidon, both of which could have significant impacts on air quality, visual resources, biological resources, climate change, and other areas, especially when considered in conjunction with the Project. Although the DEIR/S mentions these projects on page 1-8 and 1-9, it fails to consider them as part of the cumulative impact analysis.[27] Another project, called the I-805 Managed Lanes South Project, does not appear to be referenced at all in the DEIR/S– a surprising omission since the project is currently undergoing environmental review, with a draft EIR released in late summer, 2010. *See* Exhibit 41(describing the I-805 Managed Lanes South Project). Further, while the DEIR/S lists numerous community enhancement projects that will likely be undertaken along with this Project, it fails to analyze the impacts of these related projects together; instead, the DEIR/S asserts, citing no facts or reasoning, that the community enhancement projects "would not have additional impacts." DEIR/S at 2-7. The DEIR/S must be revised to describe and analyze the cumulative impacts of these projects and any other highway, development or other projects in the region that will impact the same resources.

In another failure to consider all sources of related impacts, the DEIR/S limits its list of other projects, with no explanation, to ones that are located in the immediate Project area. *See* DEIR/S at 3.25-2 (showing map of study area for cumulative impact analysis). This approach is unlawful. When choosing the geographic area affected in a cumulative impacts analysis, an agency must consider the nature of the impact being analyzed, and provide an explanation supported by evidence for the area

[27] This type of inconsistency, which pervades the DEIR/S, raises serious questions about the adequacy of the entire document. *See Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713, 720 (1994).

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124 cont.

selected. *Id*. at § 15130(b)(2)&(3); *Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal.App.4th 1184, 1216 (2004). For impacts such as air quality—a resource that will be affected here-- an EIR should use a broad geographic area that encompasses an entire air basin. *Kings County Farm Bureau v. City of Hanford*, 221 Cal.App.3d 692, 721 (1990).

The DEIR/S for the Proposed Project provides no explanation of, much less evidence to support, the highly limited geographic area it uses for the cumulative impacts analysis. Nevertheless, it is obvious to any reader that the selected study area is far too constrained to provide an adequate analysis of air quality, greenhouse gas, traffic, growth, and other impacts that are felt on a regional level. DEIR/S at 3.25-2.

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(b) The DEIR/S Fails to Analyze the Project's Cumulative Impacts to Air Quality, Noise, Traffic and Numerous Other Resources.

The DEIR/S' cursory cumulative impacts analysis ignores whole resource areas where the Project may have a cumulatively considerable impact. The DEIR/S analyzes potential cumulative impacts only on the following resources: aesthetics, wetlands/waters, natural communities (species, habitat) and community cohesion. DEIR/S at 3.25-1 to 3.25-9. In doing so, the DEIR/S appears to assume that if the Project will not have significant project-level impacts on a resource, then it also will not have cumulatively considerable significant impacts on that resource. *Compare* DEIR/S, Appendix G, CEQA Checklist (finding Project-level significant impacts on aesthetics, wetlands and species) *with* DEIR/S at 3.25-1 to 3.25-9 (analyzing cumulative impacts only in the areas of aesthetics, natural communities and wetlands). This rationale, however, is has no basis in reason and is directly contrary to controlling law.

The whole point of a cumulative impacts analysis is to analyze impacts that may be insignificant on an individual project level but that rise to a level of significance when considered in combination with similar impacts from other projects in the area.
125 CEQA Guidelines § 15355(b) ("cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time."); *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713, 720 (1994) (without cumulative analysis, piecemeal approval of projects with related impacts could lead to severe environmental harm). An EIR/S need not analyze cumulative impacts if a project does not contribute to the impact in some manner. *Sierra Club v. West Side Irrig. Dist*., 128 Cal.App.4th 690, 700 (2005). However, if it does contribute to an impact in some incremental manner, then cumulative impacts must be analyzed.

Here, the DEIR/S admits that the Project will have impacts on numerous resources. For example, it states that the Project will cause impacts related to transportation/traffic (conflict with applicable plan or policy establishing circulation performance measures), utilities (require new stormwater facilities), noise (temporary and permanent increase in noise), land use (conflict with applicable land use plan and habitat plan), water quality (numerous impacts), hazardous materials (emit hazardous emissions), geology/soils (impacts related to seismic activity), cultural resources (numerous impacts), air quality (expose sensitive receptors to pollutants), and agricultural resources (convert prime farmland and conflict with local plans and Williamson Act contracts). DEIR/S, Appendix G. Despite these admissions, the DEIR/S fails to determine whether the Project, together with other projects in the region, would cause a significant *cumulative* impact on these resources. This omission is surprising given that Caltrans itself is

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125 The analysis of cumulative impacts in the Draft EIR/EIS has been enhanced in *Section 3.25* of this Final EIR/EIS with additional analysis, reasoning, and data. This section now includes definition of a RSA for each issue addressed in *Chapter 3.0,* and an evaluation regarding whether the health, condition, or status of each issue is improving, stable, or in decline. A determination is also made regarding whether the proposed project would make a considerable contribution to a cumulative impact on the identified resources. For the issues where the project's contribution was determined to be cumulatively considerable, a detailed analysis is presented of impacts that could occur in combination with other current and reasonably foreseeable future actions or projects.

The conclusions regarding project effects that would potentially contribute to cumulative impacts have not changed from the Draft EIR/EIS based on this more detailed analysis, but are clarified or further substantiated. Aesthetics, natural communities, and wetlands and other waters were found to have potentially considerable project contributions to cumulative impacts with declining health or status, while the contributions from other resources were identified as less than considerable. The reasoning for these conclusions is presented for each resource in *Section 3.25*. For the three issues with potentially considerable project contributions, the detailed analysis presented in *Section 3.25* determined that in combination with other projects, visual impacts would be cumulatively considerable, and remain so even after implementation of mitigation measures. In combination with other projects, impacts to natural communities and wetlands and other waters would not be cumulatively considerable because the implementation of the regional mitigation program (PWP/TREP) would adequately mitigate for project impacts and provide ecological lift throughout the region.

Specific to noise, as discussed in *Section 3.25*, the status of the North Coast Corridor relative to noise is "declining." The project's contribution to the cumulative regional effect as a result of approval

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125 cont.

working on numerous other highway projects in the region – and that all of these will have impacts on traffic, noise, air quality, and the other resources listed above.

Although the DEIR/S concludes that the Project's individual impacts on these resources are less than significant, this conclusion does not obviate the need for a cumulative impacts analysis.[28] As described above, what is important for a cumulative impacts analysis is not the project-level significance of an impact, but whether the project *cumulatively contributes* to the significant impact.

Even if the DEIR/S' silence on the issue of cumulative impacts could be interpreted as a finding that the Project's incremental effects are not cumulatively considerable, Caltrans has not supported that finding with analysis, reasoning or data. As such, the DEIR/S fails to comply with CEQA. CEQA Guidelines § 15130(a)(3) (an EIR must contain *facts and analysis* supporting a finding that a project's contribution to a cumulatively significant impact will be less than cumulatively considerable). Where an agency finds that the cumulative impacts of a project are not significant, the EIR must still include a brief explanation of the basis for the finding. *Id*. at § 15130(a)(2); *Citizens to Preserve the Ojai v. County of Ventura*, 176 Cal.App.3d 421, 429 (1985).

126

(c) The DEIR/S Fails to Specify Mitigation for Significant Cumulative Impacts.

Because the DEIR/S' defective analysis results in a failure to find significant cumulative impacts, the document also fails to identify mitigation for those significant impacts. As discussed throughout this letter, there are numerous significant, cumulative impacts to which this Project contributes. Therefore, the DEIR/S must examine reasonable, feasible options for reducing or avoiding the Project's contribution to those impacts. CEQA Guidelines § 15130(b)(5). These options could include agency-wide measures to reduce or offset air pollution, to reduce VMT, to offset impacts to habitat and wetlands, and other similar measures.

127

C. The DEIR/S' Analysis of Alternatives is Inadequate.

Under CEQA, a proper analysis of alternatives is essential to comply with the Act's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3),

[28] As shown throughout this letter, the DEIR/S' conclusion that many of the Project's impacts are insignificant is also simply incorrect.

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125 cont. of a build alternative, however, is identified as less than substantial. This is based on relatively narrow right-of-way of I-5 as it crosses North County communities, the primarily 3 dBA (or below) increase in future noise levels associated with the project (not discernible by the average healthy human ear), and the presence of railway, airport, and other suburban and urban noise generating activities.

126 EIR/EIS *Section 3.25* concludes that visual impacts would not be fully mitigated and the project would result in a cumulatively considerable contribution to visual impacts. I-5 mitigation is consistent with that outlined in the PWP/TREP, a regional mitigation program for biological resources developed in coordination with resource agencies. Implementation of the program would result in ecological lift in the North Coast Corridor. Please refer to the response to your Comment 071. Regarding air pollution and traffic, the *I-5 NCC Project* would contribute to regional solutions to these issues by virtue of reducing congestion and improving capacity.

127 The EIR/EIS thoroughly describes, rigorously analyzes, and sufficiently studies all "reasonable alternatives," as required by 40 CFR 1502.14(a). This detailed level of analysis exceeds the requirements of CEQA Guidelines Section 15002(a)(3). Please refer to the response to your Comment 001. In addition, the current EIR/EIS is only one step in an environmental process that began approximately 20 years ago and has addressed a variety

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15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta*, 198 Cal.App.3d 433, 443-45 (1988). As stated in *Laurel Heights Improvement Association v. Regents of University of California*, "[w]ithout meaningful analysis of alternatives in the DEIR, neither the courts nor the public can fulfill their proper roles in the CEQA process . . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." 47 Cal.3d 376, 404 (1998). The discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. CEQA Guidelines § 15126.6(b).

Similarly, the evaluation of alternatives is the "heart" of an EIS. 40 C.F.R. § 1502.14 (2004). It "guarantee[s] that agency decision makers have before them and take into proper account *all possible approaches to a particular project . . . which would alter the environmental impact and the cost-benefit balance . . .*" *Bob Marshall Alliance v. Hodel*, 852 F.2d 1223, 1228 (9th Cir. 1988) (emphasis added, internal citations, quotations and alterations omitted). NEPA's regulations and Ninth Circuit case law also require an agency to "[r]igorously explore and objectively evaluate all reasonable alternatives." § 1502.14(a) (emphasis added); *Citizens for a Better Henderson v. Hodel*, 768 F.2d 1051, 1057 (9th Cir. 1985) (EIS must consider "every" reasonable alternative). 127 cont.

The courts, in the Ninth Circuit as elsewhere, have consistently held that a federal agency's failure to consider a reasonable alternative is fatal to a NEPA analysis. *See, e.g., Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519-20 (9th Cir. 1992) ("The existence of a viable, but unexamined alternative renders an environmental impact statement inadequate."); Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 48 Fed. Reg. 18,026 (March 16, 1981) ("In determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out the particular alternative. Reasonable alternatives include those that are practical or feasible from a technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant."). "In order to be adequate, an environmental impact statement must consider not every possible alternative, but every reasonable alternative." *Friends of Endangered Species v. Jantzen*, 760 F.2d 976, 988 (9th Cir.1985); *California v. Block*, 690 F.2d 753, 766-67 (9th Cir.1982); *Save Lake Washington*, 641 F.2d at 1334 (9th Cir. 1981).

The DEIR/S for the Project fails to heed these basic mandates. First, while the document purports to identify four alternatives, these alternatives are so similar that

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127 cont. of options to relieve congestion within this busy corridor. Previous studies evaluated multimodal options for the North Coast Corridor, resulting in the identification of a need for several projects offering different modes of travel to proceed simultaneously. Because the proposed project involves the widening of an existing freeway facility, options are naturally constrained by the existing project location and adjacent existing development. Please refer to Topical Response "Corridor Alternatives" for additional information regarding the history of alternatives evaluation for the project. Based on public and agency input, the Preferred Alternative has now been identified and is evaluated within the Final EIR/EIS; it would reduce many of the impacts that were identified in the Draft EIR/EIS for the other alternatives. The environmental impacts of the alternatives are adequately analyzed within the EIR/EIS. Any of the build alternatives would meet the project objectives.

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127 cont. they become identical for purposes of environmental review. Second, the DEIR/S's perfunctory comparative analysis of the Project alternatives fails to adequately distinguish the environmental impacts of each option, to the extent there are differences. Indeed, each of the Project's "build" alternatives would have virtually identical environmental impacts. Finally, because none of the proposed alternatives would come close to meeting the Project's objectives, the entire alternatives analysis is ultimately meaningless.

1. The DEIR/S Fails to Consider a Reasonable Range of Alternatives.

Other than the "no build" alternative, the DEIR/S presents four "build" alternatives that are extraordinarily similar. Two of the "build" alternatives call for ten general purpose lanes ("main lanes") plus four HOV lanes. The only difference between these two alternatives is that one calls for a painted stripe buffer between the ten main lanes and the HOV lanes, whereas the other calls for a barrier in lieu of the buffer. DEIR/S at 2-1. The second of the two "build" alternatives call for eight main lanes plus four HOV lanes. The only difference between these two alternatives is that, again, one calls for a painted stripe buffer between the eight main lanes and the HOV lanes, whereas the other calls for a barrier. *Id.*

128 Thus, in terms of freeway capacity, the DEIR/S actually identifies only two "build" alternatives, and these two "build" alternatives are identical except for the one additional lane in each direction. *See* DEIR/S at 2-5 and Table 2.2. Both "build" alternatives include main lanes and four HOV lanes, direct access ramps, auxiliary lanes, and the lengthening of the I-5 bridge across San Elijo Lagoon. *See* DEIR/S at 2-1 Thus, despite the purported inclusion of four "alternatives," the DEIR/S actually discusses only small variations on a *single* alternative, namely, the widening of the I-5.

This meager analysis is plainly insufficient. Offering only slight differences in freeway construction does not constitute an adequate alternatives analysis. *See Sierra Club v. United States DOT*, 962 F. Supp. 1037 (N.D. Ill. 1997). Indeed, as the courts have explained, presenting clear distinctions-- and vigorously exploring all feasible alternatives--is particularly important when an agency is addressing complex or difficult issues, such as the appropriate manner to address transportation mobility in northern San Diego County. *See Greenpeace v. National Marine Fisheries Service*, 55 F. Supp. 2d 1248 (W.D. Wash. 1999) (alternatives analysis did not sharply define the issue and present a clear basis for choice); *Mann v. Community Redevelopment Agency*, 233 Cal. App. 3d 1143, 1151 (1991) (the alternatives discussed in an EIR must present "enough of a variation to allow informed decision making").

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128 The process of identifying the build alternatives addressed in detail in the EIR/EIS is discussed in *Section 1.4*. Please refer to the response to your Comment 127 and Topical Response "Corridor Alternatives" for additional information including the discussion of the full scope of alternatives studied for the North Coast Corridor. Differences in the impacts of the build alternatives are provided within the Final EIR/EIS, where such differences exist. For example, differences in biology impacts are depicted in *Tables 3.17.1* to *3.17.3*, *3.17.5* to *3.17.10*, *3.18.1* to *3.18.3*, *3.19.1*, and *3.21.2*.

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Not surprisingly, because of the lack of clear distinctions among the alternatives, the "build" options pose nearly identical environmental risks. The DEIR/S admits this time and again. For example, as regards noise impacts, the DEIR/S explains that the document modeled a generic ten-plus-four alternative because the difference in noise levels between it and the other alternatives would be "imperceptible," specifically noting that "in terms of impact analysis, all four build alternatives would be equal." DEIR/S at 3.15-2. The DEIR/S further concedes that there would be no difference between the "build" alternatives in terms of impacts to sensitive biological habitats and wildlife corridors. *Id*. at 3.17-5. As for the Project's impact on parks, the DEIR/S again recognizes that there is very little difference between alternatives -- every alternative would impact some parks, with differences of ½ acre or so between options. *See, e.g*., DEIR/S, Appendix A at p. A-27, A-29, A-33, A-35 (comparing amount of parkland taken with different alternatives).

128 cont. Since the primary purpose of an alternatives analysis under CEQA and NEPA is to explore different options to proposed actions that will adversely affect the environment, analyzing only slight variations of the same proposal – all of which have essentially identical environmental effects – does not constitute an adequate alternatives analysis. *Laurel Heights Improv. Ass'n*, 47 Cal.3d at 403 (purpose of an EIR's alternatives analysis is to identify ways to reduce or avoid significant environmental effects); CEQA Guidelines § 15126.6(c) (agency should analyze alternatives that "could avoid or substantially lessen one or more of the significant effects."); Pub. Res. Code § 21002 (same).

To the extent that Caltrans believes it has no obligation to consider non-widening alternatives because the Project allegedly results in few environmental impacts, the agency is mistaken. As this letter clarifies, the only reason that the DEIR/S determines the Project would not result in significant environmental impacts is that the document fails to conduct the necessary examination. Had the DEIR/S conducted a thorough investigation of the Project's environmental impacts, Caltrans would have concluded that the Project will cause extensive adverse effects.

2. Because the Project Fails to Achieve Its Own Objectives, the DEIR/S' Analysis of Project Alternatives is Meaningless.

129 As discussed above, the proposed Project would not achieve its own objectives. Specifically, the Project would not maintain or improve traffic levels of service in 2030 (objective #1) and, therefore, would not improve travel times within the I-5 corridor (objective #2). Because the DEIR/S provides no analysis of the Project's impact on bus rapid transit and other forms of public transportation, it cannot demonstrate

129 The four build alternatives would maintain or improve future traffic operations (including LOS and travel times) compared with No Build conditions; and have been developed to fit within the regional transit system, including accommodation of buses within the proposed HOV/Managed Lanes. The refined 8+4 Buffer alternative is being designed to avoid, minimize, and/or mitigate impacts to the human and natural environment. The project, therefore, conforms to the project purpose and objectives.

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129 cont. that the Project will be compatible with alternative modal options (objective #3). Furthermore, because Caltrans relies on traffic forecasts that, in many instances, are more than twice as high as the traffic forecasts identified in the SANDAG 2030 RTP, the Project is not consistent with the 2030 RTP (objective #4). Finally, the Project does not achieve objective #6 because, as explained above, it would not protect the human and natural environment along the I-5 corridor .

In sum, the Project does not achieve five of the Project's six objectives. Given this fundamental flaw, there is no rational basis for analyzing alternatives that do not offer a different approach. 40 C.F.R. § 1502.14(a). Caltrans should expand its range of alternatives to include options that would enable the agency to come closer to achieving its objectives.

3. The DEIR/S Fails to Conduct the Necessary Comparative Analysis of the Alternatives' Environmental Impacts.

130 CEQA and NEPA require an EIR to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. CEQA Guidelines 15126.6(d); 40 C.F.R. § 1502.14 (the alternatives analysis is the "heart of the environmental impact statement" and must contain enough information to "sharply defin[e] the issues and provid[e] a clear basis for choice among options"). Yet, the DEIR/S' vague and uninformative analysis here makes it impossible to determine which, if any, of the alternatives would effectively reduce the Project's significant environmental impacts.

The DEIR/S provides only the most perfunctory evaluation of each alternative's impact on the environment. In most instances, the document routinely finds that there would be no perceptible difference in alternatives in terms of environmental impacts. In other instances, such as in the analysis of growth-inducing impacts, the DEIR/S fails altogether to distinguish between the different alternatives; the document neither analyzes how each option would differentially affect growth, nor provides a conclusion as to which option would cause a greater impact. *See* DEIR/S at 3.2-1 to 3.2-3. Finally, we can find no indication that the DEIR/S identifies an environmentally superior alternative, as required by CEQA and NEPA. CEQA Guidelines § 15126.6(e)(2); 40 C.F.R. § 1502.14(e) (requiring agency to indicate its preferred alternative).

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129 cont. Please refer to the response to your Comment 005, as well as Topical Response "Multimodal System," "Mass Transit," and "Rail Preference."

Regarding traffic forecasts, Caltrans has determined that the 2030 traffic volumes are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in EIR/EIS *Section 3.6*. Please refer to the responses to your Comments 006 and 022 for additional information regarding traffic forecasts.

130 By following the requirements of NEPA and evaluating four build alternatives at an equal level of detail, the Draft EIR/EIS identifies the environmentally superior alternative as the build alternative with the smallest footprint and least overall impacts. This alternative was identified within the Supplemental Draft EIR/EIS as the locally preferred alternative (the refined 8+4 Buffer alternative, which is now identified as the Preferred Alternative). Identifying the Preferred Alternative in the Final EIR/EIS is specifically allowed by 40 CFR 1502.14(e). Please also refer to the response to your Comments 001 and 128.

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4. Faulty Logic and Reasoning Thwart the DEIR/S' Identification and Evaluation of Project Alternatives.

131 Caltrans relies on questionable assumptions in the identification and evaluation of the Project's "build" and "no-build" alternatives. Specifically, it appears the agency relied on a single population forecast to analyze the "build" and "no-build" scenarios. Yet, as the Smart Mobility Report explains, it is highly unlikely that the same level of transportation needs would exist whether or not the I-5 widening Project is implemented. Therefore, it is unreasonable for Caltrans to rely on the same forecast to model the "build" and "no-build alternatives." Because Caltrans has taken this approach, however, the result is a forecast of future needs that only the proposed I-5 Project can satisfy.

Furthermore, as discussed above, the Project would not even meet its own objective of maintaining and/or improving future traffic levels in 2030 over the existing levels of service. Since none of the proposed "build" alternatives would meet the Project objectives, the DEIR/S must be revised to consider other options that could meet the region's mobility needs. A legally adequate alternatives analysis must include a wider range of alternatives, including but not limited to those proposed below.

(a) The DEIR/S Fails to Consider a Public Transportation Alternative.

132 Although the DEIR/S explains that the Project's underlying North Coast Transportation Study includes the goal of providing "a full range of transportation modal alternatives" (at 2-1), the DEIR/S makes no attempt to address that goal. Like the rest of the DEIR/S, Caltrans' alternatives analysis is colored by the agency's interest in maximizing traffic speeds and minimizing congestion along the existing I-5 freeway, rather than by a concern for improving regional transportation generally. Thus, the DEIR/S narrowly focuses on adding capacity to the existing freeway, and ignores a whole range of multi-modal transportation alternatives that could fulfill the Project goals. Because the DEIR/S never evaluates a non-freeway alternative, it does not accomplish the rigorous exploration of all viable alternatives required by NEPA and CEQA.

A number of recent publications have proposed strategies for improving mobility through a variety of transportation modes. As the Victoria Transport Policy Institute explains, true "multi-modal" planning must consider various modes of transportation (public transit, automobile, cycling and walking) that reduce automobile dependency. *See* "Introduction to Multi-Modal Transportation Planning, Todd Litman, Victoria Transport Policy Institute, 17 September 2009, attached as Exhibit 42. This

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131 The identification of the No Build alternative and underlying assumptions in the EIR/EIS are appropriate. The project would not generate traffic. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. It is appropriate to use the same forecasts for build and no build scenarios; analysis would be meaningless without that commonality. The build alternatives would meet project objectives. Please refer to the responses to your Comments 005 and 129.

132 This Final EIR/EIS is a project-specific document focusing on I-5 improvements and the document presents alternatives that address purpose and need based on highway improvements. The larger contextual setting, however, with a summary of the corridor study history, including LOSSAN documentation, is provided in *Section 1.4*. Please also refer to Topical Response "Corridor Alternatives." Furthermore, it should be noted that the No Build alternative analyzed in the EIR/EIS includes double-tracking of the LOSSAN rail facility (refer to EIR/EIS *Section 2.2.4*). As described in EIR/EIS *Section 1.3.2, Traffic Demand*, the I-5 North Coast Corridor is projected to experience substantial future congestion, even with the LOSSAN improvements. Please refer to Topical Response "Multimodal System." Additional information on modal choice is provided in the Congestion System Management Plan (CSMP) and the PWP. CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. The Interstate 5 San Diego North Coast CSMP includes a range of strategies for addressing congestion, performance measures

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perspective challenges conventional transportation planning, which tends to focus on a specific set of options (primarily automobile travel) that strive to maximize traffic speeds, and minimize congestion. *Id*. at 2. In one study, the Victoria Transport Policy Institute found that with a mature roadway system (such as the transportation system in southern California), it may be better to increase transport diversity and encourage efficiency rather than continuing to expand highway capacity. *See* "Smart Congestion Reductions," Todd Litman, Victoria Transport Policy Institute, 2 February 2010, at 3, attached as Exhibit 9.

In the present case, it cannot be disputed that increasing public transportation would help to meet several of the I-5 Project objectives. These objectives include:

132 cont.

- Maintain or improve travel times within the corridor;
- Provide a facility that is compatible with future bus rapid transit and other modal options;
- Provide consistency with the SANDAG 2030 RTP;
- Protect and/or enhance the human and natural environment along the I-5 corridor.

See DEIR/S at S-1.

Caltrans' failure to consider public transportation and other reduced road-building alternatives renders the DEIR/S inadequate. *See Utahans for Better Transportation v. U.S. Dept. of Transportation*, 305 F.3d 1152, 1170 (10th Cir 2002) (rejecting U.S. DOT's argument that it did not need to consider option of developing transit prior to proceeding with highway project because "[r]egional transit choices that may be made in the future are not reasonable alternatives to off-set [sic] the need for new roadway construction now."); CEQA Guidelines § 15126.6(b) (the alternatives discussion must focus on alternatives that will lessen any significant effects of a project). Because such an alternative is reasonable and viable, and because it would lessen the Project's impacts, the agency must examine it in the DEIR/S.

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132 cont. or criteria for identifying when action is needed, and a system for prioritizing which congestion management strategies would be most effective.

This resulted in a solution that includes double-tracking the rail corridor and adding HOV/Managed Lanes on I-5, as well as improving regional arterials, bicycle and pedestrian routes and bus, rail, vanpool, and carpool services. The *I-5 NCC Project*, as one part of the larger multimodal plan for the corridor, would be consistent with the CSMP. Information augmenting the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function at peak efficiency. Please also refer to the responses to your Comments 022 and 071.

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133 Finally, we note that the I-5 Project would be tremendously expensive, costing a minimum of $3 to $4 billion. DEIR/S at 2-1. Considering that public transportation is likely the more sustainable approach to meeting the region's long-term mobility needs, Caltrans must evaluate whether shifting this investment to public transportation would ultimately be more cost-effective than increasing highway capacity.

When developing and analyzing this public transportation alternative, Caltrans must assume implementation of the already-funded or otherwise committed transit projects that are anticipated in the SANDAG 2030 RTP. In addition, Caltrans must rely on accurate travel forecasts; it may not assume a forecast growth level that is more than twice as high as the SANDAG forecasts.

(b) The DEIR/S Fails to Analyze an Alternative That Assumes More Urbanized Land Uses and Increased Transit Use.

Caltrans assumed that land development in the I-5 corridor would grow rapidly. *See* Smart Mobility Report. Yet growth is unlikely to occur at the pace or even the location assumed in the DEIR/S. Consequently, Caltrans should have explored an alternative land use/transportation scenario.

134 As discussed above, Caltrans assumed an unrealistically high amount of forecast traffic growth --more than two times the SANDAG projections. In addition, although the DEIR/S fails to disclose the transportation model's land use assumptions, it appears evident, based on projected increase in VMT alone, that Caltrans assumed a highly decentralized pattern of land use development. Development that occurs in remote, low-density communities, is automobile-dependent; individuals living there are required to drive practically everywhere.

Caltrans must revisit these assumptions. Over the last few years, the public has grown increasingly unwilling to endure lengthy commutes from the suburbs -- and more willing to live closer to jobs. In 1900, about 13 percent of the global population lived in or near cities. *See* Cherry, Nathan and Nagle, Kurt. Essential Elements of Sustainable Design, Planning, The Magazine of the American Planning Association, March 2010, p. 25, attached as Exhibit 43. By 2050, that number is projected to rise to 70 percent. *Id*. Americans, in general, are beginning to embrace the concept of "smart growth." According to Urban Planner Reid Ewing, roughly half of all Americans are now receptive to living in compact, mixed use neighborhoods. *Id*. Finding transit-oriented developments and new urbanist neighborhoods going up in many cities in the

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133 Comments regarding estimated project costs are noted. Travel forecasts are considered to be accurate; please refer to the response to your Comment 006. Transit improvements are also proceeding within the I-5 corridor.

134 Caltrans is not a land use planning agency, and does not have jurisdiction over land use patterns. The forecasts presented in this Final EIR/EIS and the associated technical studies are based on the region's SANDAG Series 10 model, and this modeling has been verified by Caltrans to be within 3.5 percent of the traffic forecasts to traffic volumes projected to 2050, as described in the response to your Comment 006. Given the forecasted population growth (an additional approximately one million people by 2040) in the region, traffic projections indicate that VMT on I-5 will increase approximately 31 percent over the next 30 years. This increase in travel demand is expected to occur even if capacity is not increased on I-5. As described in *Section 2.2.2* of this Final EIR/EIS, VMT is expected to increase an additional 4 percent above "no-build" projections with the addition of four HOV/Managed Lanes under the refined 8+4 Buffer alternative (Preferred Alternative), and would result in a total VMT increase of 35 percent. This minor additional increase is associated with the potential for the project improvements to induce people to travel I-5 who would not otherwise do so (e.g., by making I-5 more convenient than their existing alternate routes).

Regarding other transit-oriented alternatives, please refer to the response to your Comment 132. These options are currently being addressed as part of the North Coast Corridor transportation solution. Improvements to I-5 are a critical part, but only one part, of this solution.

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country, the Urban Land Institute sees such infill, compact development as a growing trend:

> Next-generation projects will orient to infill, urbanizing suburbs, and transit-oriented development. Smaller housing units-close to mass transit, work, and 24-hour amenities gain favor over large houses on big lots at the suburban edge. People will continue to seek greater convenience and want to reduce energy expenses. Shorter commutes and smaller heating bills make up for higher infill real estate costs.
>
> Road congestion, higher energy costs, and climate change concerns combine to alter people's thinking about where they decide to live and work. 'It's a fundamental shift.' The lifestyle cost-of-living equation starts to swing away more dramatically from bigger houses on bigger lots at the suburban edge to greater convenience and efficiencies gained from infill housing closer to work. These homes may be more expensive on a price-per-pound basis, but reduced driving costs and lower heating/cooling bills provide offsets . . . 'near-in suburbs will do well especially if they link to business cores by mass transportation.' Empty nesters and later-marrying boomers continue to flock to cities and urbanizing suburban areas. For aging baby boomers, infill apartment or townhouse living means less upkeep and proximity to cultural and entertainment attractions.

134 cont.

Urban Land Institute, Emerging Trends in Real Estate, 2010, excerpts attached as Exhibit 44.

This dramatic shift in land use, towards more compact mixed-use development, would reduce the “need” for the I-5 Project. Moreover, there is a strong synergy between increased land use intensities and expanded public transit. Transit investments help to focus the attention of local communities and developers; the Smart Mobility Report refers to this as “development-oriented transit.” The combination of more increased land use densities and public transportation is much stronger than either approach individually.

Caltrans might object that it has no authority over land use and thus is not obligated to consider a “smart growth” alternative. The objection is unfounded. Caltrans certainly has the ability to develop a transportation alternative that uses, as its foundation, this societal trend toward transit-oriented development and development-oriented transit.

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134 cont. Caltrans should develop such an alternative and evaluate its environmental impacts in a revised DEIR/S.

(c) The DEIR/S Fails to Analyze a "Local Roadway Improvements" Alternative.

135 According to Smart Mobility, it is evident that the goal of the proposed Project is to attract local traffic onto the interstate highway system. Yet, this goal is the opposite of good transportation planning. Accommodating local traffic on interstate highways is very expensive and creates traffic congestion at interchanges. Local roadway improvements, on the other hand, (1) are less expensive, (2) typically do not cause the extensive environmental impacts that can accompany freeway expansions, and (3) are more adaptable to new traffic or land use forecasts.

The I-5 DEIR/S fails to evaluate an alternative that would improve the local street and intersection system. This omission is irrational, given the fact that the DEIR/S admits that a large percentage of the traffic on I-5 is local traffic, which could benefit from local roadway improvements. *See, e.g.*, DEIR/S at 1.3, Table 1.3.1. Such an alternative should be included in the revised DEIR/S.

(d) The DEIR/S Fails to Evaluate An Alternative That Includes Pricing I-5 General Purpose Lanes.

According to the Smart Mobility Report, a moderate toll on all traffic (possibly only during peak periods) would be sufficient to maintain acceptable traffic flow. This scenario would also serve to avoid the problems of induced development and traffic, and the increased congestion on local roadways that would accompany the proposed Project.

136 While imposing a toll on existing interstate lanes is not currently permitted, federal and state governments are urgently seeking solutions to long-term transportation funding. Consequently, the tolling of interstate highways and the increased reliance on general revenue appropriations to support the federal surface transportation program has been a subject of an ongoing debate in the transportation community. The revised DEIR/S should identify and evaluate an alternative that imposes tolls on existing interstate lanes.

Once this, and the other alternatives discussed above are developed, Caltrans must use appropriate modeling (i.e., gravity model with a feedback process) to

135 Improving local streets that may need increased capacity in multiple jurisdictions with or without the *I-5 NCC Project* is beyond the scope and authority of Caltrans. Such improvements are planned and implemented by local jurisdictions through their circulation plans, which are considered in the SANDAG transportation models that are employed by Caltrans in evaluating the transportation impacts of its highway projects. The EIR/EIS does address needed improvements to intersections that include a highway ramp.

136 Tolling existing interstate highways is not preferred as most drivers believe that they have already paid for the interstate highway through fuel taxes levied to maintain and improve it. As noted in your comment, imposing a toll on existing interstate lanes is not currently permitted. Accordingly, pursuit of such an alternative would not be consistent with CEQA Guidelines 15126.6(f)(3), which notes that an EIR need not consider an alternative whose implementation is remote and speculative. New lanes can be tolled, and that would be consistent with the concept of SOV payers.

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136 cont. compare the effects of these non-freeway widening alternatives to those of the proposed I-5 Project.

II. THE DEIR/S VIOLATES SECTION 4(f) OF THE DEPARTMENT OF TRANSPORTATION ACT.

In enacting section 4(f) of the Department of Transportation Act of 1966, Congress declared that "special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands [and] wildlife and waterfowl refuges . . . ." 49 U.S.C. § 303. As a means of realizing these broad goals, Congress specified two fundamental substantive mandates: (1) prohibiting federal agencies from approving transportation projects that require use of a public park, recreation area or wildlife refuge unless there are no feasible and prudent alternatives to using such land; and (2) requiring transportation projects that use a public park, recreation area or wildlife refuge to use *all possible planning* to minimize harm to the land. 49 U.S.C. § 303(c) (emphasis added).

The Transportation Act thus codified the requirement that federal agencies consider alternatives to environmentally damaging proposals even before this principle was enshrined as a core provision in NEPA. Indeed, the Act's provisions are even more stringent than NEPA's, as they include the substantive requirement that an agency *actually select* a feasible and prudent alternative to proposed highway routes that would 137 otherwise damage these protected areas.

A. The DEIR/S Uses an Incorrect Standard for Its Analysis and Fails to Include All Possible Planning to Mitigate Impacts to Protected Resources.

The DEIR/S states that the "proposed project would not result in any adverse impacts [to protected resources] since the function of the recreational facilities remain[s]." DEIR/S at 3.1-45. Given these circumstances, it concludes "no mitigation measures are required." *Id*. However, this is not the correct legal standard. Section 303(c) of the Transportation Act does not contain an exception for mitigation where the "function" of protected facilities remains. On the contrary, when a project will directly impact protected parkland, the Secretary of Transportation must "include all possible planning to minimize harm to the parkland" *regardless* of the severity of the impact or the fact that the park may continue to function. 49 U.S.C. § 303(c).

As the DEIR/S notes, federal law contains a "de minimis" exemption, under which impacts may be classified as minimal, thereby streamlining review under section 4(f). However, if a project is found to have "de minimis" impacts, this finding

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137 Impacts to 4(f) resources are addressed thoroughly in EIR/EIS Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f) and Proposed *De Minimis* Determinations for the I-5 North Coast Corridor Project San Diego, California. Appendix A and *Section 3.1.3* of the Final EIR/EIS have been amended to clarify potential I-5 implementation impacts on public recreational facilities relative to Section 4(f). In coordination with the land managers with jurisdiction over the recreational facilities, project design and the continued minimization of potential impacts associated with the refined 8+4 Buffer alternative (Preferred Alternative) satisfies the requirements to include all possible planning to minimize harm to the parkland to the greatest extent possible. These include the San Dieguito River Park, San Elijo Lagoon Ecological Reserve, and Agua Hedionda Lagoon; as well as Oak Park, Pio Pico Park, and Holiday Park in Carlsbad; and Paul Ecke Sports Park in Encinitas. Land managers have provided agreement in writing regarding the nature of use of these facilities where they would be crossed by the Preferred Alternative, as provided in *Chapter 5* and Appendix A of this Final EIR/EIS.

Chapter 3 of Appendix A identifies all potential Section 4(f) resources within a half-mile radius of the project and analyzes the resources afforded protection under Section 4(f) that are not directly used. Chapter 4 is a *de minimis* impact analysis for two parks, and one historical resource (an architectural resource with contributing landscape features) eligible for listing in the National Register. Views of the project from the parks and recreational areas, in addition to noise, vegetation, and other relevant issues, are addressed in the discussion of each park resource.

Views from bridges would not be blocked, and views to the bridges from viewpoints along lagoon trails would not be expected to be substantially different from existing conditions. The existing I-5 facility is a major transportation facility that crosses lagoon open

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merely obviates the need for the Secretary to analyze alternative *locations* for the project. *Id*. at § 303(d)(1)(B). Such a finding does *not* dispense with the requirement that the Secretary minimize and mitigate harm to the parkland to the greatest extent possible. *Id*. (In any event, as explained *infra*, the Project's impacts are not "de minimis.")

Even though it claims that such mitigation measures are not required, the DEIR/S does provide a few token measures. However, the document does not come close to showing that "all possible planning" has been undertaken to minimize harm to the parklands. For example, in its description of the five directly impacted parks, the DEIR/S mentions that vegetation removed by the Project "would be mitigated" or "restored with native plant species." DEIR/S at 3.1-44, 3.1-45. It also states that the proposed Project has been designed to minimize impacts by reducing the amount of right-of-way and by limiting the grading footprint. *Id*., Appendix A, p. A-28.

137 cont.

These measures are plainly insufficient. Tellingly, the 4(f) discussion does not mention *any* mitigation measures related to visual impacts, even though it admits that the proposed Project would be visible from the park areas. Nor does it propose replacing the lost acres of parkland by purchasing other comparable land or easements elsewhere. The DEIR/S also does not propose or discuss measures to ensure that runoff from Project operations and construction activities will not degrade water quality in the numerous protected lagoons across which the Project will be built. Although the water quality section of the DEIR/S does discuss possible mitigation for water quality impacts related to Project runoff, these measures are woefully inadequate. Therefore, the agency's measures do not qualify as "all possible planning" to mitigate impacts to protected 4(f) resources.

B. The DEIR/S Fails to Demonstrate That the Section 4(f) "De Minimis" Exception is Justified and Fails to Prove That There Are No Feasible and Prudent Alternatives to Using the Parkland.

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As the DEIR/S admits, the "de minimis" exception embodied in section 303(d) applies only if "the official(s) with jurisdiction over the Section 4(f) resource in question . . . concur in writing that the project will not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection." 23 C.F.R. § 774.5(b); DEIR/S, Appendix A at A-23. Here, the DEIR/S contains no indication that the officials with jurisdiction over San Dieguito River Park, San Elijo Lagoon Ecological Reserve, Agua Hediona Lagoon, Center City Golf Course or Paul Ecke Sports Park and YMCA have concurred in the DEIR/S' determination that the proposed Project would result in de minimis impacts to the parks. Indeed, although the DEIR/S states that Caltrans and the FHWA have consulted with officials who have

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137 cont. space areas. The visual disparity between the industrial built feature and the undeveloped space surrounding it is expected to be similar to the existing condition. For viewers looking at the facility from ground level, the magnitude of change is not expected to be very apparent, as the viewer would look at I-5 in cross section rather than in plan view. Please refer to the response to your Comment 061 regarding views of I-5 from recreational areas.

With regard to biological mitigation, that is detailed in the EIR/EIS in *Sections 3.17* through *3.22*, as appropriate. In addition, please note that 8+4 Buffer alternative refinement has occurred in consultation with resources agencies. Lengthening of the bridge crossings at the San Elijo, Batiquitos, and Buena Vista Lagoons, for example, is anticipated to improve the health of the lagoons when compared with existing conditions, as well as support improvement plans identified by lagoon foundations at both San Elijo and Buena Vista Lagoons. Wildlife corridors under the bridges also have been improved.

Potential project-related water quality concerns, including those associated with coastal lagoons and related waterways, are addressed in the response to your Comment 088, above. Also, please note that additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor. These studies incorporate the results of associated technical analyses, including biological assessments, hydrologic and hydraulic studies, and Caltrans' interaction with lagoon scientists. This information was provided in the August 2012 Supplemental Draft EIR/EIS and is incorporated into this Final EIR/EIS as appropriate. The described analyses identify appropriate bridge lengths and channel dimensions to reduce the level to which levees or other man-made features restrict tidal flushing (water movement and exchange), while meeting the stated project objectives. The modified bridge and channel designs would maximize the health and function of the lagoons through enhanced tidal exchange, which would directly improve water quality issues within the North Coast Corridor as a result of project implementation.

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jurisdiction over certain *historic* resources, there is no indication that they have consulted with the officials with jurisdiction over the above-named parks. The DEIR/S is incomplete until this consultation takes place and the DEIR/S discloses the results. *See Senville*, 327 F. Supp. 2d at 350 (EIS that contained insufficient 4(f) evaluation was inadequate).

In the absence of the concurrence of local officials, the DEIR/S must present an analysis of feasible and prudent Project alternatives that would not use any protected 4(f) resources. *See* 23 C.F.R. § 774.5(b)(1). The DEIR/S currently lacks any such analysis and is therefore deficient. *See Senville*, 327 F. Supp. 2d at 350 (EIS inadequate where "[i]t is impossible to tell from the environmental documents or the administrative record whether the Defendants reasonably believed that there are no feasible or prudent alternatives or that alternatives have unique problems or unusual factors.) The DEIR/S must be revised to include an analysis of alternatives that would avoid the use of protected resources. Such alternatives might call for the development of a rail, shipping, or other non-highway-widening infrastructure. 138 cont.

The DEIR/S' current analysis of alternatives does not suffice for purposes of meeting the required section 4(f) analysis of alternatives. As described elsewhere in this letter, the DEIR/S' analysis of project alternatives is flawed under CEQA and NEPA because it fails to analyze a reasonable range of options. When an EIS' analysis of alternatives is inadequate under NEPA, a section 4(f) evaluation of alternatives based on that analysis is also inadequate. *Sierra Club, Ill. Chapter v. U.S. Dept. of Transp.*, 962 F. Supp. 1037, 1046 (N.D. Ill. 1997).

C. The DEIR/S Uses an Incorrect Standard for Its Analysis of Constructive Uses of Protected Resources and Fails to Mitigate These Impacts.

The DEIR/S contains a lengthy analysis of the proposed Project's indirect impacts to parks and other protected 4(f) resources. These indirect impacts are known as "constructive use" impacts under the Transportation Act. Unfortunately, in a number of instances, the document fails to acknowledge or analyze specific constructive impacts. For example, I-5 crosses the Buena Vista and Batiquitos Lagoons, both of which are ecological preserves protected under section 4(f). Appendix A at A-15 to A-17, A-20 to A-21. The DEIR/S concludes, however, that the Project will not impact the reserves in any material manner because the proposed Project (1)will remain within Caltrans' existing right-of-way, (2) will not significantly increase noise levels in the reserves, and (3) will not significantly alter access to, or views from, the reserves. *Id*. 139

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137 cont. The very minimal nature of acreage impacts in the lagoons relative to preserve size is detailed in Appendix A and summarized in *Section 3.1.3* of this EIR/EIS.

138 Please refer to the response to your Comment 137 regarding effects to Section 4(f) resources. In support of the Draft EIR/EIS, the proposed *de minimis* determinations were prepared in consultation with agencies having jurisdiction over the resources and centered on a) significance of the property; b) primary purpose of the land; c) proposed use and impacts; and d) proposed measures to avoid and/or minimize harm. Specific responses have been provided to each agency commenting on the Draft EIR/EIS, including the San Dieguito River Park Joint Powers Authority Board of Directors (San Dieguito River Park); State of California, County of San Diego, and San Elijo Lagoon Conservancy (San Elijo Lagoon); and City of Carlsbad (Agua Hedionda Lagoon). Coordination with these entities is continuing. Letters from the appropriate managing agencies are provided in *Chapter 5* of this Final EIR/EIS. Written concurrence has been received from the officials with jurisdiction over the recreational facilities, as described in *Section 5.5,* under the heading *Concurrence with Proposed Section 4(f) De Minimis Use*.

139 A constructive use is applied to those situations in which no direct impact would occur, but proximity effects are so impactive that they would *substantially impair* the 4(f) use. The project construction of new bridge sections and placement of supports in the lagoons would be a direct impact and is addressed in the *de minimis* findings discussed in the response to your Comment 137. Please also refer to the responses to your Comments 088 and 089 regarding project BMPs. These controls would minimize any pollutants associated with I-5 construction to much lower levels than could substantially impair protected uses.

Visual effects at lagoon crossings are addressed in response to your Comment 061. Visual impacts, noise, vegetation, and other relevant issues are addressed in the *de minimis* impact analysis discussion for each Section 4(f) park resource in Appendix A.

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139 cont. This analysis is untenable, as it ignores the reality that, in order to widen I-5, there will need to be construction of new bridge sections and supports in the lagoons. DEIR/S at 2-1(the Project would include construction of a new, lengthened bridge over San Elijo Lagoon). Although this construction may take place within Caltrans' existing right-of-way, any pollutants introduced into the water due to construction will flow out of the right-of-way and into other parts of the lagoons. These "constructive use" impacts must be analyzed and mitigated in a revised EIR/S.

140 **III. THE DEIR/S FAILS TO DISCUSS CALTRANS' OBLIGATIONS UNDER THE PUBLIC PARK PRESERVATION ACT.**

The DEIR/S provides an incomplete analysis of this Project's compliance with the Public Park Preservation Act of 1971, Pub. Res. Code § 5400 *et seq*. The Public Park Preservation Act, which applies to any park operated by a public agency, provides in part:

> No city, city and county, county, public district, or agency of the state, including any division, department or agency of the state government, or public utility, shall acquire (by purchase, exchange, condemnation, or otherwise) any real property, which property is in use as a public park at the time of such acquisition, for the purpose of utilizing such property for any nonpark purpose, unless the acquiring entity pays or transfers to the legislative body of the entity operating the park sufficient compensation or land, or both, as required by the provisions of this chapter to enable the operating entity to replace the park land and the facilities thereon.

Pub. Res. Code § 5401. The replacement land or compensation must be sufficient to provide substitute parkland of comparable characteristics and substantially equal size; the agency must also demonstrate that the substitute land is capable of being used by generally the same persons as used the existing park. Pub. Res. Code § 5405.

Caltrans' obligations under the Public Park Preservation Act extend, at a minimum, to San Dieguito River Park, San Elijo Lagoon Ecological Reserve, Paul Ecke Sports Park and YMCA, Agua Hedionda Lagoon and Reserve, Center City Golf Course, and Hall Property Community Park. Accordingly, the DEIR/S must discuss Caltrans' obligation to replace any of these parklands it acquires with similar parkland elsewhere, and explain how it intends to comply with this requirement for each of the relevant alternatives. *See, e.g., City of Fremont v. San Francisco Bay Area Transit Dist.*, 34 Cal.App.4th 1780, 1790 (1995) (legally adequate EIR where BART fully discussed obligation under the Public Park Preservation Act).

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140 Appendix A is the Section 4(f) analysis and does not address conformance with the Public Park Preservation Act. As noted in *Section 3.1.3.1* of the EIR/EIS, the Act requires Caltrans to either pay compensation that is sufficient to acquire substantially equivalent substitute parkland or provide substitute parkland of comparable characteristics. *Section 3.1.3.3* of the Final EIR/EIS clarifies project obligations under the Act. Potential project effects on most of the cited facilities are evaluated. Following project refinement, no impacts would occur to the Center City Golf Course, and this recreational area is not further addressed. No purchase of San Dieguito Lagoon properties or Paul Ecke Sports Park would occur, and the Hall Property (Encinitas) Community Park was designed assuming improvement of I-5, so no purchase would occur at those properties. With regard to San Elijo and Agua Hedionda Lagoons, where purchase of park lands or exchange is required, compensation in accordance with the California Public Park Preservation Act of 1971 and PRC §5400 et seq. is assumed as part of project design, as described in EIR/EIS *Section 3.1.3.3*. Oak Park in the City of Carlsbad is considered by the City to be a "special use area," without significant recreational use. Purchase of up to 0.12 acre would trigger the need for compensation. Similar to the recreational facilities described above, compensation in accordance with the California Public Park Preservation Act of 1971 and PRC §5400 et seq. is assumed as part of project design, as described in EIR/EIS *Section 3.1.3.3*.

The Coast to Crest Trail crosses the San Dieguito River Park. Under the refined 8+4 Buffer alternative (Preferred Alternative), the trail east of I-5 would not be impacted. Under the other build

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140 cont. While the DEIR/S mentions the Public Park Preservation Act and admits that all Project alternatives would take land from these parks, the document fails to discuss whether or how it would replace these lands. *See* DEIR/S, Appendix A, pp. A-27, A-29, A-33, A-35 (admitting that all Project alternatives would take some parkland); DEIR/S at 3.1-45 (not discussing replacement of taken parkland). Instead, the DEIR/S only mentions minimizing use of the parks by reducing the grading footprint and right-of-way. DEIR/S at 3.1-45. This minimization effort does not comply with the Act's requirement for compensatory land mitigation.

IV. APPROVAL OF THE PROJECT WOULD VIOLATE THE CALIFORNIA COASTAL ACT.

141 Pursuant to the Coastal Zone Management Act ("CZMA"), federal activities within or outside the coastal zone that affect coastal-zone resources must be consistent with state coastal laws. 16 U.S.C. § 1456. Specifically, the CZMA requires that "any applicant for a Federal license or permit, in or outside of the coastal zone, affecting any land or water use or natural resource of the coastal zone of that state shall provide in the application to the licensing or permitting agency a certification that the proposed activity *complies with the enforceable policies* of the state's approved program and that such activity will be *conducted in a manner consistent* with the program." *Id.* at §1456(c)(3)(A) (emphasis added). The applicant must also submit this certification to the state's reviewing agency – in this case, the California Coastal Commission ("Commission"). *Id.*; *see also id.* at § 1455(d)(6); 15 C.F.R. § 930.11(o). The Commission then reviews the project for consistency with the California Coastal Management Program, which includes the Chapter 3 policies of the California Coastal Act ("Coastal Act"). *See* Pub. Res Code §§ 30008, 30330. Here, as acknowledged in the DEIR/S and described below, the proposed Project is directly inconsistent with numerous provisions of the California Coastal Act. DEIR/S at 3.1-39 and 3.1-40. Consequently, the Project cannot be approved in its current form.

Federal courts construe the term "affecting … the coastal zone" to include "indirect effects which may be caused by the activity and are later in time or farther removed in distance but are still reasonably foreseeable." *California ex rel. California Coastal Comm'n v. Norton*, 150 F. Supp. 2d 1046, 1052 (N.D. Cal. 2001) (citation omitted). The Department of Commerce's CZMA implementing regulations mirror this language. *See* 15 C.F.R. § 930.11(g). Accordingly, federal activities "within or outside the coastal zone" that affect coastal-zone resources directly or indirectly must be consistent with coastal laws pursuant to the CZMA. *California ex rel. California Coastal Comm'n*, 150 F. Supp. 2d at 1052; *see also Millennium Pipeline Co., L.P. v. Gutierrez*, 424 F. Supp. 2d 168, 177-78 (D.D.C. 2006).

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140 cont. alternatives, there may be a temporary construction easement required during construction of a retaining wall, placed to ensure that there is no permanent impact to the Coast to Crest Trail. A temporary closure of short duration may occur during construction activities, but no permanent use of any portion of the trail would occur. As such, no purchase of park land would be required. Every reasonable effort would be made to maintain the continuity of existing and designated trails, including providing detours when trail access would be temporarily disrupted and implementing the shortest feasible construction period where physically affecting the trail. Caltrans received verification from the San Dieguito River Park administrator that the "impact" associated with connecting the trails would be beneficial in nature (see *Figure 5-5.1*). As no purchase of park lands would occur, protection under the California Public Park Preservation Act of 1971 would not be triggered and the project would comply with PRC §5400 et seq. The project complies with the Public Park Preservation Act.

141 Caltrans recognizes that the project will require a Coastal Development Permit and appreciates California Coastal Commission (CCC) staff's partnership in development of a PWP for the project. The PWP addresses each of the items listed in this comment and is incorporated into the Final EIR/EIS by reference. The Draft PWP/TREP was circulated in August 2010, along with the Draft EIR/EIS. Additional information and analysis developed in 2011 and 2012 was circulated to agencies and the public in a Supplemental Draft EIR/EIS in 2012. A revised Draft PWP/TREP was publicly circulated in March 2013, addressing the full range of transportation improvements that are planned within the North Coast Corridor. The Final PWP/TREP was completed in fall 2013. The PWP/TREP will support the CCC's federal consistency determination necessary to implement the Coastal Zone Management Act (CZMA). Caltrans' coordination with the CCC is ongoing. Please also refer to the responses to your more detailed Comments 142 through 151 regarding ESHAs, wetlands, water quality, recreation areas, and agricultural lands.

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Thus, under federal law, the Commission is given a broad mandate to protect the integrity of coastal resources, whether or not the action in question actually takes place in the coastal zone. As documented throughout this letter, it is reasonably foreseeable that the Project as a whole – including portions of the Project located outside the coastal zone boundary – will have numerous significant and immitigable direct and indirect impacts on the coastal zone. These impacts on coastal zone resources violate Coastal Act provisions that are meant to protect environmentally sensitive habitat areas ("ESHAs"), wetlands, marine resources, water quality, parks and recreation, and agricultural lands within the zone. *See* Pub. Res. Code §§ 30000-30900. Among other things, the Project would:

141 cont.

- **Permanently Eliminate ESHAs.** Most of the coastal-zone land impacted by the Project, including up to 70 acres of coastal sage scrub, is an ESHA. DEIR/S at 3.17-8. The Project would also jeopardize numerous endangered and threatened species, including the coastal California gnatcatcher, Pacific pocket mouse, southern steelhead, and tidewater goby.
- **Fill wetlands and degrade water quality.** The Project would directly and indirectly impact between 50 and 60 acres of wetlands; jurisdictional waters associated with the lagoons; the San Clemente, Cottonwood, Encina, and Loma Alta Creeks; and the San Luis Rey River. The Project has the potential to degrade not only these waterways, but also the coastal waters into which they drain. DEIR/S at S-6.
- **Encroach into three recreation areas**. The Project would encroach into the open space and preserves of three recreation areas, including San Dieguito River Park, San Elijo Lagoon County Park and Ecological Reserve, and Agua Hedionda Lagoon and CDFG Reserve. DEIR/S at 3.1-43.
- **Permanently Convert Agricultural Lands.** The Project would convert at least 48 acres of farmland, including prime and unique farmland. DEIR/S at 3.3-2.

142

A. Environmentally Sensitive Habitat Areas.

The Coastal Act defines an ESHA as "any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed by activities and developments." Pub. Res. Code § 30107.5. The Coastal Act protects ESHAs in the following manner:

142 Consistency of the proposed project with the CCA is addressed in EIR/EIS *Section 3.1,* specifically *Table 3.1.1*. Regarding Coastal Act Section 30240, the EIR/EIS notes that proposed project improvements would result in direct impacts to Environmentally Sensitive Habitat Areas (ESHAs), and that Section 30240 of the Coastal Act mandates that only resource-dependent uses be allowed in ESHA. A number of proposed trail improvements

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> (a) Environmentally sensitive habitat areas shall be protected against significant disruption of habitat values, and only uses dependent on those resources shall be allowed in those areas; (b) Development in areas adjacent to environmentally sensitive habitat areas…shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat… areas.

Pub. Res. Code § 30240.

142 cont. The Coastal Act affords ESHAs three levels of protection. First, it strictly prohibits any uses within an ESHA except those that are "dependent" on the resource. *See Bolsa Chica Land Trust v. Superior Court*, 71 Cal. App. 4th 493, 506-07 ("*Bolsa Chica*"); *Sierra Club v. Cal. Coastal Comm'n*, 12 Cal. App 4th 602, 611 (1993) ("*Pygmy Forest*") ("[D]evelopment in ESHA areas themselves is limited to uses dependent on those resources…."). Second, even if a use is dependent on the resources in an ESHA, Public Resources section 30240(a) prohibits any significant disruption of the ESHA's habitat values. Third, section 30240(b) requires that development outside but adjacent to ESHAs be sited to prevent impacts that would degrade those areas. *Pygmy Forest*, 12 Cal. App 4th at 611.

As the DEIR/S concedes, the I-5 Project is not a use that is dependent on any ESHA resources. DEIR/S at 3.1-39. Furthermore, even if the Project were dependent on ESHA resources, the Project's direct occupation, destruction, and disruption of habitat values in the ESHAs render it inconsistent with section 30240(a).

1. The Project Is Not a Resource-Dependent Use and Is Therefore Prohibited in an ESHA, Regardless of Off-Site Mitigation.

143 The DEIR/S expressly admits that the Project is not a resource-dependent use.[29] DEIR/S at 3.1-39. Accordingly, under Public Resources Code section 30240(a), its construction through an ESHA is flatly prohibited.

California courts have clarified, moreover, that such an inconsistency with Coastal Act requirements cannot be rectified through mitigation. In the *Pygmy Forest*

[29] The Project is not, for example, a restoration-type project that would depend on coastal resources. *See, e.g., Sierra Club v. California Coastal Com*. ("Batiquitos Lagoon"),19 Cal. App. 4th 547 (1993).

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142 cont. and contemplated habitat restoration plans may be considered resources-dependent uses and therefore are permitted uses in ESHA; however, the majority of the proposed project improvements would consist of public facility improvements and, therefore, would not be not allowed to occur in the ESHA. The proposed project improvements would be located adjacent to ESHA, parks and recreation areas, and, therefore, could also potentially result in indirect impacts to ESHA and special-status species. The four build alternatives were determined to be inconsistent with this part of the Coastal Act.

As noted in EIR/EIS *Section 3.1.2.3,* the PWP/TREP would provide an implementation mechanism to address improvements throughout the corridor as a system that would avoid or offset impacts while focusing on protecting, enhancing, and maintaining coastal resource values, and maximizing public access to coastal resources and recreational facilities. Please also refer to the response to your Comment 141.

143 Please refer to the responses to your Comments 141 and 142.

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143 cont.

case, for example, the court stated that the resource-dependent use requirement is independent of, and in addition to, any requirement to prevent significant disruption of habitat. *See Pygmy Forest*, 12 Cal. App. 4th at 617. Non-resource-dependent uses simply are not allowed in ESHAs, even where mitigation measures that provide habitat protection have been formulated. *Id*.

The court in *Bolsa Chica* likewise held that direct impacts to coastal ESHAs cannot be mitigated through identification of replacement habitat or "habitat values" elsewhere. Section 30240 "does not permit a process by which the habitat values of an ESHA can be isolated and then recreated in another location. Rather, a literal reading of the statute protects the area of an ESHA from uses which threaten the habitat values which exist in the ESHA." *Bolsa Chica*, 71 Cal. App. 4th at 507. The court reasoned that while section 20340 is intended to protect the habitat values of ESHAs, "the express terms of the statute do not provide that protection by treating those values as intangibles which can be moved from place to place to suit the needs of development." *Id*.

Thus, even though the DEIR/S attempts to mitigate for the Project's impact to sensitive biological resources in the coastal zone, the failure of the Project to avoid ESHAs renders it inconsistent with the Coastal Act.

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2. The Project Would Significantly Disrupt Habitat Values in an ESHA.

The Project also conflicts with section 30240(a)'s mandate to avoid "any significant disruption of habitat values" of an ESHA. Here, the Project would occupy and significantly disrupt the coastal-zone habitat of several species key to the biological diversity of the California coast. These include, but are not limited to, the following:

- **Coastal California Gnatcatcher**. Coastal sage scrub is breeding habitat for the coastal California gnatcatcher, a threatened species under the federal Endangered Species Act ("ESA"). The DEIR/S concedes that the Project will impact up to 70 acres of coastal sage scrub habitat, including at least three California gnatcatcher use areas. DEIR/S at 3.17-8 and 3.21-3. These areas plainly qualify as an ESHA under section 30107.5, and their loss would constitute a highly significant disruption of the biological value of the ESHA.

- **Southwestern Willow Flycatcher**. Riparian woodlands serve as habitat for the southwestern willow flycatcher, which is listed as endangered under state and federal law. The DEIR/S acknowledges that the Project would result in permanent

144 Please refer to the responses to your Comments 141 and 142. Specifics regarding each of these species were provided in Draft EIR/EIS *Section 3.21* and have been updated in this Final EIR/EIS.

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impacts to approximately three acres of suitable habitat for this species. DEIR/S at S-6. This area qualifies as an ESHA under section 30107.5, and its loss would constitute a significant disruption of the biological value of the ESHA.

- **Southern Steelhead**. The DEIR/S concedes that construction of the Project would affect steelhead trout, a federally listed endangered species. However, it concludes, without evidence, that the species will not suffer long-term adverse effects. *See* DEIR/S NES Report at iii. Such a conclusion makes no sense in light of the fact that young steelhead (fry) are particularly sensitive to fine sediments and turbidity, the levels of which will undoubtedly be raised by the Project.

- **Tidewater Goby**. Tidewater gobies, a federally listed endangered species that are found only in the coastal wetlands and estuaries of California, are now restricted to a fraction of their former range. The DEIR/S concedes that the coastal lagoons are habitat for the tidewater goby and that the Project would result in permanent impacts to this habitat. DEIR/ at 3.21-4. Nevertheless, the document appears to conclude that compensatory mitigation would render those impacts insignificant. DEIR/S at S-3 and S-4 (no mention of tidewater goby under Environmental Consequences Remaining Substantial After Mitigation). This conclusion is incorrect. In fact, the coastal lagoons and waterways play a special role in the aquatic ecosystem on which tidewater goby depend for their survival and recovery. As described above, the Project would cause degradation of water quality resulting from erosion, fine sediment delivery, and increased pollutants to the lagoons , creeks, and rivers. This deterioration in water quality has the potential, in turn, to change the ecology of the waterways over time. Such changes would be highly detrimental to the tidewater goby, which is threatened by siltation and urban development, both of which lead to loss of suitable coastal saltmarsh habitat.

144 cont.

- **Pacific Pocket Mouse**. This species is listed as "endangered" under the ESA and as "critically endangered" – the highest threat rating short of extinct in the wild – on the International Union for the Conservation of Nature's "Red List." A quintessential coastal species, the Pocket Mouse's habitat is restricted to sandy soils near the Pacific Ocean. Once thought extinct, the Mouse was rediscovered in 1993 and now has documented populations at only three limited locations along the coastline. Yet, despite the presence of high quality habitat for this species within the Project site (*see* DEIR/S at 3.21-2), the DEIR/S presents incomplete and inaccurate background data that hinders the analysis of impacts on this species. *See* CBI Report, attached as Exhibit 2.

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144 cont. In short, the Coastal Act prohibits this Project's construction within an ESHA both because the Project is not resource-dependent, and because it would significantly disrupt the ESHA's habitat values.

B. Wetlands

The Coastal Act expressly prohibits diking, filling or dredging of coastal wetlands unless *all* of the following requirements are met: (1) the project falls into one of seven listed "use" categories, (2) "there is no feasible less environmentally damaging alternative"; and (3) "feasible mitigation measures have been provided to minimize adverse environmental effects." Pub. Res. Code § 30233(a). The Project fails all three parts of this test.

First, the Project is not an allowable use for fill of wetland resources under section 30233(a) of the Coastal Act. The DEIR/S claims that the Project qualifies as "incidental public services," so that fill of wetlands would be allowed under Coastal Act 30233(a)(4). DEIR/S at 3.1-38. This claim is baseless. The plain language of this provision lists "burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines" as examples of the types of projects that are properly considered "incidental public service purposes." A freeway expansion project of this scale would result in much more extensive environmental harm than the type of projects contemplated by the statutory language and can in no way be considered "incidental." 145 *See Barrett v. Superior Court*, 222 Cal. App. 3d 1176, 1190-91 (1990) (where specific examples follow a general term in a statute, application of the general term is limited to things of the same type as the specific examples.)

Indeed, courts have made clear that roadway projects are not an "incidental public service purpose" within the meaning of section 30233(a)(4). As the court stated in Bols*a Chica*:

> "…incidental public services are limited to *temporary disruptions* and do not usually include permanent roadway expansion. Roadway expansions are permitted *only when no other alternative exists* and the expansion is necessary to *maintain existing* traffic capacity."

71 Cal. App. 4th at 517 (emphasis added). Here, the widening of I-5 would result in permanent disruptions to habitat areas. The Project is also not limited to accommodating existing traffic capacity. As the DEIR/S states, the Project's purpose is to "improve the existing and *future* traffic operations in the I-5 north coast corridor in order to improve the safe and efficient regional movement of people and goods for the *design year of*

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145 Regarding Coastal Act Section 30233 Limited Allowance for Wetland Fill, *Table 3.1.1* notes that the existing location of I-5 necessitates the proposed improvements occur in areas containing wetlands. Substantial additional information regarding biological resource impacts and mitigation has been circulated within the Supplemental Draft EIR/EIS and incorporated into the Final EIR/EIS. With the extensive proposed mitigation package (see *Section 3.17, Natural Communities*, of the Final EIR/EIS), the impacts to wetlands would be mitigated below a level of CEQA significance. Coordination between Caltrans and the CCC is ongoing. Please refer to the responses to your Comments 141 and 142.

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145 cont. *2030*." DEIR/S at S-1 (emphasis added). Moreover, as discussed below, other alternatives exist that would be less environmentally damaging. Therefore, this roadway expansion cannot qualify as an "incidental public service purpose."

146 Second, the Project is not consistent with Coastal Act section 30233 because, as discussed above, there are feasible, less environmentally damaging alternatives to the Project. For example, the agency could consider meeting its goal to improve mobility through consideration of other transportation modes such as public transportation.

147 Finally, the Project is not consistent with Coastal Act section 30233 because the DEIR/S fails to identify feasible measures to minimize adverse environmental effects within the coastal zone. As discussed above, where, as here, a project impacting coastal wetlands is not an allowable use under section 30233(a), mitigation measures cannot make the use consistent with the Coastal Act. *See Dunn v. County of Santa Barbara*, 135 Cal. App. 4th 1281, 1297 (2006). Nevertheless, even if mitigation measures could resolve this conflict as a legal matter, the DEIR/S' proposed mitigation measures are inadequate because they are vague and in many cases defer specific mitigation to a later date. As the CBI Report explains, "the proposed mitigation measures are insufficiently detailed to determine their adequacy to offset project impacts." Exhibit 2 at 13. For example, the DEIR/S states that the "bridge over San Elijo Lagoon *would likely* be lengthened, which would create some wetland habitat." DEIR/S at 3.21-8 (emphasis added). The DEIR/S does not indicate either how much wetland habitat would be created or whether the agency will make any binding commitment to fully implement this measure. Similarly, the DEIR/S states that Moonlight Creek "*could be restored*, as could the slopes which are a mixture of disturbed coastal sage scrub and ornamental plants." *Id.* (emphasis added). Again, the DEIR/S fails to indicate a binding commitment to implement this mitigation.

148 In sum, because the Project does not serve an "incidental" public service purpose, and because there are feasible, less damaging alternatives, section 30233(a) flatly prohibits any filling of coastal wetlands for this Project, regardless of any mitigation provided. Moreover, the mitigation presented in the DEIR/S is vague and unenforceable, and thus would not replace the coastal wetland values that would be destroyed by the Project in any event. For each of these reasons, the Project's proposed fill of wetlands is inconsistent with the Coastal Act.

146 Please refer to the response to your Comment 132.

147 Please refer to the responses to your Comments 141, 142, and 145.

148 Please refer to the responses to your Comments 132, 141, 142, and 145.

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C. Water Quality

The Coastal Act contains multiple provisions that protect water quality, including Public Resources Code sections 30231 and 30230. The DEIR/S altogether fails to analyze the Project's consistency with these provisions. Sections 30231 and 30230 provide:

> Biological productivity; water quality. Pub. Res. Code § 30231: The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

149 > Marine resources. Pub. Res. Code § 30230: Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance.

As discussed above, in the context of the DEIR/S' failure to adequately address or mitigate for the Project's impacts on water quality, the proposed Project would significantly affect water quality in the coastal zone. Construction of the Project would require more than 1,500 acres of soil disturbance and would create hundreds of acres of new impervious surface. DEIR/S at 3.10-8 and 3.10-9. The increase in impervious surfaces, and the accompanying increase in runoff, will have significant impacts on surface water quality due to siltation and increases in pollutant concentrations. DEIR/S Water Quality Report at ES-1, 4-6. The corresponding degradation of water quality will threaten two endangered fish species, the tidewater goby and Southern steelhead trout (DEIR/S at 3.21-4) — impacts that the DEIR/S has not adequately evaluated or mitigated.

As a result of these impacts, the Project is inconsistent with the Coastal Act's requirement that water quality, biological productivity, and marine resources be maintained, and that special protection be given to areas and species of special biological significance. Pub. Res. Code §§ 30231, 30230.

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149 As discussed in EIR/EIS *Section 3.10*, best management practices (BMPs) would be implemented to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages. Please refer to the responses to your Comments 088 and 141.

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D. Parks and Recreation

The Coastal Act also contains strong policies mandating maximum protection of coastal park and recreational areas. Pub. Res. Code § 30240(b). Tellingly, there is not a single policy in the Act that allows *new* development within park or recreational lands. Section 30240(b) of the Act requires that any development in areas adjacent to park and recreation areas be compatible with and prevent impacts to those areas. The Legislature obviously assumed that parklands within the coastal zone would remain permanently protected.

150

The Project would not only impact, but would directly encroach on several parklands, including San Dieguito River Park, San Elijo Lagoon County Park and Ecological Reserve, and Agua Hedionda Lagoon and CDFG Reserve. DEIR/S at 3.1-43 through 3.1-45 (describing Project's encroachment on lands and open water in each of these parks). Moreover, as discussed above, the Project would result in direct and indirect impacts to water quality that would further impact the waterways in these recreation areas. Therefore, the direct loss of coastal and water recreational resources as a result of the Project, and its degradation of water quality within these resources, violates the Coastal Act.

E. Agricultural Lands

The Coastal Act also provides protections for agricultural lands. Pub. Res. Code §§ 30241, 30241.5, 30242. Specifically, the law requires that projects (1) minimize conversion of agricultural lands, and (2) not impair agricultural viability. *Id*. at § 30241 (b), (e). Other provisions of the Act require the evaluation of the economic viability of remaining agricultural lands to ensure sustainability of agricultural production. *Id*. at § 30241.5. Here, the DEIR/S admits that the Project is inconsistent with the Coastal Act. *See, e.g*., DEIR/S at 3.1-40 (acknowledging the Project's inconsistency with § 30241.5).[30] Moreover, the only mitigation the DEIR/S identifies is a list of "potential measures to achieve consistency." *Id*. Because these strategies are hortatory or potential rather than binding commitments, the Project's impacts on agricultural lands may go unmitigated. For that reason, and because the DEIR/S provides no evidence that the Project would

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[30] In other cases, the DEIR/S erroneously concludes that all the build alternatives are consistent with certain Coastal Act provisions. *See, e.g*., DEIR/S at 3.1-39 and 3.1-41. However, as discussed above, the DEIR/S underestimates the Project's impacts to agricultural resources.

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150 Widening of the I-5 freeway does not constitute a new development. Impacts to parklands are addressed adequately in Appendix A. Please refer to the response to your Comment 059. Regarding water quality impacts, please refer to the response to your Comment 088. Regarding ongoing project refinements and coordination with the CCC for the project Coastal Development Permit, please refer to the responses to Comments 141 and 142.

151 *Table 3.1.1* notes that the build alternatives are potentially inconsistent with Coastal Act Sections 30241, 30241.5, and 30242 and lists potential measures to achieve consistency. Impacts would be mitigated pursuant to a tiered approach spelled out in *Section 3.3*. Please also refer to the responses to your Comments 114, 141, and 142.

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151 cont. protect agricultural viability (*see* Pub. Res. Code §30241(e)),the Project is inconsistent with the California Coastal Act.

F. The Balancing Provision of the Coastal Act Does Not Allow For Approval of This Project.

As described above, the Project is flatly inconsistent with several sections of the Coastal Act. Yet the DEIR/S appears to claim that these serious impacts are justified because, on balance, they are outweighed by the Project's purported benefits to coastal resources. *See* Pub. Res. Code § 30007.5. According to the DEIR/S, these benefits include increased public access, improved water quality, implementation of coastal habitat restoration and creation, and enhanced coastal recreational opportunities. DEIR/S at 3.1-38 and 3.1-39. However, the balancing provision invoked by Caltrans is simply inapplicable here.

152 California courts have applied the Coastal Act's balancing provision only to projects that were necessary to advance a particular Coastal Act policy, but could not be accomplished without violating a different policy. *See, e.g., Sierra Club v. California Coastal Commission*, 19 Cal. App. 4th 547 (1993). In stark contrast, where a particular project is *not* necessary to advance any Coastal Act policy – or where the purported benefits result only from measures offered in mitigation of a project's damage to other coastal resources – the courts have held section 30007.5's balancing provision to be inapplicable. *See, e.g., Bolsa Chica Land Trust v. Superior Court*, 71 Cal. App.4th 493, 506-09 (1999).

The Project falls squarely into the latter category. The purpose of this Project is not to benefit coastal resources; rather, it is a transportation project designed to provide congestion relief to the region's drivers and to allow for more traffic in the future. To the extent the Project may arguably benefit the coastal zone, any such benefits are incidental and would result largely from mitigation to offset the Project's damage. Thus, there is nothing to support a finding that construction of the Project is, on balance, "most protective of significant coastal resources," as required by the Coastal Act. Pub. Res. Code § 30007.5.

G. The Project Is Inconsistent With Applicable Local Coastal Plans

153 The Coastal Act requires local jurisdictions to have a certified Local Coastal Program. Pub. Res. Code § 30500. Several cities affected by the proposed Project have implemented this requirement through Community Plans and/or Local Coastal Plans. Any development in the coastal zone must meet the requirements of the

152 Please refer to the response to your Comments 141 and 142.

153 The CCC will take project impacts and the inconsistencies and consistencies with applicable planning documents into account in making a decision regarding issuance of a Coastal Development Permit.

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applicable Local Coastal Program. DEIR/S at S-4; *see* Pub. Res. Code §§ 30600.5(c), 30603(b)(1).

While the DEIR/S identifies the need for a coastal development permit, it concedes that the Coastal Commission cannot make a finding of consistency with the applicable Local Coastal Programs. DEIR/S at 3.1-29, 3.1-30 and -3.1-34. In an effort to rectify this problem, the DEIR/S explains, Caltrans has developed a Public Works Plan/Transportation and Resource Enhancement Program ("PWP/TREP"), a document that will demonstrate the Project's consistency with the Coastal Act and applicable certified LCPs. DEIR/S at S-4.

The PWP/TREP, however, cannot explain away the numerous, glaring inconsistencies between the Project and the land use plans of the various Local Coastal Programs, or bring the Project into compliance with the Coastal Act. These
153 cont. inconsistencies arise from, *inter alia*, the following impacts of the Project: (1) encroachments resulting in the loss of open space, including the loss of environmental resources with the MHPA; (2) increases in both the volume of freeway runoff and the amount of urban pollutants in that runoff; and (3) the conversion of prime farmland to non-agricultural uses. DEIR/S at 3.1-29, 3.1-30 and -3.1-34.

The Project conflicts not only with the land use plans of the Local Coastal Programs, but also with many of those Programs' goals and policies. For instance, several LCPs include goals and policies to protect water quality and environmentally sensitive habitat areas in coastal lagoons and other waterways. Yet, because the DEIR/S fails to adequately analyze or mitigate the Project's severe impacts to water quality in these coastal lagoons and waterways, the Project cannot be found consistent with these LCP provisions.

For these reasons, and because the Project is inconsistent with the Coastal Act, issuance of a coastal development permit would be unlawful. Pub. Res. Code § 30600.5.

V. CONCLUSION

154 In order to cure the panoply of defects identified in this letter, the DEIR/S must be revised to fully and accurately describe all components of the proposed Project. The revised document must also include substantial new information to (1) evaluate the environmental impacts of the whole of the Project, and (2) identify effective mitigation measures and alternatives capable of alleviating these impacts. Both CEQA and NEPA require that the public have a meaningful opportunity to review and comment upon this

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154 The EIR/EIS as a whole provides a full and accurate description of project components. Specific to substantial new information, the Supplemental Draft EIR/EIS that was circulated in August 2012 addressed specific issues such as habitat impacts and hydrology in the vicinity of lagoons, as well as contained clarifications of issues related to latent traffic demand, sea level rise, water quality, and the common design features and community enhancements

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154 cont. significant new information, which should be presented in the form of a recirculated draft EIR/S. In addition, Caltrans must conduct more analysis to ensure that the agency has considered all feasible and prudent alternatives to using section 4(f) parkland and has undertaken all possible planning to minimize harm to such protected lands. Moreover, the Project is not a resource-dependent use that may be constructed on ESHAs in the coastal zone, nor is it an allowable use for fill of wetland resources under the Coastal Act. Thus, if the Project is to proceed at all, it must be redesigned so that it does not intrude on ESHAs and does not fill coastal zone wetlands.

Very truly yours,
SHUTE, MIHALY & WEINBERGER LLP

Rachel B. Hooper
Erin B. Chalmers

Laurel Impett (RH)
Laurel L. Impett, AICP, Urban Planner

Exhibits

1. Smart Mobility, Inc. Report, Caltrans I-5 North Coast Corridor Draft EIR/EIS, November 2010

2. Conservation Biology Institute Report, Caltrans I-5 North Coast Corridor Draft EIR/EIS, October 18, 2010

3. SANDAG, Draft 2010 Regional Transportation Improvement Program, July 2010 (excerpts)

4. TransNet, "Keep San Diego Moving, " Interstate 5 North Coast Corridor HOV/Managed Lanes Project brochure

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154 cont. proposed by the project. Comments were received and responded to on that document, and are incorporated into this Final EIR/EIS. Please refer to the response to your Comment 001, as well as the response to your Comment 137 regarding minimization to Section 4(f) parkland and the response to your Comment 142 regarding ESHAs. There is no need to rewrite and recirculate the EIR/EIS.

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5. California Dept. of Transportation, San Diego County, Interstate 5/Genesee Avenue Interchange Reconstruction Project: Initial Study with Proposed Mitigated Negative Declaration/ Environmental Assessment, Sept. 2010 (excerpts)	
6. California Dept. of Transportation, San Diego County, I-805 HOV/Carroll Canyon Road Extension Project: Initial Study with Mitigated Negative Declaration/ Environmental Assessment with Finding of No Significant Impact, April 2009 (excerpts)	
7. SANDAG Transportation Committee, Agenda, November 12, 2010 (excerpts)	
8. Union-Tribune Editorial, "Speed bump for a toll road/South Bay Expressway seeks bankruptcy shelter," March 25, 2010	
9. Victoria Transport Policy Institute, T. Litman, "Smart Congestion Reductions, Reevaluating the Role Of Highway Expansion For Improving Urban Transportation," February 2, 2010	
10. Victoria Transport Policy Institute, T. Litman, "Smart Congestion Reductions II, Reevaluating the Role Of Public Transit For Improving Urban Transportation," Sept. 9, 2010	
11. Smart Mobility, C-470 Corridor Environmental Assessment – Air Quality Analysis, April 2006	
12. San Francisco Dept. of Public Health, R. Batvia and T. Rivard, Assessment and Mitigation of Air Pollutant Health Effects from Intra-urban Roadways: Guidance for Land Use Planning and Environmental Review, Rajiv Bhatia and Thomas Rivard, May 6, 2008.	
13. North County Times, "Region: Study estimates surge of region's freight trucks by 2050," June 28, 2010	
14. U.S. Environmental Protection Agency, "Air Emission Sources: Particulate Matter," last updated on Nov. 4, 2009	
15. U.S. Environmental Protection Agency Drive 55 Conservation Project, "Emissions Impact of Elimination of the National 55 mph Speed Limit,"January 8, 1996	

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16. California Air Resources Board, “Air Quality and Land Use Handbook: A Community Health Perspective,” April 2005 (excerpts)	
17. N. Miller, “Draft Environmental Impact Report, Mid-County Parkway: Air Quality Analysis,” December 2008	
18. CAPCOA, “CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act, ” January 2008	
19. Council on Environmental Quality, Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions, February 18, 2010	
20. Bay Area Air Quality Management District, “ CEQA Air Quality Guidelines,” June 2010 (excerpts)	
21. Sightline Institute, “ Increases in Greenhouse Gas Emissions from Highway-widening Projects,” October 2007	
22. R. Ewing, et al., “Growing Cooler: Evidence on Urban Development and Climate Change”	
23. Scripps Institution of Oceanography, Ramanathan and Carmichael, “Global and Regional Climate Changes Due to Black Carbon,” March 2008	
24. S. Anders, et al., “Applying California's AB 32 targets to the regional level: A study of San Diego County greenhouse gases and reduction strategies,” March 2009	
25. E. Allen, et al., “Nitrogen Deposition Effects on Coastal Sage Vegetation of Southern California,” 1998 (excerpts)	
26. California Energy Commission Public Interest Energy Research, “Impacts of Nitrogen Deposition on California Ecosystems and Biodiversity,” 2005 (S. Weiss)	
27. M. Fenn, et al., “Atmospheric Nitrogen Deposition and Habitat Alteration in Terrestrial and Aquatic Ecosystems in Southern California: Implications for Threatened and Endangered Species,” 2005	
28. San Diego Section 303(d) List of Water Quality Limited Segments	

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29. Southern California Association of Governments, Draft 2004 Regional Transportation Plan Environmental Impact Report, December 2003 (excerpts)	
30. Orange County Transportation Authority, 2006 Long-Range Transportation Plan Final Program Environmental Impact Report, July 2006 (excerpts)	
31. CE Delft, "Traffic Noise Reduction in Europe," August 2007 (excerpts)	
32. City of Los Angeles, Environmental Impact Report: Autry National Center's Griffith Park Campus Improvements," August 2007 (excerpts)	
33. County of San Diego, "Guidelines for Determining Significance: Noise," January 2009	
34. Sacramento County, Bollard & Brennan, Inc., "Report on the Status of Rubberized Asphalt Traffic Noise Reduction in Sacramento County," November 1999	
35. Sound Fighter Systems, LLC, "Sound Walls: Absorptive versus reflective design and effectiveness"	
36. Riverside County General Plan (Noise chapter)	
37. Mid County Parkway Noise Study Report, August 2008 (excerpts)	
38. California Dept. of Conservation, "San Diego County Loses Farmland," July 2004	
39. California Dept. of Conservation, "California Agricultural Land Evaluation and Site Assessment Model Instruction Manual," 1997	
40. CalTrans/SANDAG, "2010: Major Construction Projects in San Diego County," February 2010	
41. SignonSanDiego, "Public Workshops set on I-805 Expansion Plans," Sept. 21, 2010	
42. Victoria Transport Policy Institute, T. Litman, "Introduction to Multi-Modal Transportation Planning Principles and Practices," Sept. 17, 2009	

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43. Cherry, Nathan and Nagle, Kurt. Essential Elements of Sustainable Design, Planning, The Magazine of the American Planning Association, March 2010.

44. Urban Land Institute, Emerging Trends in Real Estate, 2010 (excerpts)

cc: Noel Spaid, PLAGUE (with Exhibits 1 and 2 only)
Cesar Perez, Federal Highway Administration (with Exhibits 1 and 2 only)
Jared Blumenfeld, Region 9 Administrator, U.S. Environmental Protection Agency (with Exhibits 1 and 2 only)
U.S. Army Corps of Engineers (with Exhibits 1 and 2 only)
U.S. Fish & Wildlife Service (with Exhibits 1 and 2 only)
Hon. Christine Kehoe, State Senator (with Exhibits 1 and 2 only)
California Coastal Commission (with Exhibits 1 and 2 only)
California Department of Fish & Game (with Exhibits 1 and 2 only)
Gary Gallegos, Executive Director, San Diego Association of Governments (with Exhibits 1 and 2 only)

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Review of Interstate 5 North Coast Project

Draft Environmental Impact Report / Environmental Impact Statement

Norman L. Marshall
Principal
November, 2010

Prepared for the
Cleveland National Forest Foundation
Prevent Los Angeles Gridlock Usurping the Environment

smart mobility

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Summary

The Interstate 5 North Coast Project as described and documented in the June 2010 Draft Environmental Impact Report / Environmental Impact Statement (DEIR/DEIS) has several severe deficiencies including:

155 1) The DEIR/DEIS assumes that I-5 traffic volumes will increase at about twice the rate forecast in SANDAG's adopted Regional Transportation Plan (RTP). This unsupported assumption causes any benefits of widening I-5 to be exaggerated. This inconsistency with SANDAG's RTP is in direct contradiction with the stated Purpose and Need. Furthermore, the extreme amount of traffic growth assumed is inconsistent with the S.B. 375 regional greenhouse gas reduction target established by the California Air Resources Board.

156 2) Also contrary to the stated Purpose and Need, the DEIR/DEIS documents I-5 general purpose lanes as operating in the future Build scenarios with a lower level of service than in existing conditions. The project does not meet the Purpose and Need.

157 3) Widening I-5 also would cause increase congestion on other roadways in the study area. These impacts are partially documented in the DEIR/DEIS, but the full impacts would be much greater than those documented. The DEIR/DEIS fails to properly account for indirect traffic impacts that would result from land use changes induced by widening I-5. It also appears not to account for changes in trip destinations that would result from widening I-5, but it has been impossible to completely document this issue due to the failure of Caltrans to provide modeling documentation and modeling files that were requested on August 17, 2010.

158 4) The DEIR/DEIS fails to consider any non-freeway widening alternatives. Alternatives that should have been considered include:

a. Land Use Policy –A smarter land use future would have a much larger and more beneficial impact on congestion in the corridor than the proposed project

b. Land Use Policy Plus Transit – There is a strong synergy between the land use policy and expanded public transit. The benefits of both together are much greater than either approach individually.

c. Local Roadway Improvements – It appears that a goal of this project is to attract local traffic onto the Interstate system. This is the opposite of good planning. A better alternative is to focus on local roadway improvements

d. Pricing I-5 General Purpose Lanes – A moderate toll on all traffic (possibly only during peak periods) would be sufficient to maintain good traffic flow while avoiding the problems of induced sprawl, traffic increases, and increased congestion on local roadways.

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RESPONSES

155 The following responses to comments numbered 155 – 178 address comments made in one of the two exhibits cited in the Shute, Mihaly & Weinberger LLP letter on behalf of PLAGUE (PLAGUE) as composing part of a three-part comment submittal (i.e., the primary letter, Exhibit 1 and Exhibit 2). Where a comment is repeated from the primary letter, the reader is simply referred back to the response to the same comment within the letter. Additional information is added as appropriate.

Traffic volume estimates prepared for a predicted 2030 design year were determined to be equivalent to the traffic volumes now projected for a 2050 design year, and are therefore consistent with the 2050 RTP. Please refer to the responses to PLAGUE Comments 006, 022, and 054.

With regard to CA SB 375 conformance, the SANDAG 2050 RTP includes the 8+4 development scenario along with other multimodal solutions; the RTP also forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill (CA AB) 32 and CA SB 375. As discussed in EIR/EIS *Section 4.6, Climate Change,* build alternatives are projected to reduce "buildout" carbon dioxide (CO_2) emissions by hundreds of tons per day in the San Diego region compared with existing conditions (refer to Final EIR/EIS *Table 4.2*). The project would be consistent with the requirements of CA AB 32 and CA SB 375 and goals to reduce "buildout" GHG emissions as required under these laws. Please also refer to Topical Response "Climate Change" for additional information regarding GHG and related climate change and global warming issues.

156 The build alternatives would conform to the project's purpose. Please refer to the response to PLAGUE Comment 005.

157 The EIR/EIS considered impacts to local street segments and intersections. Please refer to the responses to PLAGUE Comments 017 and 024. *Section 3.2, Growth*, and the Community Impact Assessment technical study for the project determined that the

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	157 cont. potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends, and would occur with or without the proposed project. Please refer to the response to PLAGUE Comment 117. In addition, reporting benefits in reduced congestion to those who travel on I-5 would not lead to impacts on the location, scale, or pace of development. Please refer to the response to PLAGUE Comment 118. Regarding the request for modeling documentation, please refer to the response to PLAGUE Comment 019.
	158 The EIR/EIS thoroughly describes, rigorously analyzes, and sufficiently studies all "reasonable alternatives," as required by 40 Code of Federal Regulations (CFR) 1502.14(a). Please refer to the response to PLAGUE Comment 001 regarding project alternatives and to response to PLAGUE Comment 005 regarding the project being only one element of a multimodal solution to North Coast Corridor traffic planning. Project-specific planning and/or implementation of improvements to rail, bus, and car facilities are all moving forward under the purview of the lead agencies with primary responsibility for them.

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Invalid Traffic Forecasts Exaggerates the Need for the Project and Undercuts the Accuracy of the DEIR/DEIS' Conclusions

159 The DEIR/DEIS defines the project's Purpose and Need in this way:

The objectives of the project are to:

- Maintain or improve future traffic levels of service in 2030 over the existing levels of service;
- Maintain or improve travel times within the corridor;
- Provide a facility that is compatible with future bus rapid transit and other modal options;
- Provide consistency with the regional transportation plan, San Diego Regional Transportation Plan: Pathways for the Future (2030 RTP) where feasible and in compliance with federal and state regulations;
- Maintain the facility as an effective link in the national Strategic Highway Network, and
- Protect and/or enhance the human and natural environment along the I-5 corridor. (p. S-1)

The statement includes six elements. The first two elements are explicitly defined in terms of traffic analysis. The fifth element also implies the importance of traffic analyses through the word "effective". The other three elements are much more general. Therefore, determining whether the proposed project meets its stated Purpose and Need rests primarily on the traffic analysis.

160 Valid traffic analysis requires valid traffic forecasts. In this case, the DEIR/DEIS traffic forecasts are invalid because they assume roughly twice the rate of traffic growth as that projected by the San Diego Association of Government's (SANDAG's) adopted *Regional Transportation Plan* (RTP).[1] Assuming too much traffic growth obviously inflates the "need" and makes any benefits of widening appear greater. The I-5 DEIR/DEIS includes the tables reproduced below (p. 3.6-4).

Table 1: Reproduced from DEIR/DEIS

Table 3.6.1: Average Daily Traffic (ADT)

Location		2006 ADT	2030 ADT (No Build)	2030 8+4 Barrier/Buffer	2030 10+4 Barrier/Buffer
From	To				
La Jolla Village Drive	Genesee Ave	169,900	249,590	255,250	262,150
I-5 / I-805 Merge	Carmel Valley Road	281,400	412,640	425,750	434,250
Via de la Valle	Lomas Santa Fe	203,600	326,940	342,950	354,250
Encinitas Blvd	Leucadia Blvd	190,500	294,300	315,150	326,850
Palomar Airport Road	Cannon Road	188,500	290,100	309,850	320,350
SR-78	Oceanside Blvd	192,900	303,800	319,150	323,300
Mission Ave	SR 76	156,800	246,500	258,000	259,200

[1] San Diego Association of Governments (SANDAG). *Pathways for the Future: 2030 San Diego Regional Transportation Plan: Final*, November 2007.

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159 The build alternatives would conform to the project's purpose and need. Please refer to the response to PLAGUE Comment 005.

160 Caltrans has determined that the 2030 traffic volumes used for the project are equivalent to traffic volumes projected to the 2040 to 2050 time frame. Please refer to the responses to PLAGUE Comments 006 and 022.

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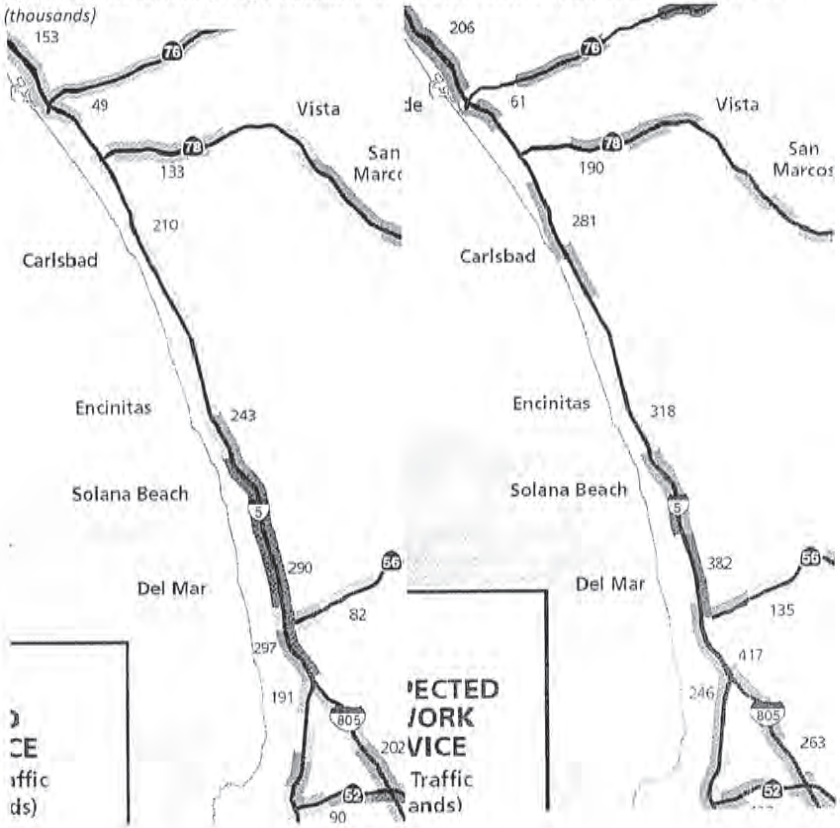
160 cont.

These numbers are in stark contrast to the 2030 traffic forecasts for 2030 RTP, and cannot be considered consistent with the RTP (the fourth element of the project Purpose and Need). The figures reproduced below show 2007 and 2030 traffic volumes published in the RTP.

Figure 1: RTP Average Daily Traffic Volumes: 2007 and 2030 Reasonably Expected Revenue Network (thousands)



3

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The RTP's Reasonably Expected Revenue Network matches the 8+4 Barrier/Buffer alternative in the DEIR/DEIS (RTP, p. A-5), so the RTP forecast traffic numbers are directly comparable to that column in Table 3.6.1 in the DEIR/DEIS (reproduced above).

The RTP graphics do not provide exact locations, but it is possible to generally compare the traffic growth: 2007 vs. 2030 for the RTP and 2006 vs. 2030 for the DEIR/DEIS.

Table 2: I-5 Traffic Growth Between Base Year and 2030 – RTP vs. DEIR/DEIS

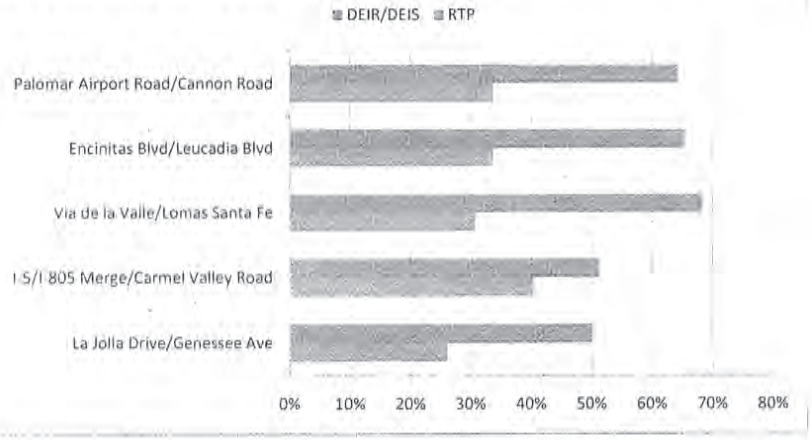
From	To	RTP	DEIR/DEIS
La Jolla Drive	Genessee Ave	26%	50%
I-5/I-805 Merge	Carmel Valley Road	40%	51%
Via de la Valle	Lomas Santa Fe	31%	68%
Encinitas Blvd	Leucadia Blvd	34%	65%
Palomar Airport Road	Cannon Road	34%	64%
SR-78	Oceanside Blvd		65%
Mission Ave	SR-76		65%

Note: the RTP doesn't show traffic forecasts for the segment between SR-78 and SR-76.

160 cont.

As shown in the figure below, the I-5 DEIR/DEIS forecast growth is about twice as high as the forecast growth in the RTP except for the segment just north of the I-5/I-805 merge where it is 1.27 where the forecast traffic growth in the DEIR/DEIS is 1.27 times as great as the forecast growth in the RTP.

Figure 2: Forecast I-5 Traffic Growth Between Base Year and 2030



This enormous discrepancy in traffic forecasts means that every future traffic statistic in the DEIR/DEIS is invalid. This includes the forecast traffic numbers, forecast travel times, and forecast delays.

4

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The DEIR/DEIS provides no explanation as to why there is such a huge discrepancy between the I-5 DEIR/DEIS traffic forecasts and the RTP traffic forecasts. The discrepancy is not explained by the difference in the base year between 2006 (DEIR/DEIS) and 2007 (RTP). Traffic volumes in San Diego County as in the rest of the U.S. have been flat to slightly declining since 2005. Total Interstate vehicle miles traveled in San Diego County were 3.3 percent lower in 2007 than in 2006[2] and were also lower still in 2008 (the last year for which data are available). If the DEIR/DEIS assumed higher base traffic volumes in 2006 than the RTP assumed in 2007, the discrepancy in the forecasts would be even greater than that portrayed in the figure above.

The DEIR/DEIS asserts that it is not because the DEIR/DEIS relies on an earlier model version.

> Typically regional traffic forecast models are updated every three to four years to reflect such changes in assumptions as future land use, planned infrastructure, and modal mix. Because of the complexity of the *I-5 NCC Project*, the model used as the basis for the I-5 studies has been updated since traffic studies were initiated. The forecasts presented in this Draft EIR/EIS and the associated technical studies are based on the Region's Series 10 model, whereas the current model is referred to as Series 11. As the model forecasts forms the basis for the project scope and performance analysis presented in this Draft EIR/EIS, it's important to establish that the I-5 demand estimates (traffic volumes) are not significantly different between series 10 and series 11.
>
> One of the most meaningful ways of comparing model outputs is to look at screenlines. Screenlines are often used in traffic analyses to determine how much volume is entering or exiting a particular area as they capture all of the traffic that moves across a real or perceived barrier (e.g., a lagoon that has limited crossings). With that in mind, screenlines were developed that captured the regional travel demand patterns within the I-5 north coast corridor. The traffic volumes were compared on these screenlines from both versions of the model for the I-5 No Project Build and I-5 Project Build (10+4) conditions. Overall traffic for all screenlines is within 10 percent. A similar check was done by comparing the forecasted Vehicle Miles Traveled (VMT) in the corridor between each of the models. Similarly, the comparison for the Build scenario shows VMT estimates to be within 10 percent of each other. The comparison of traffic volumes and VMT clearly shows that the differences between the two versions of the model are not materially different. (DEIR/DEIS, p. 1-3)

160 cont.

The DEIR/DEIS excerpt echoes the point made earlier, i.e. that "the model forecasts forms the basis for the project scope and performance analysis." It is not completely clear whether "model" is meant as only the equations and coefficients comprising the travel demand model or whether "model" also includes 2030 household, employment and external traffic forecasts. The excerpt implies that "model" includes both. However, if the DEIR/DEIS does rely on outdated

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[2] Caltrans, 2006, 2007 and 2008 *California Public Road Data: Statistical Information derived from the Highway Performance Monitoring System* (HPMS): Daily Vehicle Miles of Travel. For Interstate system in San Diego County 2006: 27,669,000, 2007: 26,736,510, 2008: 26,517,790.

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161 The design of the project was based on regional growth forecasts prepared by SANDAG. Please refer to Topical Responses "Projected Growth" and "Project Lifespan" for additional information regarding regional forecasts and future capacity of I-5, as well as the response to PLAGUE Comment 006.

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161 cont. household, employment and external traffic growth forecasts, this may explain part of the discrepancy between the 2030 RTP and DEIR/DEIS traffic forecasts. The EIR/EIS should be revised to explain this fundamental discrepancy.

The DEIR/DEIS Does Not Acknowledge That the Project Would Result in Increases in Traffic Congestion in Some Areas

162 The DEIR/DEIS shows that widening I-5 would attract additional traffic to I-5 that would increase congestion on some segments of I-5. Although the DEIR/DEIS suggests that the addition of managed lanes will aid those traveling in the general purpose lanes, it identifies a number of sections where the levels of service (LOS) in the general purpose lanes would decline with the project relative to the 2030 No Build scenario. For the 10+4 alternative, these locations include:

- Northbound:
  - from La Jolla Village Drive to Genesee Avenue – AM Peak F vs. E and PM Peak E vs. D
  - from Carmel Valley Road to Del Mar Heights Road – AM: D vs. C and PM: E vs. D
  - from SR-78 to California Street – AM: E vs. D and PM: F vs. D
  - from California Street to Oceanside Blvd. – AM: E vs. D and PM: F vs. D
  - from Oceanside Blvd. to Mission Avenue – PM: E vs. D
  - from Mission Avenue to SR-76 – PM: D vs. C
- Southbound
  - from Del Mar Heights Road to Carmel Valley Road – AM: F vs. D and PM: E vs. D
  - from Genesee Avenue to La Jolla Village Drive – AM: F vs. C[3]

163 The first element of the project Purpose and Need is: "Maintain or improve future traffic levels of service in 2030 over the existing levels of service." This is a much higher standard than improving levels of service relative to the future No Build scenario. The DEIR/DEIS shows the 10+4 alternative would result in the I-5 levels of service declining relative to existing conditions at the following locations:

- Northbound:
  - from La Jolla Village Drive to Genesee Avenue – AM Peak F vs. E and PM Peak E vs. C
  - from Sorrento Valley Road to I-5/I-805 Merge – PM Peak C vs. B
  - from I-5/I-805 Merge to Carmel Valley Road – PM D vs. C
  - from Carmel Valley Road to Del Mar Heights Road – AM: D vs. C and PM: E vs. D
  - from Del Mar Heights Road to Via de la Valle – AM: E vs. C and PM: F vs. D
  - from Los Flores Drive to SR-78 – PM: E vs. D
  - from SR-78 to California Street – AM: E vs. C and PM: F vs. C
  - from California Street to Oceanside Blvd. – AM: E vs. C and PM: F vs. C
  - from Oceanside Blvd. to Mission Avenue – AM: E vs. D and PM: D vs. D
  - from Mission Avenue to SR-76 – AM: D vs. C and PM: D vs. C
  - from SR-76 to Harbor Drive – AM: E vs. D

[3] DEIR/DEIS, Tables 3.6.5 and 3.6.6, p. 3.6-6.

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162 The build alternatives would substantially improve future delay, congested hours, and travel time overall compared to No Build conditions. Please refer to the response to PLAGUE Comment 005.

163 Most of the segments listed in this comment would continue to operate at an acceptable Level of Service (LOS), although the LOS may decline due to the increase in traffic volumes in the future. The build alternatives would reduce overall congestion and the duration and queue length of bottlenecks relative to No Build conditions. Please also refer to the response to PLAGUE Comment 026.

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163 cont.

- Southbound
  - from Harbor Drive to SR 76: AM: C vs. B and PM: D vs. C
  - from SR-76 to Mission Avenue: AM D vs. C and PM: D vs. B
  - from Mission Avenue to Oceanside Avenue: AM D vs. C and PM: E vs. C
  - from Oceanside Avenue to Cassidy Street – PM D vs. C
  - from Cassidy Street to SR-78 – AM: F vs. D and PM: E vs. C
  - from SR-78 to Las Flores Drive – PM: D vs. C
  - from Las Flores Drive to Carlsbad Village Drive – PM: D vs. C
  - from Carlsbad Village Drive to Tamarack Avenue – AM: E vs. D and PM: D vs. C
  - from Tamarack Drive to Cannon Road – AM: F vs. E
  - from Cannon Road to Palomar Airport Road – PM: D vs. C
  - from Via de la Valle to Del Mar Heights Road – AM: F vs. E and PM: E vs. D
  - from Del Mar Heights Road to Carmel Valley Road – AM: F vs. D and PM: E vs. D
  - from Carmel Valley Road to I-5/I-805 Merge – AM: F vs. D
  - from I-5/I-805 Merge to Roselle Street – AM: D vs. C
  - from Roselle Street to Genesee Avenue – AM: E vs. D
  - from Genesee Avenue to La Jolla Village Drive – AM: F vs. C and PM: F vs. D[4]

Clearly, the DEIR/DEIS fails to demonstrate that the project will satisfy the first element of the stated Purpose and Need: ""Maintain or improve future traffic levels of service in 2030 over the existing levels of service." Furthermore, as is discussed in the following section, the DEIR/DEIS underestimates the magnitude of negative indirect traffic impacts. The true impacts on peak period I-5 traffic wou.d be much greater.

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Even more significantly, the DEIR/DEIS shows that traffic would increase congestion on intersecting roadways. No trip begins or ends of I-5. Increasing the throughput on I-5 would necessarily increase the traffic volumes on intersecting roadways. Roadways where the DEIR/DEIS indicates that daily traffic would increase by 5,000 or more relative to the No Build scenario include:

- Nobel Drive between I-5 and Regents Road (+8,900)
- Leucadia Boulevard between I-5 and Saxony Road (+9,300)
- Leucadia Boulevard between Saxony Road and Garden View road (+7,600)
- Poinsettia Lane between I-5 and Paseo Del Norte (+5,800)
- Oceanside Boulevard between I-5 and Canyon Drive (+10,200)[5]

As shown in the Table[6] reproduced below, the DEIR/DEIS identifies many locations were peak period levels of service would decline with the project.

[4] DEIR/DEIS, Tables 3.6.5 and 3.6.6, p. 3.6-6.

[5] 2007 Traffic Technical Report #5, *Traffic Demand Forecasting*, Table 3.3, p. 22-23.

[6] I-5 North Coast Traffic Report, A summary of Traffic Reports: Prepared for the I-5 North Coast Corridor Project, revised June 2010.

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164 The EIR/EIS considered impacts to local street segments and intersections. Please refer to the responses to PLAGUE Comments 024 and 028. The project would not generate traffic, which is the result of regional and local population growth and economic development. Please refer to the response to PLAGUE Comment 043.

While some intersections would have operational declines, others would improve with the proposed project. According to the (HCM) methodologies presented in the I-5 North Coast Traffic Report, A Summary of Traffic Reports, the project would improve the LOS and reduce delays at a number of ramp and adjacent intersection locations. Table 4.9 in the traffic report presents a list of the ramp and adjacent intersections operating at LOS D, E, or F in the Year 2030 No Build conditions. These intersections would improve in operation by a 15 percent or greater reduction in overall intersection delay in the Year 2030 Build scenarios when compared to the Year 2030 No Build scenario. There are 13 interchanges listed in Table 4.10 that would experience some improvements with the proposed project, and 14 that would experience some impacts, however,

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Table 4.10 Summary of Impacted Intersections (HCM Method)

Interchange	ID	Location	AM Peak			PM Peak		
			2030 10+4 without DAR	2030 10+4 with DAR	2030 8+4 with DAR	2030 10+4 without DAR	2030 10+4 with DAR	2030 8+4 with DAR
La Jolla Village Dr	A4	Via La Jolla / La Jolla Village Dr	X					
	A6	I-5 NB Ramps / La Jolla Village Dr	X					
Genesee Ave	D1	I-5 SB Ramps / Genesee Ave				X		X
	B2	I-5 NB Ramps / Genesee Ave	X	X		X		
Roselle St	C1	Roselle St / I-5 SB On Ramp	X	X	X	X	X	X
	C2	Roselle St / I-5 NB Off Ramp	X	X	X	X	X	X
	C3	Roselle St / Sorrento Valley Blvd				X	X	
	C4	Sorrento Valley Rd / Sorrento Valley Blvd	X	X		X	X	
Carmel Mtn Rd	D1	I-5 Bypass SB Ramps / Carmel Mtn Rd				X	X	X
Del Mar Heights Rd	F2	I-5 NB Ramps / Del Mar Heights Rd	X	X				
Birmingham Dr	J1	I-5 SB Ramps / Birmingham Dr	X	X	X	X	X	X
	J2	I-5 NB Ramps / Birmingham Dr	X	X	X	X	X	X
Santa Fe Dr	K1	I-5 SB Ramps / Santa Fe Dr	X	X	X	X	X	X
Encinitas Blvd		I-5 SB Ramps / Encinitas Blvd				X	X	X
Poinsettia Lane	O1	Avenida Encinas / Poinsettia Lane				X	X	
	O4	Paseo Del Norte / Poinsettia Lane				X	X	
Palomar Airport Rd	P1	Avenida Encinas / Palomar Airport Rd	X			X	X	X
	P2	I-5 SB Ramps / Palomar Airport Rd	X			X		
	P3	I-5 NB Ramps / Palomar Airport Rd	X		X	X	X	
	P4	Paseo del Norte / Palomar Airport Rd	X			X	X	
Cannon Rd	Q3	I-5 SB Ramps / Cannon Rd	X					
	Q5	Paseo Del Norte / Cannon Rd	X	X	X		X	X
Las Flores Dr	T1	I-5 SB Ramps / Las Flores Dr				X	X	X
	T2	I-5 NB Ramps / Las Flores Dr				X	X	X
Oceanside Blvd	X2	I-5 SB Ramps / Oceanside Blvd	X					
	X3	I-5 NB Ramps / Oceanside Blvd				X		
SR-76	Z3	I-5 NB Ramps / SR-76				X	X	X

These impacts are highly significant. However, as discussed in the following section, the DEIR/DEIS understates the true impacts by a substantial margin.

The DEIR Fails to Fully Report the Project's Indirect Impacts and Therefore Underestimates the Project's Impact on the Environment

The DEIR/DEIS includes a set of voluminous traffic reports. However, there is very little and woefully inadequate documentation of the traffic forecasts that are the foundation for all of the DEIR/DEIS' traffic analyses. The only documentation is in 2007 Traffic Technical Report #5, *Traffic Demand Forecasting*. It states only:

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164 cont. not significantly so. And, seven of the interchanges that would experience impacts listed in Table 4.10 would also experience some improvement. As explained in the traffic report, Table 4.10 lists ramps and adjacent intersections that would experience an increase in delay, to differing degrees, when compared to the No Build scenario. The traffic report also notes that in the Year 2030 build scenarios, all the freeway on-ramps would be metered and would result in additional delays at a number of interchange locations. The overall performance of I-5 is the main subject of environmental analysis in the EIR/EIS. The projected operational performance at individual segments is not identified as "significant" in *Chapter 3* of the EIR/EIS; the CEQA significance conclusions for all topics are provided in *Chapter 4*. Please refer to the response to PLAGUE Comment 033 for discussion of that issue.

165 Traffic forecasts are adequately analyzed and documented in the EIR/EIS, and follow Caltrans (Lead Agency) standards, policies, and procedures. Please refer to the response to PLAGUE Comment 024. The citation from the EIR/EIS in this comment appropriately refers to the Traffic Demand Forecasting Report and the preparers, Wilson & Company, with Caltrans oversight.

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> *Forecast model applications.* The initial forecast modeling was conducted by Caltrans using the SANDAG Regional Travel Demand Model Series 10, Year 2030 and 2015 forecasts. (p. 4)

165 cont. In Traffic Technical Report #5, Wilson and Company massages the model outputs supplied by Caltrans, but fundamentally, the traffic forecasts were provided by Caltrans. By 2010, Caltrans appears to have forgotten the original source of the forecasts and cites Wilson and Company as the source.

> Wilson & Company's *Traffic Demand Forecasting Report* (Technical Report No. 5) provides information on future year traffic forecasts within the project limits. Five different traffic scenarios were modeled using the SANDAG Series 10 Transportation Model to produce future year traffic forecasts.[7]

166 Without access to documentation of the modeling process applied or to modeling files, it is not possible to verify the accuracy of the modeling. On August 17, 2010, a Public Record Acts request was made to Caltrans for these model files and for any documentation. As of November 8, 2010 (83 days later), the request has not been fulfilled.

Without access to the modeling files, these comments must be on our general experience with regional travel demand modeling in general (as documented in the attached resume), the partial documentation of the SANDAG model provided by SANDAG, and some available evidence concerning Caltrans and modeling.

167 Expanding highway capacity causes "induced traffic", increasing VMT and increasing greenhouse gas emissions. DeCorla-Souza (of the Federal Highway Administration) and Cohen define "induced demand" as an: "increase in daily vehicle miles of travel (VMT), with reference to a specific geographic context, resulting from expansion of highway capacity."[8] This definition includes both short-term effects and long-term effects. The short-term effects include more trips, longer trips, shifts from other travel modes to auto, and auto trips with lower occupancies. The long-term effects result from land development brought on by increased roadway capacity.

Induced demand effects are well known both to planners and laypeople, and there is a large and growing research literature quantifying the effects of induced demand. This process was kicked off in the United States with a 1997 study by Hansen and Huang that demonstrated large growth in VMT in California that resulted from increased freeway capacity.[9] Since then, there have been many other studies that have confirmed the importance of induced travel. These studies have become increasingly sophisticated in their use of statistical techniques. Robert Cevero of the University of California, Berkeley

[7] California Department of Transportation District 11. *I-5 North Coast Freeway Operations Report: Prepared for the I-5 North Coast Corridor Project*, p. 11, June 2010.

[8]. DeCorla-Souza, P. and H. Cohen. *Accounting for Induced Travel in Evaluation of Metropolitan Highway Expansion*. TRB 77th Annual Meeting Preprint CD-ROM, TRB, National Research Council, Washington D.C., January 1998.

[9] Hansen, M. and Y. Huang. *Road Supply in California*. Transportation Research A, Vol. 31, No. 3, 1997, pp. 205-218.

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166 Please refer to the response to PLAGUE Comment 019.

167 Technical experts may disagree and still produce defensible technical analyses and conclusions. Induced, or latent, demand was addressed in the August 2012 Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. Please refer to the response to PLAGUE Comment 017. Substantial changes in home or work locations are not anticipated due to the substantial amount of commuter traffic currently supported by I-5, as well as the constrained nature of the I-5 North Coast Corridor; the corridor is largely built out, with documentation of anticipated growth provided in regional forecasts. Furthermore, the traffic forecasts have been validated relative to the 2050 RTP and Series 12 traffic model, which take the recent recession into consideration. The data presented in the EIR/EIS are considered credible. Please also refer to the response to PLAGUE Comment 006.

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revisited the California freeway case in a major study that is particularly relevant to the DEIR/DEIS.[10] Cervero writes:

> The longer-run relationship appears fairly strong – every 10% increase in travel speeds is associated with a 6.4% increase in VMT. (p. 157)

Most regional transportation modeling does an incomplete job of accounting for induced travel. Cevero writes:

> In many parts of the United States, travel-forecasting models used by planning agencies are not up to the task of adequately accounting for induced travel and induced growth (Transportation Research Board, 1995). Long-range forecasting models are needed that are robust and sophisticated enough to capture both short-run behavioral shifts and long-run land use shifts triggered by road improvements. Indeed, the general consensus of attendees at a recent conference convened by the Eno Transportation Foundation Policy Forum on induced demand was that the greatest value added of research in this area is to inform the calibration of long-range travel forecasting and urban simulation models, such as MEPLAN, TRANUS, and TRANSIMS (Hunt, 2002). (p. 160)

167 cont.

Complete induced demand modeling requires accounting for each of the separate components of induced demand including:

> shifts to longer routes
> changes in destinations causing longer trips,
> changing travel mode to auto, and
> changing home or work locations resulting in longer trips.

Carolyn Rodier of the Mineta Institute and the University of California has researched how well land use models and transportation models with feedback account for induced travel. She concludes:

> The body of literature on the ability of existing travel and land use models to represent induced travel indicates that when travel times are fed back to a land use model and/or the trip distribution step, then (1) models can represent induced travel within the range documented in the empirical literature and (2) the effect of new highway capacity on land use and trip distribution significantly contributes to the models' representation of induced travel. If induced travel is not represented in travel and land use models, then the need for, and the benefit of, the project will be overstated (e.g., 16% to 236% of VHT

[10] Cevero, Robert. Road Expansion Urban Growth, and Induced Travel: A Path Analysis, In Journal of the American Planning Association 69(2), p. 145-163, 2003.

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(vehicle hours of travel)), and ne ative environmental effects will be understated (e. ., 72% to 192% of NOx emissions).[11]

Rodier reports on the share of induced travel caused by each of the four components of induced travel. Chan es in destination produced the lar est share of the total induced travel. In a Sacramento re ion case study with an inte rated land use allocation model (MEPLAN), the land use component produced the second hi hest amount of induced travel. Chan es in routin , the only one of the four components modeled in the DEIR/DEIS was the third hi hest factor.

While it is impossible to be certain without documentation and access to the model files, it appears the DEIR/DEIS modelin covers only one of the four components of induced travel – 1 shifts to lon er routes. Rodier's research results su est that routin chan es alone probably represent only about 1/5 to 1/3 of total induced travel.

167 cont.

The DEIR/DEIS modelin almost certainly does not include 4 – chan es in home or work locations, because there is no mention in the DEIR/DEIS of any such effects. Not considerin the effects of this project on the future land development pattern is a failure in the plannin process. The history of widenin I-270 in Mont omery County, Maryland in the late 1980's demonstrates these failin s. Traffic conditions improved briefly. Then land development boomed in the corridor. "In the five years before construction be an, officials endorsed 1,745 new homes in the area stretchin from Rockville to Clarksbur . Durin the next five years, 13,642 won approval." (Washington Post, January 4, 1999) By 1997, I-270 was routinely overrunnin its desi ned capacity, and peak-hour traffic volumes on some se ments had surpassed levels forecasted for 2010.

A primary cause of the inaccurate traffic forecasts was inaccurate land use forecasts, which were assumed to be the same for both no build and build analyses. The total number of households forecast for the Washin ton re ion for the year 2000 was only off by 2 percent. However, the forecasts were completely wron about the distribution of the households.[12] Growth was much lower in the re ion's core than forecast, and much hi her in western suburban areas, especially in the I-270 corridor.

The fi ure below compares the 2000 forecast made before the I-270 widenin with actual 2000 numbers. The lar est forecastin error was for Mont omery County in the I-270 corridor, where the actual number of households in 2000 exceeded the forecast by 27 percent. Widenin I-270 was a primary cause.

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[11] Rodier, Carolyn J. A Review of the Representation of Induced Hi hway Travel in Current Travel and Land Use Models, p. 8.

[12] Data from National Capital Re ion Transportation Plannin Board, Metropolitan Washin ton Council of Governments, "Comparison of 1984 Study Forecasts with Most Recent Data: I-270 Corridor, June 18, 2001.

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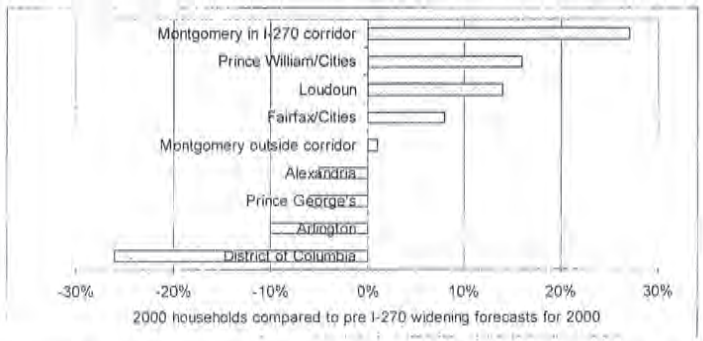
Washington DC Region: Suburban Freeway Projects Shifted Households to Suburbs from Core



167 cont. The total number of regional households in 2000 was 2 percent less than forecast prior to the I-270 widening project. When the I-270 widening project was planned, forecast housing and employment growth in the corridor was moderate, and growth in the region's core was expected to be much stronger.[33] The forecasts were completely wrong about the distribution of the households. Growth was much lower in the region's core than forecast, and much higher in western suburban areas, especially in the I-270 corridor.

168 The other areas where growth exceeded the forecast are suburban Virginia areas where freeway capacity also was expanded. Projects in these areas include construction of the Dulles Greenway, the Route 234 Bypass and widening I-66. The suburban increases were balanced by declines and slower growth in the core of the region, including D.C., Arlington, Prince George's County, and Alexandria.

With greater understanding of the interactions between land use and transportation, a number of Environmental Impact Statements for major roadway projects have analyzed no build and build scenarios with different land use scenarios. This has been especially true since a 1997 Federal Court ruling that forced an FEIS to be redone with different land use forecasts for the no build cases.

> *Environmental laws are not arbitrary hoops through which the government must jump.*
> (Federal District Judge Suzanne Conlon.)

The *Chicago Tribune'* noted at the time of the ruling that EPA had raised these issues two years earlier but was "dismissed airily" by "smug" state officials. The *Tribune* praised the ruling's "valuable service" ... "to raise –very publicly, so that all may consider – one of the most vexing questions in American urban planning: To what extent do such beltways cause wasteful sprawl that would otherwise not occur?"

When Portland, Oregon does integrated land use/transportation modeling, the modelers report:

[33] Data from National Capital Region Transportation Planning Board, Metropolitan Washington Council of Governments, "Comparison of 1984 Study Forecasts with Most Recent Data: I-270 Corridor, June 18, 2001.

12

168 *Section 3.2* of the EIR/EIS determined that the potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends, and would occur with or without the proposed project. Please refer to the response to your Comment 157. Please also note that the North Coast Corridor does not contain large open areas to which businesses could relocate. The northern extent of the project ends at the southern end of a large block of federally owned land and is otherwise largely developed in nature.

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> Under conditions of increasing congestion, nonresidential land uses increase their decentralization in order to take advantage of attracting labor and customers traveling in the off-peak direction. Over a period of time, this leads to equivalent travel times over a link in both directions of travel. As a result, the capacity of the transportation system is much greater than traditional modeling procedures indicate.[14]

168 cont.

They report that under congested conditions, the degree of directional traffic decreases as jobs and housing become more balanced at a subregional level. With more capacity in the peak direction, it follows logically that the subregional jobs/housing balances would be encouraged which likely would increase average trip lengths.

Indirect land use impacts from highway projects have been evaluated in Environmental Impact Statements and recommended methods for doing this have been published by the Transportation Research Board. This reference states:

> **Indirect Effects**—According to the CEQ definition, indirect effects are "caused by the action and occur later in time or farther removed in distance, but are still reasonably foreseeable" (40 CFR 1508.8).
>
> Indirect effects "may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems" (40 CFR 1508.8).[15]

169

This reference outlines several different ways of estimating indirect land use impacts. The most sophisticated way is using integrated transportation/land use modeling. SANDAG has long operated land use allocation models and is currently implementing the PECAS[16] land use allocation model to evaluate the indirect effects of transportation projects. Caltrans could have relied on such a model to develop separate Build and No Build land use allocations for the I-5 Project. Caltrans should have used one of these methods in its evaluation of the Project's traffic impacts.

The other two components of modeling - #2 changes in destinations and #3 changes in travel mode – would be included in the modeling if Caltrans had properly applied the entire SANDAG model. However, based on the traffic numbers (and without access to Caltrans' model files) it appears likely that the same vehicle trip table[17] was applied in the DEIR/DEIS/ no-build and

[14] Conder, Sonny and Keith Lawton. Alternative Futures for Transportation and Land Use – Integrated Models Contrasted with "Trend-Delphi" Methods: The Portland Metro Results. Metro: Portland, OR, July 2001.

[15] National Cooperative Highway Research Program Report 466: *Desk Reference for Estimating the Indirect Effects of Proposed Transportation Projects*, p. 2 2002.

[16] PECAS stands for "Production, Exchange, and Consumption Allocation System." Caltrans is also funding a statewide implementation of PECAS (http://pecas.ultrans.ucdavis.edu/).

[17] "Trip tables" are matrices that enumerate how many vehicles are traveling from one travel zone to another.

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169 The design of the project was based on regional growth forecasts prepared by SANDAG. Please refer to Topical Responses "Projected Growth" and "Project Lifespan" for additional information regarding regional forecasts and future capacity of I-5, as well as the response to PLAGUE Comment 006. The proposed project was not found to be growth inducing or a source of land use change. Please refer to the response to your Comments 167 and 168.

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build scenarios, and factors #2 and #3 were not included in the modeling. Again, without the modeling files it is not possible to be certain, but Caltrans may have omitted these factors deliberately to make the project benefits appear greater than they would be.

Earlier this year, a Caltrans employee was looking for validation for this improper procedure on the FHWA-sponsored Travel Model Improvement Program (TMIP) listserv, writing:

> According to knowledgeable people in the field the gravity model is overly sensitive to travel times which therefore in the feedback loop process may lead to more VMT increase due to a highway project than is actually the case." Tony Van Haagen, Caltrans, District 7 Los Angeles

I replied[18]:

> There is evidence that gravity models do realistically replicate the induced travel impacts of roadway capacity. See Caroline Rodier, "A Review of the Representation of Induced Highway Travel in Current Travel and Land Use Models" (2004) at http://pubs.its.ucdavis.edu/publication_detail.php?id=190. She concludes:
>
> The results indicate that when travel times are fed back to a land use model and/or the trip distribution step, then (1) models can represent induced travel within the range documented in the empirical literature and (2) the effect of new highway capacity on land use and trip distribution can significantly contribute to the model's representation of induced travel. If induced travel is not represented in travel and land use models, then the need for, and the benefit of, a highway project will tend to be overstated..."
>
> Where is there evidence that gravity models overestimate the induced travel effect?"

169 cont.

Mr. Van Haagen's response to me (directly and outside list):

> Norm,
>
> Thank you for bringing the paper by Rodier to my attention. It makes a strong case that the gravity model with a feedback process does produce realistic outcomes regarding induced traffic. The paper by Waddell et al. makes a good case for feedback through land use for the long term impact of highway projects. Fortunately, these ideas are slowly being incorporated in models now. Tony Van Haagen Caltrans, District 7 Los Angeles

Mr. Van Haagen's response that Caltrans is "slowly being incorporated in models now" is an understatement. The use of a "gravity model with a feedback process" has been required by the Federal Clean Air Act Conformity modeling regulations in air basins that have been identified as being in

[18] The references to "gravity model" and "feedback" are technical terms related to the captured of induced travel effects #2 changes in destination and #3 changes in mode.

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169 cont.

nonattainment and maintenance of the ozone and carbon monoxide ambient air quality standards since 1993. Indeed, FHWA's Air Quality Conformity Reference Guide states:

> Reasonable agreement between zone-to-zone travel times used in trip distribution and the travel times resulting from traffic assignment (i.e. feedback): This network modeling requirement is based on provisions of the November 1993 conformity rule (58 FR 62230 and 62249, November 24, 1993), which required feedback of travel times resulting from traffic assignment to travel times used in trip distribution. Reasons for EPA to retain this requirement include: there is clear theoretical justification for feedback between traffic assignment and trip distribution, especially in congested areas, and full feedback is already widely available and used.[19]

Again, it is important to emphasize that Van Haagen's initial position was that including distribution feedback would make the project appear to perform worse. It would appear worse because it would properly account for the induced traffic that would result from the project. This induced traffic obviously would reduce the benefits of widening on I-5. Even more importantly, it also causes increased peak period congestion for other roadways intersecting I-5. No trip begins or ends on I-5. Increasing peak period traffic throughput on I-5 necessarily would increase peak period traffic on intersecting roadways.

The use of these types of gravity models is standard modeling practice in the U.S. SANDAG, for example, relies on these models in its air quality conformity modeling. Caltrans should have relied on a gravity model with a feedback process to conduct its analysis of project impacts. The DEIR/DEIS's traffic analysis should be revised accordingly.

170

The DEIR/DEIS Fails to Consider Non-Freeway Widening Alternatives to the Project

The DEIR/DEIS fails to consider any alternatives to meeting the region's mobility needs other than widening the freeway. The DEIR/DEIS contains only a very short section on Transportation System Management (TSM), Multi-Modal and Transportation Demand Management (TDM). Yet the DEIR/DEIS groups these tactics together and provides no specific detail as to how TSM or TDM could effectively be implemented along the I-5 corridor to reduce traffic levels. Regarding multi-modal options, the DEIR/DEIS contains only a single sentence:

> Multi-modal alternatives integrate multiple forms of transportation modes, such as pedestrian, bicycle, automobile, rail, and transit. (p. 2-12)

171

Thus, the DEIR/DEIS fails to seriously consider a Multi-Modal, TDM, or TSM alternative.. The DEIR/DEIS states:

[19] http://www.fhwa.dot.gov/environment/conformity/ref_guid/chap6.htm#determin

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170 The process of identifying the build alternatives that were addressed in detail in the EIR/EIS is discussed in *Section 1.4*. Please also refer to Topical Responses "Multimodal System" regarding alternative transportation modes and "Corridor Alternatives" for additional information regarding functional alternatives screened for the North Coast Corridor. It should be noted that the *I-5 NCC Project* includes multimodal components in the community and regional enhancement projects involving improvements for pedestrians and bicyclists. Please refer to *Section 2.3* of this Final EIR/EIS.

171 With regard to the question of why transportation system management (TSM) could not satisfy the need of the project – transportation planning agencies agree that the future of transportation is multi-pronged, with continuation of vehicular travel as well as other modes of transportation. Project elements designed to reduce VMT include adding bike and pedestrian facilities; providing a competitive option to single-occupant vehicles through the express lane system; and using fee revenue generated through congestion pricing to support

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171 cont.

Although TSM measures alone could not satisfy the purpose and need of the project, TSM measures have been incorporated into the Build Alternatives for this project. (p. 2-12)

Although normally a statement such as the one above would follow some evidence that TSM measures alone "could not satisfy the purpose and need of the project", the DEIR/DEIS provides no such evidence. It simply assumes that TSM could not meet the purpose and need and implicitly assumes that no combination of Multi-Modal, TSM and TDM could meet the purpose and need while providing no evidence.

172

In addition, I question the DEIR/DEIS' approach to evaluating the project "build" and "no-build" alternatives. Caltrans apparently relies on a single population forecast and that forecast was used to analyze the build and no-build scenarios. For many of the reasons discussed above, it is highly unlikely that the same level of transportation needs would exist whether or not the I-5 widening project is implemented. Therefore, it is unreasonable for Caltrans to rely on the same forecast to model the build and no-build alternatives. Because Caltrans has taken this approach, the result is a forecast of future needs that only the proposed I-5 project can satisfy. Furthermore, as discussed above, the Project would not even meet its own objective of maintaining or improving future traffic levels in 2030 over the existing levels of service. Thus, if none of the proposed build alternatives would meet the project need, the DEIR/DEIS must be revised to consider other approaches that would meet the region's mobility needs.

173

Here are four alternatives that should be considered:

1) Land Use Policy – Based on the DEIR/DEIS, it appears that it is assumed that land development in the corridor is expected to grow rapidly (apparently by a faster rate than assumed in the approved Regional Transportation Plan). While Caltrans does not have land use authority, it nonetheless should have explored an alternative land use/transportation scenario that includes cities within the region increasing urban densities. Over the last few years, we have seen a sustained increase in transit-oriented development and a corresponding shift in the public's willingness to endure lengthy commutes from the suburbs. Reducing the rate of growth and/or changing the pattern of that growth towards more compact mixed use development would both reduce the "Need" for the project and also help the region meet another important planning goals including meeting the mandates of SB 375 (discussed below).

174

2) Land Use Policy Plus Transit – There is a strong synergy between the type of land use policy and expanded public transit. Transit investments help to focus the attention of local communities and developers; it can be "Development Oriented Transit". The combination of both is much stronger than either approach individually. Caltrans should have evaluated an alternative in which all of the proposed funding for the proposed Project was instead earmarked for regional transit development. It is important that this transit alternative assume already funded or otherwise committed transit projects already anticipated in the 2030 RTP.

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171 cont. transit within the corridor (refer to EIR/EIS *Section* 2.2.3 for details). In addition, the *I-5 NCC Project* includes a number of operational and TSM improvements (e.g., ramp meters, vehicle detection, and changeable message signs), designed to maximize the efficiency of the existing system and to provide improved traveler information. As noted in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS, the planned regional transportation demand management (TDM) strategy that would be implemented concurrent with the project includes: outreach, education, and incentives to reduce solo driving through improved vanpools, car pools, telework, and bicycle programs. Even with incorporation of these measures into the Preferred Alternative, based on 2050 RTP SANDAG traffic modeling use of mass transit, TSM and TDM methods would not achieve the project objectives.

172 It is appropriate to use the same forecasts for build and No Build scenarios; analysis would not be useful without that commonality. The build alternatives would meet project objectives. Please refer to the responses to PLAGUE Comments 005 and 129.

173 The commenter is correct that Caltrans does not have land use authority. Please refer to the responses to PLAGUE Comments 127 and 132. Regardless, the 2050 RTP projections are based upon land use plans and approved projects information provided by the land use planning agencies (cities and county) within the North Coast Corridor, and therefore incorporate anticipated urban densities. Please also refer to the response to Comment 155 of this letter regarding consistency with CA SB 375.

174 The *I-5 NCC Project* is part of the balanced, multimodal transportation network that is planned for the region. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project and related planning fit within the regional transit system and 2050 RTP, as well as Topical Response "Climate Change" for additional information regarding achievement of the State's goals regarding climate change and GHG. Project-specific planning and/or implementation of improvements to rail, bus, and car facilities are all independently moving forward under the purview of the lead agencies with primary responsibility for them.

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175 3) Local Roadway Improvements – It appears that a goal of this project is to attract local traffic onto the Interstate system. This is the opposite of good planning. There is a reason why I-5 is part of the "Interstate" Highway System. Accommodating local traffic on Interstate Highways is very expensive and creates traffic congestion at interchanges. Local Roadway Improvements are cheaper, do not cause significant indirect impacts, and are smaller so they are easier to adapt to new forecasts. The DEIR/DEIS dismisses such an alternative without providing evidence. The problem originates in the overly narrow Purpose and Need statement which is based on a single roadway rather than on any larger need by the public. An alternative focused on local roadway improvements should have been included.

176 4) Pricing I-5 General Purpose Lanes – A moderate toll on all traffic (possibly only during peak periods) would be sufficient to maintain acceptable traffic flow while avoiding the problems of induced sprawl, traffic increases, and increased congestion on local roadways. Higher tolls could be avoided through some combination of the Land Use Policy, Transit, and Local Roadway Improvements alternatives described above. While tolling existing Interstate lanes is not permitted now, the Federal and state governments are desperately looking for solutions to long-term transportation funding issues, and tolling existing Interstate Highways is under discussion. If California strongly pursued this alternative, it is likely that the political will could be found in Washington D.C. to allow it, possibly as a "demonstration project."

Ken Orski, a long-term transportation policy insider, wrote extensively about the prospects of Interstate tolling in his May 1, 2010 issue of *Innovation Briefs*:

> Two bold predictions concerning the future of the federal surface transportation program have caught our eye in recent days. Both have come from respected veterans of the transportation scene so they cannot be lightly dismissed as speculations of some anonymous bloggers.
>
> The first prediction comes from Pennsylvania Governor Ed Rendel, a longtime advocate of greater investment in transportation infrastructure. "I have a prediction for you," the Governor said at an April 6 press conference called in the wake of the federal rejection of the state's application to toll Pennsylvania's Interstate-80. "When there is a reauthorization they (the Feds) will lift the ban on tolling. There is no appetite for raising the gasoline tax and it [tolling the Interstates] is one of the only ways for us to maintain these highways."
>
> The other prediction comes from former Secretary of Transportation, James Burnley. Since leaving the Department of Transportation in 1989, Burnley has remained an active player on the transportation scene as a regulatory lawyer. "I started saying a year ago that we were facing four years of short-term extensions of existing programs, and I am sorry to say this is a prediction that I believe will come true," Burnley said in an interview with *DC Velocity*, a local online newspaper. He went on to say that it will be difficult to raise the gas tax in a more Republican-leaning Congress next January. "What worries me is that the whole concept of the trust fund is breaking down," ...

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175 Improving local streets that may need increased capacity in multiple jurisdictions with or without the *I-5 NCC Project* is beyond the scope and authority of Caltrans. Such improvements are planned and implemented by local jurisdictions through their circulation plans, which are considered in the SANDAG transportation models that are employed by Caltrans in evaluating the transportation impacts of its highway projects. The EIR/EIS does address needed improvements to intersections that include a highway ramp.

176 Please refer to the response to PLAGUE Comment 136.

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176 cont.

In fact, both predictions— the tolling of Interstate Highways and increased reliance on general revenue appropriations to support the federal surface transportation program— have been a subject of an ongoing debate in the transportation community for some time.

Interstate highway tolling has been discussed extensively in two online discussions — the National Journal's Transportation Experts Blog (week of August 17, 2009) and IBTTA's "Tolling Points" blog (week of April 11, 2010). Over 30 transportation professionals took part in the two online exchanges. The question of Interstate highway tolling was also a subject of a poll conducted by the trade publication "Roads & Bridges" (October 2009) and of a recent editorial in "Better Roads" magazine (April 2010).

Political and professional opinion on tolling is divided, with neither proponents nor opponents scoring a decisive advantage. But Governor Rendell's prediction has given the prospect of Interstate highway tolling the kind of plausibility that it had not enjoyed before.

In sum, the revised DEIR/DEIS should identify and evaluate an alternative that tolls existing interstate lanes. Once this, and the other alternatives discussed above are developed, Caltrans must use appropriate modeling (i.e., gravity model with a feedback process) to evaluate the comparative effects of these alternatives (non-freeway widening) with Caltrans' proposed project (freeway widening).

177

The Project is Inconsistent with the Mandates of SB 375

On September 23, 2010, the California Air Resources Board approved a target for SANDAG of reducing its VMT-based greenhouse gas emissions per capita by 13% in 2035 relative to 2005 (not including the additional reductions from higher fuel efficiency and low carbon fuels). These emissions are 8.1% below those represented in the adopted Regional Transportation Plan.[20] As discussed above, the forecast VMT in the DEIR/DEIS is much higher than the numbers in the Regional Transportation Plan, and the modeled VMT is higher with the project than without. Furthermore, as discussed above, the DEIR/DEIS grossly underestimates the negative effects the proposed project would have on future VMT. Therefore, there is an enormous disconnect between the requirements of SB 375 and the DEIR/DEIS. The DEIR/DEIS section on climate change (4.6) fails to quantity the impacts of the project on greenhouse gas emissions or to make any reference to SB 375.

[20] CARB, http://arb.ca.gov/cc/sb375/mpo.co2.reduction.calc.pdf.

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177 The EIR/EIS discusses GHG emissions and climate change impacts in *Section 4.6*, including additional information that was circulated within the Supplemental Draft EIR/EIS in August 2012. Please also refer to Topical Response "Climate Change," and to responses to PLAGUE Comments 043 and 048, and Comment 155 of this letter, regarding VMT and CA SB 375 consistency.

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Resume

NORMAN L. MARSHALL, Principal

nmarshall@smartmobility.com

EDUCATION:

Master of Science in Engineering Sciences, Dartmouth College, Hanover, NH, 1982

Bachelor of Science in Mathematics, Worcester Polytechnic Institute, Worcester, MA, 1977

PROFESSIONAL EXPERIENCE:

Norm Marshall helped found Smart Mobility, Inc. in 2001. Prior to this, he was at Resource Systems Group, Inc. for 14 years where he developed a national practice in travel demand modeling. He specializes in analyzing the relationships between the built environment and travel behavior, and doing planning that coordinates multi-modal transportation with land use and community needs.

Regional Land Use/Transportation Scenario Planning

Climate Plan (California statewide) – Assisted large coalition of groups in reviewing and participating in the target setting process required by Senate Bill 375 and administered by the California Air Resources Board to reduce future greenhouse gas emissions through land use measures and other regional initiatives. This work including reviewing the transportation models of the four largest Metropolitan Planning Organizations (MPOs) and less detailed analyses of the planning efforts of the smaller MPOs.

Chicago Metropolis Plan and Chicago Metropolis Freight Plan (6-county region)— developed alternative transportation scenarios, made enhancements in the regional travel demand model, and used the enhanced model to evaluate alternative scenarios including development of alternative regional transit concepts. Developed multi-class assignment model and used it to analyze freight alternatives ncluding congestion pricing and other peak shifting strategies. Chicago Metropolis 2020 was awarded the Daniel Burnham Award for regional planning in 2004 by the American Planning Association, based in part on this work.

Envision Central Texas Vision (5-countyregion)—implemented many enhancements in regional model including multiple time periods, feedback from congestion to trip distribution and mode choice, new life style trip production rates, auto availability model sensitive to urban design variables, non-motorized trip model sensitive to urban design variables, and mode choice model sensitive to urban design variables and with higher values of time (more accurate for "choice" riders). Analyzed set land use/transportation scenarios including developing transit concepts to match the different land use scenarios.

Mid-Ohio Regional Planning Commission Regional Growth Strategy (7-county Columbus region)—developed alternative future land use scenarios and calculated performance measures for use in a large public regional visioning project.

Baltimore Vision 2030—working with the Baltimore Metropolitan Council and the Baltimore Regional Partnership, increased regional travel demand model's sensitivity to land use and transportation infrastructure. Enhanced model was used to test alternative land use and transportation scenarios including different levels of public transit.

Chittenden County (2060 Land use and Transportation Vision Burlington Vermont region) – leading extensive public visioning project as part of MPO's long-range transportation plan update.

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178 The resume of the author of this comment letter is acknowledged and is part of the public record.

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Burlington (Vermont) Transportation Plan – Leading team developing Transportation Plan focused on supporting increased population and employment without increases in traffic by focusing investments and policies on transit, walking, biking and Transportation Demand Management.

Transit Planning

Regional Transportation Authority (Chicago) and Chicago Metropolis 2020 – evaluating alternative 2020 and 2030 system-wide transit scenarios including deterioration and enhance/expand under alternative land use and energy pricing assumptions in support of initiatives for increased public funding.

Capital Metropolitan Transportation Authority (Austin, TX) Transit Vision – analyzed the regional effects of implementing the transit vision in concert with an aggressive transit-oriented development plan developed by Calthorpe Associates. Transit vision includes commuter rail and BRT.

Bus Rapid Transit for Northern Virginia HOT Lanes (Breakthrough Technologies, Inc and Environmental Defense.) – analyzed alternative Bus Rapid Transit (BRT) strategies for proposed privately-developing High Occupancy Toll lanes on I-95 and I-495 (Capital Beltway) including different service alternatives (point-to-point services, trunk lines intersecting connecting routes at in-line stations, and hybrid).

Central Ohio Transportation Authority (Columbus) – analyzed the regional effects of implementing a rail vision plan on transit-oriented development potential and possible regional benefits that would result.

Essex (VT) Commuter Rail Environmental Assessment (Vermont Agency of Transportation and Chittenden County Metropolitan Planning Organization)—estimated transit ridership for commuter rail and enhanced bus scenarios, as well as traffic volumes.

178 cont.

Georgia Intercity Rail Plan (Georgia DOT)—developed statewide travel demand model for the Georgia Department of Transportation including auto, air, bus and rail modes. Work included estimating travel demand and mode split models, and building the Departments ARC/INFO database for a model running with a GIS user interface.

Highway Corridor Planning

Hudson River Crossing Study (Capital District Transportation Committee and NYSDOT) – Analyzing long term capacity needs for Hudson River bridges which a special focus on the I-90 Patroon Island Bridge where a microsimulation VISSIM model was developed and applied.

State Routes 5 & 92 Scoping Phase (NYSDOT) —evaluated TSM, TDM, transit and highway widening alternatives for the New York State Department of Transportation using local and national data, and a linkage between a regional network model and a detailed subarea CORSIM model.

Twin Cities Minnesota Area and Corridor Studies (MinnDOT)—improved regional demand model to better match observed traffic volumes, particularly in suburban growth areas. Applied enhanced model in a series of subarea and corridor studies.

Developing Regional Transportation Model

Pease Area Transportation and Air Quality Planning (New Hampshire DOT)—developed an integrated land use allocation, transportation, and air quality model for a three-county New Hampshire and Maine seacoast region that covers two New Hampshire MPOs, the Seacoast MPO and the Salem-Plaistow MPO.

Syracuse Intermodal Model (Syracuse Metropolitan Transportation Council)—developed custom trip generation, trip distribution, and mode split models for the Syracuse Metropolitan Transportation Council. All of the new models were developed on a person-trip basis, with the trip distribution model and mode split models based on one estimated logit model formulation.

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Portland Area Comprehensive Travel Study (Portland Area Comprehensive Transportation Study)—Travel Demand Model Upgrade—enhanced the Portland Maine regional model (TRIPS software). Estimated person-based trip generation and distribution, and a mode split model including drive alone, shared ride, bus, and walk/bike modes.

Research

Obesity and the Built Environment (National Institutes of Health and Robert Wood Johnston Foundation) – Working with the Dartmouth Medical School to study the influence of local land use on middle school students in Vermont and New Hampshire, with a focus on physical activity and obesity.

The Future of Transportation Modeling (New Jersey DOT)—Member of Advisory Board on project for State of New Jersey researching trends and directions and making recommendations for future practice.

Trip Generation Characteristics of Multi-Use Development (Florida DOT)—estimated internal vehicle trips, internal pedestrian trips, and trip-making characteristics of residents at large multi-use developments in Fort Lauderdale, Florida.

Improved Transportation Models for the Future—assisted Sandia National Laboratories in developing a prototype model of the future linking ARC/INFO to the EMME/2 Albuquerque model and adding a land use allocation model and auto ownership model including alternative vehicle types.

Critiques

178 cont.

C-470 (Denver region) – Reviewed express toll lane proposal for Douglas County, Colorado and prepared reports on operations, safety, finances, and alternatives.

Intercounty Connector (Maryland) – Reviewed proposed toll road and modeled alternatives with different combinations of roadway capacity, transit capacity (both on and off Intercounty Connector) and pricing.

Foothills South Toll Road (Orange County, CA) – Reviewed modeling of proposed toll road.

I-93 Widening (New Hampshire) – Reviewed Environment Impact Statement and modeling, with a particular focus on induced travel and secondary impacts, and also a detailed look at transit potential in the corridor.

Stillwater Bridge – Participated in 4-person expert panel assembled by Minnesota DOT to review modeling of proposed replacement bridge in Stillwater, with special attention to land use, induced travel, pricing, and transit use.

Ohio River Bridges Projects– Reviewed Environmental Impact Statement for proposed new freeway bridge east of Louisville Kentucky for River Fields, a local land trust and historic preservation not-for-profit organization.

PUBLICATIONS AND PRESENTATIONS (partial list)

Understanding the Transportation Models and Asking the Right Questions. Lead presenter on national Webinar put on by the Surface Policy Planning Partnership (STTP) and the Center for Neighborhood Technologies (CNT) with partial funding by the Federal Transit Administration, 2007.

Sketch Transit Modeling Based on 2000 Census Data with Brian Grady. Presented at the Annual Meeting of the Transportation Research Board, Washington DC, January 2006, and *Transportation Research Record*, No. 1986, "Transit Management, Maintenance, Technology and Planning", p. 182-189, 2006.

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ORGANIZATIONS – COMMENTS

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Travel Demand Modeling for Regional Visioning and Scenario Analysis with Brian Grady. Presented at the Annual Meeting of the Transportation Research Board, Washington DC, January 2005, and *Transportation Research Record*, No. 1921, "Travel Demand 2005", p. 55-63, 2006.

Chicago Metropolis 2020: the Business Community Develops an Integrated Land Use/Transportation Plan with Brian Grady, Frank Beal and John Fregonese, presented at the Transportation Research Board's Conference on Planning Applications, Baton Rouge LA, April 2003.

Chicago Metropolis 2020: the Business Community Develops an Integrated Land Use/Transportation Plan with Lucinda Gibson, P.E., Frank Beal and John Fregonese, presented at the Institute of Transportation Engineers Technical Conference on Transportation's Role in Successful Communities, Fort Lauderdale FL, March 2003.

Evidence of Induced Travel with Bill Cowart, presented in association with the Ninth Session of the Commission on Sustainable Development, United Nations, New York City, April 2001.

Induced Demand at the Metropolitan Level – Regulatory Disputes in Conformity Determinations and Environmental Impact Statement Approvals, Transportation Research Forum, Annapolis MD, November 2000.

Evidence of Induced Demand in the Texas Transportation Institute's Urban Roadway Congestion Study Data Set, Transportation Research Board Annual Meeting, Washington DC: January 2000.

178 cont.

Subarea Modeling with a Regional Model and CORSIM" with K. Kaliski, presented at Seventh National Transportation Research Board Conference on the Application of Transportation Planning Methods, Boston MA, May 1999.

New Distribution and Mode Choice Models for Chicago with K. Ballard, Transportation Research Board Annual Meeting, Washington DC: January 1998.

"Land Use Allocation Modeling in Uni-Centric and Multi-Centric Regions" with S. Lawe, Transportation Research Board Annual Meeting, Washington DC: January 1996.

Multimodal Statewide Travel Demand Modeling Within a GIS with S. Lawe, Transportation Research Board Annual Meeting, Washington DC: January 1996.

Linking a GIS and a Statewide Transportation Planning Model, with L. Barbour and Judith LaFavor, Urban and Regional Information Systems Association (URISA) Annual Conference, San Antonio, TX, July 1995.

Forecasting Land Use Changes for Transportation Alternative with S. Lawe, Fifth National Conference on the Application of Transportation Planning Methods, Seattle WA, April 1995.

Forecasting Land Use Changes for Transportation Alternatives, with S. Lawe, Fifth National Conference on the Application of Transportation Planning Methods (Transportation Research Board),: Seattle WA, April 1995.

Integrated Transportation, Land Use, and Air Quality Modeling Environment with C. Hanley and M. Lewis Fifth National Conference on the Application of Transportation Planning Methods (Transportation Research Board), Seattle WA, April 1995.

MEMBERSHIPS/AFFILIATIONS

Member, Institute of Transportation Engineers
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CONSERVATION
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October 18, 2010

Ms. Carmen Borg, AICP
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102

Subject: Caltrans I-5 North Coast Corridor Draft EIR/EIS

Dear Ms. Borg:

179 This comment letter on the subject Draft Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) is submitted by the Conservation Biology Institute (CBI) for your purposes. CBI is a non-profit conservation science organization whose mission is providing scientific expertise to support conservation and recovery of biological diversity in its natural state through applied research, education, planning, and community service. We have confined our review largely to the Biological Resources section of the DEIR/DEIS (Chapter 3, Biological Environment) and the Natural Environment Study (NES); however, we comment on other sections when relevant to the analysis of biological resource impacts.

The primary focus of this comment letter is to assess whether 1) direct and indirect impacts to biological resources are adequately addressed and analyzed, 2) the project is consistent with regional conservation planning efforts, and 3) the proposed mitigation is adequate to compensate for project impacts. In general, we find that the project setting and project features are not adequately described, additional surveys may be warranted, the analysis of impacts is incomplete, there are inconsistencies with regional conservation plans, and the proposed compensatory mitigation is insufficiently detailed to determine

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179 This exhibit is one of the two exhibits cited in the Shute, Mihaly & Weinberger LLP letter on behalf of PLAGUE (PLAGUE) as composing part of the three-part comment submittal (the primary letter, Exhibit 1, and Exhibit 2). Each of the comments below has been addressed. When comments were incorporated wholesale into the primary letter, the reader is simply referred back to that response. Additional information is added as appropriate.

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179 cont. whether impacts to biological resources from project implementation would be adequately mitigated. We elaborate on these comments below.

1. Project Setting

180 Although the DEIR/DEIS provides descriptions of biological resources (e.g., vegetation communities, plants, animals) within the Study Area, the setting for these resources is not adequately described. A description of the project setting that includes historic context, regional importance, and ecosystem services is critical to understanding the magnitude and significance of direct, indirect, and cumulative impacts, and should be included in this document. The following paragraph provides a summary example of the regional significance of these resources.

The coastal wetlands of southern California, including San Diego's coastal lagoons, have been greatly altered or destroyed over the past 150 years as a result of human activities, with estimates of wetland losses ranging from 75-90% for estuaries (Zedler 1983, CDFG 1983, CCC 1989) to 90-95% for riparian habitat (Faber et al. 1989). Despite their decline, coastal wetlands continue to provide valuable ecosystem functions, including flood and sediment control, nutrient cycling, ground water recharge and discharge, and shoreline protection. They also support sensitive habitats and native plants and animals, including endangered and threatened species. All of the lagoons in the Study Area are considered Important Bird Areas by Audubon California, indicating they support over 1% of the global or 10% of the state population of one or more sensitive species; more than nine sensitive bird species; 10,000 or more observable shorebirds in one day; and 5,000 or more observable waterfowl in one day (Audubon California 2008). In addition, five of the six lagoons in the study area are designated as Ecological Reserves by the California Department of Fish and Game for the protection of rare plants, animals and habitats, and to provide areas for education and scientific research. All of the lagoons are included as part of the Multiple Species Conservation Program (MSCP) and Multiple Habitats Conservation Program (MHCP) as important to the biodiversity and long-term sustainability of the regional conservation network, and the species supported by these lagoons are assumed to be conserved by these programs.

2. Project Design Features

181 The description of the project design features does not adequately describe all project components that may have environmental impacts. For example, the document indicates that 'most of the existing culverts would need to be extended, replaced or lined depending on their condition (Section 2.2.1, p. 2-5, Drainage); however, it is unclear whether impacts associated with culvert modification/replacement are included entirely within the Study Area right-of-way or whether they will extend beyond the right-of-way. In addition, the DEIR/DEIS indicates that detention basins and bioswales would be placed throughout the project limits to filter runoff prior to reaching wetlands and other waters of the U.S. (Section 3.18.4, p. 3.18-4, 3rd bullet under Avoidance, Minimization and/or Mitigation Measures; Section 3.21.4, p. 3.21-7, 3rd bullet under Avoidance, Minimization and/or Mitigation Measures). The effectiveness of these facilities is not

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180 With regard to the assessment of project-level effects, impacts are based on the differences between existing conditions and with project conditions, regardless of area history. Mitigation measures may vary based on the importance of those specific effects or rarity of the resource impacted. Minimization and mitigation is proposed based on routine requirements in the region combined with specific minimization and mitigation requirements developed for the *I-5 NCC Project* in concert with the CCC, California Department of Fish and Wildlife (CDFW; previously the California Department of Fish and Game), USFWS, and U.S. Army Corps of Engineers. With regard to cumulative effects, the history of the area and loss of resources is taken into account in the finding of cumulative impacts to natural communities, wetlands and other waters. Based on the extensive mitigation package described in this Final EIR/EIS and the regional PWP/TREP, the project contribution was found to be cumulatively considerable with regard to wetlands and other waters. Please also refer to response to PLAGUE Comment 071.

181 Please refer to response to PLAGUE Comment 088.

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181 cont.

described, nor is it indicated whether they will be permanent or temporary. For example, are detention basins and bioswales anticipated to capture all freeway runoff into water bodies post-construction? Runoff from road surfaces may carry metals, oils, litter, and other debris into water bodies, thereby degrading water quality and potentially affecting aquatic organisms. Because the effectiveness of the basins and bioswales has the potential to impact biological resources within the Study Area, they must be fully described and analyzed in the document.

3. Biological Surveys

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General, focused, and protocol biological surveys described in the DEIR/DEIS and NES were conducted according to standard survey methodology. However, most surveys were conducted prior to 2006, and many were conducted in 2003 and 2004. Biological systems are dynamic, and vegetation changes may have occurred and/or new species information identified in the 4 to 6 years since the surveys were conducted. For these reasons, specific biological resources must be assessed to determine if additional or updated surveys are warranted. This is necessary to ensure that the impact analysis is based on current conditions. Areas of concern include:

Vegetation mapping. Vegetation mapping for this project was conducted prior to implementation of the San Dieguito Lagoon Restoration Plan (DEIR/DEIS, Section 3.17.1, Affected Environment and NES, Section 2.3, Personnel and Survey Dates). Southern California Edison has since created 150 acres of new tidal wetlands and several acres of marsh habitat east and west of I-5. Mapping in this area should be updated to reflect existing conditions and impacts should be reassessed. Additional areas of wetland habitat (e.g., riparian woodland or scrub, freshwater marsh) along the right-of-way that may have expanded or matured in the 5-7 years since mapping was conducted should be remapped/reassessed, as well. In the absence of current mapping, the DEIR/DEIS may underestimate the project's impacts on wetland habitat.

183

NES, Section 3.7, Sensitive Wildlife, p. 34 and NES, Appendix B. Pacific pocket mouse (PPM) surveys were conducted in 2003 using protocol live trapping. However, information gathered since 2004 confirms that capture probabilities are very low for this species and timing of trapping efforts is critical to confirming species absence, since PPM can go underground for extended periods even during the 'active' season in response to rain. Further, PPM often enters traps without triggering them. The U.S. Geological Survey has been experimenting with alternative detection methods on Camp Pendleton (Brehme et al. 2010). They recommend using scent dogs to search for new PPM populations and possibly, a combination of track tubes and trapping. The PPM Working Group and Science Advisors are currently reviewing findings and recommendations for PPM surveys. Based on improved knowledge, an updated survey effort may be warranted for this species within suitable habitat in the Study Area. Areas outside the right-of-way that are subject to indirect impacts (e.g., noise, runoff) should be surveyed, as well.

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182 As noted in the response to PLAGUE Comment 072, although some updated biological resources data have been obtained, the baseline for an analysis in an EIR is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The EIR/EIS provides adequate information for comment, as required under CEQA and NEPA regulations. Ultimate mitigation requirements are subject to final project permitting requirements, with resources field-checked prior to construction and monitored during construction.

183 Please refer to response to PLAGUE Comment 073.

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184 Additional Surveys. Where new information indicates the presence or potential for sensitive species not documented by the original survey effort, additional surveys should be conducted. For example, restoration efforts at San Dieguito Lagoon have resulted in habitat improvements and, potentially, increases in the numbers and/or densities of species in this location. Wandering skipper (*Panoquina errans*), a MHCP proposed covered species not observed in the Study Area during the initial surveys, was recently observed along the berm at San Elijo Lagoon (D. Gibson, pers. comm.).

4. Direct and Indirect Impacts

185 It is unclear whether all project components have been included in the impact analysis. For example, will the replacement and/or modification of culverts occur within the project right-of-way or will they constitute additional direct or indirect impacts beyond the project footprint?

The proposed project may impact a maximum of 28 acres of California gnatcatcher critical habitat (Section 3.21.3, p. 3.21-4, 1st paragraph under Critical Habitat). For the analysis purposes, permanent impacts to gnatcatcher critical habitat were calculated only for those upland habitats 'with the primary constituent elements.' Were there areas of critical habitat that were occupied but did not meet this criterion? If so, they should be included in the quantification of direct impacts.

186 The DEIR/DEIS does not consider or adequately address all indirect impacts that may occur from project implementation. Indirect impacts may include noise, shading, water quality, connectivity, lighting, turbidity, nitrogen deposition, and climate change. Indirect impacts are discussed in more detail below.

Noise

187 There is a growing body of evidence on the effects of traffic noise on wildlife species (Barber et al. 2009, Parris and Schneider 2008, Parris et al. 2009, Dooling and Popper 2007, Slabbekoorn and Peet 2003, Brumm 2004, Fuller et al. 2007, and many others). Many of these studies focus on birds because they show the most dramatic negative response to road noise. Traffic noise can mask acoustical signals, making it more difficult for individuals to establish and maintain territories, attract mates, maintain pair bonds, and avoid predation (Parris and Schneider 2008). In addition, increased noise levels may cause individuals to expend more time detecting predators and less time foraging, thus reducing overall fitness (Barber et al. 2009). These behavioral changes, in addition to physiological stresses that may occur in high-noise environments, have the potential to affect population densities and overall community structure. Where noise pollution occurs in or adjacent to fragmented habitats, such as the coastal lagoons, the effects on populations may be intensified.

The DEIR/DEIS states that 'a study of the ambient noise and predicted noise levels after completion of the project was completed for each lagoon' (Section 3.21.3, p. 3.21-4, 2nd paragraph under Noise Effects on Wildlife). However, results are not provided for Los

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184 Because sensitive species were identified at both San Dieguito and San Elijo Lagoons, pre-construction surveys would be completed to confirm locations prior to construction, all pile driving and removal of vegetation within the project footprint would occur outside of the breeding season to avoid impacts to nesting birds, and a qualified biologist would be on site to address the protection of sensitive biological resources and monitor construction. Wandering skipper was specifically identified in the August 2012 Supplemental Draft EIR/EIS as having been seen at San Elijo Lagoon.

185 Please refer to response to PLAGUE Comment 088 regarding the comprehensive nature of water quality studies.

Direct impact analysis included all cut and fill, drainage structures, retaining walls, proposed soundwalls, and related project features. Among other considerations, the identification of critical habitat (CH) relies on vegetative components, with the USFWS having discretionary authority to exclude areas from CH designation if they do not contain the constituent elements. California gnatcatchers only occur within designated critical habitat where the primary constituent elements exist. For the *I-5 NCC Project*, USFWS staff have been critical team members during the consideration of the project design, identification of impacts and appropriate mitigation. Reliance on the presence of primary constituent elements will be retained.

186 Indirect impacts are discussed in the appropriate issue sections in the EIR/EIS. Please also refer to response to PLAGUE Comment 082. As discussed in EIR/EIS *Section 3.10*, best management practices (BMPs) would be implemented to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages; these would minimize water quality impacts and related potential indirect impacts to downstream biological resources. Indirect impacts such as noise, connectivity, and lighting, as well as potential project-related changes in lagoon waters, were discussed by lagoon in the Supplemental Draft EIR/EIS, *Chapter 3*. Additional information relative to shading effects has been incorporated into *Section 3.18* of the Final EIR/EIS. Regarding nitrogen deposition, air emissions overall within

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Peñasquitos Lagoon. The document should provide an analysis of noise impacts to wildlife species from construction-related activities and freeway widening adjacent to the lagoon (south of Carmel Valley Road), and mitigation should be proposed for these impacts.

The DEIR/DEIS states that 'long term increases in noise levels from the completed project may affect wildlife species and, therefore, could be considered an indirect effect to sensitive wildlife species' (Section 3.21.3, p. 3.21-5, paragraph 2). However, no mitigation is provided to offset these impacts.

The noise analysis references the 60 db(A) point from the existing freeway, but shies away from using this as a threshold for noise impacts, stating that 'there is no single standard or threshold for determining significant noise effects on all bird species' (p. 3.21-5, paragraph 3). At the same time, the analysis appears to use the existing 66 dB(A) level as a noise threshold for all species in the Study Area. Evidence suggests that acoustic communication in some species might be affected by an overall highway noise level even less than 60 dB(A), while other species may compensate for increased noise levels by behavioral changes that allow them to communicate effectively under noise levels approaching 70 dB(A) (Dooling and Popper 2007). In either case, behavioral and physiological changes associated with chronic noise may have long term costs to the individual, population, or population dynamics. 187 cont.

The noise analysis modeled differences between existing and future noise levels at the lagoons, and identified changes in decibel levels on the order of -1 to +4 dBA (p. 3.21-5, paragraph 4; Table 3.21.2). The DEIR/DEIS acknowledges these incremental increases (Section 3.21.3, p. 3.21-5, paragraph 1), but does not specifically identify these changes as significant impacts and therefore no mitigation measures are provided to offset these impacts. However, an increase in noise of 3 dBA corresponds to a 30% reduction in the 'alerting distance' or listening area of animals (Barber et al. 2009). This suggests that indirect noise impacts are likely greater than indicated, and may be particularly detrimental to species that are already compensating for high noise levels.

188 The DEIR/DEIS must choose a significance threshold, evaluate the project's impacts against this threshold, determine the significance of these impacts, and identify feasible mitigation measures if the impacts are deemed to be significant.

Shading

189 Shading from bridges can result in indirect impacts to vegetation, affect species numbers and diversity, diminish or alter wildlife habitat, and modify water quality functions. Although the DEIR/DEIS acknowledges that shading may affect essential fish habitat (Section 3.20.3, p. 3.20-3, paragraph 1) and critical habitat for riparian bird species (Section 3.21.3, p. 3.21-4, 1st paragraph under Critical Habitat), these impacts are not quantified or assessed for significance. Further, the DEIR/DEIS does not identify potential shading impacts to additional sensitive habitats, such as coastal salt marsh or

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186 cont. the North Coast Corridor are anticipated to decline from existing conditions following project implementation and, therefore, the project is not expected to result in an impact with regard to this issue. Please also refer to Topical Response "Climate Change" for information regarding project-related reductions in daily carbon dioxide (CO_2) emissions from vehicle operations, which are expected to improve over existing conditions by a minimum of approximately 340 tons per day if a build alternative is approved.

187 Project-related impacts to wildlife from noise are addressed in EIR/EIS *Section 3.21*. As noted, bird species utilize a variety of vocalizations throughout their daily activities (e.g., mating calls, contact notes, etc.). The results of modeling at 17 locations in North Coast Corridor lagoons indicate that future noise levels at the lagoons would increase by between one and three decibels (dBA) at most (15) noise receptors, with one site in San Elijo Lagoon exhibiting a one dBA decrease, and one site in Batiquitos exhibiting a four dBA increase. The EIR/EIS indicates that the level of noise changes that is perceptible to bird species is unclear, and there is no single standard for determining substantial noise effects on all bird species, including the 60 dBA standard noted in the comment.

Consistent with the comment, review of potential noise effects in the vicinity of Los Peñasquitos Lagoon at Carmel Creek bridge and the Sorrento Valley Road bike bridge, and at Los Peñasquitos Creek were addressed in the August 2012 Supplemental Draft EIR/EIS, with mitigation required for pile driving during bridge footing construction.

The citation from page 3.21-5 of the Draft EIR/EIS is correct, but that statement is the opening statement of a fairly lengthy discussion that includes the following important information: (1) prior studies identifying a possible noise effect standard for certain species of songbirds have not been scientifically shown to be valid for those species addressed in the *I-5 NCC Project* EIR/EIS; and (2) under existing conditions, noise in excess of 70 dBA occurs over various amounts of wetland and upland habitats that either support, or have potential to support, special status bird species at the coastal

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freshwater marsh, that may occur below or adjacent to bridges that cross lagoons or the San Luis Rey River.

189 cont. A recent study to quantify the effects of (highway) bridge shading on marsh function and productivity found that bridge height and width directly affect underlying vegetation, as well as benthic invertebrate densities and diversity (Broome et al. 2005). Although habitat and site conditions in the referenced study are not entirely comparable to the Study Area, basic tenets may apply. For example, data indicated that shading impacts to habitat and species were greatest for bridges with Height-Width (HW) ratios less than 0.7, with the strongest effect at ratios less than 0.5 and light attenuation greater than 85-90%. Low bridges, in particular, appeared to reduce plant growth, soil organic carbon, and density and diversity of benthic invertebrates (Struck et al. 2004). At a minimum, the DEIR/DEIS should include an analysis of potential shading impacts, an assessment of whether these impacts are significant and/or incremental but cumulative, and proposed mitigation.

Water Quality

190 Roads, highways, and bridges are a source of significant contributions of pollutants to water bodies (EPA 1995). Contaminants from vehicles and construction-related activities can enter water bodies directly during rain events. Potential contaminants (e.g., dirt, dust, oils and grease, heavy metals) impact aquatic environments through a variety of means, including increased nutrient loads, increased sedimentation and erosion, habitat loss/degradation, and increased toxic chemicals. Potential effects on aquatic systems include water temperature changes, loss of species abundance and diversity, algal blooms, and decreased water oxygen levels (NOAA 2010).

The DEIR/DEIS identifies increased potential for pollution from runoff from the widened roadway as an indirect effect to threatened and endangered species (Section 3.21.3, p. 3.21-5, Indirect Effects) and Essential Fish Habitat (Section 3.20.3, p. 3.20-3, paragraph 1). However, the document provides no analysis of the specific effects of this pollution on each species. Without such an analysis, it is not possible to identify feasible mitigation measures.

Mitigation measures provided to offset the increased potential for pollution from runoff include bioswales and detention basins that would filter runoff prior to reaching wetlands and other waters of the U.S. (Section 3.18.4, p. 3.18-4, 3rd bullet under Avoidance, Minimization and/or Mitigation Measures; Section 3.21.4, p. 3.21-7, 5th bullet under Avoidance, Minimization and/or Mitigation Measures). However, the document provides no analysis of the effectiveness of these design features in capturing and treating runoff prior to entering water bodies, and thus fails to provide sufficient documentation that impacts would be mitigated to a less than significant level. Further, at least one proposed
191 bioswale (west side of I-5) appears to discharge directly into San Elijo Lagoon (Figure 2.2.14p, p. 2-42). The impacts of this discharge must be evaluated.

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187 cont. lagoons within the project area. As described in Section 4.9 of the Natural Environment Study (NES), while population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. The standard of "at or approaching 67 dB" is incorporated into balancing of noise levels, feasibility, and cost constraints required by the FHWA during consideration of soundwalls to protect sensitive human noise receptors from noise effects and is not directly associated with wildlife.

188 Regarding the evaluation of impacts using thresholds of significance typically employed for CEQA, Caltrans provides guidance on the approach to environmental analysis under CEQA on their Standard Environmental Reference (SER) website at: http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition. The establishment of thresholds is discretionary. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant; for NEPA, the identification of impact significance is not made specific to any particular issue, but with regard to project effects overall. Please refer to response to PLAGUE Comment 032.

189 Please refer to the response to PLAGUE Comment 078. Acreages of incremental additional shading effects at each of the project bridges were identified in the Supplemental Draft EIR/EIS in *Chapter 3* and are incorporated into this Final EIR/EIS. Mitigation for these effects is folded into the overall mitigation program requiring acreage purchase; preservation, enhancement, and/or restoration; and long-term management.

190 Please refer to response to PLAGUE Comment 088. Mitigation for water quality impacts is aimed at reducing associated pollutants. As appropriate "treatment" would occur, analysis of potential impacts to individual species is not required.

191 As shown on *Figure 2-2.10e* of the August 2012 Supplemental Draft EIR/EIS, the bioswale referenced in this comment has been deleted from the project. No additional analysis is required.

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Connectivity

192 Regional preserves, such as those dedicated as part of the San Diego Multiple Species Conservation Program (MSCP) and North County Multiple Habitat Conservation Program (MHCP), were designed to maintain connections between core habitat areas, including linkages between coastal lagoons and more inland habitats, and between different watersheds. Linkages maintain the integrity of ecosystems by allowing for demographic and genetic exchange, and for larger predators to move among conserved habitat blocks and reach coastal habitats (CBI 2003). Because of the level of urbanization in coastal San Diego County, many linkages have been lost or compromised, thereby increasing the importance of remaining connections. As correctly stated in the DEIR/DEIS, I-5 is a barrier to north-south wildlife movement through the entire Study Area, while the lagoons and surrounding habitat function as east-west wildlife movement linkages, and the San Luis Rey River is a major wildlife corridor.

The DEIR/DEIS states that widening the freeway may make existing crossings less attractive for use by wildlife, because large mammals, in particular, require wider crossings/corridors as their length of travel increases (Section 3.17.2, p. 3.17-5, Wildlife Corridors). The document concludes that this would represent an incremental effect to wildlife; however, no analysis is provided to support this conclusion. Many studies suggest that the openness ratio of a crossing structure (height x width/length) is important for large and medium mammals, with structure length corresponding to the width of the roadway (Cain et al. 2003, Clevenger and Waltho 2005, Jacobson 2002 *in* Cavallaro et al. 2005). The document should provide an analysis of impacts to connectivity from bridge modification/freeway widening over lagoons and the San Luis Rey River, and propose mitigation for identified impacts.

Lighting

193 The DEIR/DEIS identifies night lighting due to construction-related activities as a potential impact to sensitive species (Section 3.21.3, p. 3.21-4, paragraph 2 and p. 3.21-5, 1st paragraph under Indirect Effects) and provides measures to minimize this impact (Section 3.21.4, p. 3.21-7). However, additional long-term impacts to species may occur from lighting associated with trails and pedestrian walkways, such as the pedestrian walkway structure over San Elijo Lagoon (p. 2-8, 1st and last bullets under Manchester Avenue Pedestrian Bridge and Trail). Safety needs along trails must be balanced with impacts to wildlife habitat within preserves, and mitigation measures should be proposed to offset potential impacts.

Turbidity

194 The DEIR/DEIS indicates that construction activities will occur within lagoons and the San Luis Rey River (Section 3, p. 3.20.3, paragraph 1), but does not identify turbidity as a potential issue to biological resources. Turbidity, which describes the lack of transparency or clarity of water due to the presence of suspended materials, can occur naturally in a system (e.g., rainfall), or from human-related activities such as construction or dredging. Reduction in water clarity has implications for many aquatic organisms.

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192 *Section 3.17* of the EIR/EIS notes that the costal lagoons, adjacent native habitats, and related waterways provide important linkages for wildlife movement. Based on the design of modified bridge crossings and the additional lagoon studies described above, however, measures have been incorporated into the proposed project design to enhance the potential use of these areas as wildlife corridors. These include efforts such as the provision of dedicated (i.e., separate from pedestrian and bicycle trails) and wider benches on bridge abutments in applicable areas to accommodate wildlife movement, as well as the use of fences (or other barriers) and signs to discourage pedestrian and bicycle access in wildlife corridors and adjacent habitat areas. Fencing material and design would be chosen to accommodate nighttime wildlife movement and flood events.

193 EIR/EIS *Section 3.21* explains that I-5 is already at least eight lanes in width throughout the project and, as such, already has increased lighting at night. Night lighting would not be provided for any pedestrian-only pathways within lagoon areas, and would be provided as necessary for safety lighting of I-5 North Coast (NC) Bike Trail elements crossing the lagoons. These segments of the bike trail, however, would be suspended from otherwise lighted portions of I-5 or directly adjacent to I-5 where within the Caltrans right-of-way. Safety lighting would be directed toward the use and not out beyond the facility, balancing wildlife and safety needs. Any incremental increase in night lighting associated with project facilities is included in project elements mitigated through the overall project set aside described in the response to Comment 189.

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194 cont. Reduced light penetration associated with increasing turbidity can impact submerged plants, such as eelgrass, resulting in lowered plant production or die offs (Kemp 2000). A decrease in light may also affect invertebrate populations by reducing algal food sources. Reductions in aquatic plant and invertebrate populations, in turn, may limit food and habitat resources for fish. The DEIR/DEIS should address potential (temporary) impacts to biological resources from construction-related turbidity, and provide mitigation measures to offset impacts (e.g., filtering materials within water bodies).

Nitrogen Deposition

195 The DEIR/DEIS includes no discussion of potential impacts to biological resources from nitrogen deposition. Petroleum burning vehicles are a major producer of nitrogen emissions, and deposition of these nutrients on terrestrial and aquatic environments can degrade sensitive ecosystems (Weiss 2006). Impacts can be direct or indirect, and may include decreased plant function, altered plant community composition, nonnative species invasions, toxic effects on freshwater species, eutrophication of water bodies from excess nutrients, and loss of biodiversity (e.g., Weiss 2006, Fenn et al. 2003, Allen et al. 1998, Fenn et al. 2005). Coastal sage scrub is known to be negatively affected by nitrogen oxide emissions from automobiles (Allen et al. 1998), while salt marsh, freshwater marsh, and surface waters are considered potentially sensitive to the effects of nitrogen deposition (Weiss 2006). Because an increase in nitrogen deposition over existing conditions could result in indirect and cumulative impacts to terrestrial and aquatic ecosystems within the Study Area, as well as to sensitive species that depend upon these systems, the effects of this potential impact should be addressed and analyzed, and mitigation measures should be recommended.

Climate Change

196 Climate change is beginning to have significant impacts on natural resources in coastal areas (NOAA 2010). Climate change modeling for San Diego predicts that the region will be subjected to a number of climate-change related effects that have the potential to adversely impact ecological systems if current trends continue (Messner et al. 2009). These include higher temperatures, changing precipitation patterns, altered fire frequencies, increased species invasions, and rising sea level, among others. Potential impacts to biological resources include habitat degradation or loss, and species losses. Impacts to habitat and biodiversity from climate change are referenced in Section 4.6.6, p. 4-8, 2nd paragraph under Adaptation Strategies), but are not addressed in the biological section (Section 3) of the DEIR/DEIS. At a minimum, the document must take climate change into account when developing compensatory mitigation for the project's impacts. For example, within an already geographically constrained ecosystem, habitat restoration and/or acquisition should be designed to accommodate rising sea levels and/or shifts in species/habitat distributions.

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194 Please refer to the response to PLAGUE Comment 088 regarding the suite of water quality controls required of the project, many of which would address turbidity associated with direct impacts from short-term (construction) activities such as erosion within disturbed soil areas (DSA); and indirect impacts such as downstream sediment and contaminant transport (i.e., sedimentation). Appropriate Category II construction site BMPs, runoff controls and approved Caltrans measures reflecting BAT/BCT performance standards, as identified in the NPDES Construction General Permit (CGP) and/or required by the Caltrans NPDES Permit and SWMP, would appropriately address any *I-5 NCC Project* construction-related contribution to turbidity. In addition to the standard types of BMPs noted above, specific potential requirements related to turbidity under the current CGP that may be applicable to the project could include efforts such as runoff monitoring and sampling and the use of an Active Treatment System to remove finer particles (if required under the CGP).

195 Please refer to the response to Comment 186, above. Contrary to this comment, nitrogen deposition would not be expected to increase over existing conditions, but, consistent with other criteria pollutant emissions from vehicles, would be expected to decrease in the future.

196 Please refer to the response to PLAGUE Comment 052. As noted, project-related effects are expected to be less than under No Build conditions. Rising sea levels and/or shifts in species and habitat distributions have been taken into account. A conservative evaluation included the results of associated hydrologic and hydraulic technical analyses and related Caltrans interaction with lagoon scientists to determine appropriate bridge and channel dimensions. I-5 bridge crossings were designed to provide adequate (minimum three-foot) freeboard under a 100-year flood scenario joined with a maximum 4.5-foot sea level rise, with the exception of the Carmel Creek bridge and the San Dieguito bridge. Under the 100-year flood scenario, the Carmel Creek bridge would exhibit a flood flow deficiency of approximately 0.7 foot of freeboard. A deficiency of 0.7 foot of freeboard would not result in flooding of all freeway lanes at this crossing, even if all of the conservative assumptions in the associated Federal

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	196 cont. Emergency Management Agency model occurred. Rather, this 0.7-foot freeboard deficiency represents a temporary build-up of water east of I-5, with freeway access anticipated to be maintained. Modeling conducted for the San Dieguito bridge indicated adequate freeboard of 1.5 feet would be available under the 100-year flood scenario joined with a maximum 4.5-foot sea level rise. The potential for sea level rise to exacerbate the effects of tidal flows and associated channel erosion, storm surge and flooding on the I-5 bridge support structures would be minimized due to location and design of these support structures. The restoration plans for San Elijo Lagoon, Buena Vista Lagoon, and plans for mitigation at San Dieguito Lagoon and the Hallmark parcel will take sea level rise and climate change into consideration during the restoration process. The potential for shifts in habitat and species is incorporated into the project mitigation. Identified mitigation parcels would extend limits of existing preserved habit and incorporate upland parcels, allowing for shifts in habitat within the foreseeable future.

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5. Cumulative Impacts Analysis

The analysis of cumulative impacts suffers from three major deficiencies. First, it limits its evaluation to direct impacts within the Study Area (Section 3.25.3, p. 3.25-8, paragraphs 5 and 7; p. 3.25-9, paragraph 4). The analysis must consider the combined effect of direct *and* indirect impacts from all project components.

Second, the cumulative analysis relies on an incorrect baseline. As defined in Section 3.25.1, p. 3.25-1, cumulative impacts are 'those that result from *past*, present, and reasonably foreseeable future actions, combined with the potential impacts of this project' (emphasis added). The DEIR/DEIS does not adequately describe the significant changes that have occurred to coastal wetlands in the Study Area as a result of urbanization of the surrounding area. Cumulative impacts should be reassessed using a more appropriate baseline condition, such as the extent and quality of biological resources that historically occurred in the area. Likewise, direct and indirect impacts to
197 biological resources will occur from a variety of factors, as discussed above. Regardless of magnitude, these effects will cumulatively impact a system and/or species that are already stressed. The DEIR/DEIS should provide a resource-specific cumulative impact analysis for sensitive biological resources that would be impacted by this project, and reach a conclusion regarding the project's contribution to cumulative impacts based on that analysis.

Third, the DEIR/DEIS identifies several existing and future projects within the corridor (Section 3.25.3, p. 3.25-8, paragraph 6). While potential impacts are quantified for one future project (Lossan project, Section 3.25.3, p. 3.25-9, paragraph 5), the analysis does not consider the combined effects of *all* projects. At a minimum, the analysis must consider cumulative impacts to sensitive biological resources for those projects that are approved, under construction, or finalized (Table 3.25.1, p. 3.25-3 and 3.25-4), and evaluate the combined effects of those projects.

6. Compensatory Mitigation

The DEIR/DEIS indicates that compensatory measures would mitigate for unavoidable impacts to biological resources, although the mitigation package has not yet been agreed upon (Section 3.21.4, p. 3.21-7, paragraph 9). We support the regional approach to mitigation taken by Caltrans, and particularly, programs that would enhance lagoon functions and values. In this sense, mitigation for this project has the potential to positively affect regional biological values, as addressed in regional conservation
198 planning efforts. However, the lack of specificity regarding the compensation 'package' makes it difficult to assess the adequacy of the proposed mitigation to offset project impacts. In addition, the statement that 'All of the mitigation ratios, and potential options would continue to be discussed with the resource agencies to determine the most appropriate *selection of options* (emphasis added) to mitigate impacts from this project' (Section 3.21.4, p. 3.21-9, last paragraph) indicates that some subset of the proposed compensatory mitigation actions – rather than all proposed actions – would be included in the final plan. This adds a further layer of uncertainty to the effectiveness of the

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197 EIR/EIS *Section 3.25* focuses on those projects within the cumulative study area that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. Additional clarification is provided in Final EIR/EIS *Section 3.25*. Documentation of additional projects has been added to *Table 3.25.2* and review of environmental resource health or status was added to provide the reader with clarification regarding the basis for conclusions reached in the Draft EIR/EIS. As detailed in *Section 3.25*, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative effects remain as stated. Please refer to response to PLAGUE Comment 015.

The baseline is appropriate. Past and existing conditions are taken into account through the use of existing conditions as the overall project baseline. Specific to habitats, an introduction to the topic in EIR/EIS *Section 3.25* addresses historic losses and constraints affecting the resources. Reasonably foreseeable future conditions are identified based on projects contributing to the same impacts as would the proposed project, as noted in EIR/EIS *Section 3.25*. Past, present, and reasonably foreseeable conditions and/or projects comprise the data base for identifying whether or not there is a cumulative impact to the identified regional resources (e.g., whether the resource is in declining health). Once a cumulative impact is identified, then the question is whether the proposed project would make a cumulatively considerable contribution to that cumulative impact. Because the focus is on the project's contribution and potential required mitigation, once a cumulative effect is identified, it is not necessary to continue to add additional projects. Although some additional projects were added in response to local jurisdictions' requests, it did not make a difference to the assessment of whether or not the project's contribution would be cumulatively considerable for reasons discussed below.

Permanent and temporary impacts by resource (habitat type) were identified in the Draft EIR/EIS on *Tables 3.17.1* and *3.17.2*, with permanent and temporary jurisdictional impacts on *Tables 3.18.1* to *3.18.3*. Sensitive species (plants and animals) are individually addressed in *Sections 3.19* through *3.21*. The minimization and mitigation program developed in coordination with resource

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198 cont. proposed mitigation, i.e., do 'options' refer to property acquisitions (number, acreage), major program components (bridge re-design, building a new inlet), or both? In order to allow for an evaluation of the effectiveness of the proposed mitigation package, the details must be identified.

199 The DEIR/DEIS identifies a number of non-listed sensitive species that will be impacted or potentially impacted by project implementation (Section 3.19.3, p. 3.19-2, 1st paragraph under Environmental Consequences; Section 3.20.3, p. 3.20-1, 1st paragraph under Environmental Consequences, Table 3.20.1, p. 3.2-2). The document provides specific avoidance, minimization, or mitigation measures for some of these species (Section 3.19.4, p. 3.19-2 and Section 3.20.4, p. 3-20-3) and indicates that compensatory mitigation for habitats (e.g., wetlands, coastal sage scrub) will also provide mitigation for these species (Section 3.21.4). However, several of these species are covered or proposed for coverage under regional habitat conservation plans (MSCP, MHCP). Because the project was not considered in the covered species analyses for those plans, the wildlife agencies must do new analyses for coverage and determine if the proposed mitigation is adequate to allow take of these covered species. Where the agencies authorize take of covered species, Caltrans will need to contribute to the management and monitoring of those species, in addition to any habitat mitigation requirements. The document should identify management and monitoring of covered species as a compensatory mitigation measure.

200 Proposed mitigation at San Dieguito Lagoon includes the creation of coastal salt marsh habitat adjacent to the SCE restoration project (Section 3.21.4, p. 3.21-8). Presumably, this habitat would be suitable for salt marsh birds that currently use the lagoon, such as Belding's savannah sparrow. Yet, all or part of this habitat may be subject to long-term noise impacts or other indirect impacts associated with a widened freeway. It is not possible to evaluate this potential impact, however, because maps of the proposed mitigation areas have not been included in the DEIR/DEIS.

201 Proposed mitigation at San Dieguito Lagoon also includes creation of southern maritime chaparral on former tomato fields east of I-5 and south of San Dieguito Lagoon (Section 3.21.4, p. 3.21-8). Is this location within the floodplain and/or adjacent, lower slopes? If so, are soils and topography adequate to support this vegetation association? Maps of proposed mitigation areas should be included in the document.

202 The mitigation package does not appear to compensate for loss of open water habitat, which includes critical habitat for the tidewater goby, Essential Fish Habitat, and eelgrass habitat (Section 3.21.4, pages 3.21-8 and 3.21-9). Mitigation for this habitat loss must be identified.

In a number of places in the DEIR/DEIS, there is a lack of consistency between sections. For example, in Section 3, no mitigation measures or compensation are provided for impacts to eelgrass and Essential Fish Habitat. However, language in Appendix A, Section 4.4.1, p. A-35, Vegetation, indicates that 'vegetation to be modified by the

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197 cont. agencies would reduce the project's contribution to cumulative impacts to native upland communities to less than considerable levels. The mitigation program would also substantially reduce the project's contribution to cumulative impacts to wetlands and other waters along the coast, with the project's contributions being reduced to less than a considerable contribution due to participation in the REMP. The mitigation approach to biological resources impacts is appropriate and fully coordinated with resource agencies whose mandate is to protect natural resources, and implementation of the REMP is anticipated to result in ecological lift within the North Coast Corridor. The latest available information regarding this coordinated program is provided in *Sections 3.17* through *3.22* of this Final EIR/EIS, as well as in the PWP/TREP.

198 With regard to the need to always assess the combined effects of all projects, please refer to the second paragraph of this response.

199 Please refer to response to PLAGUE Comment 071. The Supplemental Draft EIR/EIS provided additional detail regarding parcel identification, acreage, and mitigation plans; this information has been updated and incorporated into this Final EIR/EIS.

200 Please refer to response to PLAGUE Comment 086 regarding Caltrans' general consistency, but lack of required compliance, with the MSCP or MHCP.

201 Please see the response to Comment 187 of this letter. Locations of the mitigation parcels were depicted in the Supplemental Draft EIR/EIS and are incorporated into this Final EIR/EIS.

Uplands mitigation would occur at two locations in the San Dieguito watershed: at the San Dieguito Lagoon Restoration site and at the Dean Mitigation Parcel. Both parcels have appropriate soils and topography to support the vegetation. At the San Dieguito Restoration site, sensitive upland would be created on the slopes of the wetland; upland habitat also would be restored. This restoration project is currently in the design and environmental review stage. The Dean Mitigation site is located within the City of San Diego MHPA and is immediately north of the City of San

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202 cont. proposed project would be mitigated with at least a 1.2:1 ratio for eelgrass.' These discrepancies must be remedied.

7. Consistency with Regional Habitat Conservation Plans

The proposed project crosses two regional habitat conservation planning areas, the City of San Diego's Multiple Species Conservation Program Subarea Plan (MSCP Subarea Plan) and the North County Multiple Habitat Conservation Program (MHCP). Within the MSCP and MHCP study areas, a Multi-Habitat Planning Area (MHPA) or Biological Core and Linkage Area (BCLA), respectively, has been identified in which a permanent preserve is being assembled and managed for its biological resources. The proposed project is not a project covered by the MSCP, i.e., it was not specifically proposed by the City of San Diego or approved by the state and federal wildlife agencies to receive endangered species take authorizations issued under the MSCP.

MSCP

203 The DEIR/DEIS correctly states that the project is not in an MHPA biological core or linkage area (Table 3.1.1, p. 3.1-26). However, the Study Area crosses Los Peñasquitos Lagoon, which is a MSCP biological core area, and encroaches into the MHPA at San Dieguito River Park. Although the project has the potential to directly and indirectly impact habitat within the MHPA, the DEIR/DEIS fails to acknowledge encroachments into preserve areas as inconsistent with the MSCP (Section 3.1.2.2, p. 3.1-23, paragraph 6).

The DEIR/DEIS indicates that the project is consistent with City of San Diego MSCP Subarea Plan policies and guidelines (Section 3, Table 3.1.1, p. 3.1-26). However, we find a number of areas where the project is inconsistent or potentially inconsistent with the MSCP. For example, the DEIR/DEIS states that all project alternatives are consistent with MSCP policies and guidelines because the project 'has been designed to minimize impacts to biological resources, where possible' (Section 3.1.2.2, p. 3.1-23, paragraph 6). By this definition, only the alternative with the fewest impacts to biological resources would be consistent with the MSCP.

204 The DEIR/DEIS further states that the project is consistent with the MSCP because it 'would include measures to minimize impacts from construction-related activities (Table 3.1.1).' While the project does include construction-related mitigation measures, this list is not comprehensive. For example, MSCP guidelines stipulate that 'uses in or adjacent to the MHPA should be designed to minimize noise impacts and incorporate adequate noise reduction measures adjacent to any use that may introduce noises that could impact or interfere with wildlife utilization of the MHPA. This includes noise impacts during the breeding season *and* the remainder of the year.' The DEIR/DEIS acknowledges that construction noise may result in direct and indirect impacts to nesting birds at lagoons (Section 3.21.3, p. 3.21-4, paragraph 2, p. 3.21-5, paragraphs 1 and 7). While mitigation is provided for construction-related noise impacts (Section 3.21.4, p. 3.21-7), mitigation should also be proposed for long term, indirect noise impacts to wildlife species.

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201 cont. Diego's Crest Open Space and west of fallow agricultural fields that are being restored to coastal sage scrub by the San Onofre Nuclear Generating Station's (SONGS) San Dieguito Wetland Restoration Project. This parcel is dominated by disturbed habitat and disturbed baccharis scrub with a small area of coastal sage scrub/southern maritime chaparral in the southeastern corner of the parcel and some bare ground on the perimeter road. There are approximately 1.5 acres of this habitat above the road at the southeastern end of the parcel. It has very little disturbance except along the edges and is contiguous with the same habitat upslope in the Crest Open Space. Coastal California gnatcatcher also occurs on and adjacent to the site. This area would be preserved. The main portion of the parcel is fallow agricultural field that is now either dominated entirely by exotic species or is dominated by coyote bush (*Baccharis pilularis*) with weedy species. There are approximately 0.85 acre of bare ground, 8.5 acres of disturbed baccharis scrub, and 12.3 acres of disturbed habitat on site. Mitigation on site would include removal of exotic species, planting with native species, and temporary irrigation. In addition, some check dams would be installed in an erosion rill to slow water flow and encourage sediment retention and plant growth.

202 As described in this EIR/EIS, a channel large enough for fish movement would be kept open throughout construction within the San Luis Rey River and all of the lagoons. Any loss of open water would be attributable to the installation of bridge footings. Mitigation for the project and the other projects within the I-5 North Coast Corridor has been clarified and completed with input from the resource agencies in the TREP. Impacts to all waters of the U.S. and State wetlands would be mitigated at a 1:1 no net loss ratio, with the remainder of the REMP package as enhancements throughout the corridor.

Eelgrass mitigation specifics are provided in this Final EIR/EIS. As appropriate, eelgrass surveys would be completed at lagoons prior to bridge construction. Where eelgrass is identified in proximity to I-5 widening, surveys would continue during and after construction with mitigation implemented as described in the project REMP. Mitigation references for eelgrass are now consistent throughout the document.

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	203 Please refer to response to PLAGUE Comment 086 regarding Caltrans' general consistency, but lack of required compliance, with the MSCP or MHCP. Each alternative evaluated in the Draft EIR/EIS would improve traffic flow and air quality to different levels, but was designed to minimize impacts to the largest extent possible for that footprint. Since the circulation of the Draft EIR/EIS, however, and consistent with this comment, the Preferred Alternative has been identified. That alternative is the refined 8+4 Buffer, the smallest of the build alternatives.
	204 The comment correctly notes that mitigation has been identified for construction-period noise effects. With regard to operational impacts to birds at North Coast Corridor lagoons, please refer to the response to Comment 187 of this letter. Also, physical barriers could impede wildlife movement and "built" features are minimized to the extent possible in the lagoon setting.

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205 MSCP guidelines stipulate that 'where possible, roads within the MHPA should be narrowed from existing design standards to minimize habitat fragmentation and disruption of wildlife movement *and breeding areas*' (emphasis added) (MSCP, Section 1.4.1, Compatible Land Uses). Consistency with this guideline would require the design alternative with the narrowest roadway width, particularly across sensitive lagoon areas that provide breeding habitat for numerous sensitive and endangered wildlife species.

206 MSCP guidelines stipulate that wetland impacts inside and outside the MHPA will be avoided or mitigated under federal and state regulations to achieve a 'no-net-loss of function and value.' At this time, the compensatory mitigation package proposed in the DEIR/DEIS is not sufficiently detailed to assess whether this no-net-loss policy will be achieved.

MHCP

207 The Study Area crosses MHCP biological core and linkage areas at the coastal lagoons and the San Luis Rey River. Thus, the project has the potential to directly and indirectly impact habitat within the MHCP. In addition, the project would encroach into areas conserved for their wildlife value at Agua Hedionda Lagoon, which is within the Carlsbad Habitat Management Plan (HMP) preserve system (Section 3.1.2.2, p. 3.1-23, paragraph 7).

The DEIR/DEIS indicates that all project alternatives are generally consistent with MHCP policies and guidelines (Section 3, Table 3.1.1, p. 3.1-26). However, the MHCP states that 'the least overall biologically impactive alternative is that which has the least impact on sensitive biological resources and preserve configuration, considering both wetland and upland impacts together' (AMEC et al. 2003, Section 3.6.1, p. 3-28, paragraph 1). By this criterion, only the alternative with the fewest impacts to biological resources would be consistent with the MHCP. Therefore, the DEIR/DEIS' claim that all of the alternatives are consistent with the MHCP is inaccurate.

208 The MHCP stipulates a 'no net loss' policy for wetlands, including riparian habitat. Under the MHCP, 'any unavoidable impacts to wetlands must be mitigated to result in no net loss of wetland vegetation acreage and biological function and value within the MHCP subregion and preferably, but not necessarily, within the same drainage and city' (see MHCP, Section 3.6.1). By this standard, the project may be inconsistent with the MHCP if mitigation measures for impacts to wetlands are located outside the MHCP subregion (Section 3.21.4, p. 3.21-7, last paragraph and Section 3.21.4, p. 3.21-8 through 3.21-9). Mitigation opportunities have not yet been fully identified or finalized, and appear to be limited in some areas. Therefore, it is not possible to assess consistency with the MHCP on this issue.

209 The MHCP recommends that direct lighting in adjacent areas shall be directed away from the preserve. However, the DEIR/DEIS provides no information about the lighting plan

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205 Please refer to the response to Comment 203 of this letter. In addition, please note that Caltrans has evaluated accelerating the construction of bridges crossing Batiquitos and Buena Vista Lagoons to correlate with initial construction of the first HOV/ Managed Lanes on bridges so that both the construction footprint and ultimate bridge width would be as narrow as possible across the lagoons.

The Batiquitos Lagoon I-5 Bridge has been accelerated to the first construction phase (2015 to 2020). Funding has not yet been obtained for the acceleration of the Buena Vista I-5 Bridge, but Caltrans will continue to assess this possibility.

206 Specifics of mitigation parcels were identified in the August 2012 Supplemental Draft EIR/EIS and have been updated and incorporated into this Final EIR/EIS (see *Section 3.17.3* and the REMP). Wetland mitigation for the proposed project would include habitat establishment, in addition to preservation and restoration efforts, to comply with regulatory "no net loss" requirements. The majority of this minimum creation area would occur in the San Dieguito watershed due to the noted availability limitations, with the remainder located within the watershed of Agua Hedionda Lagoon.

207 Please refer to the response to Comment 203 of this letter.

208 Please refer to the response to Comment 206 of this letter.

209 Please refer to response to PLAGUE Comment 082 and Comment 193 of this letter regarding night lighting. As noted, pedestrian-only lagoon trails are not proposed for lighting as part of the project; and other trail lighting would be for safety purposes only.

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for the project so that it is not possible to assess whether lighting on the pedestrian walkway over San Elijo Lagoon and along lagoon trails is consistent with this policy.

Conclusion

209 cont.

While proposed mitigation for this project has the *potential* to benefit species, habitats, and ecosystems on a regional scale, we find that the DEIR/DEIS, as currently written, has many substantial deficiencies. The description of the project setting and design features, the existing conditions, the impact analysis, and the cumulative analysis are incomplete; the proposed mitigation measures are insufficiently detailed to determine their adequacy to offset project impacts, and the project has a number of inconsistencies with regional conservation plans. We strongly urge Caltrans to address these deficiencies and revise and re-circulate the DEIR/DEIS for further review prior to certifying the document.

Sincerely,

Patricia Gordon-Reedy

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Jerre Ann Stallcup
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CONSERVATION BIOLOGY INSTITUTE

Summary

210 Jerre has been a respected and instrumental part of the Southern California conservation community for over 20 years, with experience in all aspects of landscape-scale conservation planning, implementation, monitoring, and management of natural resources in the U.S., Europe, and Mexico. She is effective in developing and orchestrating partnerships among the academic community, government agencies, non-governmental organizations (NGOs), and private landowners to leverage funds and information for achieving conservation goals.

Jerre is CBI's project director for the *Las Californias Binational Conservation Initiative* which focuses on 2.5-million acres in the border region of California and Baja-California, at the center of a global biodiversity hotspot. As part of this multi-year effort, almost 5,000 acres of land have been conserved through NGOs in both countries, bolstering the work of government partners and increasing the awareness of landowners and elected officials to regional conservation issues. As part of a range-wide recovery strategy for the Coastal Cactus Wren, Jerre is leading efforts to monitor and manage habitat for this species in San Diego County. She is also working with multiple conservation and academic institutions in developing monitoring and research priorities for conservation management of the Island Scrub-Jay on Santa Cruz Island.

Jerre directed the biological mapping, technical analyses, policy development, and environmental documentation for the San Diego Multiple Species Conservation Program, the largest and most comprehensive multi-species plan in the nation to date and a model for subsequent regional conservation programs in Southern California. She serves as a technical advisor to local land conservancies and agencies that are implementing these programs, which have received national recognition for their innovative approach to endangered species conservation, management, and monitoring.

Education

M.A. Zoology, University of South Florida. 1976.

B.S. Biology, Stanford University. 1974.

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210 The resume of the author of this comment letter is acknowledged and is part of the public record.

211 As noted in the introduction to the PLAGUE letter, submitted comments on the project consist of the body of the primary letter as well as Exhibits 1 and 2 to that letter. As appropriate, responses to each of the issues raised in those three documents have been provided above. The remainder of the exhibits consisted of source material and documentation for statements made, including such items as the 2050 RTP, technical papers prepared for other jurisdictions or projects, published notices, etc. The remainder of these exhibits provide back up for the comments submitted, but do not comprise comments in and of themselves, do not require responses, and are not reproduced here.

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Employment History

1999-present—Conservation Ecologist, Conservation Biology Institute, Encinitas, California.

1988-1999—Deputy Manager, Biological Resources Group, Ogden Environmental and Energy Services Co., Inc., San Diego, California.

1990-1995—Manager, Geographic Information Systems, Ogden Environmental and Energy Services Co., Inc., San Diego, California.

1987-1990—Senior Project Manager, Westec Services, San Diego, California.

1986-1987—Technical Services Coordinator, Environmental Services and Permitting, Inc., Gainesville, Florida.

1983-1987—Senior Scientist/Project Manager, Environmental Services and Permitting, Inc., Gainesville, Florida.

1979-1983—Scientist/Project Manager, Breedlove Associates, Inc., Gainesville, Florida.

1978—Lecturer, Department of Biological Sciences, Stanford University, Stanford, California.

1974-1978—Research Assistant, Archbold Biological Station, Lake Placid, Florida.

Selected Conservation Project Experience

Las Californias Binational Conservation Initiative. In partnership with Pronatura, Terra Peninsular, and The Nature Conservancy, CBI designed a conservation vision for a 2.5 million-acre area in the border region of the two Californias, extending from the Sweetwater River watershed in California to the Rio Guadalupe watershed in Baja California. Our objectives are to conserve areas of high ecological integrity, irreplaceable resources, and landscape linkages compatible with human uses across a range of biophysical conditions and climate gradients, from the coast, across the mountains, to the desert. As part of the *Initiative*, almost 5,000 acres have been conserved in both countries, and our efforts have bolstered the work of other conservation partners, such as the Otay-Sweetwater National Wildlife Refuge, Bureau of Land Management, California State Parks, and the California Biodiversity Council.

Coordinated Conservation and Management of the Otay-Sweetwater Region. CBI is working with The Nature Conservancy to conserve additional lands within and adjacent to the almost 44,000-acre acquisition boundary of the Otay-Sweetwater Unit of the San Diego National Wildlife Refuge, improve coordination among land managers—including the U.S. Fish and Wildlife Service, California Department of Fish and Game, and U.S. Bureau of Land Management—and leverage the enthusiasm of volunteers through enhanced community outreach

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and environmental education. The Otay-Sweetwater region is the largest expanse of undeveloped land in the San Diego Multiple Species Conservation Program planning area and is fundamental to the integrity and functioning of the MSCP preserve system. This core habitat area supports some of the last remaining coastal habitats of Southern California, each supporting many rare and endangered species.

Coastal Cactus Wren Recovery. In partnership with The Nature Conservancy, CBI has led an effort to develop a recovery strategy for the Coastal Cactus Wren throughout its range. As a result of CBI efforts, several cactus scrub restoration projects and habitat management efforts are underway in San Diego County, and two centers—the Wild Animal Park in San Pasqual Valley and Rancho Jamul Ecological Reserve in Jamul—are being established for propagating cactus and coastal sage scrub plants. Salvage/relocation policies for cactus are being considered for adoption by local jurisdictions. CBI worked with the San Dieguito River Valley Conservancy, San Dieguito River Park, and Institute for Conservation Research of the San Diego Zoo to monitor cactus wrens and California gnatcatchers in the 12-mile long San Pasqual Valley and recommend habitat restoration actions after the massive wildfires of 2007.

Monitoring and Research Priorities for Conservation Management of the Island Scrub-Jay. CBI is working with The Nature Conservancy and other conservation partners to develop a framework for monitoring and research that identifies the most critical information gaps for planning and managing the long-term persistence of the Island Scrub-Jay, the only insular bird species in the continental United States. Although there is evidence that this species once occurred on present-day Santa Rosa Island, the Island Scrub-Jay is currently restricted to Santa Cruz Island, and novel threats now prevalent on the mainland, such as West Nile virus, heighten concern of extinction.

Conservation Vision for Bahía de San Quintín. Bahía de San Quintín and its immediate watershed (>64,000 acres) is the largest and only intact coastal lagoon system in the entire Mediterranean zone of North America. It is among the richest, most diverse, and most imperiled ecosystems on the planet, supporting dozens of rare species and recognized worldwide for its importance to fisheries, waterfowl, migratory birds, and other coastal resources. Development pressure in the area is increasing as a result of a growing population and the thrust of tourism southward from the U.S. border. CBI prepared a document that eloquently and concisely presents a vision for addressing conservation and socioeconomic challenges through new partnerships and an integrative approach to conservation and management of natural resources within a sustainable human community.

South Coast Missing Linkages Project. In partnership with the South Coast Wildlands Project, The Nature Conservancy, Terra Peninsular, and Pronatura, CBI prioritized lands within important cross-border habitat linkages in the U.S.-Mexico border region. The La Posta Linkage Portfolio links National Forest land in the Laguna Mountains with important habitats in Baja California through the Campo Valley area of San Diego County. The Park-to-Parque linkage focuses on conserving lands between natural open space parks in Southern California and natural open space parks in northern Baja California. CBI is working with land owners, private

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conservancies, and government agencies to secure effective conservation easements and acquisitions in these areas.

Tejon Ranch Conservation Assessments. CBI conducted assessments that characterized the conservation value of the 270,000-acre Tejon Ranch, California, and which ultimately led to conservation of 240,000 acres and establishment of the Tejon Ranch Conservancy. The assessments made use of available data, museum records, and expert opinion to assess the biogeographic importance of Tejon Ranch, its core habitat and natural community representation values, roadlessness, terrestrial and watershed integrity, importance as a habitat linkage, and habitat for rare and endangered species. CBI conducted a remote sensing analysis to update information on roads, land cover, and vegetation community distributions.

Conservation Assessment of Ranch Guejito. The 36-square mile Rancho Guejito in northern San Diego County is the last intact Mexican land grant in Southern California. CBI's report documents the natural and cultural resources of Rancho Guejito and its regional significance to maintaining landscape-scale ecological processes and protecting intact watershed basins, expansive native grasslands, and rolling hills of Engelmann oak woodlands, as well as untold prehistoric and historic cultural resources. The assessment is being used by conservation organizations to justify and develop strategies for conservation of the property.

Framework Management Plan for the Ramona Grasslands. CBI developed a model strategy for using grazing as a management tool in a 4,000-acre area that supports vernal pools, Stephens' kangaroo rat, wintering and breeding raptors, riparian habitats and arroyo southwestern toads, and native grasslands. The framework management plan presents a scientific basis for implementing management activities, describes experimental manipulations to increase our understanding of the dynamics of the system, and outlines a biological monitoring program to assess changes in resource states.

Multiple Species Conservation Program (MSCP). As project manager for the $4.2 million MSCP planning effort, Jerre directed all biological studies and development of the plan, which covers 900 square miles in southwestern San Diego County. The planning analyses included vegetation mapping using aerial photography and satellite imagery, creation of a GIS Habitat Evaluation Model to help prioritize areas for conservation, and development of financing strategies and public policies for land acquisition and land management. Jerre worked with a 30-member Working Group, representing local jurisdictions, the development industry, environmental groups, and regulatory agencies. As a result of this plan, approximately 172,000 acres are proposed for conservation.

Regional Conservation Planning and Constraints Analyses for Eastern San Diego Mountains. CBI worked with The Nature Conservancy and a team of regional scientific experts to prioritize conservation opportunities for a 400,000-acre area in San Diego County that includes the headwaters of five major watersheds. The study involved development of spatial and non-spatial databases, identification of regionally important resources and connectivity, and analysis of ownerships and land use zoning.. As a result of the conservation strategy that CBI

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prepared, approximately 8,000 acres of land have been conserved to date in the Santa Ysabel Valley and on Volcan Mountain.

Coordination of Regional Management and Monitoring Programs. CBI is working with the local jurisdictions in San Diego County, U.S. Fish and Wildlife Service and California Department of Fish and Game to coordinate management and monitoring efforts across a reserve network that will ultimately grow to over 400,000 acres. As part of this effort, CBI developed a strategic framework of the roles and responsibilities of the monitoring partners, reviewed structures and protocols for managing large biological databases, formulated a strategy for developing a centralized database repository, and helped to review and refine field data collection protocols. CBI also conducted a systematic assessment of MSCP monitoring locations for wildlife corridor use.

Conservation Acquisition Evaluation of the Desert Cahuilla Prehistoric Area. CBI worked with biologists and archaeologists to develop an assessment which resulted in the conservation of 6 square miles in Imperial County, California, adjacent to the Anza-Borrego Desert State Park. The property is within Critical Habitat for the peninsular bighorn sheep and contains archaeological relics, including ceremonial and habitation sites and unique stone "fish traps," of the Desert Cahuilla people who inhabited this area for over 1,000 years.

Habitat Management Plan for the Crestridge Ecological Reserve. CBI is working with the Endangered Habitats Conservancy, Earth Discovery Institute, and the California Department of Fish and Game to develop and implement a habitat management plan for the 2,500-acre Crestridge Ecological Reserve. The plan is intended to serve as a model for other preserve management plans in San Diego County and as a venue for educating and training local communities in land stewardship. CBI's work involves baseline surveys for sensitive species, detailed vegetation mapping, identification of onsite stressors and adjacent land uses that may affect habitat quality of the reserve, and development of monitoring and management strategies.

Wildlife Corridor Monitoring. The Los Peñasquitos Canyon-Beeler Canyon and Carmel Valley-McGonigle Canyon riparian corridors have been identified as regional west-east linkages between coastal wetlands and interior habitats on the southern Pacific coast. CBI directed a 2-year study that addressed use of these linkages by large mammals, evaluated survey methodologies, and identified potential constraints and habitat restoration opportunities. The tracking study used volunteers from local conservation groups and graduate students from San Diego State University and the University of California at San Diego to collect field data

Evaluation of the Cabo San Quintin Development Project and Environmental Impact Study. CBI worked with Mexican scientists to evaluate the proposed development plan and associated Mexican environmental impact study for the Punto Mazo peninsula, San Quintin, Baja California. The document presented an independent analysis of potential impacts of the development and inadequacies of the environmental impact study. Key points included the inadequate consideration of Mexican endangered species laws, state land use regulations, and potable and irrigation water supply issues. The document failed to address nutrient loading and

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dredging impacts on Bahía San Quintín, and potential socioeconomic impacts associated with the increased regional infrastructure and services needs that would result from implementing the project. As a result of our work, the Mexican federal government denied development permits for the project.

Regional Biological Monitoring Plan for the Multiple Habitats Conservation Program. Jerre served as project manager for developing a regional biological monitoring plan for the North Coastal San Diego County MHCP. The plan was developed in coordination with the California Department of Fish and Game and the U.S. Fish and Wildlife Service and the seven North San Diego County cities participating in the MHCP. The MHCP biological monitoring program is intended to provide a systematic data collection effort to gauge the progress and success of the almost 20,000-acre habitat preserve system. The plan addresses regional monitoring objectives and describes specific monitoring approaches for riparian communities, uplands, vernal pools, coastal lagoons, and wildlife movement corridors within the preserve system.

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Patricia Gordon-Reedy —Curriculum Vitae

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SUMMARY

Ms. Gordon-Reedy is a botanist and senior vegetation ecologist with nearly 20 years experience in environmental consulting and field biology, including general biological inventories, sensitive species surveys, vegetation mapping and habitat characterization, wetland delineations, environmental documentation, regulatory permitting, construction and preserve monitoring, species-specific research, and conservation planning (preserve design and natural resource management plans). She has worked extensively in the Mediterranean ecosystems of southern California, the southern San Joaquin Valley, the Mojave and Colorado deserts, and the Great Basin region of Utah and Colorado.

Ms. Gordon-Reedy served as senior botanist on a number of high-profile conservation plans or multi-year projects in southern California, including the City of San Diego's Multiple Species Conservation Plan (MSCP), the Lower Colorado River Multiple Species Conservation Program, the Point Loma Natural Resources Management Plan, and the Metropolitan Water District's Eastside Reservoir Project. In addition, she worked with the U.S. Army Corps of Engineers and U.S. Army to develop species and habitat management plans and recommendations for several U.S. military installations in Germany. Among her primary interests are large-scale vegetation mapping and plant species conservation.

EDUCATION

M.A., Ecology and Systematic Biology (Botany), San Francisco State University, 1983.
Thesis: A biosystematic investigation of variation in the *Leptodactylon californicum* (Polemoniaceae) complex.
Graduate Botany courses, University of California, Santa Barbara, 1979-1980.
B.A., Environmental Biology, California State University, Fresno, 1979.

PERSONAL

Born August 24, 1957, Los Angeles, California (citizen of U.S.A.).

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Married.

PROFESSIONAL ORGANIZATIONS AND AFFILIATIONS

California Botanical Society
California Native Plant Society

EMPLOYMENT HISTORY

1999 – 2000. Senior Botanist, Conservation Biology Institute, San Diego, California.
Responsibilities included conducting vegetation mapping and sensitive plant surveys on reserve lands, developing habitat and species management plans, analyzing potential long-term viability of conserved species based on preserve design, and working with agency biologists on preserve design issues.

1986 – 1999. Senior Botanist/Project Manager, Ogden Environmental and Energy Services Co., Inc., (formerly ERCE and WESTEC Services), San Diego, California.

Senior Botanist for multiple species conservation plans, natural resource management plans, and habitat management plans utilizing GIS modeling approaches to preserve design and project manager for large-scale, long-term water resources, energy, and development projects. Responsibilities included designing and directing plant research studies for restoration and/or recovery purposes; conducting and managing vegetation mapping, floral and faunal inventories, habitat assessments, and wetland delineations; negotiating regulatory permits and agreements with federal and state agencies; preparing, reviewing, and editing technical documents, including biological reports, vegetation classification schemes, conservation and land management plans, mitigation and monitoring plans, and strategy papers; and developing proposals and budgets.

1985 – 1986. Botanist, Wier Biological, San Diego, California.
Responsibilities included conducting biological surveys, focused sensitive species surveys, and vegetation mapping, and preparing environmental documentation.

1984 – 1985. Assistant Curator, Botany Department, San Diego Natural History Museum, San Diego, California.
Responsibilities included curation of the vascular plant collection and management of specimen loans.

1980 – 1983. Botanical Consultant (part-time), CWESA, Fresno, California.
Responsibilities included conducting botanical surveys, vegetation mapping, and vegetation transects in the southern San Joaquin Valley, California.

1979 – 1980. Field Biologist/Botanist. Bureau of Land Management, Salt Lake City, Utah and Gunnison, Colorado.

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recommendations for threatened and endangered species on four U.S. military installations in Germany. Responsibilities included coordinating comprehensive surveys on 2,300 acres of land in the Klosterforst Training Area and Harvey Barracks of Kitzingen, Germany, and coordinating and field-verifying biological data on 9,000 acres at the Miesau Ammunition Depot and Rhine Ordnance Barracks in Kaiserslautern, Germany, in conjunction with German biologists. Prepared a management plan for the Kitzingen installations, and developed management recommendations for the Kaiserslautern installations.

Point Loma Natural Resources Management Plan (NRMP) – U.S. Navy, Southwestern Division.
Project manager, principal botanist, and primary author for this resource management plan on the Point Loma Peninsula in southwestern San Diego County, California. Directed the refinement of an existing database into a GIS database, the designation of an optimal biological reserve through the use of a GIS habitat evaluation model, and the designation of a final reserve system by reconciling operational needs of several Navy commands and other jurisdictions with the maintenance of key biological values. Prepared a management plan that provided specific recommendations on a number of issues, including the long-term viability of vegetation onsite, species reintroductions, sensitive wildlife (including predator and feral animal control), erosion control, revegetation/restoration potential, landscaping (including control of invasive plant species), recreation/public access/interpretation, prescribed burning, and fencing. Coordinated with the Environmental Planning staff and made briefings to the various commands. The proposed preserve was designated an Ecological Reserve Area (ERA) by the Chief of Naval Operations.

Multiple Habitat Conservation Plan (MHCP) – San Diego Association of Governments (SANDAG.
Served in a review capacity for the existing conditions and preliminary analyses phases of this regional conservation program for the northern portion of San Diego County, California. Responsibilities included reviewing the botanical portions of preserve planning, analysis of alternatives and species coverage, and preparation of preserve documentation.

VEGETATION MAPPING/CLASSIFICATION

Crestridge Ecological Reserve – California Department of Fish and Game.
CBI conducted vegetation mapping of this 2,600-acre ecological reserve using high resolution digital multi-spectral imagery captured by the Airborne Data Acquisition and Registration (ADAR) system. Analyzed U.S. Forest Service burn history data of the site, and identified/developed management issues/recommendations for specific areas based on the burn history.

Comprehensive Vegetation Mapping Project for the County of San Diego – San Diego Association of Governments (SANDAG).

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Responsibilities included conducting sage grouse censuses and small mammal trapping in northeastern Utah, and Soils and Vegetation Inventory Method (SVIM) mapping in Great Basin scrub habitats in southwestern Colorado.

1979. Field Biologist/Botanist (seasonal). California State University, Fresno, California.
Responsibilities included conducting protocol surveys for blunt-nosed leopard lizards in the southern San Joaquin Valley, California, and floral inventories and vegetation transects to characterize leopard lizard habitat.

SELECTED PROJECT EXPERIENCE

REGIONAL HABITAT CONSERVATION PLANNING, MONITORING, RESTORATION, AND MANAGEMENT

Multiple Species Conservation Plan (MSCP) – City of San Diego Clean Water Program.
Senior botanist and botanical task manager for this landmark conservation planning effort in southwestern San Diego County, California. Directed the photo-interpretation, vegetation and sensitive habitat mapping, and rare plant studies to assist in delineating a network of potential preserve areas for an 800-square-mile area. Participated in the creation of a Habitat Evaluation Model, developed individual plant species guidelines for preservation, prepared a rare plant preservation strategy paper, conducted the plant species analyses for purposes of determining adequacy of coverage, and prepared many of the biological management sections of the plan and technical appendices, as well as monitoring guidelines.

Lower Colorado River Multiple Species Conservation Plan (LCRMSCP).
Senior botanist and biological task manager for this large-scale project to design a comprehensive ecosystem-based conservation program for the lower Colorado River in Nevada, Arizona, and California. Responsibilities included research, preparation of technical documents, coordination with in-house GIS staff, management of associate-level biological staff, participation in biology subcommittee meetings, and contact with agency personnel and other biologists regarding resources in the study area. Prepared or directed the preparation of technical documents, including the proposed vegetation classification, recommended priority and planning species (including species accounts for 99 taxa); preliminary species conservation goals, and target restoration parameters. Worked closely with U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) staff, as well as local botanists, in compiling an extensive database and reaching a consensus on specific rare plant and vegetation issues.

Military Installation Management Plans – U.S. Army Corps of Engineers (ACOE), Transatlantic Programs and the U.S. Army Europe and 7th Army (USAREUR)
Biological task manager, field coordinator, and principal author for this project to provide the USAREUR with a graphic database of information and a management plan or

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Biological task manager for this GIS vegetation mapping project. Responsible for merging three regional vegetation databases into a single entity, and updating vegetation mapping in certain areas, based on recent aerial photography and/or satellite imagery and limited field surveys. The project required close cooperation with GIS staff, SANDAG GIS representatives, County staff, and other consultants in an effort to produce this updated, seamless database.

Disturbance History of Vegetation on the Southwestern Riverside County Multi-Species Reserve – Metropolitan Water District of Southern California.
Compiled a digital database of the history of vegetation disturbance on reserve lands. Tasks included researching disturbance events that covered an 80-year timeframe, including fire, agricultural uses, and various types of development. The final product, an aerial photographic record of disturbance events, included over 250 historic and current photographs and detailed information on each event.

Detailed Biological Assessment for the City of Poway – City of Poway Planning Department.
Senior botanist and botanical task manager for this project to provide a detailed and accurate database to be used in the City's future planning and decision-making processes. Directed the vegetation mapping and analyses phases of this project, including photo interpretation from color aerial photography and black and white orthophotographs, field verification, and input of data into a GIS. Coordinated the input of sensitive species and sensitive habitat data, and was a principal author of the report.

Tijuana Estuary and E Street Marsh Vegetation Mapping – U.S. Army Corps of Engineers (ACOE).
Conducted detailed wetlands mapping of the Tijuana Estuary and E Street Marsh in southwestern San Diego County, and compiled mapping on color aerial photographs, which were presented to the ACOE for digitizing and data input. This effort included detailed descriptions of all vegetation mapping categories.

TECHNICAL STUDIES

San Fernando Valley Spineflower (*Chorizanthe parryi* var. *fernandina*) – Ahmanson Land Company, West Covina, California and Beveridge & Diamond, LLP, San Francisco, California.
Conducted a comprehensive review of the scientific literature on potential edge effects for plant species. Results of this review were used in analyzing identified risk factors to San Fernando Valley spineflower in relation to the proposed preserve design, and in proposing management actions and alternative scenarios to minimize or reduce potential impacts of those risk factors.

Smooth Tarplant (*Centromadia pungens* ssp. *laevis*) studies – Metropolitan Water District of Southern California.

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Project manager and principal investigator for this multi-year research program for the sensitive plant, smooth tarplant, in western Riverside County, California. The primary objectives of this study were to characterize critical habitat parameters for this species and identify management techniques for potential reintroduction/enhancement efforts. Studies included characterizing physical and biological parameters, soil seed bank analyses, and habitat manipulations. Directed field coordination, research design review, quality assurance and technical editing, project management, contract administration, and submittal of yearly reports.

Seed Studies, Ogden Environmental and Energy Services Co., Inc.
Designed and directed a 5-year seed-testing program for selected sensitive plant species in conjunction with staff at Rancho Santa Ana Botanic Garden. Studies focused on germination requirements, dormancy mechanisms, and short- and long-term seed viability. Limited propagation studies were also conducted. Species tested included San Jacinto Valley crownscale (*Atriplex coronata* var. *notatior*), Parry's spineflower (*Chorizanthe parryi* var. *parryi*), slender-horned spineflower (*Dodecahema leptoceras*), and smooth tarplant (*Centromadia pungens* ssp. *laevis*).

Orcutt's Brodiaea (*Brodiaea orcuttii*), San Elijo Ranch – City of San Marcos, California.
Directed rare plant studies, including focused surveys and impact analyses, and developed a mitigation plan for Orcutt's brodiaea. This project required negotiating mitigation measures that were deemed acceptable to all concerned parties.

San Diego Thorn-mint (*Acanthomintha ilicifolia*) and Thread-leaved Brodiaea (*Brodiaea filifolia*) – The Baldwin Company, Pardee Construction Company, San Diego County, California.
Designed and coordinated the implementation of mitigation programs for the federally threatened and state endangered species, San Diego thorn-mint and thread-leaved brodiaea, in San Marcos and San Diego, California, respectively. As part of the process, negotiated and procured Memoranda-of-Understanding from the CDFG. Developed performance criteria in conjunction with the CDFG to assess the success of the programs.

BIOLOGICAL INVENTORIES AND ENVIRONMENTAL DOCUMENTATION

Biological Resources Investigations: Eastern Reservoirs – Metropolitan Water District of Southern California (MWD).
Project manager and senior botanist for this multi-year effort to conduct general biological studies, focused rare plant surveys, and mitigation planning for MWD in western Riverside County, California. The project began with a biological overview and constraints analysis for 13 potential reservoir sites, proceeded to detailed rare plant studies for 5 reservoir sites, and culminated in species-specific mitigation monitoring and management at the chosen reservoir site. Responsibilities included field coordination of intensive, multi-phased, multi-year field surveys; on-call construction monitoring; multi-

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year mitigation site surveys; wetlands mapping; preparation of revegetation and species introduction programs; seed collection and a long-term seed storage program; seed germination and viability studies; environmental documentation (including data synthesis, impact analysis, and mitigation strategies planning); client and agency coordination; and contractual obligations.

East Otay Mesa Specific Plan – County of San Diego.
Biological task manager for this 5,200-acre study area in southwestern San Diego County. Directed a team of field biologists in multiple season data collection efforts, and prepared a technical report and EIR sections for this comprehensive specific plan area. Key biological issues included the California gnatcatcher and other sensitive wildlife species, raptor foraging habitat, regional wildlife corridors, sensitive plant species, vernal pools and other wetland habitat, coastal sage scrub, and native grassland.

Water Lines and Facilities Project – County of San Luis Obispo.
Project manager and senior botanist for this biological assessment of two major pipelines and several spur lines and associated facilities for the local distribution system of the State Water Project – Coastal Branch Phase II. Conducted a constraints analysis to narrow potential survey corridors, and directed a team of biologists in general surveys and focused sensitive plant and animal surveys. Directed the preparation of a technical document, including the impact analysis and potential mitigation scenarios. Major issues included wetlands, oak woodlands, Morro Bay kangaroo rat, red-legged frog, and several sensitive plants.

Cambria Reservoir Project – Cambria Community Services District.
Conducted and managed a biological survey and impact assessment for the proposed Cambria Reservoir project in San Luis Obispo County, California. The project included an assessment of alternative dam sites, including a diversion dam on an adjacent drainage, associated pipelines and access roads, and upstream and downstream impacts.

Cold Canyon Landfill Project – San Luis Obispo County.
Biological task manager and principal botanical field investigator for the proposed expansion of the Cold Canyon Landfill in San Luis Obispo County, California. Conducted biological surveys and prepared a technical report on existing and past biological resources onsite. The report analyzed impacts to biological resources from the expansion and operation of the landfill; issues included surface impacts, dust, changes or shifts in water quantity and quality, erosion and/or siltation of downstream wetlands, noise, low-level nuclear waste, and disease vectors. Provided detailed recommendations for an oak woodland revegetation program.

Miller Palm Desert Project, Palm Desert, California – City of Palm Desert.
Biological task manager and principal botanist for this 640-acre residential project just south of the City of Palm Desert, California. Sensitive resource issues include desert tortoise, bighorn sheep, barefoot banded gecko, several lower sensitivity plant and animals, and potential ACOE and CDFG jurisdictional wetlands. She coordinated with

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the USFWS regarding a Section 10 consultation for desert tortoise and with the CDFG regarding bighorn sheep and wetlands.

Transmission Line Studies, Mojave Desert – Southern California Edison.
Senior botanist for multi-year transmission line studies in the Mojave Desert, California. Conducted field surveys (vegetation mapping, floral inventories, sensitive plants species assessments) of 5 alternative corridors covering a 612-square-mile area, prepared technical reports (existing conditions, impact analyses, mitigation), and coordinated sub-consultants.

Biological Studies for Gravity Wave Observatory Site – Jet Propulsion Laboratory (JPL).
Senior botanist for biological surveys on Edwards Air Force Base in California for JPL's proposed 7,000-acre Gravity Wave Observatory site. Conducted field surveys (vegetation mapping, floral inventory, and sensitive plant assessments) and research, prepared technical reports (existing conditions, impact analysis, mitigation), coordinated with sub-consultants, and interacted with both client and agencies on a regular basis.

Hawaii Geothermal/Cable Master Development Plan – State of Hawaii, Department of Business and Economic Development.
Senior biologist for the biological inventory and general constraints analysis associated with the proposed inter-island overland transmission line system. Conducted a comprehensive literature search, interviews with local biologists and resource agencies, and mapping of biological resources to identify constraints and/or data gaps. The study covered portions of three islands and served as a baseline report for more detailed studies.

PUBLICATIONS AND PRESENTATIONS

PUBLICATIONS AND REPORTS

Gordon-Reedy, P. 1998. Noteworthy collections: *Dodecahema leptoceras*. Madroño 45(1):83.
Gordon-Reedy, P. and O. Mistretta. 1997. Endangered slender-horned spineflower: germination and propagation studies reported (California). Restoration and Management Notes 15(1):91.
Gordon-Reedy, P.J. 1990. Trichome patterns and geographic variation in *Leptodactylon californicum* (Polemoniaceae). Madroño 37(1):28-42.
Tanowitz, B. and P.J. Gordon. 1980. *Hemizonia minthornii*. Madroño 27(4).
Tanowitz, B. and P.J. Gordon. 1981. Chromosome reports. Taxon 30(4).

ORGANIZATIONS – COMMENTS

Sierra Club, San Diego Chapter	Citizens for Responsible Equitable Environmental Development - 21	San Diego Coastkeeper	Environmental Health Coalition	Coastal Environmental Rights Foundation

November 22, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
California Department of Transportation
District 11
Division of Environmental Analysis
MS 242
4050 Taylor Street
San Diego, CA 92110
I-5_NCC_EIR_EIS@dot.ca.gov

RE: I-5 North Coast Corridor Draft Environmental Impact Report/ Environmental Impact Statement

Submitted via Electronic Mail and U.S. Mail

Dear Ms. Harrison:

The San Diego Chapter of the Sierra Club ("SDSC"), Citizens for Responsible Equitable Environmental Development – 21 ("CREED-21"), Environmental Health Coalition ("EHC"), and San Diego Coastkeeper ("SDCK"), appreciate and welcome the opportunity to comment on the Draft Environmental Impact Report / Environmental Impact Statement ("DEIR/S") for the I-5 North Coast Corridor expansion project (the "Project"). These comments are respectfully submitted to ensure that agency decision-makers (the California Department of Transportation ("Caltrans") and the Federal Highway Administration ("FHWA")) fully comply with the California Environmental Quality Act Public Resources Code (§ 21000 *et seq.*) ("CEQA"), and the National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*) ("NEPA"), with respect to the Project.

01 The proposed project seeks to aggressively widen the existing 27-mile Interstate-5 corridor ("I-5" or the "corridor"). While a project of this magnitude is generally associated with various environmental impacts, this project is cause for heightened concern given its span across six lagoons (San Dieguito, San Elijo, Batiquitos, Agua Hedionda, Buena Vista and Los Peñasquitos) and six cities (San Diego (La Jolla), Del Mar, Solana Beach, Carlsbad, Encinitas, and Oceanside), all within the California "Coastal Zone." DEIR/S 1-11.

The short and long term ramifications associated with the Project will result in permanent impacts to the physical environment and quality of life for the region, and mitigation measures offered by the DEIR/S will be shown to be inadequate, if not absent, in practice. Significant concerns surround Caltrans' reliance on inaccurate, outdated and materially flawed assumptions and information. Most notable is the DEIR/S' consistent failure to provide the necessary facts in support of its conclusions. *See, Citizens of Goleta Valley*

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RESPONSES

Responses to Pamela N. Epstein, Chair, Legal Committee Sierra Club, San Diego Chapter; Gabriel Solmer, Legal Director, San Diego Coastkeeper; Marco Gonzalez, Executive Director, Coastal Environmental Rights Foundation; Nicole Capretz, Director, Green Energy/Green Jobs Initiative, Environmental Health Coalition

01 Thank you for your comments, which are part of the public record. General responses to your introductory points numbered (1) through (4) within Comment 01 are provided immediately below. Additional information is provided in the subsequent responses to your more detailed Comments 05 through 95.

(1) Caltrans follows well established, systematic processes to conduct environmental studies and document the relevant information for the public and decision makers, in compliance with the requirements of the California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), and other relevant and substantive State and federal environmental law. The Environmental Impact Report/Environmental Impact Statement (EIR/EIS) and supporting technical studies prepared for this project are in compliance with CEQA and NEPA, and thoroughly describe and analyze "a reasonable range of alternatives," as required by 40 Code of Federal Regulations (CFR) 1502.14(a).

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v. Board of Supervisors, 52 Cal.3d 553, 568 (1990); *Maryland-Nat'l Capital Park & Planning Comm'n v. U.S. Postal Serv*., 487 F.2d 1029, 1040 (D.C. Cir 1973)(requiring agencies to take a "hard look" at the environmental impacts of a project, and not merely rest on "bald conclusions").

After a thorough review of the DEIR/S, it must be concluded that the document is legally insufficient to comply with the requirements of CEQA and NEPA. As described below, the DEIR/S violates these laws because:

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(1) it fails to adequately describe the Project;

(2) it fails to analyze the significant environmental impacts of the Project or propose adequate mitigation measures to address those impacts;

(3) it fails to undertake a legally sufficient study of alternatives to the Project; and

(4) it fails to make the factual findings required by law, the findings presented fail to explain how Caltrans and FHWA reached their conclusions, and the findings presented are not supported by substantial evidence in the record.

For these reasons, Caltrans and the FHWA must revise and re-circulate the DEIR/S.

I. Importance of CEQA and NEPA Compliance

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CEQA is the touchstone of California's environmental legislation which requires environmental accountability throughout the planning and decision-making stages of major development. 14 Cal. Code Regs. § 15001 *et. seq*.; Cal. Pub. Res. Code §§ 21000, 21001. Over the past four decades, California courts have clearly recognized environmental protection and enforcing CEQA as a paramount concern. In a similar vein, NEPA requires that the federal agencies "consider every significant aspect of the environmental impact of a proposed action ... [and] inform the public that [they have] indeed considered environmental concerns in [their] decision-making process[es]." *Earth Island Institute v. U.S. Forest Service*, 351 F.3d 1291, 1200 (9th Cir. 2003) (citations omitted)

To ensure compliance, CEQA obligates agencies to refrain from approving any project that may cause significant environmental effects if feasible alternatives or mitigation measures exist that could negate or substantially lessen those effects. *Mountain Lion Foundation v. Fish & Game Commission*, 16 Cal.4th 106, 134 (1997); Cal. Pub. Res. Code § 21002. The California Supreme Court has further instructed that CEQA should be "scrupulously followed" so that "the public will know the basis on which its responsible officials either approve or reject environmentally significant action" and therefore, find themselves in a position to "respond accordingly to action with which it disagrees." *Laurel Heights Improvement Association v. Regents of the University of California*, 47 Cal.3d 376, 392 (1988).

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The comment and review process is the starring role of the CEQA performance, because it enables citizens to "make important contributions to environmental protection" and facilitates "notions of democratic decision-making." *Concerned Citizens of Costa Mesa, Inc. v. 32nd District Agricultural Association*, 42 Cal.3d 929, 936 (1986). Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. *Laurel Heights*, 47 Cal.3d at 392.

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01 cont. Additional project information and refinements available since the circulation of the Draft EIR/EIS in July of 2010 were circulated in a Supplemental Draft EIR/EIS in August of 2012. This information is also included in the Final EIR/EIS.

(2) Caltrans prepares "blended" environmental documents to comply with both CEQA and NEPA requirements. Since the CEQA and NEPA information is interwoven throughout the document, a separate chapter is provided that focuses on the CEQA requirements of reporting "significance" determinations. See *Chapter 4, California Environmental Quality Act Evaluation.*

The environmental issues are analyzed sufficiently in the EIR/EIS to satisfy the requirements of both CEQA and NEPA in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*, and for CEQA only in *Chapter 4*. These chapters and the other parts of the EIR/EIS fully and accurately inform decision makers and the public of the environmental consequences of the *I-5 NCC Project*.

(3) The study of alternatives is legally sufficient. The process of identifying build alternatives is addressed in detail in the EIR/EIS in *Section 1.4, History and Background*. Also, refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor.

Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and is identified in this Final EIR/EIS as the Preferred Alternative. See *Chapter 2* of the Final EIR/EIS for a discussion of the selection of the Preferred Alternative.

(4) The findings requested in Part (4) of this comment are required following document certification and prior to project approval. In accordance with California Public Resources Code (PRC)

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	01 cont. Sections 21002, 21002.1, and 21081, CEQA Findings have been prepared as part of this Final EIR/EIS. These similarly identify the impacts of the alternatives; the changes or alterations in the project that avoid or substantially lessen the significant environmental effect; identification of such changes within the responsibility and jurisdiction of another public agency; and specific economic, legal, social, technological, or other considerations that render the mitigation measures or alternatives infeasible. In accordance with 40 CFR 1505.2, the Record of Decision (ROD) constitutes the written public record explaining why the Federal Highway Administration (FHWA) and Caltrans have taken a particular course of action. The ROD is completed after the Final EIR/EIS, at the time that an alternative is selected. It explains the decision and includes discussions of: the alternatives that were considered and those that are environmentally preferable; factors considered in making the decision; avoidance, minimization, and mitigation measures that were and were not adopted; and the monitoring and enforcement program provided in the Environmental Commitments Record, which is included in this Final EIR/EIS as Appendix D. Recirculation of the Draft EIR/EIS is not required. Please note that a Supplemental Draft EIR/EIS was circulated in August 2012 to provide additional information from focused studies that were completed after the circulation of the Draft EIR/EIS in 2010. This included the provision of additional information regarding habitat impacts and hydrology in the vicinity of lagoons, as well as clarification of issues related to latent traffic demand, sea level rise, water quality, as well as the common design features and community enhancements proposed by the project. That information has been incorporated into this Final EIR/EIS. 02 These general comments regarding CEQA and NEPA are noted. 03 These general comments regarding the comment and review process are noted.

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II. The DEIR/S Fails to Comply with NEPA and CEQA

The DEIR/S fails to meet the requirements of CEQA and NEPA in a number of crucial respects, which are presented in depth below. Among those deficiencies:

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- The DEIR/S does not sufficiently address the Project's main purpose;
- The Project's flawed description in the DEIR/S prevents meaningful public review;
- The DEIR/S analysis of the Project's impacts and discussion of means to mitigate those impacts are inadequate, including with respect to the Project's effects on air and water quality, noise levels, visual and aesthetic considerations, and wetland preservation;
- The DEIR/S does not provide an adequate analysis of alternatives to the Project; and
- The DEIR/S fails to make the factual findings required by law, and does support the findings presented in the DEIR/S with substantial evidence in the record.

Because of these deficiencies, we believe a complete revision and redistribution of the DEIR/S is required. We note that although the vast majority of references contained herein address the requirements for compliance with environmental review under CEQA, as a joint EIR and EIS, the document must also comply with the corresponding provisions at the federal level under NEPA.

1. The DEIR/S Insufficiently Addresses the Project's Main Purpose

The primary purpose of an EIR is to make available for the public an "informational document." *Planning and Conservation League et. al. v. Castaic Lake Water Agency*, 180 Cal.App.4th 210, 103 Cal. Rptr.3d 124 (2009). This EIR document must include an analysis of the direct, indirect, and cumulative effects of a proposed project while identifying various means and methods to minimize the project's impacts through the consideration of reasonable alternatives to the project. 14 Cal. Code Regs. § 15121. California Courts view an EIR as an "environmental 'alarm bell' whose purpose is to alert the public and its responsible agencies to environmental impacts ***before*** they have reached the ecological point of no return" (emphasis added). *Country of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810*; Santiago County Water Dist. v. County of Orange* 111 Cal.App.3d 818, 822 173 Cal.Rptr. 602 (1981). The EIR process is intended to "demonstrate [to] an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *No Oil Inc. v. City of Los Angeles* 13 Cal.3d 68, 86 118 Cal. Rptr. 34, 529 P.2d 66 (1974); CEQA Guidelines § 15003, subd. (d).

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NEPA applies a similar standard, in that the EIS document must ensure that environmental information is available to decision-makers and public citizens "*before* decisions are made and *before* actions are taken." 40 C.F.R. §1500,1(b) (emphasis added). A heightened level of governmental accountability and public participation is guaranteed, through the assurance "… [i]mportant environmental consequences will not be 'overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast.' In short, NEPA requires that the evaluation of a project's environmental consequences take place early in the project's planning process." *North Buckhead Civic Ass'n v. Skinner*, 903 F.2d 1533, 1539-40 (11th Cir. 1990).

Seeking clarification from Caltrans regarding the Project's true intention – is it to move cars and trucks or; rather, more importantly to move goods and people? A plain reading of the sections of the DEIR/S discussing the Project's purpose and objective shows the overarching goal is to advance a

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04 Please refer to the response to your Comment 01 and the specific responses to your remaining comments below.

- Please see *Chapter 1* of the Draft EIR/EIS for a thorough discussion of the purpose and need for the project;
- Please see *Sections 2.1, 2.2,* and *2.4* of the Draft EIR/EIS for a complete description of the project alternatives and proposed phasing, and *Section 2.3* for a description of the proposed community enhancements;
- Please see *Chapter 3* of the Draft EIR/EIS for a thorough analysis of the anticipated environmental impacts of the project alternatives and associated avoidance, minimization, and mitigation measures. Note that *Section 3.14* addresses air quality issues; *Section 3.10* addresses water quality issues; *Section 3.15* addresses noise issues; *Section 3.7* addresses visual/aesthetic considerations; and *Section 3.18* addresses and wetland preservation;
- Please see *Section 2.5* of the Draft EIR/EIS for a thorough discussion of alternatives considered but rejected from further consideration;
- Please note that CEQA Findings are a separate document from the EIR/EIS. Refer to the response to your Comment 01(4). This document will be prepared to address the Preferred Alternative, following certification of the Final EIR/EIS, and will be available to decision makers prior to a decision as to whether to approve the project. EIR/EIS *Chapter 4* provides the mandatory findings of significance required by CEQA for an EIR, and these significance determinations are supported by the analysis presented throughout the Draft EIR/EIS.

05 The purpose and need for the project is described in detail in *Chapter 1*, *Proposed Project* of the EIR/EIS. Objectives of the project include maintaining or improving travel times within the corridor, providing a facility that is compatible with future bus rapid transit (BRT) and other modal options, and maintaining the facility

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05 cont.

comprehensive transportation system that incorporates both roads and mass transportation options for the people living in San Diego County and the State of California. However, after in-depth reading of the 1100 plus page document a preference for transportation infrastructure (freeway/roadways) becomes apparent. For instance, the Project allocates a disproportional amount of funding to roads as compared to rail, bus, bicycle, multi-modal, or other alternative modes of transportation services. This overt exclusion of alternative transportation strategies in favor of the "business as usual" preference towards the automobile will commit current and future generations to automobile and truck dependency. This choice is not only wrong from a policy standpoint, but Caltrans and the FHWA have failed to comply with CEQA and NEPA by not providing any substantive discussion as to why the policy choice was made.

From a practical standpoint, the DEIR/S' "Purpose and Need Statement" is contradictory, as it calls for a design build out year of 2030 yet the project is not scheduled to be completed and fully operational, regardless of alternative selected, until the year **2050**, assuming funding is actually secured for the project. (*See* discussions below for detailed analysis of funding feasibility). As defined, none of the state alternatives would be able to achieve the Project's primary purpose.

A. The DEIR/S' Flawed Project Description Prohibits Meaningful Public Review of the Project

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Because public participation is essential part of the CEQA process, CEQA unequivocally requires the lead agency to assemble a sufficiently detailed informational document on which the public can base their meaningful review. CEQA Guidelines § 15201; *Emmington v. Solano County Redevelopment Agency* 195 Cal.App.3d 491, 503. Compliance with the EIR provisions of CEQA serves the important purpose in enabling the public to make its own "independent, reasoned judgment" about a proposed project's environmental impacts. *Emmington* 195 Cal. App.3d at 503; Pub. Res. Code § 1520. Information relevant to significant effects of a project and the mitigation measures must be made available to the public as soon as possible by a lead agency so that the public may prepare and submit comments in a timely manner. Pub. Res. Code § 21003.1. Public comments are an vital part of the EIR. *Sutter Sensible Planning, Inc. v. Board of Supervisors* (3d Dist. 1981) 122 Cal.App.3d 813, 820.

The vague and ambiguous project description offered by Caltrans and the FHWA's DEIR/S deprives the public of its guaranteed rights under CEQA and thus miscalculates the totality of the Project's environmental impact. The courts have clearly recognized an EIR's need for "[a]n accurate, stable and finite project description." *Country of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810. A comprehensive evaluation of the environmental ramifications of a project can only be achieved if a comprehensive project description is first provided. In order to arrive at a acceptable project description the EIR shall assert the following: (1) the "precise location and boundaries of the proposed project," (2) a "clear written statement" of the project's objectives, including the underlying purpose of the project, and (3) a general description of the project's technical, economic, and environmental characteristics. 14 Cal. Code Regs. § 15124.

The courts have found that even if an EIR is adequate in all other respects, the use of a "truncated" project description is a violation, which under the CEQA rubric indicates that the lead agency has failed to proceed in the manner required by law. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus*, 27 Cal.App.4th 713, 730 (1994). Further, "[a]n accurate project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity." *San Joaquin Raptor,* 27 Cal.App.4th at 730 (citations omitted). Therefore, the analysis of significant environmental impacts is innately unreliable given an inaccurate or incomplete project description. Although extensive details are not necessary, the law demands that EIRs describe the proposed project with sufficient detail and accuracy to

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05 cont.

as an effective link in the national Strategic Highway Network. The *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2035 and beyond to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal transportation improvement effort for the North Coast Corridor region, and does not represent an exclusive "policy choice" for dependency on automobile and truck travel over other transportation service alternatives. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for a discussion of how the project fits within the regional transit system and Regional Transportation Plan (RTP) to encourage the use of mass transit and carpools, and to provide compatibility with BRT. Please also refer to Topical Response "Projected Growth" with regard to the accommodation of anticipated regional growth and the future traffic demand on the I-5 freeway.

The Purpose and Need Statement is not contradictory. Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6.2.1, Traffic and Transportation,* under the heading *Existing and Forecasted Conditions.*

The build alternatives studied in detail in the EIR/EIS do achieve the primary purpose of the project. When traffic operations (in

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05 cont. terms of traffic delay, congested hours, and travel time) for the build alternatives are compared with existing conditions and with the No Build alternative, Final EIR/EIS *Table 3.6.3* shows (a) a decrease in vehicle hours of delay; (b) morning congested hours remain the same; (c) decreases in the evening congested hours in the northbound direction; and (d) an overall improvement in travel times. The four build alternatives would maintain or improve future traffic operations compared to No Build conditions, and, therefore, conform to the project purpose.

06 The I-*5 NCC Project* EIR/EIS is a project-specific environmental document. The project location, boundaries, and description were identified in the Draft EIR/EIS and Supplemental Draft EIR/EIS (refer to Draft EIR/EIS *Chapter 2, Project Alternatives*, and Supplemental Draft EIR/EIS *Chapter 2, Purpose and Need and Project Description).* A full set of Project Feature Maps for the Preferred Alternative is presented in *Figures 2-2.3, Sheets 1* through *67*, in this Final EIR/EIS (See Appendix K for the Project Feature Maps presented in the Draft EIR/EIS.) Caltrans is satisfied that this is the appropriate level of environmental documentation for this project. The level of detail in the description, graphics, and specific technical analysis is sufficient to adequately evaluate the project components in the 27-mile corridor. The EIR/EIS is organized in accordance with the Caltrans Standard Environmental Reference (SER; http://www.dot.ca.gov/ser), which is a publicly available website providing guidance on the Caltrans approach to environmental analysis and document preparation. The EIR/EIS contains information about the potential significant effects of the project, as well as the measures proposed to avoid, minimize, and mitigate to the extent practicable, the potential negative effects resulting from construction and operation of each of the proposed alternatives. The process used to inform the public and decision makers is described in the EIR/EIS according to SER requirements. This demonstrates the extensive public outreach conducted for the project; including 6 public hearings during a 90-day public comment period for the Draft EIR/EIS and a 45-day public comment period for the Supplemental Draft EIR/EIS; multiple meetings with city planners and other interested parties; and informational materials widely posted in public access forums

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06 cont.

permit informed decision-making. CEQA Guidelines §15124. NEPA has a parallel requirement that an accurate and consistent project description be provided in order to fulfill the statute's purpose of facilitating informed decision-making. 43 U.S.C. § 4332(2)(c).

Regrettably, the DEIR/S falls critically short of its obligation to fully and accurately inform decision-makers and the ***public*** of the Project's environmental consequences, and the document does not satisfy the basic goals of either statute. In light of the profound deficiencies related to the Project's description, the DEIR/S must revise and recalculate the DEIR/S.

i. The Project Description Omits and Limits Information, Preventing the Public and Decision-makers from Engaging in Meaningful Public Review and Comment as Required by CEQA and NEPA

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The DEIR/S' consistent failure to supply information is amounts to a profound series of deficiencies. For instance, the DEIR/S continuously omits details regarding when mitigations measures will be built -- the timing and specifications of their construction, whether any stated measures will be place within or adjacent to critical habitat, whether eminent domain will be required for acquisition of land or any other pertinent details necessary in which the public would require in order to engage in a well-reasoned evaluation of the Project. Moreover, the DEIR/S' conspicuous exclusion of essential alternatives (public transit, in particular) to the Project impede any attempt by the public or agency decision-makers to engage in a well-reasoned and informed deliberation of the project's environmental impacts. *See, Santiago County Water Dist.*, 118 Cal.App. 3d at 829; *Whitman*, 88 Cal.App.3d at 414-15; *San Joaquin Raptor,* 27 Cal. App. 4th at 721-22; *Stanislaus Natural Heritage Project*, 48 Cal. App. 4th at 194-95. When ruling on omissions or failures to include pertinent information in an EIR, the Court cites the "relevant inquiry as whether there has been a 'prejudicial abuse of discretion." The absence of information … (does) not per se constitute prejudicial abuse of discretion. Prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decision making and informed public participation thereby thwarting the statutory goals of the EIR process." *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners*, 18 Cal.App.4th 729, 748 22 Cal.Rptr.2d 618 (1993). The DEIR/S must be revised to fully describe the Project and comprehensively evaluate its environmental impacts if it is to pass muster under the law.

ii. Multimodal Transit Options are Limited by the Project's Insufficient Description

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The same issues plague the DEIR/S' project description and its discussion of the project's needs and objectives: each is hamstrung by its sole reliance on freeway expanding alternatives. At the onset, the project description limits its consideration exclusively to widening options, *i.e.*, whether to build an additional four HOV lanes, with or without two additional general-purpose lanes, and with either a barrier or buffer. DEIR/S 2.2.1. As stated in the DEIR/S, Caltrans and FHWA "propose improvements to maintain or improve the existing and future traffic operations on the existing Interstate 5 (I-5) freeway." DEIR/S, Executive Summary. There are numerous alternatives that embrace rail, bus, bicycle, multi-modal, and other alternative transportation options that are virtually eliminated by the above statement.

Although Section S-1 of the DEIR/S describes how a broader analysis might be done to extending the inquiry beyond mere freeway widening options, the DEIR/S lacks any substantive description of how this objective could be accomplished. Furthermore, the description of the alternatives entirely fails to describe whether they will meet this broader objective as discussed in depth herein. At best, the DEIR/S provides a vague description of how the Project would help to reduce congestion and improve accessibility

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06 cont. such as newspapers, public television, and the internet. The information in the EIR/EIS is sufficiently detailed for the public to make an independent and reasoned judgment about the project, and provides decision makers with the relevant information to make informed decisions.

07 Additional information regarding proposed biological mitigation was provided in the Supplemental Draft EIR/EIS, which was circulated for public review in August 2012 and has been incorporated into this Final EIR/EIS. These mitigation and enhancement features (i.e., the project Resource Enhancement and Mitigation Program, or REMP) comprise a substantial part of the Public Works Plan/ Transportation and Resource Enhancement Program (PWP/TREP) that has been completed for the project's Coastal Development Permit in consultation with the California Coastal Commission (CCC) and the other resources agencies; the PWP/TREP addresses all impacts and proposed mitigation for the *I-5 NCC Project*, the Los Angeles-San Diego-San Luis Obispo (LOSSAN projects), and local agency projects listed in that document. Please also refer to Topical Response "Lagoon Evaluations" for discussion of additional studies about impacts to lagoons, as provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. Timing of biological mitigation efforts is indicated both on *Figures 2-4.1a* through *2-4.1c*, and on *Table 3.17.4* (biological mitigation must precede or be commensurate with impacts).

Actual property acquisition needs are not known until after the environmental document is approved, and the final design phase is funded. The final design phase includes processes that attempt to minimize the project footprint as much as possible; at this time, survey maps are produced showing final requirements for property assessment and acquisition. Any special needs associated with specific displaced property owners and tenants would also be determined in the property assessment and acquisition phase. Updated "preliminary" information has been included into the Supplemental Draft EIR/EIS and Final EIR/EIS regarding parcel acquisitions needed to implement the Preferred Alternative. Please refer to Topical Response "Property Acquisition" (which

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08 cont. to and within the corridor. This lack of information regarding a critical component of the Project compromises the public's and decision-makers' ability to analyze which alternatives, outside of the narrowly tailored four freeway widening alternatives, will best meet the objective of connecting with multimodal transit in an environmentally conscious manner.

2. The DEIR/S Improperly Segments the I-5 Widening From Other Related Actions

09 The DEIR/s fails to provide the mandatory comprehensive projections for the range of environmental impacts which will result throughout the entire Interstate 5 corridor in Southern California. The DEIR/S must be revised to consider all potentially related actions within the entire geographic area to be effected by the project, in order to properly comply with CEQA and NEPA regulations as well as, other relevant State and Federal laws.

A. Under CEQA, Agencies Must Describe Projects in Their Entirety, and not "Segment" a Project or its Environmental Impact

California law on this issue is clear. Agencies may not improperly "segment" projects within the preparation of an EIR by arbitrarily limiting the analysis of the proposed actions (and their effects) to discrete issues or geographic regions. According to CEQA Regulations, the EIR must describe the entirety of the project, including all "reasonably foreseeable" future actions and activities that are part of a project, and it must analyze the impacts of all of those reasonably foreseeable actions. 14 Cal. Code Regs. § 15378. *Thomas v. Peterson*, 753 F.2d 754, 758 (9th Cir. 1985); *Laurel Heights*, 47 Cal.3d. 376-395 (1988).

10 "Segmentation" occurs when the project description fails to encompass the scope of the entire project's impact" by improperly dividing the project into discrete parts. *Thomas*, 753 F.2d at 758. Segmented or piecemeal analysis improperly divides a project into multiple discrete "actions", each of which may individually and deceptively appear to result in an insignificant environmental impact. Only when those same actions are analyzed as a collective whole does the full range and cumulative intensity of the project's environmental impact become illuminated. The omission of key parts of a project from an EIR analysis serves to hide the important ramifications of a project from view during the public discussion and approval period and beyond. By obscuring the true aggregated impact of a comprehensive project proposal, segmentation frustrates the core goals of CEQA and NEPA to ensure sustainable development practices for the preservation of our environmental heritage. *Santiago County Water Dist. v. County of Orange* 118 CA.3d., 828-830 (1981).

EIR project descriptions are often rejected as inadequate when the court perceives that an EIR has attempted to limit the scope of environmental review by narrowing the project description. Kostka, *Practice Under the California Environmental Quality Act*, CEB Section 12.18, p. 475, citing *Santiago County Water District v. County of Orange* at 818. For example, in *San Joaquin Raptor Society v. County of Stanislaus*, the Court rejected an EIR for a large subdivision because of its failure to include the plans for a nearby water treatment facility on an adjoining parcel of land meant to serve the new subdivision. The Court found that the original EIR, which contained no information about the waste treatment facility, had artificially segmented the project into two pieces because the water treatment facility was a reasonably foreseeable additional component of the original subdivision project. Thus, the subdivision and the facility (as well as the impacts from that facility) had to be analyzed in the subdivision EIR.

California case law precedent has established a formal line of inquiry for the purpose of determining the need for including the environmental effects of reasonably foreseeable future activities (and analysis of

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07 cont. includes a listing of parcel acquisitions anticipated at this time), EIR/EIS *Section 3.4.3*, and Appendix B of the EIR/EIS for additional information about property acquisition and relocation assistance.

Regarding public transit as an essential alternative to the *I-5 NCC Project*, please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit." The description and analysis of the project alternatives are adequate, as updated within the Supplemental Draft EIR/EIS that was circulated to the public in August 2012. Recirculation of the entire EIR/EIS is not required. Please also refer to the response to your Comment 01.

08 The proposed *I-5 NCC Project* is one component of a multimodal program being pursued within the North Coast Corridor. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit." The *I-5 NCC Project* provides the highway portion of the program, as well as several community enhancement features to improve facilities for pedestrians and bicyclists. Additional information regarding the proposed project features and community enhancements was provided in the Supplemental Draft EIR/EIS and has been incorporated into the Final EIR/EIS. The focus of this EIR/EIS on I-5 and adjacent community enhancements does not limit the region to highway solutions or eliminate other transportation options. The larger contextual setting, with a summary of the corridor study history, is provided in *Section 1.4*.

The analysis of the No Build alternative in the EIR/EIS assumes implementation of the separately approved LOSSAN double-tracking rail project (refer to *EIR/EIS Section 2.2.4, No Build Alternative*). As described in EIR/EIS *Section 1.3.2, Traffic Demand*, the I-5 North Coast Corridor is projected to experience substantial congestion in 2030, even with the LOSSAN improvements. Additional information on modal choice is provided in the Congestion System Management Plan (CSMP) and the PWP. CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. The Interstate 5 San Diego North Coast CSMP includes a range of strategies for addressing congestion, performance measures or criteria for identifying when action is needed, and a system for prioritizing

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08 cont. which congestion management strategies would be most effective. CSMP development resulted in a solution that includes double-tracking the rail corridor and adding High Occupancy Vehicle (HOV)/Managed Lanes on I-5, as well as improving regional arterials, bicycle and pedestrian routes and bus, rail, and vanpools and carpool services. The *I-5 NCC Project*, therefore, would be consistent with the CSMP. Additional information regarding the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function at peak efficiency. Please also refer to the response to your Comment 07.

The EIR/EIS provides sufficient information as to how the project would reduce congestion and improve accessibility. EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*, adequately addresses impacts and benefits to the local and regional transportation system, including intersections, streets, interchanges, and freeways. Existing, No Build, and project alternative traffic operations are quantitatively compared in terms of delay, congested hours, and travel time in Final EIR/EIS *Table 3.6.3.* The 10+4 alternatives would reduce total weekday vehicle hours of delay to 600 hours northbound and 3,700 hours southbound compared with 13,700 hours northbound and 14,000 hours southbound for the No Build alternative. The 8+4 alternatives would reduce future vehicle hours of delay to 9,600 hours northbound and 8,000 hours southbound. Additional details are provided in the technical reports listed at the beginning of EIR/EIS *Section 3.6*. For example, Technical Report No. 6, Freeway Interchange Operations Report, analyzes traffic operations for 51 ramp intersections and 25 arterial intersections along the *I-5 NCC Project*.

09 The history of study of the I-5 North Coast Corridor is summarized in EIR/EIS *Section 1.4, History and Background*. The northern terminus of the 27-mile corridor addressed by the *I-5 NCC Project* has long been Camp Pendleton, as reflected in the statement that "...in the early 1990s, Caltrans conducted an operational study of I-5 from I-805 to Camp Pendleton to assess long-range

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their corresponding impacts) into an EIR. Initially, the Courts have investigated the existence of "reasonably foreseeable consequences" of the initial project. Secondly, a query is conducted into whether the future expansion or action will be significant, in that it will likely change the scope or nature of the initial project or its environmental effects." *Laurel Heights*, 47 Cal.3d., 376-398 (1988). For example, in the case of Laurel Heights I, the Court found that the University of California's EIR for the relocation of medical laboratories into an office building in a residential neighborhood should include their future plans of expansion for the labs. The Court found substantial and credible evidence of the University's intent to expand its occupation of the neighborhood when another agency's lease ended in several years, through internal press releases and statements in the UC newsletters. Thus, the plans for future expansion were deemed to be "reasonably foreseeable" consequences of the proposed actions, and the plans were ordered to be included and analyzed within the originally challenged EIR. *Id*. at 398.

Federal environmental law is also highly instructive on the issue of segmentation. For road construction projects, California has adopted the approach delineated by the federal courts pursuant to CEQA's federal counterpart, NEPA. The CEQ Guidelines require agencies to implement an expanded scope of review for certain cases that involve two or more "connections," "cumulative," and similar" actions within a single EA or EIS. 40 C.F.R. § 1508.25; Thomas, 753 F.2d at 758-59. These implementing regulations are mandatory and binding on federal agencies. *The Steamboaters v. FERC*, 759 F.2d 1382, 1393 N.4 (9th Cir. 1985). For purposes of NEPA, two or more actions are "connected" if they are "interdependent parts of a larger action and depend on the larger action for their justification." 40 C.F.R. § 1508.25(a)(1). Where it would be "irrational or at least unwise" to undertake one action without another action, the actions are connected. *Save the Yakk*, 840 F.2d 720 (holding that the road construction and timber sales had "clear nexus" and were thus "connection actions," requiring expanded scope of review); *see also Thomas*, 753 F.2d at 759 (road and timber sales were "inextricably intertwined" where "[i] t is clear that the timber sales cannot proceed without a road, and the road would not be built but for the contemplated timber sales."). An agency should analyze the impact from two or more similar projects together "when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement." 40 C.F.R. § 1508.25.

10 cont.

Federal law is especially specific in regards to roadwork projects and freeway expansion. In the case of *Del Mar Terrace Conservancy, Inc. v. City Council*, 10 CA.4th. 712, 732-733, the Court adopted and described a criteria for evaluating the sufficiency of an environmental review document that covers a portion of a larger roadway. See *Daly v. Volpe*, 514 F.2d 1106, 1109-1110 (3d Cir. 1975). First, recognizing that "[p]iecemealing proposed highway improvements in separate environmental statements should be avoided," the court relied on federal regulations which stated that a highway section which would be entitled to separate environmental review, is one which is (a) of substantial length and (b) between logical terminal points (defined as major crossroads, population centers, major traffic generators, or similar major highway control elements). *See Del Mar* at 732.

As a second criterion, the court stated that precedent requires a separately reviewable highway section to have independent utility. "An EIR must include a description of the environment in the vicinity of the project, as it exists before the commencement of the project, both from a local and regional perspective. The description shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives." 14 CCR 15125. "Because the concept of a significant effect on the environment focuses on changes in the environment, this section requires an EIR to describe the environmental setting of the project so that the changes can be seen in context. *See* Discussion following 14 CCR 15125, Office of Planning and Research.

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09 cont. highway needs to the year 2015." The alternative identified as the long-range improvement concept for this portion of I-5 in the 2000 RTP extended from Del Mar Heights Road in San Diego to Vandegrift Boulevard and Harbor Drive in Oceanside. Subsequent development of the features and boundaries of the alternatives examined in this EIR/EIS are discussed further in this EIR/EIS section. SANDAG's RTP serves as the regional plan for transportation improvements, and the proposed project is included within the RTP.

10 This general discussion of CEQA requirements to avoid segmentation of projects is noted. Although no specific issue related to the *I-5 NCC Project* EIR/EIS is raised in this comment, please note that the *I-5 NCC Project* has independent utility and logical termini, and is consistent with the SANDAG RTP, which is a public document that is cited and discussed within the EIR/EIS (in *Section 3.1.2.1*, for example) as well as separately analyzed in conformance with CEQA. The RTP presents the entirety of the planned regional transportation improvements within San Diego County, including the proposed project. The proposed project will benefit the North Coast Corridor, regardless of whether other projects within the RTP are implemented.

The boundaries of the corridor were determined through a long and thoroughly documented process, as summarized in EIR/EIS *Section 1.4, History and Background*. The project has logical termini and independent utility with its current boundaries. The 27-mile corridor extends from a portion of I-5 that has just completed being widened and ends at a location where land use and ownership dramatically changes at Camp Pendleton. The *I-5 NCC Project* is not dependent on the segment through Camp Pendleton being widened. In addition, the segment through Camp Pendleton has independent utility, as it can be widened to match the cross section in Orange County whether or not the *I-5 NCC Project* is completed. The entirety of the project within the 27-mile corridor anticipated to be constructed in the three phases, with completion of construction by 2035, is presented in project description graphics and text. Please also refer to the responses to your Comments 06 and 09.

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B. The DEIR/S Illegally "Segments" the Project

The Project is subject to the aforementioned NEPA guidelines because the freeway expansion must be considered along with traffic and congestion problems throughout the Interstate 5 corridor as a whole. Pursuant to the Federal Regulations, the best way to adequately assess the combined impacts and alternatives to the expansion is to consider all related issues within a single impact statement. 40 C.F.R. § 1508.25. The piecemealing of proposed highway expansions throughout the Interstate 5 corridor in separate environmental statements frustrates the ability of the public to evaluate the cumulative impact from such projects. Further, the Project is not entitled to separate environmental review pursuant to the standard set forth in Volpe or Del Mar, because it is not of substantial length, nor does the project span between logical terminal points. The short proposed freeway expansion between San Diego and Oceanside is an arbitrary designation, which should be expanded to include more land and at least one larger population center. *Del Mar* at 732.

11 Accordingly, the DEIR/S improperly segments the proposed freeway expansion and the resulting impacts of that project. It fails to describe the entirety of the proposed freeway expansion, including the reasonably foreseeable future actions and activities that are part of the project, including increased traffic and congestions throughout the entire Interstate 5 corridor throughout western California. Further, the DEIR fails to account for the future necessity of expanding the Interstate 5 corridor throughout Central and Northern California in order to account for the increased traffic flow. Thus, the public is unable to assess the full range of environmental impacts, which will result throughout the entire freeway corridor, because the environmental impacts within the report are arbitrarily limited to a small region of Southern California.

The Project description will be rejected as inadequate, because it has attempted to limit the scope of environmental review of the Interstate 5 freeway expansion. The DEIR artificially limits the project description to include only a small Southern California region between San Diego and Oceanside. A full comprehensive analysis pursuant to CEQA will require a review of the reasonably foreseeable effects of the project throughout the state. For example, the expansion of the freeway will result in increased capacity for the corridor, which will likely result in higher traffic density and air pollution for segments of the interstate which have not been subject to the expansion project (*e.g.*, Orange County). Failure of the DEIR to provide this analysis results in blatant non-compliance with both CEQA and NEPA.

3. The Project Is Incorrectly Classified as a Project EIR and Should be Classified as a Programmatic EIR Due to its Long Duration and Wide-Ranging Environmental Scope

An EIR is a document made in preparation of a proposed project by a public agency, which identifies and analyzes the likely environmental effects of the proposed project and ways to minimize the effects and the alternatives to the project. 14 Cal. Code Regs. § 21061. It is within the discretion of the lead agency to frame the EIR analysis at a project or programmatic level. In assuming a project-level approach,
12 the EIR should undertake a full-scale evaluation of the environmental impacts of a specific development project. 14 Cal. Code Regs. § 15161.

In contrast to the project-level analysis, a program level EIR is best suited for situations where a series of projects are tethered to a larger proposed project and related to each other in terms of "(1) geographic [location], (2) as logical parts in the chain of contemplated actions, (3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or (4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways." 14 Cal. Code Regs.

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11 The project boundaries represent logical termini and independent utility, as explained in the response to your Comment 10. The 27-mile North Coast Corridor boundaries are not arbitrary, as documented in EIR/EIS *Section 1.4*. The six major population centers included in the corridor (San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside) are considered adequate for the evaluation of project impacts and benefits.

The *I-5 NCC Project* would not generate traffic and would not cause increased traffic and congestion throughout western California. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. The project would provide features that would accommodate increased traffic volumes and reduce travel times compared with the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. Transportation facilities may redistribute traffic; however, the build alternatives accommodate more traffic than the No Build condition on I-5, so the project would result in more traffic being carried on the freeway versus other parallel facilities. The traffic would also be carried more efficiently on the freeway at higher speeds and with fewer stops and starts versus parallel surface streets. This is reflected in the additional vehicle miles traveled (VMT) at higher speeds for build alternatives versus no build in Final EIR/EIS *Table 3.14.10*. Any potential need for future capacity increases along segments of I-5 in central and northern California would be related to the population and economic growth in those areas and would not be the result of the *I-5 NCC Project.*

The entire Statewide expansion of I-5 need not be analyzed in a single environmental document. The *I-5 NCC Project* is one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to the response to your Comment 05.

The project would not result in higher "traffic density" or air pollution in other segments of I-5 to the north, such as Orange County. Traffic currently flows much more smoothly through the Camp Pendleton area due to fewer interchanges and associated merging and weaving movements. I-5 within Orange County

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§ 15168(a).

12 cont. The California Supreme Court has opined that a programmatic EIR provides an advantage over a project EIR in that it "[a]llow(s) the lead agency to consider broad policy alternatives and program-wide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts." *In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* 77 Cal. Rptr. 3d 578, 600 (2008) (citations omitted).

CEQA defines "project" broadly to cover "the whole of an action, which has a potential for resulting in either a direct physical change in environment, or a reasonably foreseeable indirect change in environment." 14 Cal. Code Regs. § 15378(a), (c). This definition precludes "piecemeal review which is the results form 'chopping' a large project into many little ones as each with a minimum potential impact on the environment – which cumulatively may have disastrous consequences." *See, Rio Vista Farm Bureau Center v. County of Solano* 5 Cal.App.4th 357, 370, 7 Cal.Rptr.2d 307 (1992), quoting *Bozins v. Local Agency Formation Commission* 13 Cal.3d 263, 283-284, 118 Cal.Rptr. 249, 529 P.2d 1017 (1975). Reconciliation of requirements is problematic when a project lays the foundation for subsequent, but perhaps uncertain, activity. *Laurel Heights,* 47 Cal.3d at 253. The California Supreme Court noted the distinction between a programmatic and project EIR carries significant consequences, as projects reviewed under a project EIR are afforded only one chance at review. CEQA Guidelines, 14 Cal.Code Regs. § 15125(a).

13 The current DEIR/S utilizes a three-part phasing approach wherein each phase consists of several smaller projects. [1] In this regard the Project's construction – and therefore the DEIR/S – reads more like a programmatic EIR. The Project is a series of actions that are characterized as one large project, which is related geographically, and as "logical parts in the chain of contemplated actions." 14 Cal. Code Regs. § 15168(b); and DEIR/S page 2.13, 2.4.. Further, as a large series of actions along the 27-mile corridor at various stages over a nearly 40 year period, the Project lacks the necessary specific and focused area required for a project level analysis. (DEIR/S, Visual Impact Assessment ("VIA") - 7). The DEIR/S should therefore be analyzed through a programmatic EIR/S.

14 The sheer scope and area to be covered by the proposed project makes it highly probable that new environmental impacts will appear which were previously unexamined as the phasing progresses. The DEIR/S does not appear to contain the flexibility to adapt to future needs, including the addition of more railroads, bus, bicycle, and/or other alternative public/mass transportations services. However, if a programmatic approach were to be adopted, an allowance would be made for subsequent EIRs to be drafted when there is "a significant adverse effect on the environment which was not examined in the prior program EIR." *Sierra Club v. County of Sonoma,* 6 Cal. App. 4th 1307, 1992. Treating the EIR as a programmatic document allows subsequent environmental impacts to be properly addressed and discussed as they arise, for example: Will there be an opportunity for design modifications once a draft plan is approved and will the public have an opportunity to provide comment? Where are the details of each phase spelled out within the four corners of the DEIR/S? How can the DEIR/S contend with accurate analysis of the three phases, which span a nearly four-decade period when the information surrounding the environment is already outdated or not taken into account?

15 The DEIR/S provides no clear distinction between the programmatic and project-level elements of

[1] The specific Phased Construction is: Phase I: 2012-2020; Phase II: 2021-2035; and Phase III: 2036-2050. (DEIR/S page 2.13, 2.4.) Note that the life of the project, as stated in the Executive Summary, is 2030, yet Phases II and III fall after the 2030 sunset date.

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11 cont. already provides HOV/Managed Lanes and has a wider cross section than I-5 within the project's boundaries. The intent of the proposed project is to facilitate and encourage the use of HOVs for travel within San Diego County, particularly during peak travel hours.

12 A program EIR may be chosen by the CEQA Lead Agency if the agency feels that future actions are uncertain, or unclear, enough that environmental clearance is not possible. As noted in the response to your Comment 06, the *I-5 NCC Project* EIR/EIS is a project-specific environmental document, which is the appropriate level of environmental documentation for this project. The level of detail in the description, graphics, and specific technical analysis is sufficient to adequately evaluate the project components in the 27-mile corridor. Programmatic EIRs were prepared for the 2030 and 2050 RTPs, which included the proposed improvements to I-5 within the North Coast Corridor.

13 The EIR/EIS describes the three major construction phases proposed for the *I-5 NCC Project* in *Section 2.4, Phased Construction*. The construction phasing and time span would evolve as the project is refined based on the Preferred Alternative, if the project were approved. For example, it has been determined that the Preferred Alternative could be fully constructed and operational by 2035. Analysis in the EIR/EIS regarding construction phasing is considered to be adequately conservative and specific to identify impacts on a project level. Many factors will determine the timing and duration of project construction phases, including the final design phasing and the availability of funding. The latest available information regarding project phasing has been included in the Final EIR/EIS.

14 The level of analysis within the EIR/EIS is appropriately conservative to include potential future impacts in the corridor.

The flexibility to adapt to future needs is built into SANDAG's RTP, of which the *I-5 NCC Project* is a part. All modes of transportation, including railroads, bus, bicycle, and other methods are critical to the regional transportation network. Transit improvements, including the expansion of the adjacent LOSSAN heavy rail line

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14 cont. and other transit improvements, are included in SANDAG's RTP. In addition to the proposed *I-5 NCC Project*, other upgrades to the existing highway system and improvements to LOSSAN are under way. Furthermore, the *I-5 NCC Project* is proposed to be flexible. The provision of HOV/Managed Lanes in association with the project does not preclude long-term future replacement with alternate transportation modes. Although specific BRT facilities would not be constructed as part of this project, future use of the HOV/Managed Lanes by BRT would not be precluded. Please refer to Topical Responses "Multimodal System," "Rail Preference," "Mass Transit," and "Transportation Funding" for more information.

As with any project evaluated in an environmental document, if a draft plan and the final environmental document are approved and subsequent design changes occur, it would be necessary to compare the changes to the project that was addressed in the environmental documentation. If substantial changes are proposed that would result in new significant environmental effects (among other conditions), the Lead Agency would determine whether a subsequent environmental document would be needed. This process would accommodate changes to design or changes over time. If subsequent environmental documents are prepared, public comment would be solicited in accordance with the mandates of the environmental processes.

The baseline for analysis in an environmental document is what exists at the time the Notice of Preparation (NOP) is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The analysis in the EIR/EIS is considered valid. Certain additional information was provided in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS as well. Specifically, the 2030 traffic volumes used for the project have been verified to be equivalent to traffic volumes projected to the 2040 to 2050 time frame, which is when some of the other ongoing multimodal efforts would be completed. It is expected that the Preferred Alternative would be completed by 2035. Please refer to the responses to your Comments 05, 12, and 13.

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15 cont. the Project and therefore precludes meaningful public participation in the CEQA process. It is not the job of the public to hope they have correctly identified Caltrans' intentions regarding the meaning of the program or projects (within the three phases covering a span nearly four decades) under full or initial review. Caltrans must clearly describe its intentions through a well-crafted project description and proper CEQA analysis, and the current DEIR/S should be revised in order to identify a properly specified and intelligible program or project description followed by the required subsequent analysis.

4. The DEIR/S' Analysis of, and Mitigation for, Impacts of the Proposed Project are Inadequate

16 The discussion of a proposed project's environmental impacts is at the core of the EIR. *See* CEQA Guidelines § 15126.2(a) ("[an] EIR shall identify and focus on the significant environmental effects of the proposed project"). Likewise, NEPA requires that federal agencies "consider every significant aspect of the environmental impact of a proposed action … [and] inform the public that [they have] indeed considered environmental concerns in its decision-making process." *Earth Island Institute v. U.S. Forest Service*, 351 F.3d 1291, 1300 (9th Cir. 2003) (citations omitted).

As explained below, the DEIR/S fails to analyze the Project's myriad environmental impacts, most prominently in the areas of traffic, air quality, greenhouse gas emissions, noise, visual resources, biological resources, and growth-inducing consequences. These inadequacies require that the DEIR/S be revised to provide a complete and accurate analysis of the Project's significant environmental impacts and feasible mitigation for those impacts, as required by law. *See* CEQA Guidelines, § 15002(a)(1) (listing as one of the "basic purposes" of CEQA to "[i]nform governmental decision-makers and the public about the potential, significant environmental effects of proposed activities"); 40 C.F.R. § 1500.1(b) ("NEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.").

17 With regard to mitigation measures, NEPA requires an EIS to provide "sufficient detail to ensure that environmental consequences have been fairly evaluated." *City of Carmel-by-the-Sea v. U.S. Dept. of Transportation* (9th Cir. 1993) 123 F.3d 1142. In a similar vein, CEQA requires an EIR to identify specific mitigation measures that will avoid or reduce the significant impacts of a proposed project. 14 Cal. Code Regs., § 15126.4. Proposed mitigation must be sufficiently specific to ensure they are enforceable and effective. *Vineyard Area Citizens for Responsible Growth, etc., v. Cit of Rancho Cardova* (2007) 40 Cal.4th 412. Vague, incomplete or speculative mitigation measures are insufficient for CEQA purposes. *Federation of Hillside & canyons Assn. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1260. The DEIR/S' mitigation measures, when provided, lack any meaningful discussion regarding their likelihood of success, the basis for selecting a particular measure, or how the mitigation measures will actually mitigate the impact, and are therefore incapable of satisfying the mandates of either NEPA or CEQA.

A. Persistent Failures to Identify and Supply Adequate Thresholds of Significance Preclude the DEIR/S from Achieving Compliance with CEQA

18 CEQA charges the lead agency to identify and analyze all significant environmental effects of its proposed project. A significant Environmental Effect is "a substantial, or potentially substantial, adverse change in the environment" and can be a direct or indirect consequence of the proposed project. Cal. Pub. Res. Code § 21068. Indirect, or "secondary" significant environmental consequences "can be several steps removed from a project…such as air pollution." *Marin Mun. Water Dist. v. KG Land California Corp.* 1.Cal.Rptr.2d 767, 235 Cal.App.3d 1652 (YEAR). In order to be considered significant by the lead agency,

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15 The Final EIR/EIS is a project-specific environmental document, containing data and analysis from both the Draft EIR/EIS and the Supplemental Draft EIR/EIS, updated as appropriate. Should any design modifications be required between project approval and implementation, the Final EIR/EIS conclusions would be evaluated to determine if additional environmental analysis is necessary. If subsequent environmental documents are prepared, public comment would be solicited in accordance with the mandates of the environmental processes. Please also refer to the responses to your Comments 12 through 14.

16 The issues listed in this comment are adequately studied in their respective sections of the EIR/EIS. Additional information is provided in response to your more detailed Comments 18 through 95.

17 The measures provided in *Chapter 3* are under the heading *Avoidance, Minimization, and/or Mitigation Measures* for each environmental topic, and are consistent with the requirement of NEPA to reduce adverse project effects. All measures adopted are considered enforceable and are included in EIR/EIS Appendix D, the Environmental Commitments Record. The measures have been identified based on Caltrans' long history with similar regional projects and are considered by Caltrans to be effective in reducing impacts. Additional measures were also circulated in the Supplemental Draft EIR/EIS and have been required by resources agencies for their permit processes. The updated measures are provided within the Final EIR/EIS. Please also refer to the response to your Comment 01 and the below responses to your more detailed specific comments on this topic.

18 Regarding the evaluation of impacts using thresholds of significance typically employed for CEQA, Caltrans guidance on the approach to environmental analysis under CEQA is provided at:

http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition

This guidance indicates that "because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established." This approach is consistent with CEQA Guidelines Section 15064.7,

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	18 cont. Thresholds of Significance, which states that each public agency "is encouraged" to develop thresholds of significance, and when adopting thresholds of significance, a Lead Agency "may consider" thresholds of significance previously adopted or recommended by other public agencies. The establishment of thresholds, therefore, is discretionary for each agency, depending on its specific needs for its environmental review process. Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*. Lead agencies may establish their own standards, and Caltrans has done so. The FHWA and Caltrans have coordinated to develop templates for joint CEQA/NEPA documents that address necessary legislative and regulatory mandates. The EIR/EIS is consistent with those templates.

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the indirect environmental consequences must be "reasonably foreseeable indirect physical changes in the environment which may be caused by the project." 14 Cal. Code Regs. § 15064(d). Thus, even when proposed projects do not "trigger a conclusive presumption" of a significant effect, "the lead agency cannot divest itself of its analytical and informational obligations" by dismissing such foreseeable consequences. *Bakersfield Citizens for Local Control v. City of Bakersfield,* 124 Cal.App.4th 1184, 1207, 22 Cal.Rptr.3d 203, 221.

To determine whether an impact is "significant," it is first necessary to classify the criteria by which the impact is measured against (this yardstick is referred to as the "threshold of significance" under CEQA). 14 Cal. Code Regs. §§ 15064-15064.7. The DEIR/S fails to identify thresholds for virtually every impact area. Throughout Chapter 3 [Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures 3.1-1 – 3.7-46] the DEIR/S identifies potential impacts and summarily dismisses the impacts as not "adverse," without first properly identifying the criterion used to determine whether or not the impacts will be significant. When the DEIR/S recognizes its CEQA obligation and enumerates a threshold of significance for a specified impact, for instance noise, the criteria provided are vague and ambiguous thereby rendering any analysis under them unreliable.

18 cont.

The determination of significance must be based on, to the extent possible, scientific and factual data. 14 Cal. Code Regs. § 15064(b), (f). The DEIR/S fails to state the significance criteria for each impact area, fails to make a significance determination, and fails to provide any scientific and factual data on which the determinations are predicated. Further, it is the responsibility of Caltrans, as the lead agency, to explain its rationale for a determining an impact is less than significant. *Protect the Historic Amador Waterways v. Amador Water Agency* 116 Cal.App.4th 1099, 1111-1112 (2004). A determination that an impact is less than significant, without the requisite supporting evidence or justification, will be deemed insufficient as a matter of law. *Berkeley Keep Jets Over The Bay Committee v. Board of Port Commissioners* 91 Cal.App.4th 1344, 1370 (2001). Utilizing the rhetoric forth by CEQA, the deficiencies to the thresholds of significance determinations amount to fundamental error and render the document legally indefensible and dictate a revision and recirculation.

B. The Mitigation Measures Presented in the DEIR/S are Inadequate Because they are Either Infeasible or Lack a Discussion of Feasibility as Required by Law

19 Many of the mitigation measures contained in the DEIR/S are either infeasible or lack an adequate discussion of their feasibility (the following sections of this letter provide an in-depth analysis of the Project's impacts). Caltrans and FHWA must explain, in the DEIR/S, how, or to what extent, the mitigation measures presented will reduce the Project's environmental impacts, and they have not done so. This impact information is vitally important in order for a decision maker or member of the public to fully understand the feasibility of the mitigation measures and the Project's environmental impacts.

20 For example, in Section 3.4, 1.4 – the mitigation measures for the Project's Community Impacts – the DEIR/S states: "landscape and streetscape improvements would be provided in affected areas, where possible, and would be consistent with the visual atmosphere, historic architecture, and native vegetation in the area." This mitigation measures does not describe what "streetscape improvements" means, nor does it describe which areas would be considered "affected areas." Further, it does not differentiate between areas where the streetscape improvements would or would not be possible. Essentially, this mitigation measure proposes unidentified improvements to be made in unspecified areas, and lacks the detail necessary to make the discussion helpful for a member of the public to understand the likelihood of success or the extent to which the mitigation measure would mitigate the impact. By including the phrase, "where possible", this

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19 The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects, and these measures are considered by Caltrans to be adequate. Assessment of whether or not the measures would reduce impacts under CEQA is located in *Chapter 4, California Environmental Quality Act Evaluation*. Please refer to the response to your Comment 01.

20 To avoid and minimize impacts to community character and cohesion, the proposed project has been designed with ongoing coordination and input from the cities, resource agencies, and the community since 2000. Mitigation specifics provided a major focus of inter-agency coordination in 2011 through 2013; see *Chapter 5* of the Final EIR/EIS for a listing of meetings and topics. A suite of measures that may not be uniformly or fully implemented is included for two reasons: (1) the intent is to pursue as many relevant mitigative measures as possible, and (2) the ultimate result of these measures in combination achieves the greatest possible

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20 cont. mitigation measure is also rendered infeasible, as it does not articulate a coherent means of determining where the improvements would be feasible, and it does not explain how to report on or monitor whether improvements have been provided "where possible."

21 A second example of an infeasible mitigation measure is found in Section 3.5.3 of the DEIR/S, relating to "Utilities and Emergency Services." In order to limit the amount of time utilities would be interrupted by construction, the DEIR/S proposes, "A TMP would be developed to include various strategies to minimize delay during construction." There is no description of what a "TMP" is, what strategies would minimize delay or the extent that the listed measures would mitigate the interruption in utilities. Because no means to report on or monitor this mitigation measure is presented, this mitigation measure is not helpful to a decision maker's understanding of the Project's relevant impacts or how they will be mitigated, and the mitigation measure is therefore infeasible.

22 Section 3.11.4 of the DEIR/S contains a third example of infeasible mitigation measures. It states: "Impacts to water quality would be minimized by directing surface runoff away from the top of slopes, and also by not allowing runoff to discharge over the top of slopes." Without explanation of *how* surface runoff would be directed away from the top of slopes, *how* runoff would be prevented from discharging over the top of slopes, or *how* the water would be monitored, there is no feasible way to implement this mitigation measure.

23 The DEIR/S is filled with mitigation measures that lack specificity, both in describing basic specifics of how the effect will be mitigated as well as how the measure will be monitored or reported. Without such descriptions, the mitigation measures are not feasible to implement, and the DEIR/S is inadequate.

C. The DEIR/S' Analysis of, and Mitigation for, the Project's Impacts on Transportation are Inadequate

24 The proposed widening of the I-5 corridor would result in a considerable increase to the freeway's capacity and, as a consequence, would trigger increase travel. The reduction in traffic congestion accompanied by increases in vehicle speeds that occur with increases in highway capacity would ultimately result in induced travel. Additional lanes in the corridor will clearly attract additional traffic, either from parallel facilities or as a result of induced demand that will be satisfied by the additional roadway capacity. However, the DIER/S does not take into account induced or generated travel and therefore significantly underestimates the Project's environmental impacts (*e.g.*, increased traffic, increased air pollution (criteria pollutants, toxic air contaminants and greenhouse gas emissions, as discussed in depth *infra*), and increased development in and around the freeway corridor.

i. The DEIR/S Underestimates the Increase in Vehicle Miles Traveled That Would Occur Upon Project Completion

25 The Surface Transportation Policy Project ("STPP")[2] cites to an established scientific body of research demonstrating that widening highways is merely a temporary solution, similar to placing a band-aid over a gushing wound, to the complex problems of traffic congestion. In the long run, new and wider

[2] STPP is a nationwide coalition with a mission to identify methods of smarter transportation that will result in safer communities and an increased quality of life. STPP's has a state office in California which provides assistance to local transportation agencies, elected officials and citizen groups in order to facilitate new opportunities to link transportation to land use, housing, social equity, livable communities and smart growth.

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20 cont. level of mitigation. The Final EIR/EIS contains this augmented, clarified, and refined information regarding the mitigation program and enhancement features, much of which was also circulated within the Supplemental Draft EIR/EIS. This information is also provided in the PWP/TREP. Please refer to the response to your Comment 07.

21 Monitoring is required to ensure implementation of a mitigation measure. The Traffic Management Plan (TMP) is first defined in EIR/EIS *Section 3.1.1.2*, which notes that the TMP would serve to minimize project-related construction disruptions and would include traffic mitigation strategies designed in coordination with the local communities. EIR/EIS *Section 3.6.4, Avoidance, Minimization, and/or Mitigation Measures*, lists measures that are anticipated to help minimize impacts to communities during construction activities, including preparation of a TMP to minimize traffic delays and closures through the use of various traffic handling practices. This minimization measure is a routine project design feature. Precise specifics in the TMP cannot be developed until there is project approval, selection of an alternative, and a final design so detailed construction activities and phasing are known. Mitigation for traffic construction impacts has been developed to the extent possible at this stage of project planning by specifying elements of a TMP, as discussed in Topical Response "Construction Traffic."

The necessarily evolving nature of the TMP and the fact that details are not known at this stage of project planning does not invalidate the measure; as described above, there are a variety of effective measures that would be employed as appropriate to the circumstances of the specific construction plans that are developed for the project. This requirement has also been incorporated into the Environmental Commitments Record for the project.

22 The exact designs of best management practices (BMPs) to protect water quality would be dependent on the alternative selected and details that would be developed during final design if the project were approved. Additional description of Caltrans-approved BMPs related to bridge and other construction is provided in Section 6.0 of the project Water Quality Report (WQR; July 2009) (refer to Table 6.6, Construction Site BMPs for Typical

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	22 cont. Highway Construction Activities and Section III of the August 2013 Water Quality Technical Memorandum), with a number of these measures also called out as avoidance, minimization, and/or mitigation measures in *Section 3.10* of the EIR/EIS. The project will provide sufficient features to protect water quality of receiving waters and biological resources within those waters, through conformance with State and regional regulations for construction and long-term operation. The State Water Resources Control Board (SWRCB) adopted Order No. 2009-0009–DWQ, National Pollutant Discharge Elimination System (NPDES) No. CAS000002 NPDES General Permit for storm water discharges associated with construction activities. This permit requires dischargers to implement a Storm Water Pollution Prevention Plan (SWPPP) that contains BMPs that will prevent construction pollutants from entering a receiving water body. The Caltrans program complies with the substantive provisions of the General Permit; most requirements are met by implementing the SWPPPs prepared for each project prior to initiating project construction. The SWRCB adopted Order No. 99-06–DWQ, NPDES Permit No. CAS000003, Statewide Storm Water Permit and Waste Discharge Requirements (WDRs) for the State of California, Department of Transportation (Caltrans) Properties, Facilities and Activities. This permit requires Caltrans to implement a Storm Water Management Plan (SWMP); the purpose of which is to protect and achieve water quality standards at all times. This permit has been re-issued (Order No. 2012-0011-DWQ) with an effective date of July 1, 2013. The minimum requirement is to ensure that pollutants in discharges from storm drain systems owned or operated by Caltrans are reduced to the maximum extent practicable (MEP) and that pollutants in discharges from construction activities covered by the General Construction Permit are reduced by employing Best Available Technology/Best Conventional Technology (BAT/BCT) performance standards. The MEP analysis is the process of evaluating the selected BMPs based on legal and institutional constraints, relative effectiveness, and cost/benefit ratio. The permit and the approved SWMP consolidated Caltrans storm water compliance activities under one permit and provided a

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	22 cont. framework for consistent and effective implementation of storm water management practices on a Statewide basis. The project would be designed to comply with the Statewide NPDES Permit current at the time of permitting. Regarding long-term operational facilities, a preliminary review of the project area has been completed and potential locations and types of “treatment” BMPs to avoid impacts to water quality and storm water have been assessed based on such factors as climate, water volume, soil conditions, physical limitations, and other environmental considerations. As the proposed project proceeds to the final design phase, the locations of potential “treatment” BMPs would be further evaluated in relation to right-of-way limitations, environmental constraints or hydraulic capacity. In addition, in areas where “treatment” BMPs cannot be incorporated due to the above-noted constraints or reasons, vegetation would be maximized and every effort would be made to ensure the successful establishment of project landscaping and erosion control. The project would also consider any future “treatment” BMPs that might be approved by Caltrans from the ongoing research and monitoring program. The exact drainage facility would be designed to direct surface runoff appropriately at a particular site and would vary with topographic conditions, upstream watershed, type and capacity of the surrounding drainage facilities, and the nature of the utility or structure being protected, among many other factors. These factors are studied in the final design phase and not known at this phase of the project development process.
	23 Measures have been updated within the Supplemental Draft EIR/EIS and this Final EIR/EIS to reflect the latest available information based on the Preferred Alternative and evolving permit conditions imposed by the resources agencies. The Environmental Commitments Record in EIR/EIS Appendix D has been updated accordingly. Monitoring and reporting details regarding responsible Branch or staff, timing and phase, action taken to comply with all tasks, date when the task was completed, and other tracking information will be filled in as the project proceeds through approval, design, and construction.

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highways will result in the creation of additional traffic above and beyond what can be attributed to population increases and economic growth. This phenomenon is referred to as "induced traffic." Induced traffic is defined as any increase in vehicles miles traveled ("VMT"), in either the short or long run that results from an infrastructure change, such as increase in road capacity. *See*, R.B. Norland, *Relationship between Highway Capacity and Induced Vehicle Travel*, Transportation Research Part A 35, 47 (2001). (*See*, attached as Exhibit A). The increase in VMT can come from, for example, those drivers who would previously carpool would choose to travel alone, some who traveled on parallel routes would travel on the freeway instead, some who traveled earlier or later would revert to traveling at a more convenient time, some who rode the bus will choose to drive a car, and some who did not travel the route at all will be induced to travel on the newly freed-up roadway. *Id.* All will inevitably contribute to peak-hour traffic congestion the exact impetus for the proposed widening. According to the STPP website, induced traffic accounts for 72.6% of additional VMT in San Diego County. *See* Surface Transportation Policy Project, *Build It and They'll Come, See*, attached as Exhibit B. These studies indicate that highway-widening project, such as the proposed Project, actually induce additional traffic—they do not simply "accommodate" existing or predicted future traffic.

Numerous transportation studies demonstrate that there is a significant relationship between highway capacity, as measured by lane miles, and the level of travel, measured by daily Vehicle Mass Transit ("VMT"):

> The preponderance of empirical evidence to date suggests that induced effects [of road projects] are substantial. A widely cited study by Hasen and Huang (1997), based on 18 years of data from 14 metropolitan areas, found every 10 percent increase in lane miles was associated with a 9 percent increase in vehicle miles traveled (VMT) four years after road expansion, controlling for other factors. Another study of 70 U.S. metropolitan areas over a 15-year time period concluded that areas investing heavily in road capacity fared no better in easing traffic congestion than areas that did not (Surface Transportation Policy Project, 1998). Based on a meta-analysis of more than 100 road expansion projects in the United Kingdom, Goodwin (1996) found that proportional savings in travel time were matched by proportional increases in traffic on almost a one to one basis, a findings that prompted the U.K. Government to jettison its longstanding policy, "predict and provide", of responding to traffic-growth forecasts by building more motorways.

25 cont.

Robert Cervero, *Road Expansion, Urban Growth, and Induced Travel: A Path Analysis, See*, Attached as Exhibit C. ("Cervero Study").

"Generated traffic" is another concept that is closely associated with freeway widening projects. According to studies on generated traffic such as those prepared by Todd Litman for the Victoria Transport Policy Institute, traffic levels maintain an equilibrium over time and space, and any increase in the size or capacity of a roadway (such as the I-5 corridor expansion) will therefore result in the additional generation of traffic ("generated traffic") until that equilibrium level is again met. *See* Todd Litman, *Generated Traffic and Induced Travel: Implications for Transport Planning, See*, attached as Exhibit D ("Litman Study"). This additional traffic occurs when drivers adjust their driving behavior – their route, time and mode of travel, destination, and travel frequency – in consideration of the newly-expanded roadway. *Id.* at 4.

The generated traffic effect of roadway expansion is empirically documented and holds important ramifications for the Project. Empirically, studies related to generated traffic imply that roadway expansion will likely not result in decreased travel times: one "analysis of traffic conditions in 70 metropolitan areas finds that regions which invested heavily in road capacity expansion fared no better in reducing congestion

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24 Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. Please refer to the response to your Comment 11.

The potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in the project's analysis and is addressed in the EIR/EIS. The projected increase of VMT is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic, including latent demand.

25 The potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in the project's analysis and is addressed in the EIR/EIS. The analysis of the reduction in congestion, estimates of project costs, and the level of improvement in travel times are considered accurate and based on appropriate traffic projections. Please refer to the responses to your Comments 05 and 24.

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25 cont.

than those that spent far less." *Id.* at 7. Two key results follow from the documented phenomenon of "generated traffic" with respect to the Project: first, generated traffic will deflate any expected reduction in the corridor's traffic congestion because of the Project's expansion; and second, the Project's external costs will be increase due to the generated traffic, which is not taken into account in the DEIR/S and which over-values expansion vis-à-vis the "do nothing" option. *See Id.* at 1, 21. This scholarship on generated traffic implies that expanding a roadway will lead to driver behavior that, in equilibrium, continues the current level of traffic and gridlock on the I-5 corridor, and ensures that one of the Project's stated objectives to "maintain or improve travel times within the corridor" will, at best, be met only by maintaining the existing travel times, and that the amount of vehicle miles traveled in the corridor after the Project's completion will be significantly increased. DEIR/S S-1.

26

ii. Added HOV/HOT Lanes Will Not Successfully Meet the Project's Key Stated Objective of Relieving Congestion Along the Corridor

There are numerous studies that dispute Caltrans and FHWA's argument that building high occupancy vehicle ("HOV" or "commuter") lanes will alleviate congestion along the I-5 corridor. Recent studies demonstrate that for an added HOV lane to be successful there must be a sufficient number of HOVs already traveling on the route. *See* J.W. Dahlgren, *The Prospects for High Occupancy Toll (HOT) Lances: Where Should They be Implemented?*, Final Report for MOU 361, Institute of Transportation Studies, Berkeley (2001) (*See*, attached as Exhibit E). (Modeling the relative behavior of HOT, HOV, and mixed-flow lanes, the study notes, "adding an HOV lane is a good choice only if the initial proportion of HOVs and the initial maximum delay are very high."). Further, the addition of any lane is likely to result in a reduction of HOV users, since drivers will tend to shift from the less-convenient car-pooling mode to the more convenient drive-alone mode.

The DEIR/S touts the new HOV/HOT lanes as the only means of integrating public transit with Bus Rapid Transit ("BRT"). However studies have shown reductions in transit service can occur because of increases in road supply/capacity. *See* R.B. Noland, *Simulated Relationship Between Highway Capacity, Transit Ridership, and Service Frequency,* Journal of Public Transportation (2000). This effect, known as the Downs-Thomson paradox, which occurs when there is an increase in road capacity that makes traveling by automobile preferable to available transit alternatives. As a direct result to decreased ridership, the transit agency will either raise fares or reduce service, resulting in a further decrease in transit usage and perhaps result in even worse congestion than before the widening was constructed. *See*, R. Arnott and K. Small, *The Economics of Traffic Congestion,* American Scientist 82, 446 (1994). (*See*, attached as Exhibit F.)

27

D. The DEIR/S Fails to Evaluate the Project's Cumulative Traffic Impacts

To satisfy CEQA's requirements, an EIR must discuss significant "cumulative impacts" to the environment. CEQA Guidelines § 15130(a). CEQA requires that all environmental impact reports analyze direct, indirect, and cumulative impacts pursuant to CEQA §§ 15355 and 15358. In evaluating an EIR for compliance and sufficiency, paramount importance is placed on the existence of a significant cumulative analysis because "the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that have been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimension when considered collectively with other sources with which they interact." *Communities for a Better Environment v. California Resources Agency* 103 Cal.App.4th 98, 114, 126 Cal.Rptr.2d 441 (2002), (internal footnotes omitted). NEPA also requires analysis of cumulative,

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26 The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to the response to your Comment 05. Information augmenting the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. Please refer to the response to your Comment 08.

27 The project would not generate traffic; traffic is generated by land use decisions, as well as regional and local population growth and economic development. The project may divert traffic from other parallel roadway facilities. Please note that the traffic analysis in *Section 3.6* of the EIR/EIS is inherently a cumulative analysis because it incorporates anticipated traffic increases from future development (based on local land use and circulation plans) into the design year traffic scenario and analyzes that scenario both with and without the project (i.e., the build versus No Build alternatives). The modeled analyses of the build alternatives incorporate latent demand assumptions.

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connected and similar actions that will lead to cumulative impacts, and NEPA regulations define a "cumulative impact" as "the impact of the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions." 40 C.F.R. § § 1508.25(a), (c); 1508.7.

27 cont.

Because the DEIR/S fails systematically to consider the cumulative impact on traffic flows from the highway expansion, the Project will not meet its stated objective to "maintain or improve the existing and future traffic operations in the I-5 north coastal corridor in order to improve the safe and efficient regional movement of people and goods." DEIR/S, 2-1. As noted above, studies show that highway expansion projects ultimately lead to an increase in traffic, and the DEIR/S does not account for this significant cumulative impact of the proposed highway expansion.

The DEIR/S must address both the increase in traffic created by highway expansion and the cumulative impacts of increased traffic on feeder roads due to increased highway traffic. The science is clear: when highway traffic frees up, more people drive, which increases traffic and congestion. This again causes congestion on the highway, leading to more people taking feeder (local) roads to their destination, which can threaten the health and safety of those local communities. It is necessary to evaluate whether the feeder roads can handle the increased traffic across the affected area, and the cumulative effects of the Project must therefore be addressed. This analysis is clearly absent from the DEIR/S, and should be included in the revised and recirculated draft of the document.

5. The DEIR/S's Analysis of Air Quality Impacts is Inadequate

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The DIER/S' analysis and evaluation of impacts to local and regional air quality is deeply flawed. The document's analysis of impacts relating to the Project's increase in certain pollutants (*e.g.*, particulate matter (ultra-fine particles)) is exclusively based on a limited sampling study area, as opposed to the entire scope of the Project.

The DEIR/S' determination that air quality is not a potentially significant environmental effect is not sufficiently supported by a set of standards by which they determine a "significance threshold." The DEIR/S cannot possibly serve its full purpose without providing such vital standards.

A. The DEIR/S Fails to Adequately Describe the Project's Environmental Setting

29

An EIR's description of a project's environmental setting plays a critical part in all of the subsequent parts of the EIR because it provides "the baseline physical conditions by which a lead agency determines whether an impact is significant." CEQA Guidelines § 15125(a). Similarly, under NEPA, an EIS must "describe the environment." C.F.R. § 1520.15. "Knowledge of the regional setting is critical to the assessment of environmental impacts." CEQA Guidelines § 15125(c).

The I-5 widening would take place immediately adjacent to many established communities and individuals who are highly susceptible to air pollution (termed "sensitive receptors"). Included in the DEIR/S' list of "sensitive receptors" are residences, schools, playgrounds, childcare centers, convalescent homes, retirement homes, rehabilitation centers, and athletic facilities, and "sensitive population groups" include children, the elderly, and the acutely and chronically ill, especially those with cardio-respiratory diseases. DEIR/S 3.14-3; Table 3.14-4. Additionally, residential areas are considered a sensitive receptor for purposes of air pollution because residents have a tendency to be home for extended periods of time, resulting in sustained exposure to any pollutant present.

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27 cont. The *I-5 NCC Project* would contribute to regional solutions regarding long-term operational traffic by virtue of reducing congestion and improving capacity. The project, therefore, would not have a cumulative impact on traffic flows from the highway expansion. Regarding the objective of improving traffic operations, please refer to the response to your Comment 05. Regarding highway expansion leading to an increase in traffic, please also refer to the response to your Comment 24.

Projected traffic volumes are considered by Caltrans to be valid for the environmental analyses dependent on such numbers, including traffic (EIR/EIS *Section 3.6)* and potential health-related analyses that utilize the projected future traffic and roadway conditions (e.g., air quality and noise). The EIR/EIS considered impacts to local street segments and intersections, freeway ramps, and freeway mainline segments under cumulative development conditions, within an appropriate study area. Technical Report No. 6, Freeway Interchange Operations Report, presents the results of the roadway segment analysis conducted for the adjacent local arterial system along the *I-5 NCC Project*. Chapter 3.0, Operations Analysis, of this technical report presents the operations analysis results for each of the project scenarios when added to the 2030 cumulative condition. Included in these analyses are surface street intersection capacities, peak hour delays, level of service (LOS), and ADT. Section 4.2, Summary of Project-Related Impacts, of the same report includes traffic operations at intersections, ramps, and arterial roadways due to increased travel demands. Table 3.9 of Draft Technical Report No. 6 shows an assessment of traffic operations for 125 individual roadway segments in the vicinity of the proposed freeway improvements. The table also indicates whether the arterials would operate "over" or "under" capacity. Table 3.1 of Draft Technical Report No. 6 lists proposed ramp intersection improvements that would mitigate potential impacts to the immediately adjacent local intersections. It is expected that the proposed interchange improvements and ramp widening listed in Tables 4.1 and 4.2 of Draft Technical Report No. 6 would benefit the adjacent local streets and intersections. Therefore, no cumulative long-term traffic operational impacts were identified for local roadways.

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	28 The EIR/EIS detailed assessment of air quality impacts is considered adequate. EIR/EIS *Section 3.14*, *Air Quality*, presents a detailed discussion of impacts based on the Air Quality Analysis prepared for the *I-5 NCC Project* in August 2007. EIR/EIS *Section 3.14.3, Environmental Consequences,* concludes that the proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower particulate matter (PM) emissions as compared to the No Build alternative. The results of the quantitative carbon monoxide (CO) hot spot analysis also show that the proposed project would not adversely impact local air quality. Modeling for long-term emissions has been conducted in accordance with FHWA guidance on this issue and consistent with FHWA and Caltrans guidance as required for joint CEQA/NEPA documents on the Caltrans SER. The FHWA and Caltrans have coordinated to develop templates for joint CEQA/NEPA documents and supporting technical studies prepared by these agencies that address necessary legislative and regulatory mandates. The studies completed for this EIR/EIS are consistent with those templates. Regarding the evaluation of impacts using thresholds of significance typically employed for CEQA, please refer to the response to your Comment 18.
	29 The EIR/EIS discloses that the proposed project is located in proximity to populated areas and sensitive air quality receptors. The potential adverse health effects related to air quality are addressed under the discussion of mobile source air toxics (MSATs) in the Draft EIR/EIS in *Section 3.14.3*. This analysis shows that because emissions from vehicles are decreasing over time as older vehicles leave the vehicle fleet, MSAT emissions are anticipated to diminish approximately 49 percent compared with the base year (2006) condition. This section of the EIR/EIS also reports the results of the CO hot spot screening analysis that was conducted for the intersections with the worst projected traffic conditions, which showed that future traffic conditions would not result in an exceedance of the federal or State standards for this pollutant. Regarding PM, *Section 3.14.3* explains that the anticipated improvement in traffic operations due to the proposed project would contribute to lower PMs compared

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29 cont. While the DEIR/S identifies and presents a list of 82 sensitive receptors, the document completely fails to quantitatively, or even qualitatively, the requirement of addressing and analyzing the Project's air quality impacts on these identified groups. DEIR/S 3.14-3. The document makes no reference to the impact of the various pollutants upon the sensitive receptors, and fails to address the potential health impacts that define them as initially vulnerable. Such essential information must be provided for each alternative configuration so that the public and decision-makers can fully understand who will be at particular risk due to poor air quality under each Project alternative.

30 The DEIR/S is misleading as it pertains to air quality because it does not address the fact that San Diego County is in an air quality non-attainment status for *all air pollutants* as of November 2010 (*See* http://epa.gov/airquality/greenbk/ancl3.html and DEIR/S 3.14-3). These air pollutants include O3, CO, NO2, SO2 and both types of fine particulate matter (PM_{10} and $PM_{2.5}$). The document paints an inaccurate picture that a minor increase in air pollution will not be problematic. However, the DEIR/S must address the current non-attainment status in order to evaluate whether the county can support an increase in air pollution that the expansion project will create (*see* discussion on growth inducing impacts which provides expanding the interstate will inevitably lead to an increase in population in surrounding areas, resulting in increases in air pollution).

B. The DEIR/S Fails to Analyze the Project's Construction-Related Air Quality Impacts

31 The DEIR/S breaches CEQA's significance threshold requirement by failing to describe the standards with which Caltrans, as the lead agency, determines that the impacts on air quality from the Project's construction will not be environmentally significant.

The DEIR/S states that while the "principal criteria pollutants emitted during construction would be PM_{10} and $PM_{2.5}$," the pollutants emitted would be "temporary and limited to the immediate area surrounding the relocation site" and therefore would not adversely affect the air quality. DEIR/S 3.14-10. The document conveniently ignores that the "temporary" construction sites are expected to continuously occur over a 38-year period, in three successive phases of 8 to 14 years each. DEIR/S 3.14-10. This erroneous interpretation of "temporary" projects violates NEPA and CEQA, which explicitly provide that "[s]ignificance cannot be avoided by terming an action temporary." 40 C.F.R. § 1508.27(b)(7). The DEIR/S must engage and complete a full analysis of the air quality impacts of the 38-year project.

Although mitigation measures are listed to minimize criteria pollutants (including fine particulate matter), such as setting staging areas downwind from schools and sensitive receptor areas and using low-emission vehicles, the section is extremely brief and vague. DEIR/S –S-3.14-4. According to CEQA, proposed mitigation measures must be accompanied by a discussion of the measure's level of effectiveness, and fails to do so in any level of detail here. See *Nevada v. U.S. Dept. of Interior*, 558 F.3d 718 (9th Cir. 2009). Especially considering the lengthy timeline of these "temporary" construction projects, the DEIR/S should provide at least some comparative studies to show how such mitigation measures will reduce air pollution and to what extent they will do so.

C. The DEIR/S Fails to Adequately Analyze the Project's Increase in PM Emissions

32 The Clean Air Act ("CAA") sets the National Ambient Air Quality Standards ("NAAQS"), which have established standards for six criteria pollutants associated with serious human health risks. The state

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29 cont. with existing conditions; therefore, the project would not have an adverse impact. Based on these analysis results, no mitigation measures are presented for long-term operations. Measures to reduce construction emissions are, however, presented in EIR/EIS *Section 3.14.4*.

30 It is not true that San Diego County is in an air quality nonattainment status for all air pollutants, and the referenced website does not show that it is. Please refer to http://www.sdapcd.org/info/facts/attain.pdf for a clearer picture of the region's attainment status. As discussed in *Section 3.14.3*, the San Diego Air Basin (SDAB) currently meets the federal air quality standards for all of the criteria air pollutants except O_3. The SDAB was designated as a marginal nonattainment area for the eight-hour O_3 standard in July 2012. The SDAB is designated as a federal maintenance area for CO following its redesignation from non-attainment to a CO attainment area. State standards currently classify the SDAB area as a nonattainment area for O_3, $PM_{2.5}$, and PM_{10} (refer to Final EIR/EIS *Table 3.14.2*).

Regarding long-term operational effects on air quality in general, the EIR/EIS concludes that the proposed project would improve traffic operations and, therefore, would contribute to lower air pollutant emissions. The project would not result in cumulatively considerable increases of air pollutants. Other long-term air quality issues are addressed in EIR/EIS *Section 4.6, Climate Change*. Please also refer to the response to your Comment 29.

The process of addressing federal conformity for ozone is summarized in EIR/EIS *Section 3.14.1*, Regulatory Setting. Potential impacts of ozone are analyzed in the 2007 Air Quality Analysis with updated information found in the 2013 Air Quality Analysis Update, in accordance with the Clean Air Act, which requires a demonstration that federal actions conform to the State Implementation Plan (SIP) and similar approved plans in areas that are designated as nonattainment or have maintenance plans for criteria pollutants. Transportation measures, such as the *I-5 NCC Project*, are analyzed for conformity as part of RTPs and Regional Transportation Improvement Programs (RTIPs).

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	30 cont. As discussed in *Section 3.14.3*, under the heading of *Regional Air Quality Conformity*, the proposed project is included in the financially constrained 2050 RTP and 2012 RTIP. The FHWA and FTA made a regional conformity determination on December 2, 2011 for the 2050 RTP and on December 14, 2012 for the 2012 RTIP. The design concept and scope of the proposed project is also generally consistent with the project description in the 2030 RTP and the 2010 RTIP, and the "open to traffic" assumptions of the SANDAG's regional emissions analysis. The FHWA approved the project Air Quality Conformity Determination in 2013. Because the project is included and/or funded in the RTP and RTIP, it would comply with the California SIP. Accordingly, because the SIP outlines measures to achieve attainment with the national ambient air quality standards (NAAQS), the EIR/EIS appropriately concludes that the project would not result in related adverse regional air quality impacts. The project would not increase air pollution by causing growth inducing impacts or leading to an increase in population in surrounding areas. EIR/EIS *Section 3.2, Growth*, provides an analysis of whether the proposed project would result in otherwise unforeseen direct, indirect, or secondary growth, or would otherwise influence growth. All alternatives are similar in this aspect so they were grouped together as build alternatives for this particular analysis. Remaining developable area and population growth projections were evaluated to determine the influence of the project on growth. It was determined that the potential for moderate growth in the project vicinity is associated with the implementation of local land use plans and current development trends. Because this growth is anticipated to occur with or without the project, the project is not considered growth-inducing. No adverse effects associated with growth would be anticipated with the implementation of any of the alternatives. The EIR/EIS also notes that the reduction in congestion and improved safety associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of the surrounding land uses, and concludes that would be no growth-related impacts attributable to the project. Please refer

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	30 cont. to Topical Response "Projected Growth" for information about how the project is accommodating current growth projections. Also please refer to Topical Response "Project Lifespan" for information about how Caltrans is planning improvements on an ongoing basis rather than building to ultimate possible need.
	31 Regarding the evaluation of impacts using thresholds of significance typically employed for CEQA, please refer to the response to your Comment 18. Construction emissions are concluded to be temporary and limited to the immediate area and, therefore, would not adversely affect air quality. The entire project would take many years to be fully implemented, for example the Preferred Alternative would be completed by 2035; however, construction at any one location would be of much shorter duration and can be concluded to be temporary. Construction emissions are addressed in the Air Quality Study. Table 9 of the Air Quality Study shows that the total construction-related emissions associated with up to 6.6 linear miles per year of roadway widening and mainline bridge construction simultaneously would be below the minimum limits. The conservative estimation of tons per year of volatile organic compounds (VOCs), nitrogen oxides (NO_X), carbon monoxide (CO), and particulate matter (PM_{10} and $PM_{2.5}$) would be 2.7, 20.7, 21.9, 7.1, and 2.7 tons, respectively. Based on these calculated emissions, construction activities limited to approximately 6.6 miles of roadway widening and simultaneous bridge work would not have a substantial impact on air quality. An assumption that 6.6 miles of road and bridge construction would be occurring simultaneously in any given year is considered a conservative estimate of actual construction activities, because of the potential adverse effects to traffic from the temporary closure of lanes along such a long segment of road. Although construction emissions would be temporary and would not result in a sufficiently adverse effect to require mitigation beyond conformance with air quality regulations, measures to reduce construction emissions are presented in EIR/EIS *Section 3.14.4, Avoidance, Minimization, and/or Mitigation Measures*, which is consistent with the requirements of NEPA. Please refer to the response to your Comment 23.

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counterparts for enforcing these standards are the California Clean Air Act ("CCAA") and the California Ambient Air Quality Standards ("CAAQS"), which have established more stringent standards for the six criteria pollutants. The California Air Resources Board ("CARB") has established an implementation plan, which monitors and implements the region's conformance to California's air quality standards. According to the DEIR/S, five out of six criteria pollutants achieve attainment status (meaning they meet national standards) under the NAAQS, while fine particulate matter (PM_{10} and $PM_{2.5}$) and Ozone remain in nonattainment status, falling below California's CAAQS standards. As of September 2010, all six criteria pollutants are considered nonattainment status. *See* http://epa.gov/airquality/greenbk/ancl3.html; DEIR/S - 3.14-3.

Certain projects in areas designated as nonattainment or maintenance areas for PM must perform a "Hot-Spot" analysis according to the U.S. EPA and FHWA's PM Guidance publication if the project. *Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM10 and PM2.5 Nonattainment and Maintenance Areas*, EPA420-B-06-902, March 2006. Hot-spot analysis must be performed on "expanded highway projects that have a significant increase in the number of diesel vehicles. 40 C.F.R. 93.123(b)(1)(i).

32 cont.

The DEIR/S attempts to avoid a full hot-spot analysis by interpreting the term "significant number of diesel vehicles" (see *supra*) in its most literal form. By defining a "significant number" as 8% or more of the average annual daily traffic, this project falls below the "significant number," at 6%, thereby exempting itself from being required to perform the hotspot emissions analysis. (DEIR/S 3.14-5). The DEIR/S does not provide the resource(s) from which this definition was rendered, and the definition does not appear to be described anywhere in the regulation. This is in direct violation of both NEPA and CEQA, which require the lead agency to explicitly reference the scientific and other source materials an environmental review document uses to support its discussion, conclusions, and analysis. 40 C.F.R. § 1502.24; *Te-Moak Tribe of Western Shoshone of Nevada v. U.S. Dept. of Interior* 608 f.3d 592 (9th Cir. 2010); 14 Cal. Code. Regs. § 15147; *Joy Road Area Forest and Watershed Assn. v. California Dept. of Forestry* 142 Cal.App.4th 656 (2006).

Caltrans and the FHWA should not be exempted from performing a hot-spot analysis for PM_{10} and $PM_{2.5}$ pollutants on the basis of what is essentially a technicality. Two percent is not a small number, particularly in light of the following: (1) the overall size of the project (27 miles in length); (2) the project is a main thoroughfare for the transportation of goods in San Diego county; and (3) the potential health impacts of the Project on the population in general and the sensitive receptors population in particular. DEIR/S table 3.14-4.

Studies conducted by CARB and others have concluded that living in close proximity to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. CARB Air Quality and Land Use Handbook *See* attached as Exhibit G. Specifically, these studies found reduced lung function and increased asthma in children within 1,000 feet of heavy traffic. *Id.* In addition to the respiratory health effects, proximity to freeways increases potential cancer risk.

Unfortunately, rather than provide a comprehensive and accurate study of the effect that the proposed Project would have on particulate matter (PM, specifically PM_{10} and $PM_{2.5}$ ultra-fine particles) concentrations, the DEIR/S' brief analysis of PM impacts contains extensive flaws. As the report clearly articulates, future ambient $PM_{2.5}$ concentrations are severely underestimated, assuming far better future air quality than is warranted. Denise Renee Parker, *Spatial and Temporal Influences of a Major Freeway on Ultrafine Particle Concentrations Monitored in Nearby Residential Areas*, Spring 2010, SDSU (hereinafter

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32 As noted in EIR/EIS *Section 3.14.3, Environmental Consequences*, Caltrans followed the Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Non-attainment and Maintenance Areas (PM guidance) published by the USEPA and FHWA, in conducting the qualitative hot spot analysis. This qualitative PM_{10} and $PM_{2.5}$ hot spot analysis method is deemed sufficient and appropriate to reasonably evaluate potential project effects. The EIR/EIS concludes that based on screening using USEPA PM Guidance, the proposed project is not a Project of Air Quality Concern because it does not meet the criteria due to relatively low values for: truck Annual Average Daily Traffic (AADT), truck percentage, and the increase in truck volumes comparing the build alternatives and No Build alternative. The EIR/EIS notes that the proposed project would not result in an increase in the ratio of trucks to volumes in the future. As compiled in Final EIR/EIS *Table 3.14.10*, estimated design year truck AADT would remain at approximately 6 percent of total vehicle volumes. This ratio is valid even though the numbers are presented in VMT.

Air quality standards are reported in *Tables 3.14.1, 3.14.2*, and *3.14.3*, and appropriate analysis is presented for criteria pollutants. Please refer to the response to your Comment 32.

Future traffic volumes have been verified; please refer to the response to your Comment 05.

The analysis process followed for PM_{10} and $PM_{2.5}$ is consistent with Caltrans and FHWA guidance and considered adequate to satisfy the requirements of CEQA and NEPA.

The potential adverse health effects related to air quality are addressed under the discussion of MSATs in the Draft EIR/EIS in *Section 3.14.3*, including a listing of the primary pollutants and their health effects near the end of this section. Please also refer to the response to your Comment 29.

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"Parker Study") (*See*, attached as Exhibit H). Project-related emissions are almost entirely un-documented and cannot be verified. Applicable air quality standards are wholly disregarded. Future traffic volumes are questionable, and truck estimates are almost certainly understated. Once these errors and omissions are rectified, the air quality analysis would likely conclude that Project-related PM impacts would be significant as it pertains to the standards set forth by the CAAQS.

32 cont. Because the DEIR/S concludes that air quality is not a "significant environmental effect," it takes no further measures to discuss the potential health impacts that go hand in hand with pollution. In particular, as referenced above, the presence of fine PM on and surrounding freeways and highways is becoming universally recognized as a serious health hazard, particularly in the neighborhoods in immediate proximity to the project. These neighborhoods include the 82 recognized sensitive receptors.

33 The DEIR/S's main premise, that the project will lower congestion and therefore lower pollutant emissions, does not accord with PM emission patterns. According to three major studies, "vehicles traveling at higher speeds generate more UFPs [ultra fine particles, a.k.a. $PM_{2.5}$] than vehicles traveling at lower speeds." Parker Study, Exhibit H. In addition, as noted previously, the concentrations of PM is exponentially greater in the areas immediately surrounding the freeway, particular within 330 feet of the freeway. J. McCreanor, P. Cullinan, & M.J. Nieuwenhuijsen, et al., *Respiratory Effects of Exposure to Diesel Traffic in Persons with Asthma*, New Eng. J. Med 357; 23, December 6, 2007 *See* attached as Exhibit I. This means that seven of the 82 identified sensitive receptor sites surrounding the project are within 330 feet of the project and are therefore subject to these increased exposures and the health risks/impacts associated with those exposures. Twenty nine of those sensitive receptors are within a thousand ft, and therefore also subject to increased risk.

D. The DEIR/S Fails to Adequately Examine the Project's Health Risks

The flaws in the DEIR/S' air quality analysis extend to the document's examination of the Project's effect on the health and safety of those San Diegans who live and drive in and along the 27-mile corridor. Although the DEIR/S acknowledges that proximity to roads is related to adverse health outcomes, including respiratory problems, the document fails to discuss the specific kinds of risks and the consequences for the individuals who are most at risk. The two pollutant categories most critically associated with health risks include fine particulate matter (see section 5C above) and Mobile Source Air Toxins ("MSATs").

34 As defined by the EPA, MSATs are "compounds emitted from highway vehicles and non-road equipment which are known or suspected to cause cancer or other serious health and environmental effects." (http://www.epa.gov/OMS/toxics.htm). MSAT levels are not yet regulated for emissions requirements, but FHWA's requires that projects that may create an average annual daily traffic (AADT) greater than 150,000 must perform an MSAT emissions analysis for the proposed project. DEIR/S 3.14-7.

The DEIR/S concludes that it is not possible to analyze the quantitative risks associated with MSATs because of the uncertainty resulting from studies that are not yet complete or that do not clearly point to specific pollutants. DEIR/S - 3.14-9. Such an evasive conclusion begs the question: Of the thousands of studies that have and are being conducted on the health impacts of air toxins, why does the DEIR/S fail to include any applicable studies on the subject?

The health risk assessments for MSATs and PM are well established and critical. Uncertainties are an inherent part of estimating future conditions, so claiming such uncertainty does not preclude proper analysis. Further, by failing to provide an adequate investigation of the potential health effects of these air

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33 As explained in Topical Response "Air Pollutants," emissions are a function of two variables– volumes and emission factors. Traffic volumes are expected to increase over time with or without the project, due to population growth. Emission factors are largely related to speed. Typically, as speeds increase, most criteria pollutant emissions will decrease. Because the project would result in improvements to the roadway network that would result in less congestion, vehicle speeds would increase and emissions would typically be reduced. For a few pollutants, such as NO_X and CO, emissions are the highest at very low speeds and very high speeds, and are the lowest at medium speeds. These concepts are explained in greater detail below.

Although ADT volumes on I-5 would be greater with the build alternatives in comparison with the No Build alternative (refer to *Table 3.6.2* of the Final EIR/EIS), the difference in traffic volume on I-5 associated with the build alternatives would not represent a net increase within the North Coast Corridor. Rather, the increase reflects the fact that reduced congestion on I-5 would encourage more trips to use the freeway rather than surface streets. The total volume of future ADT within the North Coast Corridor would be similar, with or without the project, because trips are primarily related to land use rather than roadways.

The comparison of the various traffic scenarios in the August 2007 I-5 NCC Technical Report #5 Traffic Demand Forecasting Report (http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic5.pdf) shows that arterial traffic for the Year 2030 No Build scenario would generally be higher than the Year 2030 8+4 scenarios

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33 cont. for the north-south arterials. The more congested I-5 freeway mainline in the Year 2030 No Build scenario would tend to force trips onto the parallel north-south arterials, increasing their ADT volumes; the project build scenarios would draw traffic away from the north-south arterials. Thus, the increase in ADT on I-5 would be offset by a proportionate decrease in the ADT on surface streets connected to I-5.

Average vehicle speeds on I-5 would be expected to increase with the implementation of the project build alternatives. Increased speeds, however, do not necessarily result in proportionate increases in vehicle emissions, as explained below.

Figures 3.3 through 3.8 of the project traffic study (2008) represent graphically the speeds typically experienced by vehicles in the frequent peak hour bottlenecks on I-5. (The study is available at:

http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf)

As indicated in these figures, in some segments, vehicle speeds in the queue caused by the bottlenecks can be 10 miles per hour or less for a substantial amount of time. In most cases, even the average peak hour speeds for the build alternatives are projected to be in the 30s, 40s, and 50s.

CO emissions are highest when a vehicle is idling, decline as speeds rise, and then climb as speeds increase above the 50 to 55 mph level. The lowest CO emissions are found in about the 35 to 60 mph range. Even at the 65 mph speed limit, CO emissions would be lower than at any speed from 0 mph to about 30 mph. NO_x shows a similar pattern. Thus, the increased speeds associated with the implementation of the project build alternatives would likely result in decreased CO and NO_x emissions. PM emissions do not vary in the same way, according to an FHWA study (http://www.fhwa.dot.gov/environment/air_quality/conformity/research/mpeb.pdf). These emissions are relatively constant at all vehicle speeds, with any minor differences associated with variations in brake and tire wear.

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toxins the lead agency cannot form a mitigation plan until later. Such a delay is a violation of one of the main components of an EIR, as required by CEQA, which states "formulation of mitigation measures should not be deferred until some future time." 14 Cal. Code Regs. § 15126.4(a)(1)(B); *see also, Communities for Better Environment v. City of Richmond* 184 Cal.App.4th 70, 79. (Cal.Ct.App.2010) (specifically, the court's discussion of deferred mitigation as a direct violation of CEQA.)

As with other critical impact analyses, it appears that the DEIR/S authors use their failure to gather data as an excuse for their inability to document the Project's impacts. Such an approach violates the fundamental tenets of CEQA and NEPA. Without this information, it is all but impossible to extrapolate and effectively gauge the severity and extent of the health effects that would result from widening the I-5 freeway. Again, the agencies have a duty to "painstakingly ferret out" the Project's impacts. *Envt'l Planning and Informational Council of W. El Dorado County v. County of El Dorado* (1982) 131 Cal.App.3d 350,357; *see also Maryland-Nat'l Capital Park & Planning Comm'n v. U.S. Postal Serv.,* 487 F.2d 1029, 1040 (D.C. Cir 1973) (requiring agencies to take a "hard look" at impacts).

It is impossible to verify the accuracy of DEIR/S' assessment of both PM and MSATs inasmuch as it omits essential details. Both the PM and MSAT sections fail to provide adequate sources of data. The MSAT analysis refers only to "emissions modeling" as the basis for interpreting data collected Caltrans from unspecified locations. DEIR/S 3.14-9. The receptor/sampling height and modeling study area appear to be erroneous and arbitrary, leading to an underestimation of Project impacts.

34 cont. The section discussing PM is likewise deeply flawed in its method of analysis and its discussion of health effects upon the communities surrounding the proposed project. The data for the entire 27-mile project is collected only from a single monitoring station (Beardsley Street) in downtown San Diego, which is approximately 15 miles from the southern-most part of the proposed project. DEIR/S - 3.14-2. A single site measuring air quality several miles from the proposed project is unreasonable and an insufficient and inaccurate measure of the current PM levels in the areas immediately surrounding the project. The lead agency will be equally unable to estimate the potential health impacts upon the sensitive receptors and properly mitigate such impacts. In particular, studies have shown that the concentration of $PM_{2.5}$ rapidly decreases outside of 1000 feet a freeway. *See*, Parker Study. Data collected from a site miles away from the proposed project is useless as it pertains to an analysis of the health effects of particulate matter, and makes the conclusions set forth in the DEIR/S fatally flawed.

According to Dr. Kimberly Prather, a member of the EPA Science Advisory Board Staff and a Professor and Environmental chemist at UCSD and a researcher for the California Air Resources Board, the metric used to measure fine particulate matter in the air is highly inaccurate and outdated compared to the research being conducted in Europe. The current type of measurement, Prather has said, "is a very poor metric for addressing people's short term exposure to high levels of pollution such as those that will increase with the freeway expansion." The European "number-based standard" for counting the quantity of ultrafine particles, is not yet regulated or measured in the United States, but as Dr. Prather can attest, the resources are readily available to conduct research at levels beyond the basic, inaccurate methods reflected in the DEIR/S

Motor vehicles constitute the largest source of air pollutants in the county. A recent study found that "children living near [within 750 feet of] heavily traveled street or highways are at significantly greater risk of developing cancer, including childhood leukemia." *See*, R.L. Pearson, H. Watchtel and K. Ebi, Distance-Weighted Traffic Density in Proximity to a Home is a Risk Factor for Leukemia and Other Childhood Cancers, Journal of the Air and Waste Management Association 50, 175 (2000) (*See* attached as Exhibit J). (The study found "that homes adjacent to street corridors carrying 20,000 or more vehicles per day had

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33 cont. It is also important to recognize that emissions rates at all speeds have been falling over time as newer, more emission-controlled vehicles enter the fleet and replace older, more polluting vehicles. During the past 20 years, the San Diego Air Basin (SDAB) has experienced a decline in the number of days with unhealthy levels of ozone and inhalable particulates (PM_{10} and $PM_{2.5}$), despite the region's growth in population and vehicle miles traveled, which both contribute to air pollution problems. Based on the San Diego Air Pollution Control District (SDAPCD) 2009 Annual Report, there is a general downward trend in concentrations of ozone and inhalable particulates. This 20-year improvement in air quality clearly shows that efforts to reduce air pollution are working. These trends will serve to reduce health risks to residents near the freeway.

34 Regarding the EIR/EIS analyses of MSAT and PM, please refer to the responses to your Comments 29 and 32, as well as Topical Response "Air Pollutants."

Final EIR/EIS Section 3.14 presents an enhanced discussion regarding incomplete or unavailable information for project-specific MSAT health impacts analysis. In FHWA's view, information is incomplete or unavailable to credibly predict the project-specific health impacts due to changes in MSAT emissions associated with a proposed set of highway alternatives. The outcome of such an assessment, adverse or not, would be influenced more by the uncertainty introduced into the process through assumption and speculation rather than any genuine insight into the actual health impacts directly attributable to MSAT exposure associated with a proposed action. Because of the limitations in the methodologies for forecasting health impacts described in Section 3.14, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting the impacts. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits. These benefits include reducing traffic congestion, accident rates, and fatalities, as well as improved access for emergency response, each of which is better suited for quantitative analysis.

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roughly a six-fold increase in risk for children contracting cancer, including childhood leukemia.”). I-5 freeway presently carries over 150,000 vehicles per day and vehicle demand is expected to increase 54%-75% by 2030. *See* technical study in Exhibit A of the DEIR/S: A Summary of Traffic Reports November 2008, table DEIR/S - 3.4). 72 of the 82 sensitive receptors along the proposed projects are schools that house large numbers of children during some of the peak traffic hours of the day. DEIR/S table 3.14-4.

34 cont.

Among the multiple scholarly studies published on the effects of PM, exposure is associated with reduced longevity among “nominally healthy” individuals. See Supra, *Respiratory Effects of Exposure to Diesel Traffic in Persons with Asthma*, New Eng. J. Med 357; 23 (2007). In California, a study found that there is “evidence of significant associations of fine particles with daily mortality among nearly two thirds of California’s population.” Ostro B, Broadwin R, Green S, Feng W-Y, Lipsett M. *Fine Particulate Air Pollution and Mortality in Nine California Counties: Results from CALFINE. Environ Health Perspec.* 2006; 114:29-33. *See* Attached as Exhibit K. Long term exposure to PM has also been associated with lung cancer, heart failure, and even Diabetes.” C. Arden Pope III; Richard T. Burnett; Michael J. Thun, *Lung Cancer, Cardiopulmonary Mortality, and Long Term Exposure to Fine Particulate Air Pollution,”* JAMA, 2002; 287: 1132-1141. *See* Attached as Exhibit L; *See also* John f. Pearson, BS, Chethan Bachireddy, et al, *“Association between Fine Particulate Matter and Diabetes Prevalence in the U.S.*” Diabetes Care: American Diabetes Association, June 2010. *See* attached as Exhibit M.

These are only examples of the abundant quantity of studies and information on the health risks associated with PM and MSAT emissions due to vehicle traffic. As stated above, the DEIR/S must fulfill its duty to “ferret out” the various impacts, including the substantial health risks that arise from a project of this proportion. Envt’l Planning and Informational Council of W. El Dorado Count, *supra* at 357.

E. The DEIR/S Does not Support with Substantial Evidence its Conclusion that the Project Would not Result in Significant Increases in Long-Term GHG Emissions

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As part of its environmental review, Caltrans and FHWA must support their conclusion that the Project will not result in significant increases in long-term greenhouse gas (“GHG”) emissions with substantial evidence in the DEIR/S, and they have failed to do so.

i. The Laws Relating to GHGs Apply Directly to the DEIR/S and the Project

The California Global Warming Solutions Act of 2006 (“AB 32”) (Executive Order S-3-05) is the nation’s first mandatory cap on a state’s overall GHG emissions. The Act states:

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> Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems. Cal. Health & Safety Code § 38501(a).

AB 32 requires the reduction of emissions to 1990 levels by the year 2020. Cal. Health & Safety Code § 38550. The law will be implemented through a series of CARB rulemakings including establishing emission source monitoring and reporting requirements, discrete early action emission reduction measures,

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34 cont. Please also refer to Topical Response “Air Pollutants,” which notes that air toxics analysis is a continuing area of research. The Topical Response also explains that the USEPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from its 1999 National Air Toxics Assessment (NATA) (http://www.epa.gov/ttn/atw/nata1999/). These are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases, formaldehyde, naphthalene, and polycyclic organic matter.

In addition, prior to preparation of this Final EIR/EIS, Caltrans recalculated MSAT analyses for the refined 8+4 Buffer (Preferred Alternative). This analysis indicates that a substantial decrease in most of the MSAT emissions can be expected for the Preferred Alternative from the base year through future year levels. The discussion concludes that Caltrans has provided a quantitative analysis of MSAT emissions relative to the various alternatives, and has acknowledged that some alternatives may result in increased MSAT emissions in certain locations. However, no meaningful differences in MSAT emissions were observed amongst alternatives and thus no mitigation measures are required. In addition, due to the described uncertainties regarding concentrations and the duration of exposures, the health effects from these emissions have not been estimated.

Regarding your comment that the analysis of PM is flawed because the data for the entire 27-mile project are collected only from a single monitoring station (Beardsley Street) in Downtown San Diego, which is several miles from the proposed project, it should be noted that the available ambient data from the Beardsley Street station were used only as one piece of information for the analysis of PM, indicating a downward trend in the downtown area, which has relatively high traffic volumes. The EIR/EIS also explains that the county is in federal attainment for PM and that the project is not a “Project of Air Quality Concern” pursuant to USEPA guidance, because the build alternatives would exhibit a relatively low total versus truck AADT, truck percentage and increase in truck volumes over the No Build alternative. The analysis process followed for PM_{10} and $PM_{2.5}$ is consistent with Caltrans and FHWA guidance and is considered adequate to satisfy the requirements of CEQA and NEPA.

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and finally greenhouse gas emission limits and measures to achieve the maximum feasible and cost-effective reductions in furtherance of the greenhouse gas emission cap. *Id.*

GHGs related to a project are also within the purview of CEQA, which requires projects to be assessed if it has "an effect on the environment within the meaning of CEQA." *See Protect the Historic Amador Waterways v. Amador Water Agency,* 116 Cal.App.4th 1009, 1111 (2004). Global warming affects the "environment" as defined by CEQA because, as set forth in AB 32 and extensively documented by the California Climate Change Center and other sources, global warming is and will impact the physical conditions in all regions of California. Because a project that generates GHG emissions contributes to global warming, this impact must be fully disclosed and analyzed under CEQA. NEPA also requires that environmental analysis take a hard look at greenhouse gas emissions especially as it relates to cumulative impacts. *Center for Biological Diversity v. National Highway Traffic Safety Administration,* (9th Cir., Nov 15, 2007, No. 06-71891) 2007 U.S. App. 109-116 (finding that Environmental Assessment that quantified expected amount of greenhouse gases but failed to assess cumulative impacts was inadequate.).

36 cont.

Under CEQA, in order to properly analyze a project's climate change impacts, an EIR should: (1) provide a regulatory and scientific background on global warming; (2) assess the project's contribution to climate change through an emissions inventory; (3) assess the effect of climate change on the project and its impacts; (4) make a significance determination; (5) evaluate alternatives; and (6) adopt feasible mitigation measures.

Under NEPA, "the fact that climate change is largely a global phenomenon that includes actions that are outside of the agency's control does not release the agency from the duty of assessing the facts of *its* actions on global warming within the context of other actions that also affect global warming." *Center for Biological Diversity,* 538 F.3d at 1217 (emphasis in original; internal quotations omitted). Under a broad framework, NEPA requires agencies to take a hard look at all reasonably foreseeable impacts at the earliest practicable time. *Richardson,* 565 F.3d at 718. This requirement is mandatory and not subject to agency discretion.

Since the passage of Senate Bill 97, (the greenhouse gas amendments to CEQA), the California courts have looked at only one case litigated regarding the legislation. In *Communities for a Better Environment v. City of Richmond,* decided in April 2010, the California Court of Appeal read a narrow definition of GHG mitigation under CEQA. 184 Cal.App.4th 70, 79. (Cal.Ct.App.2010). Finding that the lead agency failed to fully investigate and disclose its incomplete analysis of GHG emissions, the Court declared that "global warming poses a serious threat to the economic well being, public health, natural resources, and the environment in California." *Id.* at 91 (citing Cal. Health & Saf. Code § 38501(a)). In making this determination, the court emphasized that deferring mitigation would not be tolerated and must be carried out according to "CEQA's goals of full disclosure and informed decision making." *Id.* at 92. Finally, and *most* importantly, the court stresses that the mitigation requirement is a net zero requirement, demanding that mitigation measures will obtain 100% reduction in projected GHG emissions. *Id.*

37

GHG emissions are strictly a cumulative impact, and they have not been addressed sufficiently in the DEIR/S. GHG would be generated by the expansion of the project in both the short and the long term, which would interfere with the GHG emission reduction planned as part of California's Landmark GHG legislation, Assembly Bill 32. Absent any evidence or analysis, the DEIR/S concludes that no new long-term regional emission would result from the Project because the Project would not generate *any* additional traffic.

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35 The EIR/EIS discusses greenhouse gas (GHG) emissions in conformance with applicable FHWA and USEPA guidance at the time the EIR/EIS was prepared. This analysis is provided in *Section 4.6, Climate Change.* Your specific comments on this issue are addressed below.

36 The *I-5 NCC Project* is part of the balanced, multimodal transportation network that is planned for the region and has been shown to be in conformance with applicable GHG and climate change goals and regulations. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for discussions of how the project and related planning fit within the regional transit system and 2050 RTP, as well as Topical Response "Climate Change" for additional information regarding the achievement of the State's goals regarding climate change and GHG.

The regulation of GHG emissions has continued to evolve subsequent to the circulation of the Draft EIR/EIS. Additional information addressing climate change was provided in the Supplemental Draft EIR/EIS circulated in August 2012 and subsequently incorporated into this Final EIR/EIS. The project's quantitative GHG analyses (provided in EIR/EIS *Section 4.6, Climate Change*) show that when compared with the No Build alternative, the Preferred Alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 350 tons per day. GHG emissions associated with congested travel on local streets would diminish if vehicles used a more free-flowing I-5 facility.

In addition, it should be noted that SANDAG's 2050 RTP and Sustainable Communities Strategy (SCS) include a regional analysis of GHG emissions. The 2050 RTP and SCS impacts to GHG emissions, in combination with alternative transportation projects scheduled during the planning period, include specific upgrades to the LOSSAN double-tracking rail project, Coaster and Sprinter use, bus use, etc. The RTP incorporates land use planning proposed by local planning agencies as well as specific transportation upgrades projected within the planning period. The document also provides an analysis regarding conformance with California Assembly Bill (CA AB) 32 and meeting the goal of

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36 cont. achieving 1990 GHG emissions levels by 2020. The Preferred Alternative for the *I-5 NCC Project* is consistent with the I-5 improvements detailed in regional planning documents such as the RTP and CSMP, supporting a conclusion of a less than significant impact for the proposed I-5 project, based on the implementation of the Preferred Alternative. As such, mitigation measures are not required for this issue for the *I-5 NCC Project*.

37 GHG was not addressed in Draft EIR/EIS *Section 3.25*, *Cumulative Impacts*, because the cumulative analysis addressed only the issues that would be adversely affected by the project and did not discuss regional impacts that do not result in part from the project. For purposes of clarification, the cumulative effects discussion has been augmented in this Final EIR/EIS. *Section 3.25.2, Affected Environment*, summarizes the declining status and project contribution to the cumulative condition, which would be less than considerable. Additional analysis regarding anticipated GHG emissions has been added to *Section 4.6.4* of this Final EIR/EIS. Operational improvements are projected to result in a decrease of approximately 124,000 MT of CO_2 per year. Annual construction emissions would be approximately 2,337 tons of CO_2. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG emissions.

GHG also is discussed in EIR/EIS *Section 4.6, Climate Change*. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and approximately 40 percent of all human-made GHG emissions are from transportation (see Climate Action Program at Caltrans [December 2006]), Caltrans has created and is implementing a Climate Action Program. One of the main strategies in the Climate Action Program to reduce GHG emissions is to make California's transportation system more efficient. The baseline analysis for GHG emissions (expressed as carbon dioxide [CO_2] emissions) is provided in EIR/EIS *Section 4.6, Climate Change*. The project's quantitative GHG analyses show

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ii. The DEIR/S and the Project Does not Address Relevant Laws Relating to GHG Reductions

The DEIR/S devotes Section 4.6.5 to "AB 32 Compliance" and maintains that Caltrans is following AB 32 and using the Strategic Growth Plan to meet the AB 32 targets. It states "Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in GHG emissions…while accommodating growth in population and the economy." DEIR/S 4.6-5. However, while summarizing the overall legislative goals and plans, there is nothing mentioned about the specific I-5 project in relation to these GHG measures.

Section 4.7 Mitigation Measures for Significant Impacts under CEQA states that a "[d]iscussion of all impacts avoidance, minimization and/or compensation measures is under the appropriate topic headings in Chapter 3." Id. at 4-10. However, there is no direct discussion of GHG emissions in Chapter 3.

38 The Appendix G: CEQA Environmental Checklist writes under "Greenhouse Gas Emissions" that pertaining to GHG emissions and CEQA significance; it is "too speculative to make a significance determination regarding the project's direct and indirect impact with respect to climate change. Caltrans does remain firmly committed to implementing measures to help reduce the potential effects of the project. These measures are outlined in." Id. At G-3. Not only does the sentence not continue to list where the pertinent information can be found, this disregards the rule outlined under *CEB v. City of Richmond* that "the novelty of greenhouse gas mitigation measures is one of the most important reasons 'the mitigation measures timely to be set forth, that the environmental information be complete and relevant, and that environmental decisions be made in an accountable arena.'" Id. at 96 (Citing *Oro Fino Gold Mining Corp. v. County of El Dorado*, Cal.App.3d 872, 885 (1990)). Thus, the DEIR/S must do the best job it can for GHG emissions.

Further, by comparing the project *only* to the no-build alternative, the DEIR/S states that efficiency is increased thereby lowering GHG (CO2) emissions in its 2030 projections. P.4-5, table 4.1. The meager analysis is dependent upon lowering the congestion level, and reducing traffic congestion by increasing traffic lanes, because the highest level of carbon dioxide emission occurs at speeds of 0-25 mph. (DEIR/S at page 4-3). This is an insufficient cumulative impacts determination, because it neither accounts for the DEIR/S's projection of population growth of from 17%-62% (see table 3.2-1,p. 3.2-1) nor does it account for the well-documented studies on growth inducement. DEIR/S 3.2-1, table 3.2-1. (*See also* Section (9)(A) & (9)(B), *infra*).

39 The DEIR/S also fails to estimate the increase in GHG emission attributable to construction, which includes construction machinery emissions, as well as those emissions caused by traffic delays due to construction, and only gives a brief list of unspecific mitigation measures. DEIR/S S-4.6.4. Specifically, the DEIR/S needs to compare GHGs and other regulated air pollutants with emissions of today and 2030, taking into account the projected growth in the area.

6. The DEIR/S Fails to Adequately Analyze or Mitigate the Project's Noise Impacts

40 CEQA requires the DEIR/S to evaluate the significant environmental effects of the Project's noise impact on the affected environment, and according to CEQA Guidelines a project has a significant noise impact if it would result in substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. *See* CEQA Guidelines Appendix G. The method of determining a significant noise impact under CEQA consists of "comparing the noise decibel level of the No Build setting

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37 cont. that when compared with the No Build alternative, the Preferred Alternative would reduce 2030 CO_2 emissions in the San Diego region as described in the response to your Comment 36. The project, therefore, would have a positive effect on GHG emission reduction planned as part of CA AB 32.

The project would not generate traffic. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. Please refer to the response to your Comment 11.

38 Additional information addressing climate change was provided in the Supplemental Draft EIR/EIS circulated in August 2012 and subsequently incorporated into this Final EIR/EIS. Please refer to the responses to your Comments 36 and 37.

Population growth is accounted for in the projected 2030 traffic volumes used for the project, which have been verified to be equivalent to traffic volumes projected to within the 2040 to 2050 time frame (please see *Section 3.6.2.1, Traffic and Transportation,* under the heading *Existing and Forecasted Conditions).* Please refer to the response to your Comment 05.

No adverse effects associated with growth would be anticipated with implementation of any of the alternatives. Please refer to the response to your Comment 30.

39 Construction emissions of GHGs were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012, and the information has been added to *Section 4.6.4* of this Final EIR/EIS. *Table 4.3, Estimated Annual Construction GHG Emissions*, shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 MT per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG emissions. Construction emissions occur on a temporary basis within localized areas. Air quality

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to that of the build out noise level. A significant traffic noise impact is considered to occur if the increase between the two noise levels and the uniqueness of the setting, the sensitive nature of the noise receptors, the magnitude of the noise increase, the number of receptors affected, and the absolute noise level." DEIR/S, 4.1 The DEIR/S should evaluate noise pollution based on a zero decibels level, not based on the noise level as it currently exists in its No build state.

40 cont. The Project will generate two distinct types of noise impacts: construction equipment noise and traffic noise from the cars and trucks that will travel along the widened freeway. The World Health Organization recognizes noise, and in particular traffic noise, as a serious public health problem. *See* L.C. (Eelco) den Boer, A. (Arno) Schroten, *Traffic noise reduction in Europe*, CE Delft, March 2007, *See* attached as Exhibit N. Given the serious nature of the Project's potential noise impacts, in conjunction with the effect that increased noise levels have been shown to have on public health, it is incumbent upon Caltrans through its DEIR/S to engaged in a meticulous assessment of these potential impacts. Disappointingly, the document's analysis of this issue is subject to the same type cursory analysis and critical omissions found in the DEIR/S overall.

A. The DEIR/S Considerably Minimizes the Severity and Extent of the Project's Noise Impacts

41 In evaluating noise impacts, the standard under CEQA is to identify any substantial adverse changes in the physical conditions caused by the project being analyzed. Pub. Res. Code § 21060.5; 2100 subd. (d). The California Court of Appeals clearly articulated the legislative intent of CEQA with regards to noise impacts in a 2001 case when it stated: "it is the policy of the state to take all action necessary to provide the people of this state with . . . freedom from excessive noise. The Legislature has further affirmed that it is the state's policy to require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors . . . Thus, through CEQA, the public has a statutorily protected interest in quieter noise environments." *Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* 91 Cal. App. 4th 1344 (1st Dist. 2001) (internal quotations and citations omitted). The analysis and mitigation for the Project's noise impacts presented in the DEIR/S fails to satisfy CEQA's standards.

Given the proposed expansion of I-5 into and along established communities, it is likely that the Project will result in significant noise impacts. The DEIR/S acknowledges at 3.7-13 that hundreds of residents live near the freeway, yet provides no methodology as to how that ambiguous number was determined, and this lack of specificity precludes any effective analysis of how many people will be directly affected by noise caused by or related to the Project. The DEIR/S' noise analysis also frustrated the fundamental flaw of failing to provide any criteria for determining the necessary threshold of significance under CEQA.

The revised DEIR/S must provide an identifiable threshold of significance in which to base its analysis. In addition to identifying residences, the revised document should seek to identify all sensitive receptor sites including each motel and hotel, library, religious institution, hospital, nursing home, active sports area, picnic area, recreation area, playground, active sport area and park that would be potentially affected by noise from the widening of the freeway. Had the DEIR/S relied on an appropriate threshold of significance, the noise analysis would likely have shown that far more receptor locations would approach or exceed the DEIR/S' significant threshold.

42 Where existing ambient noise is already prominent, tolerance for any additional increase in noise

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39 cont. construction emissions analysis for the *I-5 NCC Project* estimated emissions would vary from 2.7 to 20.9 percent of the federal general conformity *de minimis* thresholds. Construction emissions associated with community and regional enhancements were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012 and are now incorporated into this Final EIR/EIS. Measures to minimize construction emissions of applicable criteria pollutants are provided in EIR/EIS *Section 3.14.4.*

40 Impacts from construction and long-term operational noise are evaluated adequately for NEPA in *Section 3.15, Noise,* and the noise study report referenced in *Section 3.15.2, Affected Environment*. Additional noise analysis and conclusions regarding CEQA significance are provided in EIR/EIS *Section 4.3.4, Noise*. The CEQA noise analysis follows Caltrans' guidance. CEQA Appendix G is represented in the CEQA Guidelines as a sample Initial Study form that agencies may use or tailor to their needs. Appendix G does not provide a required methodology for noise analysis. The methodologies followed by Caltrans for the NEPA and CEQA analyses are summarized below.

Noise study and preliminary noise-abatement decisions for NEPA are based on Title 23 CFR Part 772 of the FHWA standards, and the Caltrans Traffic Noise Analysis Protocol. Under these regulations, noise-abatement measures must be considered when future predicted noise levels with the project "approach or exceed" the NAC or when the predicted noise levels with the project substantially exceed existing noise levels. One-decibel hourly average (dBA L_{eq} [h]) within the NAC is considered "approaching," and a 12-dBA increase is considered "substantial." NAC values are presented in *Table 3.15.1*, and range from 57 dBA L_{eq}(h) to 72 dBA L_{eq}(h). In addition, there may be situations where "severe" traffic noise impacts exist or are expected but the abatement measures are not "feasible" or "reasonable." A "severe" noise impact is considered to occur when predicted exterior noise levels equal or exceed 75 dBA-L_{eq}(h) or are 30 dBA or more above existing noise levels. As discussed in EIR/EIS *Section 3.15*, *Noise*, the situation of "severe" traffic noise impacts means that Caltrans must consider "unusual and extraordinary" abatement

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	40 cont. measures, such as constructing noise barriers even though the estimated construction cost exceeds the "reasonableness" allowance described below, or providing interior abatement in residential units. Unusual and extraordinary abatement proposed on a federal-aid project is subject to approval by the FHWA on a case-by-case basis. This is not the same as an assessment of noise impacts under CEQA or NEPA. For NEPA, the preliminary noise-abatement decision is based on the "feasibility" of evaluated abatement and the preliminary "reasonableness" determination. The noise-abatement criteria for determining soundwall locations is from Chapter 23, Part 772 of the Federal Register (July 13, 2010), and is a maximum of 67 dBA for exterior residential locations. Noise abatement is considered to be acoustically "feasible" if it provides a noise reduction of at least 5 dBA at noise receivers subject to noise impacts. Other non-acoustical factors relating to geometric standards (e.g. sight distances), safety, maintenance, and security can also affect "feasibility." The preliminary "reasonableness" determination is made by calculating a monetary allowance per benefited residence to spend on abatement. This "reasonableness" allowance is then compared to the engineering cost estimate of the abatement. If the engineering cost estimate is equal to or less than the allowance, the preliminary determination is that the abatement is "reasonable." If the cost estimate is greater than the allowance, the preliminary determination is that abatement is "not reasonable." The Noise Abatement Decision Report (NADR) presents the preliminary noise-abatement decision based on acoustical and non-acoustical factors, as well as the relationship between noise-abatement allowances and the engineering cost estimate (as identified in draft environmental document). The final overall "reasonableness" decision will take this information into account along with other "reasonableness" factors identified during the environmental review process. Specifically, these factors may include: impacts of abatement construction; public and local agency input; life cycle of abatement measures; views and opinions of impacted residents; and social, economic, environmental, legal, and technological factors. At the end of the environmental document public review process, the final noise-abatement decision is made and is included in the final environmental document.

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	40 cont. For CEQA, Caltrans determines the significance of noise impacts under CEQA, based on a comparison of the design year, with project traffic volume conditions, to the existing conditions baseline. At the project level, for the 27-mile corridor, noise impacts are not identified as significant under CEQA. As discussed in *Chapter 4*, however, a small number of segments and 58 individual receptors within the *I-5 NCC Project* area could experience potentially significant noise impacts under CEQA. The project includes soundwalls for a number of noise receptors (see *Section 3.15*) that are not required under a CEQA analysis, and noise attenuation has been incorporated in to the project in a number of locations. This attenuation would provide effective noise mitigation for a large number of locales and receptors along the *I-5 NCC Project*. Regardless of the project evaluation, soundwalls proposed off Caltrans right-of-way are subject to the approval of the property owner. Each of the impacts identified as significant under CEQA (visual/ aesthetics and community cohesion under the 10+4 Barrier alternative), as well as those that are potentially significant (isolated noise impacts within the 27-mile corridor), are addressed in the CEQA Findings prepared in accordance with Public Resources Code Sections 21002, 21002.1, and 21081, as well as CEQA Guidelines Section 15091. Where CEQA-significant impacts have been identified that would not receive mitigation lowering the impact to less than significant levels, there are specific economic, legal, social, technological or other benefits of the project that outweigh the potentially significant effects. Measures to address potential construction-related noise generation are provided in EIR/EIS *Section 3.15*, *Noise*, under the discussion of *Measures to Minimize Construction Noise*. As discussed therein, noise at the construction sites would be intermittent and would vary in intensity. Specifically, the level of construction noise and the most appropriate control measures may vary for different areas of the project site, as well as with the nature of individual construction activities. Measures described in *Section 3.15.4* include equipment noise control, construction noise monitoring, and planning noisier operations during times least sensitive to noise receptors. These measures are included in EIR/EIS Appendix D, Environmental Commitments Record.

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level is exceptionally low. Present ambient noise already exists along the corridor, as it is a bustling eight-lane freeway. In order to arrive at the missing thresholds of significance, Caltrans must address where the monitoring stations are and should be located. The DEIR/S has incorrectly assessed the relative amount of noise resulting from the Project. When, in this particular case, the proper question is "whether any additional amount of noise should be considered significant" in light of existing condition. *Los Angeles Unified School District v. City of Los Angeles*, 58 Cal.App.4th 1019, 1025-26 (1997).

42 cont. California courts have rejected analyzing only average noise impacts because impacted residents do not hear noise averages, but single events. *See Berkeley Keep Jets Over the Bay Committee v. Port of Oakland*, 91 Cal.App.4th 1344, 1382 (2001). Single event noise levels have been shown to be likely to result in sleep disruption and speech interference, and heighten levels of stress and annoyance. Noting, "sound exposure level has been found to be the most appropriate and useful descriptor for most types of single event sounds," the court in *Berkeley Keep Jets* held that agencies must prepare a supplementary noise analysis calculating the impacts of single-event sounds. *Id.* at 1382. Accordingly, the revised DEIR/S for the Project must analyze the impacts of single event noise on sleep, speech, stress and annoyance levels, and analyze adequate measures to mitigation those impacts, and this analysis is not in the Project's DEIR/S, why?

43 Mitigation measures listed in Section 3.4.1.4 of the DEIR/S state that "[e]quipment would have sound-control devices to minimize noise, and other specification to turn off idling equipment and installing temporary acoustic barriers around stationary construction noise sources would be implemented." Without further discussion, it is impossible for a reader to have any knowledge of the effectiveness this mitigation will provide. What kind of sound-control devices will be installed? What equipment will it be installed on? To what extent would these devices minimize noise? To what extent would the temporary acoustic barriers reduce construction noise? These are just a sampling of the questions that must be answered in order for the DEIR/S to be a satisfactory informational document with respect to noise effects for a decision-maker or member of the public as required by law.

B. The DEIR/S Fails to Adequately Examine the Project's Cumulative Noise Impacts

44 Courts do not judge the sufficiency of an EIR's cumulative impacts analysis based on how impacts relatively effect the environment as it exists currently; they judge cumulative impacts on whether the additional impacts should be considered significant in light of the existing problems. *Los Angeles Unified School District v. City of Los Angeles*, 58 Cal.App.4th 1019, 1025. Here, the DEIR/S fails to take into account the existing noise problem along the I-5 corridor (see DEIR/S 3.15-3 through 3.15-57) and references its noise abatement procedures as a several decibel reduction from projected levels, without addressing the fact that the projected levels are still unreasonably high, even with noise abatement measures in the form of barrier walls.

The cumulative impact of noise on the natural environment as well as the human environment is not sufficiently addressed in the DEIR/S, which states noise is "not substantial with abatement measures." DEIR/S at S-5. The DEIR lists fourteen (14) Caltrans projects that will affect the I-5 corridor, yet the DEIR/S does not once state that any of those 14 projects will increase noise, and therefore no noise cumulative impacts analysis was conducted. (DEIR at 3.25-3 and 3.25-4). For example, the DEIR/S references the LOSSAN railroad double-tracking project, yet does not address the potential increase in noise that the Project might cause. There will be an increase in noise from the LOSSAN due to the increase in train traffic from the expanded rail system, and there will also be an increase in highway traffic with the expansion project's growth inducing effects. This increase in noise is not addressed at all in the DEIR/S.

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41 The potential changes in the noise environment that would result from the project have been thoroughly identified with the information presented in *Chapter 3*. Each noise receptor subject to noise impacts is identified in *Tables 3.15.3* through *3.15.46*; the tables also present existing and predicted future noise levels and the initial determination of "feasibility" and "reasonableness" of abatement.

The general statement regarding hundreds of residents living near the freeway in EIR/EIS *Section 3.7, Visual/Aesthetics* is intended as general background for the visual setting and cannot be usefully applied to the noise analysis. Regarding thresholds of significance, please refer to the response to your Comment 18.

42 Existing noise is presented in *Tables 3.15.3* through *3.15.46*. The modeling of existing noise levels is based on field measurements that were taken at a total of 123 locations for purposes of evaluating the existing noise environment and calibrating the noise model. Details regarding these locations of measured ambient noise are presented in the noise study report. Appendix A of the noise study report includes noise measurement data sheets recorded in the field, as well as the hourly L_{eq} graphs for the long-term measurements, and Appendix B presents photographs taken at each of the measurement sites. Locations of the measurement sites are shown on Sheets 1 through 60 in Appendix C of the noise study report. Noise receptor locations are also depicted on *Figures 2-2.3, Sheets 1* through *67* in *Chapter 2*, *Project Alternatives* of this Final EIR/EIS.

Caltrans has followed its Protocol in assessing noise impacts. The Protocol is considered to be the most appropriate noise evaluation process for the *I-5 NCC Project*, which entails widening of an existing facility. The project would not generate new types of noise events. While isolated single events may be noisier than an average, they would also be much less frequent. Caltrans noise modeling addresses the overall flow of traffic on the freeway, analyzes the total number of vehicles of varying types and speeds over the course of time, and produces hourly sound level averages. The model addresses the hypothetical worst-case noise scenario of 1,800 vehicles per lane per hour traveling at the posted speed

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44 cont.

In regards to consideration of past projects, the cumulative impacts analysis must, at a minimum, take the following steps: (1) "consider the proposed project in the context of a realistic historical account of relevant prior activities," (2) actually discuss the combined effects of the project in combination with past, present and future projects and (3) not merely "catalogue current conditions." *Environmental Protection and Information Center v. California Department of Forest and Fire Protection* 44 Cal.4th 459 (2008). The cumulative noise impacts of the proposed addition to the I-5 corridor should take into account the effects of past projects (the creation of Interstate 5 in San Diego County), as well as future projects (the Interstate 5 expansion project). For example, when discussing the effect of the expansion project on special status birds that live in the affected area, it is insufficient to simply state that the birds are currently existing next to I-5 and thus should be able to exist with a several decibel increase due to the increase in traffic attributable to the expansion project, and with less natural habitat. Instead, the DEIR/S must discuss the total effect of I-5 in its current condition, and the effects that the I-5 expansion project and the other 14 Caltrans projects would have on wildlife and nearby homes, schools or churches.

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7. The DEIR/S Fails to Adequately Analyze the Project's Visual and Aesthetic Impacts to the Affected Area

A key component of CEQA is to "[t]ake all action(s) necessary to provide the people of this state with . . . enjoyment of aesthetic, natural, scenic, and historic environmental qualities." Pub. Res. Code § 2100 (b). This guiding principle has led the courts to recognize that aesthetic impacts must be critically evaluated with the EIR. *See, The Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th at 937 (in this case a mitigated negative declaration was overturned and an EIR was subsequently required in order to address the potentially affected street-level aesthetics).

The following identifies the standard accepted approach in which to analyze visual and aesthetic impacts:

- Describe the criteria for significance thresholds;
- Characterize the existing conditions of the project site and the surrounding area by photograph and description, and select key viewpoints within the area, including scenic corridors and landscapes;
- Use photomontages or visual simulations, to illustrate the change in character of the project site before and after project implementation;
- Identify feasible mitigation measures and alternative to reduce or eliminate significant impacts; and
- Where mitigation measures are proposed, use the simulations to illustrate the change in character before and after project mitigation measures are imposed (*e.g.*, landscaping at various stages of construction, aesthetic additions to retaining and sound walls).

The DEIR/S correctly acknowledges that there will significant and unavoidable impacts to the visual and aesthetic resources: and that "views, which are unique to the San Diego region, will be permanently lost and replaced by a concrete jungle of retaining walls, noise barriers and overpasses." I-5 Visual Impact Assessment ("VIA") -7; DEIR/S 2.6-3-6. Despite this the document omits any all-inclusive investigation to accurately describe the level and extent of these visual and aesthetic impacts. In large pat the DEIR/S analysis is restricted due to its consistent failure to provide any criteria for determining the request

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42 cont. limit, corresponding to LOS C. Less congested traffic (LOS A or B) would involve fewer vehicles on the freeway, thus resulting in lower noise levels. At the other extreme, LOS D, E, or F would mean more vehicles on the freeway traveling more slowly and in extreme cases, stopping traffic flow completely; this would also result in lower noise levels. Thus, LOS C represents the worst-case scenario for noise analysis; this scenario of "maximum traffic flow at full speed" was modeled for the existing conditions, No Build and build alternatives.

Mitigation for operational noise impacts is called abatement under the NEPA evaluation, and most typically consists of soundwalls. Two of the most important factors affecting final conclusions about the "feasibility" and "reasonableness" of a particular installation relate to design and property owner coordination. Please refer to Topical Response "Soundwall Considerations" for additional information about noise-abatement measures.

43 Specifics regarding the most appropriate noise control measures during construction may vary for different construction stages and areas of the project site, as well as the final grading and construction design and contractor approaches to project implementation. Generalized requirements, therefore, are more appropriate and implementable at this stage of the project design process. Please refer to the response to your Comment 40.

44 In terms of identifying impacts that require abatement, the project incorporates existing noise problems by addressing situations where existing and future noise levels would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners. Accordingly, based on noise levels and the assessment of "reasonable" and "feasible" criteria for noise-abatement measures required by the Caltrans Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations. Refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67* and *Section 3.15.4*. The use of such noise abatement has been shown to reduce traffic-generated noise. If pertinent parameters change substantially during the final project design, the preliminary noise abatement design may be changed or eliminated from the final project design. Another

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44 cont. decision on noise abatement will be made upon the completion of the project design. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise analysis and soundwall determinations.

Noise analysis is inherently cumulative. The noise analysis incorporates the existing environment, past projects, and potential future projects by the "cumulative" nature of the modeling methodology. The noise modeling in *Section 3.15* incorporates the worst-case scenario of "maximum traffic flow at full speed" for existing and future conditions, as explained in the response to your Comment 45. The analysis, therefore, incorporates the "cumulative" worst-case condition experienced by the noise receptors along I-5. Other projects in different locations would create their own local noise environment, which would be accounted for in the model if those projects contribute to traffic and the ambient (measured) noise environment in the I-5 corridor; or they would be irrelevant because the projects are beyond the discernible noise environment in the corridor (i.e., the noise from such sources would be masked by the noise from I-5).

Caltrans considers noise impacts to animal species to be indirect because these impacts do not directly "take" the animal or its habitat. Regardless of being identified as direct or indirect, noise impacts during project construction and operation are discussed in EIR/EIS *Section 3.21.3, Environmental Consequences*, *Noise Effects on Wildlife*. As stated in *Chapter 4*, for the purposes of CEQA, impacts to wildlife species fall under the category of "less than significant impacts with mitigation and/or minimization." Thus, potentially significant impacts to wildlife species would be mitigated via the measures listed in *Sections 3.17* through *3.22*, including *Sections 3.20.4* and *3.21.4*. Updated information from more recent lagoon studies was included in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS.

45 The visual effects of the project have been adequately addressed in EIR/EIS *Section 3.7* and the Visual Impact Assessment (VIA) dated April 2009. The analysis methodology follows federal guidance as discussed in EIR/EIS *Section 3.7.3*, *Environmental Consequences*. The analysis includes photos of existing resources and visual

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45 cont. thresholds of significance.

A. The DEIR/S's Inadequate Environmental Setting Precludes any Meaningful Evaluation of the Impacts to the Visual and Aesthetic Conditions Along the Corridor

46 As stated above, one of the preliminary steps in the process for determining visual impacts is to describe the environmental setting. 14 Cal. Code Regs. § 15125. A description of the setting is exceedingly important in order to determine the baseline scenario, another critically important building block to sufficiently assessing potential impacts. *Save Our Peninsula Committee v. Monterey County Bd. Of Supervisors*, 87 Cal.4th 99, 119 (2001). The description of the physical environmental conditions must include a local and regional perspective. 14 Cal. Code Regs. § 15125(a).

Despite the fact that the DEIR/S has provided a cursory outline of the coastal landscape where the corridor in question is situated, it fails to describe or catalogue some of the most important and scenic areas. Instead the DEIR/S focuses on seventeen points along the 27-mile corridor to analyze impacts. VIA -84, 85.

The DEIR/S also fails to describe the environmental setting from a regional perspective for purposes of visual impacts. The Project's proposed area is "considered by many to be among the most scenic in the world, and the region is a major tourist destination." VIA-7. The DEIR/S exercises a myopic and insular approach focused on the each city's specific impacts, rather than taking a holistic approach from both the regional and state perspective, thereby severely limiting the corridor's true aesthetic value.

B. The DEIR/S Must Address the Project's Inconsistency with Local General Plans

47 The I-5 corridor is an important aesthetic and visual resource that contributes to the San Diego region's distinctive character. The DEIR/S should seek to demonstrate a diligent effort to retain as much of the corridor's natural state as possible. In an effort to protect such unique and valuable visual resources, in 1963 the California State Legislature passed SB 1467, the California Scenic Highway Program ("SHP"), in order to protect and enhance the natural scenic beauty of California highways and adjacent corridors, though special conservation treatment. Cal. Streets and Highways Code § 260 *et seq*. The legislation placed the SHP under the stewardship of Caltrans, while the responsibility for regulation of land use and development along the scenic highways was left to the appropriate state and local governments. Scenic Highway Program Guidelines at 4 ("SHP Guidelines). A highway is designated a scenic corridor based on factors such as whether "the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. *See Id*. at 2.

A corridor protection program is a system of ordinances, zoning and/or planning policies to preserve the scenic quality of the corridors. SHP Guidelines. Local communities within their General Plans establish official Protection Programs. The Project is inconsistent with the General Plans of Del Mar, Carlsbad, Encinitas, and La Jolla, and these general plans must be addressed. It remains evidence, despite the limited analysis within the DEIR/S, that the Project is conflict with policy and development standards within the above-mentioned cities General Plans.

For instance, the city of Encinitas has designated most of the land along the I-5 as protected and in need of preservation. VIA-78. Its General Plan designates "[the] I-5 at the San Elijo lagoon as a scenic corridor." *Id.* The Plan goes on to identify the bluffs, rock outcroppings, natural drainage courses, wetland and riparian areas, steep topography, trees, and views as significant natural features to be preserved. It is evidence that Encinitas has directed their planning efforts with particular attention to maintaining the rural

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45 cont. simulations. The analysis in *Chapter 3* of the EIR/EIS does not conclude significance because that part of the environmental document is provided to satisfy both CEQA and NEPA. All CEQA significance conclusions are provided in *Chapter 4*. Please refer to response to your Comment 31. EIR/EIS *Section 4.4.1, Visual/ Aesthetics*, concludes that impacts to views that range from moderate visual impact to high visual impact (as characterized in *Section 3.7.3* and the VIA) are considered significant under CEQA. The locations of proposed walls and associated aesthetic issues have been identified to the level of detail possible at this stage of design. Specific project features will be implemented in accordance with the applicable mitigation and design measures from the EIR/EIS and the design guidelines.

EIR/EIS *Section 3.7.4*, *Avoidance, Minimization, and/or Mitigation Measures,* states that because the project has not yet been fully designed, visual mitigation measures are presented in the form of design guidelines at this time. The EIR/EIS also explains that alternative mitigation measures may be necessary in each viewshed as project designs are refined and mitigation design guidelines are applied, that the overall visual impact of each mitigated build alternative would remain high under NEPA, and that impacts to visual/aesthetics would remain significant under CEQA after application of the mitigation identified in *Chapter 3*.

Regarding the evaluation of impacts using thresholds of significance under CEQA, please refer to the response to your Comment 18.

46 As described in EIR/EIS *Section 3.7*, the number of key views and related photosimulations must be limited by necessity, particularly for a project such as this because it involves an extensive corridor. Specifically, the discussion of key views in *Section 3.7* notes that because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project. The evaluation of visual quality and impacts was conducted by trained specialists who applied the FHWA visual assessment methodology and prepared the technical study, which is summarized in the EIR/EIS.

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	46 cont. The key viewpoints were chosen to be illustrative of the types of visual effects resulting from project implementation and do not visually depict every impact. Because the viewshed encompasses 100 percent of the I-5 right-of-way and adjacent "seen" area, and because views shift to incorporate different elements as one moves along the highway, it would be impossible to capture every view. The impact analysis, conclusions, and mitigation take into consideration the totality of visual impacts that would result from the project, as represented by the examples depicted in the key views. Sufficient views were shown to support the conclusions in *Section 3.7, Visual / Aesthetics, and Chapter 4, California Environmental Quality Act Evaluation* of the Draft EIR/EIS. Please note that in response to public and agency comments, certain additional key view simulations have been provided in *Section 3.7* of the Final EIR/EIS and in the PWP. Please also refer to Topical Response "Visual/Community Effects" for additional information about visual effects.
	47 The information regarding the California Scenic Highway Program is noted. EIR/EIS *Section 3.1.2*, *Consistency with State, Regional and Local Plans and Programs*, includes an evaluation of consistency with all of the General Plans noted except for La Jolla, which is not an independent city and is covered by the City of San Diego General Plan and La Jolla Community Plan. *Table 3.1.1* notes that no relevant goals or policies were identified in the La Jolla Community Plan. The EIR/EIS also notes that, because all of Del Mar is located within the California Coastal Zone, the Local Coastal Program (LCP) for the City of Del Mar is the main planning document for the City. The EIR/EIS concludes that while the proposed project has the potential to be inconsistent with several community and general plan element policies, these inconsistencies are not considered to be so adverse as to require additional avoidance, minimization, or mitigation measures. The proposed project involves the expansion of an existing designated major transportation corridor and has been designed to minimize impacts to existing community land use patterns.

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environment within the I-5 corridor and to "preserve low-density residential zoning adjacent to I-5 and discourage development that would infringe upon scenic views and vistas within the I-5 corridor." *Id.*

47 cont. Similar to Encinitas, the City of Carlsbad's General Plan discourages the development of the land alongside I-5 and promotes the preservation of the natural land, and the I-5 corridor within the City is designated as scenic corridor. *Id.* "Hillsides, ridges, valleys, canyon, beaches, lagoons and lakes" are also identified as visual resources, and noise walls in excess of six feet are discouraged. *Id.* In addition, the La Jolla Community Plan has the stated goals to "maintain La Jolla as a primarily residential and recreational oriented community by protecting its residential areas and historic resources, maintaining its public recreational areas, and enhancing its commercial districts." La Jolla Community Plan and Local Coastal Program Land use Plan, p. 8 (2004).

48 In conjunction with the visual resource the coastal view shed is included with the overarching corridor makeup. As a coastal resource, it is afforded additional protections by the California Coastal Commission and the individual cities through their Local Coastal Programs. Due to the large nature and scope of this Project, it has been recommended to Caltrans, by the California Coastal Commission, to engage in a Public Works Plan ("PWP"), which will serve as the functional equivalent in terms of establishing consistency with the Coastal Act. However, any meaningful analysis of the PWP, is strictly prohibited as the PWP is missing from the technical/reports appendix provided to the DEIR/S and once located is only in its early draft stage. Please, refer to the substantive comments submitted by the California Coastal Commission for a detailed accounting of the serious inadequacies of the PWP and other significant and inadequately addressed mitigation measures as they relates to the Coastal Zone.

49 The Project therefore is incompatible with the stated goals of each of these north county communities. The communities strive for preservation of nature views and rural landscape. The Project would block these views and destroy the natural landscape. The desired rural environment would be transformed into an urban jungle of concrete walls and roads. The proposed project and its consequences are inconsistent with the planning documents and local ordinances of the affected communities. "The scenic qualities that give coastal communities their unique sense of place are highly valued by north coast residents" and are inconsistent with the development and expansion of the I-5 highway. VIA-77.

50 The DEIR/S does an inferior job at informing the public about the exact specification of the noise barriers, and states that "[t]he length, height, and location of noise barriers are subject to change during the final design" and that "Caltrans proposes to construct noise barrier at various locations along the I-5 corridor, where feasible and reasonable, to abate for highway traffic noise." DEIR/S at S-12; 3.1-30. In evaluating the feasibility and reasonableness of the soundwalls, the DEIR/S states, "if pertinent parameters change, such as vertical and/or horizontal alignment or an increase in reasonableness allowance, during the final project design, the results of the preliminary noise abatement design may also change" and that "abatement features, such as berms or wall, could be added or deleted based on final project design and changes in the dollar amount of the reasonableness allowance." DEIR/S, 3.15-3. It is precisely the length, height and location of the noise barriers that the public must be properly notified of, and providing this type of information to the public is the exact purpose and intent of the DEIR/provides. Caltrans cannot omit this information, as doing so precludes the public from exercising their opportunity to evaluate and comment on the Project's specific contours. Public notification is the essence of an ERI, and the DEIR/S as currently drafted is deprives the public of essential information regarding the Project's impacts.

The DEIR does not address the amount of roadway that will be affected by the noise barriers. It acknowledges that 82 noise barriers along the corridor are proposed, but does not state the miles of freeway that number amounts to. DEIR/S 3.15-3. A complete analysis of the Project's noise impacts is impossible

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48 The Draft EIR/EIS addressed the PWP in *Sections S.6, 1.5,* and *3.1*. PWP topics and purpose have also been further addressed in the Supplemental Draft EIR/EIS, which was circulated for public review and comment in August 2012. Discussion includes clarification of the relationship of the *I-5 NCC Project* to the LOSSAN double-tracking project and other corridor improvements, as well as lagoon restoration, enhancement, and mitigation associated with the *I-5 NCC Project*. This additional information has been incorporated into this Final EIR/EIS, and the PWP/TREP are incorporated within the EIR/EIS by reference. There is no requirement that these documents be combined. Adequate reference to the PWP is located within the EIR/EIS, but each document stands on its own and is intended to satisfy different regulatory requirements. The EIR/EIS was completed pursuant to CEQA and NEPA, while the PWP/TREP were prepared to support the Coastal Development Permit application. Please also refer to the response to your Comment 07.

The comment letter from the CCC is also addressed in within Appendix H, in Section 4.3, of this Final EIR/EIS.

49 The EIR/EIS concludes that the overall visual impact of each mitigated build alternative would remain high under CEQA and NEPA as identified in *Section 3.7 and Chapter 4* of the Draft EIR/EIS. View impacts from the project to the coastline, lagoons and river valleys, however, would be avoided or minimized. Please note that these visual resources are typically most visible across or below the corridor's large lagoon and river bridges. These views would be maintained, as demonstrated in *Section 3.7.3*, under the heading *Other Representative Views*, as well as *Figures 3-7.75* through *3-7.96*, and *3-7.107* through *3-7.110*.

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50 cont. without data on the length, height and location of the barriers.

C. Health Impacts Associated with Visual/Aesthetics Impacts are Improperly Addressed and Mitigated

Views from the freeway would be changed by the new walls and structures and create a sense of enclosure similar to driving through a tunnel. VIA-77. "The loss of open views that provide variety, interest, and orientation would change the visual character of I-5." In the DEIR/EIS own words "[E]ach alternative would approximately double the width of the existing freeway and require ten football fields of new paving per mile." *Id.* In some cases, large wall would be in close proximity to residents, "affecting light access, air circulation, microclimate and creating an uncomfortable feeling of enclosure." *Id.*

51 A 2008 study demonstrated that the loss of view or scenic views and traveling along barriers causes drivers to feel walled in. *see*, P. Arenas, *Potential Problems with Environmental Sound Barriers when used in Mitigating Surface Transportation Noise*, Science Direct, August 2008. (*See*, attached, Exhibit O). The lack of stimulants is a factor causing sleepiness in drivers and has been shown that falling asleep while driving causes a "considerable proportion of vehicle accidents under monotonous driving conditions." *Id.* The study also stated that "stress associated with driving may possibly be mitigated by aesthetically preferred, stress-reducing roadside environments dominated by nature" and "that highways designed with a lot of vegetation may reduce driver frustration, which is a source of unsafe driving." *Id.* The plan to use transparent barriers could be problematic as the study states that "a low sun shining through transparent barriers can also distract drivers by causing a flickering light." *Id.* The impacts to the health and safety of drivers along the corridor with respect to the widening must be evaluated in order to achieve NEPA and CEQA compliance.

D. The DEIR/S does not Adequately Analyze the Project's Cumulative Visual and Aesthetic Impacts

The DEIR/S' analysis of cumulative visual/aesthetic impacts is flawed because it fails to list all past, present and foreseeable future projects that will impact the visual landscape, as required by CEQA. There needs to be a list of any of the recent, current or foreseeable individual development projects or specific plans. How will the cumulative development and transportation projects "contribute to a change from a coastal county characterized by swaths of undisturbed wetlands and coastal vistas to a more developed landscape encumbered by "monolithic" sized sound walls? VIA-92. This lack of discussion violates NEPA and CEQA. *See City of Carmel-by-the-Sea v. U.S. Dept. of Transp.*, 123 F.3d 1142, 1160 (9th Cir. 1997)
52 (EIS insufficient when it described past projects "with generalities insufficient to permit adequate review of their cumulative impact"). The revised DEIR/S must include an analysis of the Project's cumulative impacts upon visual and aesthetic resources.

Although each community has a unique visual identity, a powerful unity is also present because of shared landform components." DEIR/S, 3.2, 5-1. Despite the DEIR/S's comment that the corridor is unified because of the shared landform components, the DEIR/S addresses the aesthetics effect that the Project would have on each community – it intentional omits any discussion regarding the aesthetic effect on the coastal north county of San Diego as a whole, nor does it address the cumulative impact that the SANDAG RTP proposals will have on the aesthetic appeal of the landscape. Further, what modest analysis is given to the change in aesthetic value is insufficient to address the impact the expansion project would have on the corridor.

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50 Numerous soundwalls have been identified for the project and are mapped on Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*. These locations, heights, and lengths are not final, however, due to the current stage of project planning. The most recent available information is included in the Final EIR/EIS. If a build alternative were approved, the preliminary noise abatement decisions for each wall would be re-evaluated during and upon completion of the project design. If pertinent parameters change substantially during the final design of the Preferred Alternative, the preliminary noise abatement design for each wall might be changed or the wall may be eliminated. Please also refer to the response to your Comment 44 and Topical Response "Soundwall Considerations" for additional information on noise analysis and soundwall determinations.

51 The visual effects of the project have been adequately addressed in the EIR/EIS. The evaluation of visual quality and impacts was conducted by trained specialists who applied the FHWA visual assessment methodology, as required by the SER. Please refer to the responses to your Comments 45 and 46. Potential driver fatigue, stress, and distraction are not factors in the visual analysis methodology. Please note, however, that transparent barriers generally would be considered for viewers living on the east side of I-5 with views to the west. Drivers on I-5 would not be looking through these panels. Please also note that the Preferred Alternative, which is a refined version of the 8+4 Buffer alternative, would result in the smallest additional pavement area and "tunnel" effect of the considered alternatives. As schematically illustrated in the *Executive Summary* Figure *Proposed Soundwall Locations Along I-5*, and in more detail on *Figures 2-2.3, Sheets 1* through *67*, the number of times soundwalls would be located on both sides of I-5 is relatively limited.

52 EIR/EIS *Section 3.25* focuses on those projects within the cumulative study area that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. The issues addressed include visual/aesthetics impacts. Cumulative projects are listed in Final EIR/EIS *Table 3.25.2* and shown on *Figure 3-25.1*, and include the I-5 / Genesee Bridge Widening and Interchange Improvements, I-5 / SR-56 Direct Connectors, and I-5 / SR-78 Interchange Project. Documentation of additional projects has been added to *Table 3.25.2* and review of

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8. Growth-Inducing Impacts are not Adequately Analyzed in the DEIR/S

53 An analysis of a proposed project's growth-inducing impacts is mandatory under both NEPA and CEQA. 40 C.F.R. § 1508.8(b); Cal. Pub. Res. Code § 21100(b)(5). According to NEPA, an EIS must consider "growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate and related effects on air and water and other natural systems, including ecosystem." 40 C.F.R. § 1508.8(b). The purpose of this analysis is "to evaluate the possibilities [for new growth induced by the project] in light of current and contemplated plans and to produce an informed estimate of the environmental consequences." *City of Davis v. Coleman*, 521 F.2d 661, 676 (9th Cir. 1975). In conducting this analysis, "an agency must use it best efforts to find out all it reasonably can." *Id.* Applying this standard, the Ninth Circuit in *City of Davis* found "totally inadequate" the government agency's conclusion that a proposed freeway interchange would not have significant growth-inducing effects. *Id.* Indeed, the court found the interchange in "indispensable prerequisite" and "essential catalyst" for future development. *Id.* at 647 (emphasis added). The court held, moreover, that the uncertainty of whether new development would occur did not make the growth-inducing effects of the interchange "too speculative for evaluation," but, rather, suggested the need for exploring in the EIS the range of possibilities for potential development. *Id.*

CEQA likewise requires that an EIR include a "detailed statement" setting forth the growth-inducing impacts of the proposed project. Cal. Pub. Res. Code § 21100(b)(5); *City of Antioch v. City Council of Pittsburgh*, 187 Cal.App.3d 1325, 1337 (1986). The statement must "[d]iscuss the ways in which the proposed project could foster economic growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." CEQA Guidelines § 15126.2(d). It must also discuss how projects "may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively" or "remove obstacles to population growth." *Id.*

A. The DEIR/S' Analysis of the Project's Growth-Inducing Impacts is Based on Flawed Assumptions

54 According to the DEIR/S, SANDAG's population forecasts through the year 2030 suggest that the population within the six areas affected by the project will increase from 17% – 62%. Section.2.2 of the DEIR discusses the CIA (Community Impact Assessment, October 2007), and provides that according to this study, 91% of mid to northwestern San Diego is considered developed, with 5% of land remaining for development, and 4% of land undevelopable.

Based on these numbers, the DEIR/S contains several findings related to growth inducing impacts of the proposed project, and the need for mitigation measures to deal with the impacts. One assumption is that since 91% of the land is already developed, the project is not likely to create more development, and instead will only result in relocation. A second assumption is that growth is inevitable regardless of which project plan is implemented (proposed plan, build-alternatives, no-build alternative), and that therefore no mitigation measures are required. These assumptions in the DEIR/S are critically flawed, and are directly contradicted by existing law and research regarding growth-inducing impacts

First of all, similar to the interchange at issue in the *City of Davis*, the proposed freeway-widening Project is an "indispensable prerequisite" and "essential catalyst" for future development. *See City of Davis*, 521 F.2d at 647. The widening of the freeway to nearly twice its size (8+4 with a barrier or buffer or 10+4 with a barrier or buffer) would substantially increase capacity. *See infra.* section regarding transportation. In a 2003 study, Hansen and Huang found that every 10% increase in widening of lane miles

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52 cont. environmental resource health or status was added to provide the reader with clarification regarding the basis for conclusions reached in the Draft EIR/EIS. As detailed in *Section 3.25*, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative effects remain as stated. The high level of visual impacts concluded for the *I-5 NCC Project* and contributions of other nearby projects in the I-5 corridor are sufficient evidence to determine that the project would result in a cumulatively considerable contribution to the overall cumulative visual/aesthetic impacts within the North Coast Corridor, as discussed in EIR/EIS *Section 3.25*. Implementing the measures in *Section 3.7* would partially mitigate the adverse effects of the project. EIR/EIS *Section 3.25.4* concludes that cumulative visual impacts would not be fully mitigated. The Preferred Alternative would result in the smallest contribution to cumulative visual impacts, compared with the other build alternatives that were addressed within the EIR/EIS.

53 EIR/EIS *Section 3.2* provides an analysis of whether the proposed project would result in otherwise unforeseen direct, indirect, or secondary growth, or would otherwise influence growth. It was determined that the potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends. Because this growth is anticipated to occur with or without the project, the project is not considered growth inducing. Please refer to the response to your Comment 30.

54 The approach to growth analysis in the EIR/EIS is sufficient and based on appropriate assumptions. The EIR/EIS notes that the reduction in congestion and improved safety associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, as a result of other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of the surrounding land uses.

The project is part of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Maintaining existing LOS is considered to be acceptable for the project, which seeks to

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was associated with a 9% increase in vehicle miles traveled 4 years after road expansion, controlling for other factors. *See* Cervero Study, Exhibit C. Given the accuracy of this calculation, there could be a potential increase of 90% in vehicle miles traveled as a direct result of the proposed project.

Second, the DEIR/S cannot rely on current general plans to find that development patterns in the area are already set and that the Project would not lead to further, unplanned development. *See City of Carmel-by-the-Sea*, 123 F.3d at 1162 (finding that because "development is planned for in the Carmel Valley Master Plan[,] it has been accounted for and properly analyzed [and no] further analysis is warranted"). Instead, the DEIR/S must analyze the range of possibilities for induced development in the rural areas that are not currently planned for development.

54 cont.

Similarly, the DEIR/S cannot rely on unsupported assumptions about future growth or current general plan designations to assume that growth will not occur as a result of the Project; instead, it must explore the range of possibilities for such growth. *City of Davis*, 521 F.2d at 647. . In 1998, Hansen et al. conducted a study of building activity in California by looking at eight corridors in California where freeway capacity had been expanded in the previous two decades. They found different effects for different types of land uses and different impacts at different points in time. Their findings included: single-family residential buildings increased "sharply" immediately after the expansion but slowed over time; multi-family residential building followed a similar patter but slowed more rapid; and commercial development also increased after expansion and for several years more." Susan Handy, *Smart Growth and The Transportation-Land Use Connection: What Does the Research Tell Us?*, Department of Environmental Science and Policy at UC Davis (2002) (See, attached as Exhibit P).

In sum, the DEIR/S relies on unsupported assumptions to dispel the idea that an aggressive widening of the freeway could induce growth at all. This reasoning flies in the face of current research, which proves that new roadways do induce development. *See supra and* Reid Ewing & Allan Lichtenstein, *Induced Traffic and Induced Development*, October 2002, attached as Exhibit Q. Under NEPA, the agencies must "identify any methodologies used and shall make explicit reference by footnote to the scientific and other sources relied upon for conclusions relied upon in the [EIS]"). 40 C.F.R. § 1502.24. However, they cannot rely on unsupported assumptions to summarily conclude that no induced growth will occur.

B. The Cumulative Growth-Inducing Impacts of the Project are not Adequately Addressed or Analyzed in the DEIR/S

55

As stated, NEPA requires an EIS to consider "[growth] related effects on air and water and other natural systems, including ecosystem." 40 C.F.R. § 1508.8(b). The DEIR/S includes a section titled "Environmental Consequences," but fails to provide any data or analysis regarding the project's environmental consequences caused by growth. The DEIR/S attempts to justify this lack of information by claiming that growth is an "indirect issue related to the proposed project that could not be minimized through alternate project features or design." In 2004, the California Research and Policy Center conducted a study and analysis of the environmental consequences of expanding highways. To examine the connection between highways and air pollution, the Center analyzed data on highway capacity and vehicle emissions for 314 metropolitan areas in the United States. The study discussed several findings, one of which was that "an average city that expands its highway capacity by 14.6% (the national rate of growth in urban areas during the 1990s), could expect a 10.9% increase in emissions of nitrogen oxides ("NOx") and a 10.7 percent increase in emissions of volatile organic compounds ("VOCs"). Environment California Research & Policy Center, *More Highways, More Pollution: Road-Building and Air Pollution in America's Cities*.(*See*, attached as Exhibit R) As the study clearly shows, there are definite environmental

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54 cont. facilitate HOVs and BRT and thereby increase the average number of persons per vehicle. The project, therefore, is not considered an "essential catalyst for future development." Please refer to the response to your Comment 05.

It is recognized that VMT on I-5 is projected to increase with the build alternatives. *Table 3.14.10* of the Final EIR/EIS presents peak period and daily total VMT for existing and projected future no build and build alternatives conditions. The traffic activity data has been supplemented by available Caltrans data inventory systems for the base year values and also by Caltrans forecast modeling of the corridor for future year values. The data indicate that horizon year peak period VMT would be double for the 10+4 alternative compared with No Build conditions, and the horizon year daily total VMT would be eight percent greater than No Build. The increase reflects the fact that reduced congestion on I-5 would encourage more trips to use the freeway rather than surface streets; however, it is not expected to lead to any greater growth than would be expected under current planning projections. The total volume of future ADT within the North Coast Corridor and beyond would be similar, with or without the project, because trips are primarily related to land use rather than roadways. Please refer to the response to your Comment 11.

The EIR/EIS addresses the possibility for growth in *Section 3.2* by noting that due to the urbanized nature of the study area and limited availability of developable land, there are no known projects in the vicinity that are dependent on implementation of the proposed project. As such, it can be inferred that further growth in the project area and surrounding region is planned and would most likely occur with or without implementation of the proposed project. This conclusion applies to outlying rural areas not currently planned for development as well as the immediate corridor.

As stated in EIR/EIS *Table 3.1.1*, Caltrans is not a land use planning agency and has no authority over land use designation or development. It is, therefore, practical for Caltrans to rely on general plan designations of the jurisdictions crossed by I-5 in evaluating growth inducement. In *Section 3.2*, the EIR/EIS notes that regional and local planning departments have developed growth management

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	54 cont. programs and policies to address future growth. The project design is consistent with the RTP, which was based on local land use and circulation plans and associated regional growth forecasts. Based on regional plans and cost and environmental constraints, the project was not designed to provide excess capacity that could induce substantial unplanned growth. While new roadways that provide access to undeveloped areas might induce growth, the *I-5 NCC Project* would widen an existing transportation facility in an urban area, as part of several planned improvements intended to improve travel efficiency and multimodal options.
	55 The project would result in improvements to the roadway network that would result in increased vehicle occupancy and improved vehicle speeds. The analysis within *Section 3.14.3* of the EIR/EIS shows that emissions would be less for any of the build alternatives, compared with the No Build alternative. The EIR/EIS is not required to address potential environmental impacts of growth because it did not conclude that the project would be growth-inducing. Please also refer to the response to your Comment 30.

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55 cont. consequences to the expansion of freeways, and if the DEIR/S wants to conclude otherwise, it must at least be supported by applicable research and analysis.

9. The DEIR/S Fails to Adequately Analyze the Project's Environmental Justice Impacts

56 Executive Order 12898 (59 FR 7629) requires that each federal agency "make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations." An adverse effect/impact is "disproportionately high" if it is either "predominately borne by, or falls appreciably more severely on, a minority or low-income population." Dept of Transportation, App. § 1(g). The State of California defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies," and mandates an environmental justice review in certain circumstances. Government Code § 60504.12(e).

As discussed in depth below, the environmental justice analysis included in the DEIR/S is deficient with regard to applicable environmental justice standards in methodological and analytical respects, and the conclusion reached in the DEIR/S – that the Project will not have disproportionate impact on communities within the ambit of environmental justice concerns – is not supported by the evidence. We therefore request that the DEIR/S be revised to provide a full analysis and resolution of environmental justice considerations.

A. The Data Used in the DEIR/S is Insufficient to Perform a Valid Environmental Justice Analysis

57 Sample measurements to determine the Project's effects on air quality within the affected area were taken in Del Mar. *See* DEIR/S § 3.14.2.[3] As presented in the DEIR/S, the vast majority of individuals addressed by environmental justice analysis, *i.e.*, those living below the poverty line and/or members of a minority group reside in the Oceanside area and in certain other distinct block groups. *See* DEIR/S Tables 3.4.5 and 3.4.6. In addition to the other methodological shortcomings caused by choosing only one point of reference for the air quality analysis, the study makes it impossible to truly compare the impact of the Project on different groups addressed by the environmental justice analysis and the population at large, as there is no basis for comparison and the sampling location that was selected is relatively homogenous.

For this reason, we recommend that additional air quality measurements and surveys be taken – including, importantly, measurements in at least some of the twelve block groups addressed in the environmental justice analysis – in order to both add a broad range of data and as a necessary precondition to conducting a valid environmental justice analysis. The remainder of the environmental justice discussion in this letter accepts the air quality sample data as presented in the DEIR/S, and assumes its validity for the sake of argument when necessary, in order to address other environmental justice issues.

B. The DEIR/S Must be Revised to Adequately Evaluate the Project's Disproportionate Impact on Environmental Justice Communities

58 Under NEPA and the Executive Order mandating environmental justice analysis at the federal level, if disproportionately high and adverse effects of a project to low income and/or minority citizens are

[3] Samples were also taken in the San Diego harbor, an area outside the Project's physical boundaries with respect to the required environmental justice analysis.

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56 EIR/EIS *Section 3.4.3, Environmental Justice*, discusses disproportionately high and adverse effects of the *I-5 NCC Project* on minority and low-income populations. Based upon the analysis documented in the EIR/EIS, there is no indication that either the construction or operation of the proposed project would result in disproportionately high, adverse impacts to either minority or low-income populations relative to the general population of the project study area and surrounding region for the vast majority of the improvement, with the exception of an apartment building in the City of Carlsbad. It should be noted that actual displacements that might occur are in the process of refinement as the project footprint is being minimized as much as possible, and the apartment building in Carlsbad would not be impacted by the Preferred Alternative. If the project were approved, land acquisition needs would continue to be refined as the final design of the Preferred Alternative would be completed. Specific information with bearing on potential environmental justice issues was provided in the EIR/EIS, as required for projects receiving federal funds and/or federal oversight. CEQA issues that might be affected relative to parcel modifications, for example plan to plan analysis of zoning or land use designation, were appropriately considered, based on the estimated limits of disturbance and design concepts for each build alternative. Please refer to Topical Response "Property Acquisition" for additional information regarding specifics of property acquisition.

As noted in EIR/EIS *Section 3.4.1.3, Environmental Consequences*, overall, the project is anticipated to improve existing community character and cohesion by incorporating various design features into the project. Additionally, community enhancement features, if implemented, would further improve and facilitate connectivity between communities east and west of I-5 that were bisected when I-5 was originally constructed.

57 Air quality monitoring data reported within the EIR/EIS were not collected for the proposed project. These data are routinely collected by the SDAPCD to track air quality within the region. The

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	57 cont. monitoring locations are not selected by Caltrans. *Section 3.14.2* points out that although the SDAPCD's Del Mar Monitoring Station is representative of the climate conditions and likely air pollution emissions along the I-5 corridor, it does not measure all of the pollutants; therefore, the EIR/EIS reports the data from the Downtown San Diego air monitoring station, where much higher emissions would occur due to higher traffic volumes. This would be considered a worst-case existing conditions scenario. The purpose of presenting this data is to give the reader a picture of the existing air quality conditions. In addition, the CO data are used as a baseline for the CO hot spot analysis. For all other analyses, air pollution emission models calculate the emissions, and such models do not utilize the ambient air quality data. Please refer to the response to your Comment 32. Regarding long-term operational effects on air quality in general, the EIR/EIS concludes that the proposed project would improve traffic operations and, therefore, would contribute to lower air pollutant emissions. Please refer to the response to your Comment 30. 58 Please refer to the response to your Comment 56.

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58 cont. identified, those effects must then be addressed and discussed. Executive Order 12898 § 1-101. As discussed in depth below, the Project will have such an effect within the Project's geographic boundaries, and the final EIR/S must therefore address and discuss these effects in depth.

i. The Health Effects of the Project will Have a Disproportionate Impact on Low Income and Minority Residents

The Project's impacts will be felt strongly and at a disproportionate level by low income and minority residents with respect to health effects, the loss of their lands through public takings, and the economics of commuting and transit upon the Project's completion.

59 The twelve block groups in the Project's geographical area defined, as low income, minority, or both are primarily located immediately near Interstate 5. *See* DEIR/S Figures 3-4.2 and 3-4.3. As discussed in depth above in "The DEIR/S' Analysis of Air Quality Impacts is Inadequate", this proximity to fine particle matter will subject those residents to substantial health risks, and those risks decrease significantly as one moves away from the source of the particle matter (*i.e.*, Interstate 5). Because those addressed by environmental justice analysis reside in greater proportion near the freeway, they are disproportionately subject to this significant health risk. In a similar vein, those individuals are also subject to substantially and disproportionately heightened noise pollution risks because of their proximity to the Interstate. The DEIR/S's analysis is deficient because it fails to address or analyze this geographic concentration and its environmental justice implications.

Even if those residing in block groups with high concentrations of low income and minority individuals are not disproportionately subject to the direct physical injury of increased particulate matter as compared to the study populace as a whole, they are arguably disproportionately affected by their relative deficiency in being able to *respond* to that negative impact, because of their relative lack of access to healthcare and health insurance, and the DEIR/S should be revised to address this potentially serious issue.

ii. Low Income and Minority Residents Will Be Disproportionately Impacted by the Burdens of Dislocation (Relocation) Imposed by the Project

60 As discussed in Section 3.4.3of the DEIR/S, implementation of both the 8+4 and 10+4 with Barrier alternatives will result in the displacement of residents in a 47-unit low-income apartment building in the Barrio Carlsbad area, and the Project will result in other displacements, including to those not within the scope of the environmental justice analysis. *See* DEIR/S § 3.4.2.2.[4] However, the DEIR/S fails to address the fact that relocation will be significantly more difficult for low-income residents as compared to the general public.

First, many low-income residents do not have the financial resources to locate a new dwelling and physically move, even, for those fortunate enough to own their home, with some amount of government compensation at current, depressed-market housing valuations, as compared to higher income individuals.

Second, demolition caused by the Project will reduce the area's housing stock, with no planned increase planned or reasonably expected for low-income residents in the area. The DEIR/S should be amended to include a discussion of the realistic and likely effects of displacement on the low-income, taking into consideration the current, post-financial-crisis housing stock in the Project's geographic area.

[4] The DEIR/S also states that relocation caused by the 10+4 with Barrier option may not be fully mitigated; this issue is addressed below.

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59 Regarding health effects related to air pollutants, the EIR/EIS determined that regardless of the alternative chosen, emissions are anticipated to be lower than present levels in the design year as a result of the USEPA's national control programs that are projected to continue to reduce emissions from vehicles and construction equipment. Additional reductions in emissions are anticipated for some pollutants with the implementation of a build alternative as opposed to the No Build alternative, as the result of the associated improvements in traffic flow on I-5. Please refer to the responses to your Comments 29 through 32.

Regarding acquisition of land for project right-of-way, EIR/EIS *Section 3.4.3* discusses this issue. Please refer to the response to your Comment 56.

Regarding the economics of commuting and transit, the issue of value pricing as it relates to environmental justice is addressed in EIR/EIS *Section 3.4.3.3, Environmental Consequences*. This section includes a summary of stakeholder interviews that documented key leader attitudes and opinions about the value-pricing component of the project.

To clarify the block group information in the Draft EIR/EIS, a total of 146 block groups are in the environmental justice study area. The analysis of populations of environmental justice concern resulted in the identification of 27 of the block groups as having high minority populations, 21 having high proportions of individuals living in poverty, and 12 of those 48 block groups having both types of populations. A total of 36 block groups, therefore, or 25 percent within the entire study area, have populations of environmental justice concern.

Updated information from the 2010 census has been included in *Section 3.4.3.2* of this Final EIR/EIS. It was determined that 2010 census tract data would provide better accuracy for purposes of this analysis, and only census tracts that directly border I-5

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59 cont. were used for the discussion. Analysis of 2010 data presented in *Table 3.4.7* of this Final EIR/EIS indicates a total of 14 census tracts adjacent to I-5 with a percentage of individuals below the poverty level greater than twice the general population of the municipality as a whole, and/or a proportion of minority population that is twice the general population of the municipality as a whole (or greater than 50 percent of the total population). In addition, the updated analysis in the Final EIR/EIS notes that the Census Bureau's Fact Finder Estimates for 2011 show a total of 11 census tracts adjacent to I-5 that have meaningfully greater minority and/or low-income populations.

The EIR/EIS concludes that the impacts do not disproportionately affect minority or low-income populations in the project area. The impacts associated with the construction and operation of the proposed project are generally not isolated to communities or areas with minority or low-income populations and are present along the entire proposed project through communities and areas that exhibit a wide demographic range. A detailed compilation of block group information presented in the Draft EIR/EIS in the text and *Figures 3-4.2* and *3-4.3* verifies these conclusions. Of the 146 block groups in the environmental justice study area, approximately 63 block groups, or 43 percent of the total, are adjacent to I-5. Of the block groups adjacent to I-5, 18 block groups have populations of environmental justice concern. Eleven of the adjacent block groups have both types of populations of environmental justice concern, and seven have one or the other. To the extent that there are health risks from air quality or noise issues to those individuals living adjacent to the freeway, 71 percent of the adjacent block groups do not have populations of environmental justice concern and 29 percent of the adjacent block groups do. The adjacency risks, therefore, are not disproportionate to populations of environmental justice concern.

As discussed above, *Table 3.4.7* of the Final EIR/EIS indicates a total of 14 census tracts adjacent to I-5 with a disproportionate percentage of individuals below the poverty level and/or disproportionate percentage of minority populations. These results are consistent with the detailed compilation of block group information presented in the Draft EIR/EIS, so the adjacency risks

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	59 cont. continue to not be disproportionate to populations of environmental justice concern. The anticipated changes in the noise environment that would be caused by the project are adequately presented in *Section 3.15.3* of the EIR/EIS. Each noise receptor subject to noise impacts is identified in *Tables 3.15.3* through *3.15.46*; the tables also present existing and predicted future noise levels and the initial determination of "feasibility" and "reasonableness" of abatement. As discussed above, these locations are not disproportionately in block groups with populations of environmental justice concern. Assessing the degree to which residents within the study area have health care and health insurance is not a part of the standard methodology for assessing Environmental Justice impacts and is beyond the scope of the *I-5 NCC Project* EIR/EIS. 60 Impacts of relocations are discussed in EIR/EIS *Section 3.4.2, Relocations*, including the impacts that would be associated with the Preferred Alternative. The potential for relocating all affected residents based on the availability of like properties is reviewed in *Section 3.4.2.3*, with additional aid where relocation may be difficult described in *Section 3.4.2.4.* All displacements would be in accordance with Title VIII of the Civil Rights Act of 1968, also known as the Fair Housing Act. Displacees would be provided with replacement housing payments to make up differences between their resources and what would be needed to achieve successful relocation. The project designs are continually being refined to accommodate additional engineering information, respond to evolving regulatory agency requirements, and minimize impacts. Actual displacements that may occur are in the process of refinement as the project footprint is being minimized as much as possible. Land acquisition needs would not be fully defined until after the final design of the Preferred Alternative, if the project were approved. Please refer to Topical Response "Property Acquisition" for information about reducing right-of-way needs.

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C. The Economic Impact of the Project's Value Pricing Scheme will be Disproportionately Borne by Low Income Transit and I-5 Users Throughout the County

The DEIR/S's analysis of the environmental justice aspects of the proposed value-pricing scheme is deficient in a number of respects. First, the information used for the analysis is based on survey data from 2004 and 2005; this information was obtained before the economic recession occurred nationwide and the San Diego housing market, labor market, and overall economy worsened substantially. Assuming that survey results are sufficient for analyzing the environmental justice aspects of this aspect of the Plan, those surveys should be updated to account for the current public opinion and to provide a more wide-ranging set of opinions to draw on in connection with the long-term and permanent nature of the Project.

Second, the use of public survey data on the economic and equitable impact of the variable pricing program clearly states "fifty-two (52) percent of the respondents feel that variable tolling is not an equitable way to control suggestion." *See* DEIR/S § 3.4.3.3. This result indicates that the public is nearly split on this important issue and that some analysis of the actual – rather than perceived – economic effects of the variable pricing program on low income highway users and residents is necessary.

61

Finally, the analysis of the Project's variable pricing scheme does not address the broader economic impacts of the Project from an environmental justice perspective, including the relative inability of lower income citizens to afford variable pricing systems and their increased travel time on public transportation under a variable versus fixed pricing system.

As a greater percentage of minority and low income citizens utilize public transit, and not investing in transit infrastructure or connections to other modes of transit causes a disproportionate effect on these minority communities' vis-à-vis County residents as a whole. Transportation is a common thread in Civil Rights actions, including such notable examples as *Plessy v. Ferguson* and the Montgomery Bus Boycott, and all the alternatives in the DEIR/S use taxpayer revenue – including local TRANSNET sales tax and other state and federal funds – to widen freeways instead of exclusively or primarily on a mass transit option, which would have a greater benefit to those who use it most regularly.

The HOV/BRT's physical plan presents a second point of serious concern with respect to environmental justice considerations: the lanes will accommodate single occupancy vehicle traffic for an additional fee, a cost prohibitive feature that disproportionately affects the low income individuals who use the transit corridor.

D. The DEIR/S's analysis of the environmental justice aspects of the variable pricing system are conclusory and based on outdated data from a much different economic and social climate, and we therefore request that the DEIR/S be revised and updated with respect to these issues. The Plan's Incomplete and Conclusory Environmental Justice Analysis Could Trigger Future Civil Litigation

62

If the Project is completed and found to have a disparate impact on racial minorities, the State could be subject to future civil litigation by private individuals. Under Title VI of the Civil Rights Act, no private right of action exists for racial discrimination based on a disparate impact theory at the federal level. However, at the State level, California does provide a private right of enforcement of disparate impact racial discrimination claims. *See* Government Code Section 11135; *Darensburg v. MTC*, 611 F.Supp. 2nd 994

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60 cont. Per standard Caltrans procedures, a Final Relocation Impact Statement was prepared in September 2013 based on the refined design of the Preferred Alternative. If the project is approved and an alternative is selected for construction, Caltrans will address all potential displacements associated with the project and the availability of replacement properties. If a build alternative is selected, Caltrans would begin to coordinate directly with the owners of properties to be acquired. Acquisition of the parcels would not occur until Phase 3, in the 2030 to 2035 time frame. Any special needs associated with specific displaced property owners and tenants would also be determined at that time. The future relocation sites would be determined in consultation with actual displacees based on the final project designs and are not a topic for the Final EIR/EIS. Additional information regarding the requirements, policies, and procedures for assisting displacees is provided in Appendices B and C of the EIR/EIS. Please also refer to the response to your Comment 07.

Additional information has been included in the Final EIR/EIS regarding the anticipated parcel acquisitions needed to implement the Preferred Alternative, which would avoid impacts to the apartment building in the Barrio Carlsbad area. Please also refer to Topical Response "Property Acquisition" and *Section 3.4.2.3*.

61 EIR/EIS *Section 3.4.3* discusses value pricing, where excess capacity in the HOV/Managed Lanes would be sold to Single Occupancy Vehicles (SOVs), allowing SOVs to use the lanes for all build alternatives. The Value Pricing program would entail the implementation of tolls to these SOV users. The proposed use of HOV/Managed Lanes provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. The EIR/EIS notes that value pricing is being considered as a means of managing demand so as to allow all potential stakeholders to equitability benefit.

The value pricing discussion in EIR/EIS *Section 3.4.3* states that: "In the telephone surveys 52 percent of the respondents feel that

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(N.D. Cal. 2009) ("unlike Title VI, however, the analogous California statute and its implementing regulations provide a private right of action").

62 cont. Even if Caltrans and FHWA are victorious or obtain dismissal of civil litigation relating to the Project arising under State Law, responding to and addressing any such cases will likely require a significant amount of resources. We therefore suggest that more time be invested in the review and resolution of environmental justice matters at this early stage of the Project, as doing so will likely prove extremely helpful in avoiding future litigation.

E. The DEIR/S Lacks The Required Environmental Justice Mitigation Analysis

In addition to NEPA's environmental justice analysis requirements, which are primarily procedural, a proposal subject to CEQA must analyze feasible and potential alternatives should it be determined that the proposal would have significant effects that cannot be mitigated. *See* Cal. Admin. Code Tit. 14, § 15382. Although, unlike NEPA, CEQA does not address environmental justice matters directly, "significant effects" in the CEQA context encompasses adverse social or economic effects, including effects – and disproportionate effects – minority and/or low-income citizens. CEQA Guidelines § 15358(b).[5]

63 The DEIR/S correctly commences the required CEQA mitigation analysis with respect to the 47-unit building in Barrio Logan, but does not complete the required analysis. There are four potential options for the Project (8+4 and 10+4 with Barrier, and 8+4 and 10+4 with Buffer), and according to the DEIR/S one of those alternatives – 10+4 with Barrier – would result in the dislocation of residents of a low-income housing building, a significant effect that it may not be possible to mitigate. Under CEQA, because there exists this possibility of inability to mitigate, there must be a full analysis of potential alternatives to the Project. The DEIR/S postpones this analysis, stating, "[p]rior to the approval of the final environmental document, an updated Relocation Impact Report would be prepared to address housing availability to determine if this impact can be mitigated or avoided under [the 10+4 with Barrier] alternative, should it be identified as the preferred alternative."

This attempt to defer the necessary mitigation analysis is both incorrect as a matter of law and also impractical from the perspective of public participation and comment. Under CEQA, [if one alternative in a plan would have adverse effects, alternatives to that alternative and mitigation strategies for that alternative must be addressed in the EIS, regardless of whether or not that alternative is actually or likely to be chosen as the final formulation of the plan. As the California Court of Appeals stated when addressing the issue of deferred CEQA mitigation analysis: "reliance on tentative plans for future mitigation of completion of the CEQA process significantly undermines CEQA's goals of full disclosure and informed decision making." *See CBE v. City of Richmond*, 184 Cal.App.4th 70, 92 (Cal.Ct.App. 2010). Because the DEIR/S does not perform the required mitigation analysis for the 10+4 with Barrier alternative – an alternative selected and presented as a realistic and highly likely configuration for the I-5 expansion – the DEIR/S does not meet CEQA's requirements.

In addition, from a practical perspective, the statement that a mitigation analysis will be undertaken in the future should the 10+4 with Barrier option be selected is cold comfort to members of the public who wish to exercise their valuable rights to review and comment on the Plan; if the mitigation analysis is not

[5] According to those Guidelines: "if the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant . . . Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant."

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61 cont. variable tolling is not an equitable way to control congestion. However, 56 percent of respondents feel that fixed tolls are fair and equitable. Although low-income respondents are somewhat more likely than general users to support the express lane project, they are more supportive of using closures rather than raising tolls to control flow. They are also more likely to say only general-purpose lanes should be built." The EIR/EIS concluded that the project would not cause disproportionately high and adverse effects on any minority or low-income populations, and that travel time resulting from the build alternatives would be beneficial to users of both HOV/Managed and general-purpose lanes. Although no general-purpose lanes would be built for the Preferred Alternative, the reduction in delay and overall travel time for the 8+4 Buffer alternative as reported in Final EIR/EIS *Table 3.6.3* would apply. Please refer to the response to your Comment 05.

The *I-5 NCC Project* does not represent a failure to invest in transit infrastructure or connections to other modes of transit. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for discussions of how the project fits within the regional transit system and planning to encourage the use of mass transit and provide compatibility with BRT lines. The accommodation of BRT within the HOV/Managed Lanes would make travel along I-5 more accessible to people of low income who cannot afford to own and operate a motor vehicle and would improve travel times for those who can afford a vehicle, regardless of whether such persons use the HOV/Managed Lanes or the general-purpose lanes. A balanced approach to improving regional transportation facilities is considered more equitable than using State and federal funds exclusively for either widening freeways or mass transit.

62 As documented in the environmental justice analysis in *Section 3.4* of the EIR/EIS and discussed in response to your Comments 59 through 61, impacts would not disproportionately affect minority or low-income populations in the project area. All displacements would be handled in accordance with Title VIII of the Civil Rights Act of 1968. Low-income persons would continue to have the same or improved access to the use of I-5 if a build alternative were approved and implemented.

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63 cont. conducted until after the Plan is approved, the window for review and comment will have passed and the plan will have effectively eluded its environmental justice analysis obligations. We therefore request that the DEIR/S be revised and not released until after this mitigation analysis for the 10+4 with Barrier option is completed.

10. The DEIR/S fails to Adequately Address Community Character and Cohesion

A. The DEIR/S Provides a Cursory and Therefore Legally Insufficient Examination of the Project's Cumulative Impacts on Community Character

64 The DEIR/S only mentions the displacement of a 47-unit apartment complex in Carlsbad of linguistically isolated Spanish-speaking households, and states that this is an acceptable unmitigated impact of the 10+4 with Barrier alternative. This brief mention fails to address the greater community cohesion problem created by the Project. The 10+4 plus barrier proposal would remove 112 residential units and 13 businesses under the law of eminent domain, and yet there is no mention of their cumulative impacts in the DEIR/S. DEIR/S at page S-5. In fact, the DEIR/S states, "Two issues are not further evaluated within this cumulative impacts analysis; these are community cohesion and environmental justice." DEIR/S at page 3.25-1. With such a dramatic reclamation of land, a community cohesion analysis is necessary to evaluate the impact this will have on the surrounding areas.

The DEIR/S in its Community Impact Assessment confirms that the Project will impact communities other than those immediately in the vicinity of the I-5 corridor "freeway confers benefits" on people throughout the region. In light of the alleged widely felt "benefits" it is certainly conceivable that impacts resulting from the scale and pace of development will be felt throughout the region and must be examined from a holistic vantage point. The DEIR/S fails to engage in this necessary analysis, why. (*See* the discussion regarding segmentation, *supra*, for further analysis).

The LOSSAN project is anticipated to have community cohesion impacts, which needs to be addressed in light of the expansion project. In regards to the LOSSAN project, the DEIR/S cumulative impact analysis states, "Community Cohesion – Possible impacts include displacement of commercial and residential properties; community and neighborhood disruption." DEIR/S at 3.25-4. The LOSSAN project is the only other project that the DEIR/S predicts as having community cohesion impacts, and the language quoted above is the only language in the DEIR/S addressing community cohesion. The DEIR/S does not make any community cohesion analysis, despite its need to do so especially in light of the expansion project's displacement of a 47-unit apartment complex in Carlsbad.

11. The DEIR/S Fails to Adequately Evaluate the Project's Impacts on Biological Resources in the Affected Area

65 Whereas, the most egregious deficiencies in the DEIR/S' analysis are discussed at length in a technical report prepared by consulting biologists Patricia Gordon-Reedy and Jerre Stalkup of the Conservation Biology Institute ("CBI"). *See*, attached as Exhibit S. Some of the more concerning impacts are discussed herein.

When an EIR determines there is a significant impact to the environment, mitigation for that impact must be identified. *See Sundstrom v County of Mendocino,* 202 Cal.App.3d 296, 306-307 (1988). According to the DEIR/S, all four build alternatives are variations of widening of the existing alignment and will result in similar permanent significant impacts to the biological environment of federal and state waters,

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62 cont. The environmental, social, and economic "costs and benefits" that distinguish project alternatives include issues such as (1) noise and air quality, visual, property acquisition and other impacts; (2) consistency and compatibility with long-term land use and transportation planning for the region; and (3) cost effectiveness and prudence of the alternatives, among other factors.

63 Two of the build alternatives, analyzed at an equal level of detail in the EIR/EIS, would not impact the apartment building in the City of Carlsbad (not Barrio Logan). One of these, the 8+4 Buffer, is the basis for the Preferred Alternative. The full analysis of alternatives to the 10+4 Barrier alternative, that would not remove the referenced apartment building, has been accomplished.

As described in response to your Comment 60, the procedures for relocation of displaced residents are clearly presented in *Section 3.4* and Appendices B and C of the EIR/EIS. These procedures are a matter of law and standard Caltrans policy and do not constitute a deferral of mitigation. The Final Relocation Plan must be based on actual displacements and relocations associated with the Preferred Alternative, if the project is approved, as well as coordination with the affected property owners and tenants. This does not constitute deferral of mitigation. In this case, the process to be followed and the required compensation of property owners and tenants, constitutes the mitigation that would occur.

64 The EIR/EIS concluded that environmental justice and community cohesion are issues that are specific to an affected population or community and are not incrementally cumulative across the corridor. No additional projects were identified with potential environmental justice impacts or community cohesion impacts within the community affected by the proposed project; therefore, the project could not contribute to cumulative effects in regards to these two issues. Please refer to the response to your Comment 09. Also, please note that if the Preferred Alternative is selected and implemented, the subject apartment complex would not be displaced.

Clarification of the relationship of the proposed *I-5 NCC Project* to LOSSAN and other corridor improvements has been provided in

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threatened and endangered animal and plant species, and critical habitats. All build alternatives include permanent encroachments into waters, including wetlands, ranging from 23 acres to 32.4 acres and habitat encroachments ranging from 2.8 acres to 37.1 acres DEIR/S, S-6. I-5 currently crosses six lagoons, a river, and some additional smaller drainages. DEIR/S, 3.18-3. "Impacts from each of the build alternatives to the lagoon habitats would incrementally decrease the quality and quantity of habitat available for use by wildlife species including migratory birds and listed species. There would also be affects to each of the lagoons abilities to provide flood relief functions and water quality functions. These lagoons are very important to the health and well being of the coastal habitats and species." DEIR, 3.18-3. "The build alternatives would result in placing several small wetlands and other waters of the U.S. into culverts eliminating any potential for wildlife habitat, flood control, or water quality functions. Drainages feeding into Cottonwood Creek, Encina Creek, and those parallel to I-5, north of Genesee Avenue would have portions placed into culverts." DEIR, 3.18-3. Segments "would encroach into areas conserved for their wildlife value as part of the HMP preserve system." However, *these encroachments would be small and would not affect the overall biological value of the preserve areas*." DEIR/S, 3.1-27 (emphasis added), *see also* DEIR/, S-6. 65 cont.

Although the record is replete with regulatory regurgitations and statements regarding the acreage of encroachment and the specific habitats affected by the build and no build alternatives, it is conspicuously lacking the analysis that lead to the conclusions in the DEIR/S that the encroachments would be "small" and "not affect overall biological value" of the affected waters, threatened and endangered species, migratory birds, mammals, and diverse wildlife and plant species. What is the quantitative baseline for encroachments to be considered "small" and where in the findings is the scientific analysis of the data showing the analytical process by which the agency arrived at its decision? See *Mountain Lion Foundation v. Fish and Game Commission*, 16 Cal. 4th 105, 65 Cal. Rptr. 2d 580 (1997).

A. The DEIR/S' Analysis of Indirect Impacts on Biological Resources is Insufficient

66 Indirect impacts to biological resources in the project area are not adequately addressed in the DEIR/S. Indirect impacts requiring further analyses include noise, shading, water quality, connectivity, lighting, and nitrogen deposition.

Additionally, as discussed above, the DEIR/S does not sufficiently address the indirect impact of noise. The DEIR/S recognizes that "long term increases in noise levels from the completed project may affect wildlife species and, therefore, could be considered an indirect effect to sensitive wildlife species." DEIR 3.21.3. Despite the fact that there are likely to be reasonably foreseeable indirect impacts to biological resources from increased noise, no mitigation is provided that would offset these impacts. CEQA requires that an EIR establish a mitigation plan for all impacts. *Sundstrom*, 202 Cal.App.3d at, 306-307. The DEIR/S noise analysis acknowledges that there will be incremental increases in noise (DEIR/S 3.21.3) but does not specifically conclude that the decibel increases in the order of -1 to +4 dBA are significant impacts and therefore no mitigation measures are provided. Mitigation measures must be included in the DEIR/S because an increase in noise of 3 dBA corresponds to a 30% reduction in the *alerting distance* or listening area of animals. Barber, J. R., K.R. Crooks & K.M. Fristup, The Cost of Chronic Noise Exposure for Terrestrial Organisms, 2009 Trends in Ecology and Evolution 25(3): 180-189. The DEIR/S must identify a Threshold of Significance, evaluate the noise impacts accordingly, and identify feasible mitigation measures. CEQA Guidelines Cal. Code Regs. §15064.7. 67

68 The DEIR/S does not adequately address the indirect impacts of shading. Shading from bridges can result in indirect impacts to vegetation, affect species numbers and diversity, diminish or alter wildlife

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64 cont. the Supplemental Draft EIR/EIS, which was circulated for public review and comment in August 2012, and this Final EIR/EIS. Please also see Topical Responses "Multimodal System," "Rail Improvements," and "Mass Transit."

65 The attachment from CBI is part of the public record. Mitigation specifics for biological resources, including the lagoons, have been a major focus of inter-agency coordination in 2011 through 2013, as part of the NEPA coordination and resource permitting processes for the project. The Supplemental Draft EIR/EIS, circulated in August 2012, and this Final EIR/EIS provide substantial augmented, clarified, and refined information regarding the mitigation program for the project. This information is also provided in the PWP/TREP. Please refer to the response to your Comment 07.

The technical reports that support the analysis presented in the EIR/EIS are listed at the beginning of EIR/EIS *Section 3.17, Natural Communities*, and include the Natural Environment Study (NES) (July 2007) and several lagoon studies completed in 2012. Multiple tables compile acreages of impacts, including *Table 3.17.1*, which presents permanent impacts to habitats, and EIR/EIS *Table 3.18.2*, which compiles permanent impacts to U.S. Army Corps of Engineers (USACE) jurisdictional waters of the U.S. by watershed. Additional impact information has been provided for the Preferred Alternative, which is a refined version of the 8+4 Buffer alternative.

66 As addressed in the specific responses below, the direct and indirect effects of the project on biological resources throughout the corridor, including lagoons, have been adequately addressed in the following EIR/EIS sections:

- *3.17, Natural Communities*
- *3.18, Wetlands and Other Waters*
- *3.19, Plant Species*
- *3.20, Animal Species*
- *3.21, Threatened & Endangered Species*
- *3.22, Invasive Species*

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	66 cont. In addition, coordination with the resource agencies whose mandate is to protect biological resources has occurred frequently and regularly from 2011 through 2013 (see *Chapter 5* of the EIR/EIS) and will continue during permitting processes and construction, as needed. EIR/EIS *Section 3.21* explains that I-5 is already at least eight lanes in width for the 27-mile segment addressed by the project and, as such, already has had an effect of increased lighting at night, increased access from invasive species as well as bisecting habitats that could result in edge effects. All four build alternatives are concluded to have incremental increases to indirect effects upon habitat that are already occurring along I-5. Additional clarification on shading has been added to *Section 3.18* in *Table 3.18.3, Additional Shading Indirect Impacts in USACE Waters of the U.S./State Wetlands by Watershed.* Indirect effects such as increased dust, lighting, shading, invasive species, and noise would be minimized or mitigated through the measures listed in *Sections 3.17* through *3.22*, including *Section 3.21.4*, and specifically outlined in Final EIR/EIS *Section 3.17.3.3, Compensatory Mitigation,* as well as Appendix P, the Resource Enhancement and Mitigation Program. Please refer to the response to your Comment 18.
	67 Noise impacts during project construction and operation are discussed in EIR/EIS *Section 3.21.3, Environmental Consequences*, *Noise Effects on Wildlife*. Appendix F of the project NES states: "No noise thresholds were used to determine the potential for effects of noise on special status bird species." The referenced text on Page 10 of NES Appendix F goes on to note, however, that: "There is no single standard or threshold for determining significant noise effects on all bird species. Prior studies that have indicated a possible noise effects threshold for certain species of songbirds have not been scientifically shown to be valid for those species addressed in this report. Therefore, the existing ambient noise levels within the study area were compared to the predicted noise levels associated with the proposed future vehicle traffic over the five coastal lagoons along the I-5 corridor in San Diego County."

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	67 cont. As indicated in this text and shown in Tables 2 and 3 of NES Appendix F, existing noise levels were measured and modeled for a number of noise receptor sites in the applicable coastal lagoons (Table 2), with the higher of these levels then compared with modeled future (with project) noise levels at the same locations (Table 3). The relative differences in the existing and future noise levels were then used to assess potential noise-related impacts to sensitive avian species in each lagoon, along with site-specific considerations such as the documented locations of target species relative to the freeway corridor, the existing noise levels, and the amount of additional noise energy associated with project-related noise increases, as well as the effects of noise shielding conditions such as topographic features. The resultant discussions for individual lagoons are necessarily qualitative in nature and generally conclude that adverse effects to one or more target bird species may potentially occur from project-related noise increases. Updated information from more recent lagoon studies was included in the Supplemental Draft EIR/EIS, which has been incorporated into this Final EIR/EIS. Measures listed in EIR/EIS *Sections 3.17.3* and *3.21.4, Avoidance, Minimization, and/or Mitigation Measures*, have been updated to reflect the latest requirements and guidance from the resources agencies. Examples of measures that are related to noise impacts include the completion of all pile driving near the lagoons outside the bird breeding season (February 15 through August 31) to minimize construction noise impacts to bird species around the lagoons. Please refer to the response to your Comment 07.

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68 cont. habitat and modify water quality functions. The DEIR/S does acknowledge that shading may affect essential fish habitat (Section 3.20.3) and critical habitat for riparian bird species (DEIR/S-3.21.3) there is no analysis that quantifies or assesses the impacts for significance. The DEIR/S fails to address potential impacts from shading on other sensitive habitats—such as coastal salt marsh or freshwater marsh—that may occur below or adjacent to bridges that cross the lagoons or the San Luis Rey River. A recent study was prepared for the U.S. Department of Transportation quantifying the effects of highway bridge shading on marsh function found that bridge height and width directly affect underlying vegetation as well as the density and diversity of invertebrate benthic species. Broom. S.W., C.B. Craft, S.D. Struck & M. San Clements, *Effects of Shading from Bridges on Estuarine Wetlands*, 2005, Prepared for U.S. Department of Transportation, Research and Special Programs Administration. In light of this study, the DEIR/S should, at a minimum, include an analysis of potential shading impacts, an assessment of their significance and proposed mitigation.

69 The DEIR/S does not sufficiently address the indirect impacts of the project to water quality. Roads, highways, and bridges contribute significantly to pollutants in water bodies. EPA 1995. Contaminants from vehicles and construction activities run off the surface of the roadway and enter water bodies. Potential contaminants, such as dirt, dust, oil, grease, and heavy metals, impact aquatic environments by increasing nutrient loads, sedimentation, erosion, habitat degradation, and increased levels of toxic chemicals. The DEIR/S identifies increased potential for pollution from runoff from the widened highway as an indirect effect to threatened and endangered species and essential fish habitat. DEIR/S 3.20.3 and 3.21.3. However, the DEIR/S provides no analysis of the specific effects of this pollution on each species. Thus, there is no way to identify feasible mitigation measures. The only mitigation measures that are provided to address pollution from runoff are bioswales and detention basins that would filter runoff prior to reaching water bodies. There is no analysis of the effectiveness of these mitigation measures in capturing and treating runoff. The essential component of adequate mitigation measures is a discussion of their effectiveness. *See generally, South Fork Band Council of Western Shoshne of Nevada v. U.S. Dept of Interior* 558 F.3d 718 (9th Cir. 2009). The DEIR/S fails to provide sufficient evidence that impacts would be mitigated to a less than significant level.

70 The DEIR/S does not sufficiently address the indirect impacts on connectivity between core habitats. The San Diego Multiple Species Conservation Program and the North County Multiple Habitat Conservation Program were designed to maintain connections between core habitat areas, including linkages between coastal lagoons and inland habitats as well as between watersheds. Linkages are important for maintaining the integrity of ecosystems, by allowing for demographic and genetic exchange and by allowing larger predators to move among blocks of conserved habitat. I-5 is a barrier to wildlife movement through the entire study area. The DEIR/S concludes that widening the freeway may make existing crossings less attractive for use by wildlife and that this would be an incremental effect to wildlife without proposing any mitigation measures for the identified impact. DEIR/S 3.17.2.

71 The DEIR/S does not sufficiently address the indirect impacts of night lighting for construction on sensitive species. The DEIR/S does identify night lighting during construction activity as a potential impact to sensitive species and provides measures to minimize the impact. DEIR/S 3.21.3, 4. The DEIR/S does not however, address the long-term impacts to species that may occur from lighting associated with trails and pedestrian walkways, such as the walkway over San Elijo Lagoon. The DEIR/S must balance the safety needs along walkways with the impacts to wildlife habitat within preserves and mitigation measures should be identified.

72 The DEIR/S does not sufficiently address the indirect impacts that construction activity will have on turbidity of the water in the lagoons. The DEIR/S indicates that construction will occur within the Lagoons

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68 As noted in the response to your Comment 66, shading impacts are now addressed in more detail in *Section 3.18, Wetlands and Other Waters* of the Final EIR/EIS. In addition, EIR/EIS *Section 3.20*, *Animal Species*, documents that the bridge footprints are identified as permanent impacts with associated compensatory mitigation required, and that shading by the wider bridges may reduce some habitats used by fish such as eelgrass; however, columns, currents, and temperature changes under the bridges may be favored by some fish species. EIR/EIS *Section 3.21*, *Threatened and Endangered Species,* notes that critical habitat for the southwestern willow flycatcher is designated along the San Luis Rey River for its entire length, and that this critical habitat impact area is mostly under the bridge over the San Luis Rey River, which would have shading impacts.

Regarding lagoons, detailed lagoon studies were not yet completed at the time of Draft EIR/EIS release and studies were noted as under way in the document. Completion of these lagoon studies and analysis of the results provided a major focus of continued review following circulation of the Draft EIR/EIS. These studies included the review of a conservative assumed rise in sea level by 2100 (55 inches, or 4.5 feet) and resulted in refined bridge specifications over area lagoons. Updated information related to design and refinement of potential project impacts was circulated for public review and comment in August 2012 in the Supplemental Draft EIR/EIS. The enhanced bridge designs, which were verified to allow or support restoration efforts, are now incorporated into the project design, and environmental review is completed. Specifically, Caltrans has examined the option of building bridges with longer spans to enhance flow under the bridges; thereby increasing tidal exchange, decreasing tidal muting, and improving water quality. Lengthening of bridges was found to result in benefit, and longer bridges were incorporated into the project design at three of the lagoon crossings. These designs were described in detail in the August 2012 Supplemental Draft EIR/EIS and have been incorporated into the Final EIR/EIS.

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69 Conformance with State and regional water quality requirements for project construction and long-term operation is sufficient to protect water quality of receiving waters and biological resources within those waters. Please refer to the response to your Comment 22.

Water quality and biological resources mitigation requirements were stated generally within the Draft EIR/EIS because the specific requirements are being negotiated through required permit processes with the resources agencies responsible for regulating biological resources and water quality impacts; and the requirements are somewhat dependent on the ultimate design characteristics of the Preferred Alternative, if the project is approved. These permit processes are ongoing and the most recent available information is provided in the Final EIR/EIS. It is also important to note that the water quality regulatory environment has continued to evolve since the distribution of the Draft EIR/EIS. Caltrans is currently working cooperatively with the San Diego RWQCB and other named dischargers to comply with the adopted Revised Total Maximum Daily Loads (TMDLs) for Indicator Bacteria, Project I – Twenty Beaches and Creeks in the San Diego Region. On February 10, 2010, the San Diego RWQCB adopted Resolution No. R9-2010-0001, which is an amendment that incorporated Revised TMDLs Project I into the San Diego Basin Plan. This TMDL Basin Plan amendment was subsequently approved by the SWRCB on December 14, 2010, the Office of Administrative Law (OAL) on April 4, 2011, and the USEPA on June 22, 2011. Under State law, this TMDL Basin Plan Amendment became fully effective on April 4, 2011, the date of OAL approval.

Caltrans and other named dischargers are developing a Comprehensive Load Reduction Plan (CLRP). This CLRP will support the Responsible Parties' plans to address beach and creek impairments with coordinated, consistent, and phased implementation of BMPs. It will assist the Responsible Parties in complying with the approved TMDLs for Beaches and Creeks (Bacteria TMDLs) developed in the region. In addition to addressing bacteria, the CLRP will allow for implementation planning that addresses other potential 303(d) impairments and pollutants within the watershed, to increase the effectiveness and

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	69 cont. efficiency of planning and implementation efforts, and to reduce the overall cost of implementation and compliance monitoring. A monitoring plan will be developed to address the monitoring requirements of the approved Bacteria TMDLs and other existing and/or tentative TMDLs in the watershed. This plan also will address other 303(d) impairments that are proposed for inclusion in the CLRP. It is not practicable to calculate the exact quantities of all potential pollutants or their effects on individual species of plants and animals, but monitoring is an essential part of making progress toward attainment of the TMDLs and restoring the beneficial uses in the receiving waters. It is important to note that the BMPs that would be required for project implementation are much more effective than the BMPs in place for the existing I-5 facility. It is anticipated that the quality of runoff from I-5 along the project length would improve with project implementation, compared with the existing condition, as runoff from much of the existing pavement for I-5 would be treated by the new BMPs as well. 70 Wildlife corridors are addressed in EIR/EIS *Section 3.17,* which notes that the existing bridges over the lagoons do provide limited crossings on the abutments, and that new bridges at the lagoons are being designed with a bench at the abutment to facilitate wildlife movement as well as use by hikers. Additional information regarding the designs of these wildlife crossings was provided within the Supplemental Draft EIR/EIS and has been added to this Final EIR/EIS. Specific measures to be incorporated into the project would depend on the Preferred Alternative, if the project were approved, and the specific permit conditions imposed by the resources agencies; however, based on the most recent designs, it is expected that the project would represent an improvement over the existing conditions for wildlife movement. Please refer to the response to your Comment 07.

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	71 EIR/EIS *Section 3.21.3* recognizes that indirect impacts to threatened and endangered species can result from issues including increased lighting, and that I-5 already has such effects from increased lighting at night. Measures listed in EIR/EIS *Section 3.21.4* related to construction impacts include shielding of night lighting to direct it away from Environmentally Sensitive Areas (ESAs). As indicated in the Supplemental Draft EIR/EIS and this Final EIR/EIS, no night lighting is proposed for pedestrian trails located within wildlife movement corridors. Additional specific measures to be incorporated into the final design of the Preferred Alternative, if the project is approved, are being developed in coordination with resource agencies; the most recent available information has been incorporated into *Sections 3.17* through *3.22* of the Final EIR/EIS. Please refer to the responses to your Comments 07 and 66.

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72 cont. and the San Luis Rey River. DEIR/S 3.20.3. The DEIR/S does not identify turbidity as a potential issue to biological resources. Turbidity describes the lack of clarity of water do to the presence of suspended materials which can occur naturally or from human related activities such as construction. Turbidity analysis is important because reduction in water clarity has implications for many aquatic organisms, such as plants and invertebrate populations. This in turn limits food and habitat for fish. Kemp, W.M., *Seagrass Ecology Management: an Introduction*, 2000, Seagrasses, Monitoring, Ecology, Physiology, and Management. Borton, SA. (ed), CRC Press, 1-6.

73 The DEIR/S includes no discussion of the indirect impacts to biological resources from nitrogen deposition. Petroleum burning vehicles are a major producer of nitrogen emissions. Deposition of these nutrients in terrestrial and aquatic environments can degrade sensitive ecosystems. Weiss, S.B., Impacts of Nitrogen Deposition on California Ecosystems and Biodiversity, California Energy Commission, PIER Energy Related Environmental Research, 2006, CEC-500-2005-165. Impacts from nitrogen deposition may include decreased plant function, altered plant community composition, nonnative species invasions, eutrophication of water bodies and biodiversity loss. The effects of this potential impact need to be addressed in the DEIR/S because the sensitive ecosystems in the study area could be directly or indirectly affected by nitrogen deposition.

B. The DEIR/S' Mitigation Measures for Impacts to Biological Resources are Insufficient

74 The DEIR/S conclusion that the mitigating measures will reduce the impacts to the endangered species lacks both facts and analysis. Although the DEIR/S lists multiple mitigation measures for reducing impacts to endangered species, it fails to discuss the effects of the measures, as implemented on the reduction of the relevant impacts. DEIR/S 3.21.4. In addition, the DEIR/S fails to discuss the feasibility of such measures. The DEIR/S concludes that measures will reduce the project's impacts of endangered species to less than significant. The addition of the clause "through preserving, and where possible enhancing, endangered species habitat" does not cure this lack of adequacy because no description is provided of how the habitat will be preserved or enhanced. Thus, the DEIR/S declares the mitigation measures would reduce such impacts without an analysis of how such measures would potentially reduce impacts, and does not provide decision-makers with a sufficient degree of analysis necessary to make an intelligent decision, and thus does not satisfy CEQA. *See* Cal. Code Regs. § 15151.

In a similar fashion, the DEIR/S also fails to provide an adequate analysis of the particular aspects of the project that cause significant impact to migratory birds protected the Migratory Bird Treaty Act. The DEIR/S fails to provide an analysis of how the impacts of the Project meet the threshold of significance and how the mitigation measures reduce the impact below this threshold. DEIR/S 3.21.4 Section 3.21.4 of the DEIR/S merely presents conclusory statements as to the effectiveness of mitigation measures, falling short of CEQA requirements. *See Laurel Heights, 47 Cal. 3d at 404; see also Whittman v. Board of Supervisors*, 88 Cal.App.3d 379 (1979). Without an understanding of how the impacts meet the threshold of significance and how the proposed mitigation measures reduce the impacts to a level of non-significance, decision makers cannot use the DEIR/S to make an intelligent decision.

75 Special concern about the lack of analysis in the EIR as to the effects of the project on the San Elijo Lagoon has been publicly expressed. The comment letter hereby incorporates by reference the San Elijo Lagoon Conservancy's Letter to the Department of Transportation on November 12, 2010 for future detailed discussion of some topic areas.

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72 Turbidity is a result of storm water runoff and is inherently addressed in the discussion of impacts and mitigation for water-borne pollution. EIR/EIS *Section 3.10.3* describes potential sources of pollutants found in highway runoff as including sediment from natural erosion; nutrients (nitrogen and phosphorus) from tree leaves; mineralized organic matter in soil; fertilizers runoff; nitrite from automobile exhausts; atmospheric deposition; emulsifiers and surfactants; pesticides; metals (dissolved and particulate) from combustion products of fossil fuels; and wearing of brake pads and corrosion. The program of preventing water quality impairment in general is based on the implementation of BMPs and continued monitoring to achieve the CLRP, as discussed in the response to your Comment 69.

Specifically for the *I-5 NCC Project*, Caltrans continues to coordinate with the National Oceanic and Atmospheric Administration (NOAA) Fisheries and the California Department of Fish and Wildlife (CDFW; previously the California Department of Fish and Game) on appropriate measures to avoid, minimize, or mitigate direct and indirect impacts to fish species. The permitting agencies will judge the appropriateness and effectiveness of all project measures through their decisions to grant permits and set permit conditions. Updated information from these negotiations was provided in the Supplemental Draft EIR/EIS and this Final EIR/EIS. Please refer to the response to your Comment 07.

73 Effects of the project on biological resources throughout the corridor have been adequately addressed. In particular, critical habitats are discussed in EIR/EIS *Section 3.21, Threatened and Endangered Species*. Please refer to the response to your Comment 66. Regarding nitrogen deposition, emissions from the North Coast Corridor are anticipated to decline following project implementation and, therefore, the project is not expected to result in an impact with regard to this issue.

74 Mitigation specifics provided a major focus of inter-agency coordination in 2011 through 2013, and the Final EIR/EIS contains this augmented, clarified, and refined information regarding the mitigation program. This information is also provided in the

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	74 cont. PWP/TREP. Please refer to the response to your Comment 07. Impacts to migratory birds are addressed throughout the *Biological Environment* portion of the EIR/EIS. For example, in *Section 3.18.3*, the document states that impacts from each of the build alternatives to the lagoon habitats would incrementally decrease the quality and quantity of habitat available for use by wildlife species including migratory birds and listed species. Mitigation for impacts to migratory birds is primarily addressed through avoidance or minimization of direct and indirect impacts during construction, and mitigation for impacts to the habitat that is occupied or used by these species. Such measures are provided within the various sections within the *Biological Environment* portion of the EIR/EIS and have been updated to reflect the most recent information available regarding the evolving permit conditions for the project. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant. Please refer to the response to your Comment 18. The sections in *Chapter 3* of the EIR/EIS do not conclude significance because this part of the document is prepared to satisfy both CEQA and NEPA. All CEQA significance conclusions are provided in *Chapter 4*. Please refer to the response to your Comment 31.
	75 The EIR/EIS addresses San Elijo Lagoon in Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f*), Section 4.1, San Elijo Lagoon Ecological Reserve*, as well as the additional lagoon analysis that was circulated within the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS. Responses to the letter from San Elijo Lagoon Conservancy are provided separately within this Final EIR/EIS in this Appendix H-4.6.

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C. The DEIR/S Does Not Sufficiently Address Cumulative Impacts on Biological Resources

76 The DEIR/S does not address the cumulative impact of the project upon the lagoons and wildlife in the area as a whole. The DEIR/S mentions the lagoons and in these individual discussions, the DEIR/S generally holds that the impact on the lagoons and their wildlife will be minimal. However, the DEIR/S needs to address the overall impact on the lagoons and their wildlife, because some of the wildlife travels throughout the lagoons along the corridor (*e.g.*, the Coastal California Gnatcatcher, Belding's Savannah Sparrow, or the Lightfooted Clapper Rail). The DEIR/S needs to address how the increased noise pollution and air pollution and loss of habitat will affect the wildlife throughout the I-5 corridor.

It is necessary that the EIR contains a list of the projects in the geographical area that could impact sensitive species; an identification of the extent of habitat that would be lost from the combined projects; and an evaluation of the effect that the cumulative loss of habitat would have on the viability of the local species population or the species as a whole.

12. The DEIR/S' Analysis of Hydrology and Water Quality Impacts is Woefully Inadequate

77 Nowhere in the water quality section of the DEIR/S (Section 3.10) does the agency assess the significance of the alternatives' effects on water quality. (In fact, the only two instances where the word "significance" appears in the section on water quality impacts are in a table of definitions for beneficial uses of water bodies. *See* DEIR/S at Table 3.10.1.) Instead, in a separate section with no explanation or analysis, the DEIR/S lists hydrology and water quality as impacts of the proposed project that "would have a less than significant effect on the environment." DEIR/S 4-1. Caltrans' perfunctory finding that the hydrology and water quality impacts "would have a less than significant effect on the environment" is baffling, however, because the DEIR/S fails to identify even the most basic threshold of significance upon which has based its determination. Absent the necessary criteria to assess the significance of impacts, it is impossible to meaningfully review, or even to track, Caltrans' decision-making. *See Laurel Heights*, 47 Cal. 3d at 405.

A. The DEIR/S' Findings of Less Than Significant Water Quality Effects is Erroneous Using Widely-Accepted Criteria for Determining Significance

78 Applying any of the widely-accepted criteria to assess significance of water quality impacts in the region confirms that the proposed build alternatives will result in significant water quality effects. The Interstate 5 North Corridor Water Quality Report (" I-5 NCC Water Report") upon which Caltrans relies in the DEIR/S itself acknowledges that "[t]he proposed project will have potential short-term impacts to storm water runoff quality" and "will also have potential long-term impacts (post construction) on the receiving water bodies' quality due to the contribution of pollutants from the operation of the freeway." DEIR/S at ES-1.

Agencies often derive their significance thresholds based on the criteria provided in Appendix G of the CEQA guidelines. *See, e.g.*, City of Colton Soil Safe Project, Draft Environmental Impact Report at 3.0-2—3.0-3; 14 Cal. Code Regs. Appendix G (*See*, attached as Exhibit V). In the water quality and hydrology context, using the criteria provided in Appendix G, an agency examines whether the project will:

a) Violate any water quality standards or waste discharge requirements;

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76 Additional information regarding impacts to the lagoons and the associated wildlife was provided within the Supplemental Draft EIR/EIS and has been incorporated within this Final EIR/EIS, along with the latest available information regarding the evolving permit conditions imposed by the resources agencies to protect wildlife and mitigate for wildlife impacts. EIR/EIS *Section 3.25* focuses on those projects within the cumulative study area that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. This included impacts to natural communities, wetlands and other waters of the U.S. and State, and the sensitive plant and animal species that are supported by these habitats. Additional clarification is provided in Final EIR/EIS *Section 3.25*. Documentation of additional projects has been added to *Table 3.25.2* and review of environmental resource health or status was added to provide the reader with clarification regarding the basis for conclusions reached in the Draft EIR/EIS. As detailed in *Section 3.25*, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative effects remain as stated. Please refer to the responses to your Comments 32 and 47.

The natural community Resource Study Areas (RSA) is coastal San Diego County between El Camino Real and the Pacific Ocean, as shown in *Figure 3-25.3.* This RSA includes the lagoons, which are also addressed in detail in EIR/EIS Appendix A: Resources Evaluated Relative to the Requirements of Section 4(f). The PWP/TREP is a regional mitigation program for biological resources being developed in coordination with resource agencies. The mitigation program is anticipated to reduce project contribution to cumulative impacts to native upland communities, wetlands, and other waters along the coast, but less than cumulatively considerable levels. The mitigation approach to biological resources impacts is appropriate and fully coordinated with resource agencies whose mandate is to protect natural resources. Please also refer to the responses to your Comments 07 and 70.

77 Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation*

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b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted);

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site;

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;

f) Otherwise substantially degrade water quality;

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map;

78 cont. h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows;

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or

j) Result in inundation by seiche, tsunami, or mudflow.

An affirmative finding associated with any one of these criteria can be enough to meet the significance threshold. The Department of Fish and Game's determination that the proposed project will require a Streambed Alteration Agreement alone suggests an "alteration of the course of a stream or river… result[ing] in substantial erosion or siltation on- or off-site." DEIR/S at Table S.2; 14 Cal. Code Regs. Appendix G (*See,* attached as Exhibit W). Further, the effects caused by increased imperious surface area under each of the build alternatives should trigger a finding of significance for hydrology and water quality impacts. All of the build alternatives will result in a greater than 70% increase in the amount impervious surface created within the project area. DEIR/S at Figure 3.10.8. Caltrans' I-5 NCC Water Report states, "Impervious surface is directly proportional to higher runoff volume and higher velocities and there is less opportunities for infiltration or for vegetation to slow down flows." I-5 NCC Water Report 5-3. The report also notes that impervious surface areas can affect pollutant concentrations in runoff as well. *Id.* at 4-7.

Applying the findings discussed above to the Project should trigger a significant water quality effects determination because the increase in impervious surface area will "[s]ubstantially alter the existing drainage pattern of the site or area...in a manner which would result in substantial erosion or siltation" and "substantially increase the rate or amount of surface runoff in a manner which would result in flooding" and will "[c]reate or contribute runoff water which would…provide substantial additional sources of polluted runoff." 14 Cal. Code Regs. Appendix G.

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77 cont. *Measures,* is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*.

There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant. Please refer to the response to your Comment 18.

As discussed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, BMPs would be implemented to address potential water quality impacts during the planning and design, construction, and operational (maintenance) stages. In conformance with current water quality regulations, the project will provide sufficient features to protect the quality of receiving waters, and, therefore, avoid impacts that could be considered significant under CEQA. Please refer to the responses to your Comments 22 and 69.

78 The use of thresholds in Appendix G is not mandated by CEQA. Please refer to the response to your Comment 77.

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78 cont.

For region-specific significance thresholds, the County of San Diego has published Guidelines for Determining Significance for both hydrology and surface water quality. County of San Diego, Guidelines for Determining Significance: Hydrology (July 30, 2007); County of San Diego, Guidelines for Determining Significance: Surface Water Quality (July 30, 2007) (together, the "County Guidelines") (*See, attached as Exhibit U)*. These guidelines largely reinforce the criteria provided in Appendix G of the CEQA guidelines. 14 Cal. Code Regs. Appendix G. In light of the fact that the proposed project will be implemented entirely within San Diego County, Caltrans and the FHWA should have applied the County Guidelines to determine the significance of hydrology and surface quality effects from the project. According to the County Guidelines, "[a] project will generally be considered to have a significant effect if it proposes any of the following, absent specific evidence to the contrary." County of San Diego, Guidelines for Determining Significance: Hydrology (July 30, 2007) at 16, *See*, attached as Exhibit T.

B. The DEIR/S Fails to Address the Extent of the Impacts Related to Any of the Three Primary Causes of Water Quality Pollution to be Assessed Under CEQA

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The County Guidelines identify the three primary causes of pollution to be assessed under CEQA as "[g]rading or clearing of land so that soil material is discharged into a receiving water body…or stormwater conveyance system; [p]lacing development in, or discharging material into, a river, stream, lake, wetland..., or into a buffer area for one of these water bodies; and [i]ncreasing impervious surface areas." All four of the build alternatives implicate these primary pollution-causing activities. Figures 2-2.14 (a) through (o) show extensive grading operations proposed to occur near existing water bodies and expansively along the roadway. *See also, e.g.*, DEIR/S at 3.7-49 ("Grading would utilize techniques such as slope rounding, slope sculpting, and variable gradients to approximate the appearance of natural topography."). The Project will also require building in and discharging fill into various waterways and buffer areas. *See, e.g.* DEIR/S at 3.9-6 (discussing proposed bridge expansions to be constructed within various waterways and fill and culvert enhancement operations under all of the build alternatives). Finally, as previously noted, all of the build alternatives will result substantially increase in impervious surfaces within the project area. The two barrier build alternatives would more than double the existing impervious surface area of the highway in the region. *Id*. Given the County's emphasis on assessing the impacts of grading, filling, and increasing impervious surface area under CEQA, one would expect the DEIR/S to analyze the extent of water quality impacts as a result of these activities. No analysis is provided. Why?

The environmental consequences discussion in the water quality section of the DEIR/S (Section 3.10.3) provides only the most general information about potential sources of pollution and pollutants during project construction and operation. DEIR/S at 3.10-8 ("*Potential* sources of pollutants from construction activities *could be*…*Examples* of pollutants generated from construction materials *include*…*potential* sources of pollutants found in highway runoff *include*…," etc.) (emphasis added). The DEIR/S offers no quantifications of pollutants associated with the proposed Project as a whole or in specific site within the project area. Instead, the DEIR/S relies entirely on its unsupported assertion that best management practices ("BMPs") will prevent or minimize short-term and long-term impacts to water quality. DEIR/S at 3.10-10. Whether particular BMPs can be implemented at all, and which BMPs will be implemented in what locations, however, are all determinations the DEIR/S leaves for future evaluation. The DEIR/S states, "When the proposed project proceeds to the design phase, the locations of these treatment BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints, or hydraulic capacity." DEIR/S at 3.10-11. Yet, this kind of evaluation is precisely the kind of assessment that CEQA requires to be done in an EIR as an initial matter in the planning phase rather than after approval and public review. *Citizens of Goleta Valley v. Bd. of Supervisors*, 52 Cal. 3d 553, 564 (Cal. 1990) (An EIR's "purpose is to inform the public and its responsible officials of

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79 The potential impacts to water quality are adequately addressed to identify the need for control measures. Measures that must be incorporated into the project in conformance with current water quality regulations would provide sufficient protection of the quality of receiving waters. Because these regulatory requirements are performance-based, their effectiveness can be ascertained even though the specific project BMP designs are not available at this stage of project planning. Please refer to the response to your Comment 69.

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the environmental consequences of their decisions *before* they are made.") (emphasis in original). Yet-to-be determined BMPs hold no assurances that impacts to water quality will be less than significant. Without knowing the extent of the water quality impacts, the particular BMPs that will be implemented on a site-specific level, or the efficacy of BMPs to be implemented, it is impossible to analyze whether the BMPs will adequately minimize or prevent impacts to water quality to a less than significant level. *See, e.g., Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agric. Ass'n.*, 42 Cal. 3d 929, 935 (Cal. 1986).

79 cont.

To assess whether the project will adversely affect a water body's designated uses, or whether it will comply with total maximum daily loads ("TMDLs") for discharges into an impaired water body, the agency must provide something more than lists and tables of existing beneficial uses and TMDLs for water bodies in the area. *See* 33 U.S.C. 1313(d); *see also* 40 C.F.R. 131.13(a)(1). The lists and tables provided in chapter 3.10.3, by themselves, say nothing about how or the extent to which the proposed project will impact water quality.

13. The DEIR's Wetland Impacts and Compensation Plan is Inadequate

A. The FHWA and Caltrans Have Failed to Show that any Project Alternative is the Least Damaging Practical Alternative or that All Practical Measures have been Proposed to Minimize Harm

Wetlands serve many important functions, including flood and erosion control, filtration of pollutants out of urban runoff, carbon sequestration, and filtration of our air by vegetation. *See* 73 Fed. Reg. 19594 (Apr. 10, 2008). Wetlands also provide important habitat, wildlife corridors, and foraging for wildlife including endangered species. *Id*. California has lost approximately 90% of its wetlands due to development and human activity. *California Coastal Resource Guide*, Cal. Coastal Comm'n (available at http://ceres.ca.gov/ceres/calweb/coastal/wetlands.html).

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Dredged or fill material should not be discharged into the waters unless it can be demonstrated that such a discharge will not have an unacceptable adverse impact. *See* 40 C.F.R. § 230.10 *et seq*. Clean Water Act Section 404(b)(1). Guidelines require that only the least damaging practicable alternative to a discharge of dredge or fill material into wetlands be permitted. 40 C.F.R. § 230.10(a). For projects that are not water-dependent, the law presumes that there are practicable alternatives that do not impact wetlands. *See* 40 C.F.R. § 230. Project applicants bear the burden of proving that there is no feasible alternative that will avoid or minimize wetland impacts to a greater extent than the proposed project. *Id*. The U.S. Environmental Protection Agency and the Army Corps of Engineers have jointly expressed intent to achieve a goal of no overall net loss of values and functions for wetlands. Memorandum of Agreement. 55 Fed. Reg. 9210 (Mar. 12, 1990). Executive Order 11,990 further provides that an agency should avoid wetlands construction unless "there is no practicable alternative to such construction" and "the proposed action includes all practicable measures to minimize harm to wetlands which may result from such use." Exec. Order No. 11,990, 42 Fed. Reg. 26,961 (May 24, 1977). Finally, the California Coastal Act only permits dredging and filling of open coastal waters, wetlands, estuaries, and lakes in limited circumstances and only "where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects…" Cal. Pub. Res. Code § 30233.

The build alternatives in the DEIR/S significantly affect vast areas of fragile wetlands. According to Table 3.18.1, each of the four build alternatives would impact more than 20 acres of wetlands and more than 15 additional acres of navigable waters. DEIR/S, Table 3.18.1. The DEIR/S declares that impacts to wetlands have been minimized to the extent practicable, but provides no evidence why additional measures to minimize impacts would not be practicable. Perhaps more glaringly, the DEIR/S makes no finding with

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80 Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been identified in the Final EIR/EIS as the Preferred Alternative. Additional bridge design and biological and coastal resource mitigation specificity for the Preferred Alternative was included in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS, including additional information regarding the prevention of construction debris from falling into lagoons and other wetlands. The minimization of impacts has been incorporated into the Preferred Alternative and will continue throughout the project design and permitting process, in consultation with resource agencies and the CCC. Please note that agency letters of concurrence on the preliminary LEDPA (Least Environmentally Damaging Practicable Alternative) and Conceptual Mitigation Plan have been received, as shown in *Section 5.4, NEPA - Section 404 Integration Process,* of this Final EIR/EIS.

Regarding lagoons, detailed lagoon studies were not completed at the time of Draft EIR/EIS release and studies were noted as under way in the document. Please refer to the response to your Comment 72.

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80 cont.

respect to a least damaging practicable alternative. Unless and until the agency can show that the proposed alternative is the least damaging practicable alternative and can support its finding that all "[i]mpacts to wetlands have been minimized to the extent practicable," a Clean Water Act § 404 permit should not be issued.

The DEIR/S proposes the following list of measures to minimize impacts to wetlands:

- All debris from the replacement of old bridges or construction of new bridges would be contained, so that it does not fall into rivers and lagoons.
- Appropriate best management practices (BMP) would be used to control erosion and sedimentation. No sediment or debris would be allowed to enter the creeks, rivers, or lagoons.
- Bioswales and detention basins would be placed throughout the project limits to filter runoff prior to reaching wetlands and other waters of the U.S.
- Fueling of construction equipment would occur at a designated area at a distance greater than 30 m (98.4 ft) from drainages/lagoons, and associated plant communities to preclude adverse water quality impacts. Fuel cans and fueling of equipment would take place outside the drainages.
- Studies underway to determine if water flow under lagoon bridges could be enhanced with design changes to the bridges.

DEIR/S 3.18-4.

The DEIR/S, however, presents no information about how debris from the replacement of old bridges or the construction of new bridges would be contained, or about what BMPs would be employed to ensure that "[n]o sediment or debris would be allowed to enter the creeks, rivers, or lagoons." Nor does the DEIR/S provide numbers or locations for the placement of bioswales and detention basins to ensure that they adequately minimize water runoff impacts. The EIR/S must include a discussion of the effectiveness of these proposed measures. *See, e.g., South Fork Band Council of Western Shoshone of Nevada v. U.S. Dept. of Interior*, 558 F.3d 718 (9th Cir. 2009). Further, the fact that studies are still underway to determine whether design changes could enhance water flow under lagoon bridges suggests that additional minimization measures may exist beyond those listed and that the public lacks important information about the full range of practicable alternatives.

81

B. The DEIR/S Lacks a Mitigation Package, Rendering Public Review Impossible

The Section 404(b)(1) Guidelines require compensatory mitigation for all unavoidable adverse impacts; however, the DEIR/S lacks a concrete compensatory mitigation plan. DEIR/S at 3.21.7. Again, with no knowledge of the extent of the compensatory mitigation package, the full ecosystem values being offset, or a final mitigation ratio, public comment is imprecise and speculative at this juncture.

The full impacts of the Project's impacts on wetlands, including those impacts associated with the Project's compensatory mitigation plan, must be assessed in a final EIR/S. Significant concern remains that the compensatory mitigation plan eventually put forward will not adequately replace the ecological values of the impacted wetlands. The proposed mitigation package must comply with the Section 404(b)(1) Guidelines, which express preferences for wetlands restoration and a watershed approach to mitigation. 40 C.F.R. § 230 *et seq*. Where a watershed approach to mitigation is impractical, on-site in-kind mitigation is preferred. *Id*.

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81 The PWP/TREP is a regional mitigation program for biological resources being developed in coordination with resource agencies. Please refer to the response to your Comment 07.

Additional bridge design and biological and coastal resource mitigation specificity for the Preferred Alternative was included in the Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS, along with the latest compensatory mitigation requirements identified within the evolving permit programs for the project. Please refer to the response to your Comment 84.

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14. The DEIR/S' Lack of a Socio-Economic Impact Analysis Violates NEPA and CEQA

According to NEPA, the economic and social effects of a project – whether direct, indirect or cumulative – must be included in an environmental review document. 40 C.F.R. 1508.8(b). Similarly, CEQA regulations require full disclosure and analysis of adverse physical changes in the environment that may be caused directly or indirectly by the social and economic effects of a proposed project. To meet these requirements, Caltrans must revise the DEIR/S to provide an analysis of the social and economic impacts and resulting physical changes the Project will cause.

82 As a general matter, major highway widening projects such as the Project often have a significant negative effect on both the social and economic activity of surrounding neighborhoods. Economically, such projects can result in business being taken away from local enterprises, which in turn can cause store closures and long-term vacancies. Large-scale land use decisions can also negatively impact the social setting of surrounding neighborhoods. For example, when a waste management facility was proposed to be placed next to a religious retreat center, CEQA required a study on whether the physical impacts associated with the new facility would disturb worship in the natural environment of the retreat center. *Christward Ministry v. Superior Ct. of San Diego County*, 184 Cal.App.3d 180 (1986). Courts have consistently recognized that the omission of an analysis on urban/suburban decay and deterioration must render an EIR defective as an informational document pursuant to CEQA. *Id. See Also*; *Friends of Davis v. City of Davis*, 23 Cal.App.4th 1004, 1019 (2000); *Citizens for Quality Growth v. City of Mt. Shasta*, 198 Cal.App.3d 433,445 (1988).

15. The DEIR/S Does Not Sufficiently Address the Cumulative Impacts of Other Reasonable and Foreseeable Projects

A cumulative impact means that the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, and the effects of probable future projects." Pub. Resources Code § 21083, subd. (b)(2). This requires that an EIR include the cumulative impacts of other reasonably foreseeable projects. *See also* 14 Cal. Code Regs. § 1535.

The DEIR/S must include a discussion of the other reasonably foreseeable projects and those projects' overall impacts must be discussed in conjunction with the cumulative impacts of the expansion of the I-5 corridor. For example, the DEIR/S cursorily mentions several other projects that will affect the corridor, including the LOSSAN double tracking of the railroad, building the missing connector ramps at I-5 and SR-78 near Buena Vista Lagoon, the Northern Inlet Jetty Restoration in Carlsbad, and the Mesa Ridge
83 Project in Oceanside. However, other than a brief mention, the DEIR/S does not adequately address their cumulative impacts on the affected environment.

SANDAG has approved the 2030 Regional Transportation Plan ("RTP") that involves many projects along I-5 north of Pacific Beach. These projects are not mentioned in the DEIR/S other than to say that they may have possible or potential cumulative impacts. This brief discussion does not sufficiently address the reasonably foreseeable cumulative impacts of the project overall, including these reasonable and foreseeable projects, and the DEIR/S is deficient because it fails to adequately address the cumulative impacts that the RTP has had and will have on the I-5 corridor.

As the growth-inducing analysis shows, an increase in infrastructure directly correlates to an increase in population in an area. The Project, along with the RTP, will lead to population growth, a fact not addressed at all in the DEIR/S. The DEIR/S similarly avoids a cumulative impacts discussion about the

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82 Pursuant to NEPA requirements, potential economic and social impacts from the proposed project are evaluated in *Section 3.4, Community Impacts*, of the EIR/EIS, with additional supporting detail provided in the Community Impact Assessment technical report. *Section 3.4* discusses whether the proposed project would have impacts to communities including those relative to Community Character and Cohesion, Relocations, and Environmental Justice. Impacts related to existing and planned land uses are addressed in EIR/EIS *Section 3.1*, *Land Use*. These sections address the physical changes that could affect communities from a socioeconomic standpoint. Because the project would widen an existing freeway to which the surrounding socioeconomic has already adapted, the socioeconomic impacts of the freeway widening are not expected to be substantial.

83 Draft EIR/EIS *Section 3.25* focused on those projects within the cumulative study area that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. The following issues were identified as such: visual /aesthetics, natural communities, and wetlands and other waters of the U.S. and State. These remain the issues carried forward into the *Section 3.25.3* discussion. Air quality and noise were not identified as issues to be addressed in the cumulative discussion. Please refer to the responses to your Comments 30 and 44. The project would have a positive effect on GHG emission reduction. Please refer to the response to your Comment 37. The project would provide sufficient features to protect water quality of receiving waters. Please refer to the response to your Comment 22.

Draft EIR/EIS *Table 3.25.1* summarized known projects at the time of EIR/EIS preparation that would be located within the cumulative study area and within the RSAs for the identified cumulative resource issues that would also be adversely affected by the *I-5 NCC Project*. Additional clarification is provided in Final EIR/EIS *Section 3.25*. Documentation of additional projects has been added to *Table 3.25.2* and review of environmental resource health or status was added to provide the reader with clarification regarding the basis for conclusions reached in the Draft

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growth-inducing impacts of the foreseeable projects. The following list indicates those projects, (highway, roadway and other projects) which would have a cumulatively considerable impact to noise, air quality, greenhouse gases emissions, water quality, and/or visual and biological resources, but which the DEIR/S does not analyze:

83 cont.

- Manchester Ave. Interchange Improvements;
- Encinitas Boulevard Interchange Improvements;
- I-5 "Mid-Coast" Freeway Improvements form I-8 to I805;
- Sorrento Valley Road/Roselle Street Improvements;
- I-56 Flyover connecting to the I-5;
- Carroll Canyon northbound improvements;
- SR-52 new freeway construction;
- SR-76 new construction improvements (4-lane highway);
- Carlsbad Energy Center; and
- The Poseidon--Carlsbad Desalination Project.

Why is it that the aforementioned projects – some of which have an environmental review process currently underway making them *more* than reasonably foreseeable – are not mentioned, let alone analyzed, for their certain cumulative impacts by the DEIR/S? The failure to identify, analyze and mitigate for all reasonably foreseeable cumulative impacts is another example of the fundamentally flawed document that must be redrafted and recirculated in order to provide the public and decision-makers alike with the tools necessary to provide meaningful feedback regarding the Project's environmental implications.

16. The DEIR/S Fails to Describe a Mitigation Monitoring or Reporting Program as Required by CEQA Section 15097, Making All of the Mitigation Measures Presented in the DEIR/S Inadequate

84

CEQA requires that Caltrans, as the lead agency, adopt a "program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects." 14 Cal. Code Regs. § 15097. None of the mitigation measures in the DEIR/S discusses the required monitoring program. There is no discussion of how any of the mitigation measures will be monitored, or which agency will be responsible for the monitoring. Section 15097 further describes the program requirements:

> The public agency may choose whether its program will monitor mitigating, report on mitigation, or both. "Reporting" generally consists of a written compliance review that is presented to the decision making body or authorized staff person. A report may be required at various stages during project implementation or upon completion of the mitigation measure. "Monitoring" is generally an ongoing or periodic process of project oversight. There is often no clear distinction between monitoring and reporting and the program best suited to ensuring compliance in any given instance will usually involve both elements.

The DEIR/S does not describe a written compliance review that will be presented to the decision making body. The DEIR/S fails to describe an ongoing process of periodic oversight. There is no explanation to suggest whether or not a reporting program or monitoring program will be implemented.

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83 cont. EIR/EIS. As detailed in *Section 3.25*, the conclusions reached in the Draft EIR/EIS regarding project contribution to cumulative effects remain as stated.

The Carlsbad Energy Center Project was inadvertently omitted from *Table 3.25.1* in the Draft EIR/EIS; this project has been added to *Table 3.25.2* in the Final EIR/EIS. It should be noted, however, that this project is included in the evaluation of cumulative impacts provided in *Section 3.25.3, Environmental Consequences*, under the discussion of Visual/Aesthetic Resources. Specifically, this analysis notes that the Carlsbad Energy Center would also contribute to the degradation of visual quality along the corridor with removal of screening vegetation. The change to the visual resource of the area brought about by these planned projects would be considered a cumulatively considerable contribution. The Carlsbad Energy Center Project would redevelop a portion of the existing Encina Power Plant facility to continue generating power by replacing generators (steam boiler units) with air-cooled units. This would not convert land outside the power plant and is anticipated to result in substantial air quality and biological improvements (i.e., reduction in existing impacts) due to the change in energy generation mode. The project, therefore, would not substantially contribute to those particular cumulative impacts identified for I-5.

The project is not considered growth inducing. Please refer to the response to your Comment 30.

84 The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects. These measures are included in EIR/EIS Appendix D, Environmental Commitments Record, which constitutes the mitigation monitoring and reporting program. Please refer to the response to your Comment 23.

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84 cont. Absent a detailed monitoring or reporting program there is no way to assess whether mitigation measures are being employed, which also means there is no way of knowing if the significant environmental effects are being mitigated appropriately to below a level of significance as required under CEQA.

17. The DEIR/S' Analysis of Alternatives is Inadequate

The Supreme Court of California has recognized CEQA's alternatives requirements as "the core" of an EIR. *Citizens of Goleta Valley v. Board of Supervisors* 52 Cal.3d 553, 564 (1990). The CEQA mandates that an agency cannot approve a project if feasible alternatives exist, which would substantially lessen the environmental impacts of the project. Cal. Pub. Res. Code § 21002. If a project will have significant environmental effects, the agency must show that "[s]pecific economic, legal, social, technological, or other considerations . . . make infeasible the mitigation measures or alternatives identified in the environmental impact report." Cal. Pub. Res. Code § 21081(a)(3); 14 Cal. Code Regs., § 15091. As discussed, CEQA defines significant environmental effect as "a substantial, or potentially substantial, adverse change in the environment." Cal. Pub. Res. Code § 21068. An adequate discussion of these alternatives, pursuant to CEQA, "shall examine reasonable options for mitigating or avoiding any significant cumulative effects of a proposed project." 14 Cal. Code Regs., § 15130, subd. (b), (b)(3) (2009); *See also, Los Angeles Unified School District v. City of Los Angeles* 58 Cal.App.4th 1019, 1029 (1977).

85 Likewise, NEPA requires that the agency to balance a project's environmental costs against the projects economic and technological benefits. *Columbia Basin Land Protection Ass'n v. Schlesinger*, 643 F.2d 585, 594-95 (9th Cir. 1981); *see* 42 U.S.C. § 4332(2)(B). The environmental impact statement should "provide [] a basis for (a) evaluation of the benefits of the proposed project in light of its environmental risks, and (b) comparison of the net balance for the proposed project with the environmental risks presented by alternative courses of action." *Natural Resources Defense Council v. Morton*, 458 F.2d 827, 833 (D.C. Cir. 1972). NEPA's regulations and Ninth Circuit case law also demands an agency to "[r]igorously explore and objectively evaluate all reasonable alternatives." § 1502.14(a) (emphasis added); *Citizens for a Better Henderson v. Hodel*, 786 f.2d 1051, 1057 (9th Cir. 1985) (EIS must consider "every" reasonable alternative).

Moreover, it has been held by the courts, in the Ninth Circuit [and elsewhere], that a failure to consider a reasonable alternative prevents the [agency's] EIS from achieving a compliant NEPA analysis. *See, e.g., Idaho Conservation League v. Mumma*, 956 F.2d 1508, 1519-20 (9th Cir. 1992) ("The existence of a viable, but unexamined alternative renders an EIS inadequate.").[6] "In order to be adequate, an environmental impact statement must consider not every possible alternative, but every reasonable alternative. *Friends of Endangered Species v. Jantzen*, 760 F.2d 976m 988 (9th Cir.1985); *California v. Block*, 690 F.2d 753, 766-67 (9th Cir.1982); *Save Lake Washington*, 641 F.2d at 1334 (9th Cir.1981). Similarly, under CEQA, an inadequate discussion of project alternatives in the EIR constitutes an abuse of discretion by the agency. *Kings County Farm Bureau v. City of Hanford*, 270- Cal.Rptr.650, (Ct. App. 1990).

[6] Forty Most Asked Questions Concerning CEQ's NEPA Regulations, 48 Fed. Reg. 18,026 (March 16, 1981) "In determining the scope of alternatives to be considered, the emphasis is on what is 'reasonable' rather than on whether the proponent or applicant likes or is itself capable of carrying out the particular alternative. Reasonable alternatives include those that are practical or feasible from a technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant."

RESPONSES

85 The study of alternatives within the EIR/EIS is legally sufficient. Please refer to the response to your Comment 01.

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A. The Range of Alternatives Offered Fails to Meet the Standards Under CEQA and NEPA

86 Having a reasonable range of alternatives "guarantee[s] that agency decision-makers have before them and taking into proper account *all possible approaches* to a particular project…which would *alter the environmental impact and the cost-benefit balance…" Bob Marshall Alliance v. Hodel,* 852 F.2d 1223, 128 (9th Cir. 1998) (emphasis added, internal citations, quotations and alterations omitted). Although the DEIR/S analyzes a range of alternatives to the Project, it analyzes no alternatives—other than the no build alternative—to the Project itself. The narrowly tailored so-called range of alternatives stated is contravening to the court's holding in *Center for Biological Diversity v. U.S. Dept. Of Interior,* which discussed that an EIR must be sufficiently broad so it "will foster informed decision making and public participation." Furthermore, in the seminal case of *Laurel Heights,* the court unequivocally declared it the lead agency's [Caltrans] responsibility, under CEQA, to identify feasible alternatives, *not* the publics or responsible agencies. (emphasis added) *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 405. Caltrans, an agency whose sole focus is to facilitate transportation in California, is more than capable of producing a list of alternatives that could reduce freeway congestion, utilizing various methodologies, inclusive of mass transit.

The "four" alternatives offer few clear distinctions from one another in terms of environmental impacts. Yet, presenting clear distinctions—and vigorously exploring all feasible alternatives—are particularly important when addressing complex or difficult issues, such as the appropriate manner to address traffic congestion problems along the existing corridor. *See Greenpeace v. National Marine Fisheries Service,* 55 F.Supp.2d 1248 (W.D. Wash. 1999) (alternative analysis did not sharply define the issue and present a clear basis for choice). Merely presenting slightly different variations of freeway construction does not constitute an adequate alternatives analysis. *See Sierra Club v. United States Department Of Transportation,* 962 F.Supp. 1037 (N.D. Ill.1997).

Caltrans and FHWA attempt to rationalize the freeway-constrained analysis presented in the DEIR/S by looking to earlier regional planning that has identified this section of the I-5 corridor for freeway expansion (San Diego, California, TransNet Extension and Ordinance Plan, SANDAG Ballot Language and Ordinance Expenditure Plan)[7] (*See*, attached as Exhibit X) but Caltrans and FHWA cannot narrow the scope of their alternatives analysis by only considering alternatives that are consistent with previous planning documents. The DEIR/S is required to analyze any inconsistencies with such plans, but it cannot categorically dismiss alternatives to those plans that are inconsistent with the plans.

B. The DEIR/S Fails to Adequately Discuss Other Feasible Alternatives that Would Meet the Project Objectives

87 A properly conducted alternatives analysis considers the "feasibility" of all alternatives. The concept of feasibility as defined by CEQA includes the "…capab[ility] of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." CEQA Guidelines § 15364. The DEIR/S's current description of the cost of each alternative provides no economic analysis or cost breakdown within the document with the exception of a lump sum total for construction and environmental mitigation costs ranging from 3.3 billion dollars to 4.2 billion dollars. DEIR/S S.3-S-2-3. With proper identification as to the specific funding sources and/or the

[7] The TransNet Extension Ordinance limits the funding allocations for TransNet dollars to the 8+4 alternative via the voter ballot language. The DEIR/S fails to offer the proper financial forecasting and budgeting documents making further analysis of this issue impossible.

RESPONSES

86 The long process of identifying the build alternatives addressed in detail in the EIR/EIS is discussed in *Section 1.4, History and Background*. Other alternatives are addressed in EIR/EIS *Section 2.6*, *Alternatives Considered but Eliminated from Further Discussion*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor.

The *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2035 and beyond to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for the North Coast Corridor that includes mass transit. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for discussions of how the project fits within the regional transit system and planning to encourage the use of mass transit and carpools, and to provide compatibility with BRT. Please also refer to the response to your Comment 05.

87 Transportation funding, including funding for the proposed project, is disbursed through the TransNet program. The $17 billion generated during the 60-year life of the program is distributed to transportation projects in general by SANDAG. TransNet monies are divided so that approximately one-third each goes to highways, transit, and local roadways. Please refer to Topical Response "Transportation Funding" for an explanation of the allocation of transportation funding. Based on current and projected funding sources, it is anticipated that funding will be available to implement all project phases by 2035.

The *I-5 NCC Project* is part of a balanced, multimodal regional transportation network, and not a project based on a presumption that freeway expansion is the superior strategy, nor does the

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economic feasibility of the four build alternatives neither the public nor the decision-makers reviewing the DEIR/S can make a determination if *any* of the proposed alternatives are in fact "feasible" within the meaning of the law.

This artificially constrained range of alternatives directly conflict with CEQA and NEPA, as well as, the purported, purpose, need and objective of the Project itself which is the identification and implementation of the most cost effective and (environmentally superior method) of moving people and goods with in north coastal San Diego area without the overriding presumption that freeway expansion is the superior strategy from the onset. Therefore, at a minimum, a revised DEIR/S must describe the methodology by which these costs were calculated, how much each alternative would cost, how the alternatives are to be funded, proof of secured funding sources funding sources, if there is debt service associated with the funds, and if so, how much and how long would it be paid, and if there is adequate funding to implement the identified mitigation measure for the life of the Project and beyond. *See Utahns for a Better Transportation v. United States DOT,* 305 F.3d 1152, 1165-66 (10th Cir. 2002) (FEIS inadequate to meet NEPA goals of informed decision-making and public comment where no cost methodology included).

The DEIR/S does not fully examine other feasible alternatives such as various forms of public transit. Regional bus systems are mentioned briefly when it is stated that the HOV lanes provide "an opportunity to expand the regional bus system by allowing transit vehicles to enter exit …toll free." DEIR/S 2-5. The potential expansion of public transit system is being treated as nothing more than a bonus effect of the project. Public transit is also briefly mentioned when the DEIR/S discusses the TSM strategy for improving traffic efficiency. The DEIR/S states that "TSM measures have been incorporated into the Build Alternatives," but no further statement is provided to explain specifically which measures were incorporated. In additions, the TSM approach is examined only on a general level; there is no detailed discussion of what the TSM approach consists of. Caltrans must include alternatives that would accomplish most of the objectives while avoiding or diminishing the project's environmental impacts. 14 Cal. Code Regs., § 15126.6(c). 87 cont.

A comprehensive public transit system would meet numerous project objectives. For example, proper public transit system would aid in reaching the goals of "maintin[ing] or improve[ing] future traffic levels" and "maintain[ing] or improve[ing] travel times within the corridor." DIR/S S-1. Even though several project objectives would be met by building a public transit system, the DEIR/S does not discuss this option. By not fully examining a public transit as an alternative to the proposed highway expansion, the DEIR/S is inadequate because precludes a reasoned analysis of options and an informed decision making process. Furthermore, Caltrans must briefly discuss any alternative that is ultimately deemed infeasible and explain why the alternative is infeasible. 14 Cal. Code Regs., § 15126.6(c). Therefore, if a public transit alternative was initially considered but ultimately deemed infeasible, the DEIR/S is still inadequate because there is no discussion of why the agency rejected the alternative.

With regards to the rejected alternatives the DEIR in Section 2.5, states "[o]ver the last twenty years, various formal and informal studies have been conducted to identify long-range highway improvements to various portions of the I-5 within the project area." The only further evidence/information that is provided are the title of *some* of the studies relied upon. Any alternative advancing a non-freeway dominated approach, rail, bus, bicycle, multi-modal; etc is neither identified nor discussed. These alternatives are not even listed in order to be considered and rejected. Further limiting the necessary critical analysis of alternatives is the lack of any data that would allow for the evaluation of how the non-freeway option compare to the four freeway "build" options that are identified in the DEIR/S. Further confirming no serious consideration was paid to alternatives other than freeway widening.

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87 cont. analysis of the freeway expansion constitute a rejection of transit or other transportation modes for the corridor. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit." Additional information on modal choice is provided in the CSMP and the PWP. The CSMP assessed several options to address current and future demand. This resulted in a solution that includes double-tracking the rail corridor, adding HOV/Managed Lanes (now identified as express lanes) on I-5, and improving regional arterials, bicycle and pedestrian routes and bus, rail, and vanpools and carpool services. Information augmenting the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function at peak efficiency.

Regarding the suggestions for other alternatives to be addressed in the EIR/EIS, mass transit and rail are discussed above in this response. The 8+2 HOV alternative, which was addressed in EIR/EIS *Section 2.6.1*, did not meet the purpose and need of the project. Travel times and congestion levels on the existing eight-lane freeway would revert to pre-project conditions approximately 5 to 10 years after the project's completion. It would not maintain or improve traffic operations or travel times within the project corridor by the design year, even with simultaneous implementation of the LOSSAN double-track project. Travel times would degrade in the ensuing years as travel demand increases. Converting existing lanes to more limited use would result in delays and congestion similar to or worse than the No Build alternative, which would not satisfy the purpose and need. Freight management would have limited effects on congestion improvement because trucks represent only six percent of AADT. Please refer to the response to your Comment 32.

Caltrans does not dispute that mass transit is an important part of achieving a functional transportation network. The Preferred Alternative is consistent with the I-5 improvements detailed in the RTP. Please refer to the response to your Comment 14.

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The DEIR/S does not analyze possible modifications to the existing rail lines that would allow for more efficient traffic operations (i.e. removing excess freight from the corridor); the expansion of mass transit infrastructure and service; the utilization of an already existing general purpose lane to HOT/HOV lanes; adjustments to parking pricing and management; and the encouragement of infill development. In the spirit of environmental stewardship and cooperation, the following list provides merely a few examples of project alternatives which simultaneously accomplish the Project's objective of the effective movement of goods and people along the I-5 corridor, while continuing to maintain and preserve the health and safely of San Diego residents and environmentally sensitive areas:

87 cont.

- A focused Mass Transit Alternative that is embraces the ideals of connectively and performance with increases in frequency and routes – trolley, bus rapid transit, light rapid transit;
- Instillation of a Light Rail/Monorail;
- Limiting the expansion to the existing right of way, no more than two (one in each direction) HOV/HOT lanes;
- The conversion of two existing general purpose lanes one in each direction to HOV/HOT lanes; and
- Freight management.[8]

It cannot be disputed that focused mass transit alternatives could help achieve the Project objective of reducing congestion and more effectively moving goods and people. Mass transit would not only help ease existing traffic, but also would direct new growth into existing developed areas (along the urban core a stipulated objective of SANDAG and their 2030 RTP; and its stated goal of SB 375 for a sustainable community strategy, necessary for the current 2050 iteration) in order to make public transit more viable, and give new residents alternative ways to commute. The failure to consider public transit and other reduced road-building alternatives renders the DEIR/S inadequate. *See Utahn for Better Transportation v. U.S. Dept. Transportation*, 305 F.3d 1152, 1170 (10th Cir 2002) (rejecting U.S.DOT's argument that it did not need to consider option of developing transit prior to proceeding with highway project because "[r]egional transit choices that may be made in the future are not reasonable alternatives to off-set [sic] the need for new roadway construction now.").

C. The Build Alternatives are Insufficiently Discussed and Analyzed

88 Due to the lack of clear distinctions among alternatives, many of the options considered pose nearly identical environmental risks. For example, although the DEIR/S considers four different alternatives for the Project, all of the alternatives would cross the six impacted lagoons and destroy large portions of vital critical habitat for imperiled wildlife. Thus, all project alternatives would present grave risks to many threatened and endangered species (*see infra* section on biological resources). Further, all project alternatives would have similarly negative effects on air quality, noise, traffic and growth.

[8] For instance, it is possible to prohibit commercial truck traffic on the roads during peak travel times. The prohibition would apply for example to trucks weights and those with trailers. This limitation would have minimal impacts on commercial/freight deliveries as they are traditionally made either late at night or early in the morning when stores/retailers are closed for business. This technique has been effectively implemented in Germany. (*See*, attached as Exhibit V)

88 The four build alternatives have similarities in regards to certain impacts. Regarding the issues classified in this comment as having negative effects, it should be noted that the proposed project would improve traffic operations by smoothing traffic flow, and air quality conditions along I-5 are expected to improve by 2035. Please refer to the response to your Comment 28. In addition, the project is not considered growth inducing. Please refer to the response to your Comment 30.

Connective facilities such as Direct Access Ramps (DARs) and intermediate access points (IAPs) are discussed in EIR/EIS *Chapter 2*. Quantitative measures of improvement in factors of total delay, congested hours, and travel time compared with No Build conditions for all build alternatives are compiled in Final

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88 cont.

One of the Project's purposes is to tie the freeway expansion in with future multimodal transportation and "[p]rovide a facility that is compatible with future bus rapid transit and other modal options." (DEIR/S at S-1, S.2). However, the DEIR/S fails to describe how the various alternatives would meet this objective, and provides no indications of tie-ins, at best. The DEIR/S gives a vague, description of how the Project would help improve accessibility to future by reducing travel time and traffic congestions.

The Project purposefully forecloses on alternative transit option through disncentivizing public transit and reinforcing auto dependency – through a non-connected disjointed system, where the Bus Rapid Transit is unconnected once off the freeway. Without the ability to analyze whether various alternatives meet the project objectives, "neither the courts nor the public can fulfill their proper roles in the CEQA process" and the DEIR/S fails to meet CEQA's "fundamental goal that the public be fully informed as to the consequences of action by their public officials." *Laurel Heights*, 47 Cal.3d at 404.

89

D. The DEIR/S Fails to Describe the Cost and Economic Feasibility of Each Alternative

In order to properly conduct the alternatives analysis the lead agency must consider the "feasibility" of those alternatives. The concept of feasibility as defined by CEQA includes the "…capab[ility] of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." CEQA Guidelines § 15364. The DEIR/S's current description of the cost of each alternative provides no economic analysis or cost breakdown within the document with the exception of a lump sum total for construction and environmental mitigation costs ranging from 3.3 billion dollars to 4.2 billion dollars. With proper identification as to the specific funding sources and/or the economic feasibility of the four build alternatives neither the public nor the decision-makers reviewing the DEIR/S can make a determination if any of the proposed alternatives are in fact "feasible" within the meaning of the law.

This artificial constrained range of alternatives files in the face of CEQA and NEPA, as well as, the purported, purpose, need and objective of the Project itself which is the identification and implementation of the most cost effective and environmentally superior method of moving people and goods with in the north coastal San Diego area without the overriding presumption that freeway expansion is the superior strategy from the onset. Therefore, at a minimum, a revised DEIR/S must describe the methodology by which these costs were calculated, how much each alternative would coast, how the alternatives will be funded, if the funding sources are secured, if there is debt service associated with the funds, and if so, how much and how long would it be paid, and if there is adequate funding to implement the identified mitigation measure for the life of the Project and beyond. *See Utahns for a Better Transportation v. United States DOT*, 305 F.3d 1152, 1165-66 (10th Cir. 2002) (FEIS inadequate to meet NEPA goals of informed decision-making and public comment where no cost methodology included).

90

18. The DEIR/S Must be Redrafted to comply with CEQA and NEPA and Then Recirculated to the Public for Review and Comment

As set forth in this letter, it is apparent that the DEIR/S must be extensively revised and re circulated in order to address the myriad of environmental issues and various other deficiencies. Recirculation is required because meaningful responses to posed question will undoubtedly result in the addition of significant new information regarding potential environmental impacts, mitigation measures and alternatives. 14 Cal Code Regs. § 15088.5(a)(1),(2),(3). Recirculation is also required under both NEPA

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88 cont. EIR/EIS *Tables 3.6.3, 3.6.4*, and *3.6.5.* The EIR/EIS results are confirmed to be relevant with more current SANDAG modeling as Series 12 traffic volumes compare very closely with the Series 10 traffic volumes.

The *I-5 NCC Project* is part of a balanced, multimodal regional transportation network and would not foreclose on transit. Please refer to the response to your Comment 87. DAR location proposals were based on traffic projections, SANDAG proposals for BRT, and city coordination. Please note that the Cannon Road DAR in Carlsbad and Oceanside Boulevard DAR in Oceanside have been eliminated from the proposed project.

The four build alternatives meet the project objectives. Please refer to the response to your Comment 05.

89 Transportation funding, including funding for the proposed project, is disbursed through a variety of federal, State and local sources, including the TransNet program. Federal and State funding are subject to revision with each transportation authorization law and budget that is passed. The project implementation schedule is based on funding projections, which are, by necessity, estimates. Updated estimates completed in a May 2013 Cost Certification Study are provided in this Final EIR/EIS in *Section 1.4.1, Environmental Planning Process to Date*. Based on the information available today, funding is anticipated to be available to complete all project phases by 2035. Please refer to the response to your Comment 91.

The long process of identifying the build alternatives addressed in detail in the EIR/EIS is discussed in *Section 1.4, History and Background*. Only four build alternatives were carried forward into the EIR/EIS. As identified in the EIR/EIS, the larger the alternative, the greater the costs. The costs presented in the EIR/EIS are preliminary estimates for comparative purposes, based on engineering calculations in the Draft Project Report for the project. Cost estimates will become more accurate as the project design progresses, if the project is approved. Please refer to the responses to your Comments 90 and 91.

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90 cont. and CEQA in light of the fact that the DEIR/S is so fundamentally flawed that is prohibits any and all meaningful public review and comment. 40 C.F.R. § 1502.9(a); 14 Cal Code Regs. § 15088.5(a)(4).

19. The DEIR/S' Findings Analysis is Insufficient to Satisfy CEQA Standards

Where an EIR identifies one or more significant environmental effects in a project, the responsible agency must make one of three types of finding for each such identified effect:

(1) mitigation measures are required and have been made;

(2) mitigation measures are required, but adopting those measures is the responsibility of another government agency; or

(3) the environmental effect causes a significant impact which is unavoidable, and no feasible mitigation measures or project alternatives exist.

CEQA Guidelines Cal. Code Regs. § 15091, 15093.

91 Findings must supply a logical step between the ultimate finding and the facts in the record and the DEIR/S must describe the facts supporting the agency's conclusion that a particular alternative, such as declining the increased mass transit alternative and/or mitigation measures, is infeasible. Decisions to reject project alternatives as economically, legally, socially, technologically, or otherwise infeasible must be based upon a written detailed analysis of information in the administrative record. Conclusory statements alone will not suffice. 14 Cal. Code Regs. §15091(a)(3), Pub. Res. Code § 21061.1, *Sierra Club v. County of Napa* 121 Cal.App.4th 1490 (2004).

Without legally sufficient findings based upon substantial evidence, a environmental review document (such as the DEIR/S) is inadequate and any proposed mitigation efforts are meritless, as any official government agency action on an EIR without adequate findings would be arbitrary.

The DEIR/S either does not make the required findings at all, or presents findings but fails to explain the analytical process by which Caltrans arrived at its conclusions. Additionally, the findings presented are not supported by substantial evidence in the record. Because of these deficiencies with respect to findings, the Project's environmental consequences, and mitigation measures, any official government agency action regarding the Project (including, but not limited to, selecting a particular build or no build alternative, or declining other reasonable alternatives (such as commuter train other public rapid transit)), based on the current DEIR/S would have no legally supportable basis because the DEIR/S. See *Laurel Heights*, 47 Cal. 3d 376 (1988).

In light of the deficiencies outlined above in the DEIR/S, the document must be revised and recirculated. Please refer to Exhibit W for a detailed analysis of these findings issues.

III. Conclusion

92 The proposed I-5 expansion is a massive, long-term, expensive, and extremely important public project. Pursuant to the requirements of NEPA and CEQA, Caltrans spent a substantial amount of time and resources preparing the draft Environmental Impact Review/Statement analyzed in this letter. For the

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90 Recirculation of the EIR/EIS is not required. It should be noted, however, that focused studies have been completed since the circulation of the Draft EIR/EIS in 2010. The Supplemental Draft EIR/EIS circulated in August 2012 addressed specific issues such as habitat impacts and hydrology in the vicinity of lagoons, as well as the clarification of issues related to latent traffic demand, sea level rise, water quality, and the common design features and community enhancements proposed by the project. That information has been incorporated into this Final EIR/EIS.

91 CEQA Findings are a separate document from the EIR/EIS. Some findings are presented in Final EIR/EIS *Chapter 4, California Environmental Quality Act Evaluation*. Consistent with CEQA Guidelines Section 15091, they will be prepared following certification of the Final EIR, and will be available to decision makers prior to a decision as to whether to approve the project.

92 The EIR/EIS and associated analysis of alternatives are considered to be adequate. Please refer to the responses to your Comments 01 and 90.

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92 cont.

reasons discussed in depth above, we believe that the DEIR/S is deficient in a number of respects, including in its incomplete analysis of alternatives to the Project and of the Project's environmental impacts. In order to cure the numerous defects in the DEIR/S, the document must be revised to fully and accurately describe all of the Project's components, and substantial new information must be obtained to adequately assess the Project's environmental impacts and to identify effective mitigation measures and alternatives capable of alleviating these impacts. CEQA and NEPA require that the public have a meaningful opportunity to review and comment upon the significant new information necessary for a full environmental review of the Project, and this new information should be presented to the public in the form of a revised and re-circulated DEIR/S.

Thank you for your consideration of these comments.

Respectfully Submitted,

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List of Exhibits:

Exhibit A: R.B. Norland, *Relationship between Highway Capacity and Induced Vehicle Travel,* Transportation Research Part A 35, 47 (2001).

Exhibit B: Surface Transportation Policy Project, *Build It and They'll Come*

Exhibit C: Robert Cervero, *Road Expansion, Urban Growth, and Induced Travel: A Path Analysis*

Exhibit D: Todd Litman, *Generated Traffic and Induced Travel: Implications for Transport Planning,* August 19, 2010

Exhibit E: J.W. Dahlgren, *The Prospects for High Occupancy Toll (HOT) Lances: Where Should They be Implemented?,* Final Report for MOU 361, Institute of Transportation Studies, Berkeley (2001)

Exhibit F: R. Arnott and K. Small, *The Economics of Traffic Congestion,* American Scientist 82, 446 (1994)

Exhibit G: California Air Resources Board, "Air Quality and Land Use Handbook: A Community Health Perspective," April 2005

Exhibit H: Denise Renee Parker, *Spatial and Temporal Influences of a Major Freeway on Ultrafine Particle Concentrations Monitored in Nearby Residential Areas,* Spring 2010, SDSU

Exhibit I: J. McCreanor, P. Cullinan, & M.J. Nieuwenhuijsen, et al., *Respiratory Effects of Exposure to Diesel Traffic in Persons with Asthma,* New Eng. J. Med 357; 23, December 6, 2007

Exhibit J: R.L. Pearson, H. Watchtel and K. Ebi, Distance-Weighted Traffic Density in Proximity to a Home is a Risk Factor for Leukemia and Other Childhood Cancers, Journal of the Air and Waste Management Association 50, 175 (2000)

Exhibit K: B. Ostro, R. Broadwin, S. Green, Y-W. Feng, M. Lipsett *Fine Particulate Air Pollution and Mortality in Nine California Counties: Results from CALFINE. Environ Health Perspec.* 2006; 114:29-33

Exhibit L: C. Arden Pope III; Richard T. Burnett; Michael J. Thun, *Lung Cancer, Cardiopulmonary Mortality, and Long Term Exposure to Fine Particulate Air Pollution,"* JAMA, 2002; 287: 1132-1141

Exhibit M: John f. Pearson, BS, Chethan Bachireddy, *et al, Association between Fine Particulate Matter and Diabetes Prevalence in the U.S.* Diabetes Care: American Diabetes Association, June 2010

Exhibit N: L.C. (Eelco) den Boer, A. (Arno) Schroten, *Traffic noise reduction in Europe,* CE Delft, March 2007.

Exhibit O: P. Arenas, *Potential Problems with Environmental Sound Barriers when used in Mitigating Surface Transportation Noise,* Science Direct, August 2008

Exhibit P: Susan Handy, *Smart Growth and The Transportation-Land Use Connection: What Does the Research Tell Us?,* Department of Environmental Science and Policy at UC Davis (2002)

Exhibit Q: Reid Ewing & Allan Lichtenstein, *Induced Traffic and Induced Development,* October 2002

Exhibit R: Environment California Research & Policy Center, *More Highways, More Pollution: Road-Building and Air Pollution in America's Cities*

Exhibit S: Patricia Gordon-Reedy and Jerre Stalkup *Conservation Biology Institute Report,* Caltrans I-5 North Coast Corridor Draft EIR/S, November 2010

Exhibit T: County of San Diego, Guidelines for Determining Significance: Hydrology (July 30, 2007)

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Exhibit U: County of San Diego, Guidelines for determining Significance: Surface Water Quality (July 30, 2007)

Exhibit V: City of Colton Soil Safe Project, Draft Environmental Impact Report at 3.0-2 – 3.0-3

Exhibit W: 14 Cal. Code Regs., Appendix G

Exhibit X: TransNet Extension and Ordinance Plan, SANDAG Ballot Language and Ordinance Expenditure Plan

Exhibit Y: Transports' Friend – HGV Driving Bans in Germany

Exhibit Z: Memorandum on Inadequate I-5 North Coast Corridor Draft Environmental Impact Report / Draft Environmental Impact Statement

cc:
Cesar Perez, Federal Highway Administration
Jared Blumenfeld, Region 9 Administration
Hon. Christine Kehoe
Hon. Chairwoman Pamela Slater-Price, San Diego County Board of Supervisors
Councilwoman Sheri Lightner, San Diego City Council
Gary Gallegos, Executive Director, San Diego Association of Governments
California Coastal Commission
California Department of Fish & Game
U.S. Fish and Wildlife Service

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Transportation Solutions Defense and Education Fund

P.O. Box 151439 San Rafael, CA 94915 415-331-1982

November 22, 2010
By E-Mail

Shay Lynn Harrison
Caltrans
4050 Taylor Street, MS-242
San Diego, CA 92110.

Re: Interstate 5 North Coast Corridor Project Draft Environmental Impact Report / Environmental Impact Statement

Dear Ms. Harrison:

01 The Transportation Solutions Defense and Education Fund (TRANSDEF) is pleased to be able to comment on the Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/S) for the Interstate 5 North Coast Corridor Project (Project). Our organization is an environmental non-profit advocating for the comprehensive regional planning of transportation, land use and air quality. TRANSDEF has participated in the CTC Working Groups that revised the *RTP Guidelines* as part of the state's response to the challenge of climate change, as codified by the Legislature in AB 32 and SB 375.

The Project, along with its DEIR/S, is fundamentally flawed because it is out of step with California's response to climate change. The Project represents an approach to planning that is now obsolete. SANDAG is currently in the process of developing a new Regional Transportation Plan (RTP), which is required by SB 375 to comprehensively plan transportation together with land use, for the purpose of reducing the future growth in vehicle travel and associated greenhouse gas (GHG) emissions. That future growth in vehicle miles traveled, VMT, is projected to be 32 - 37%, resulting in the travel demand that the Project is designed to service. (Parenthetical numbers here and below are page references to the DEIR/S text.)

02 In its new RTP, SANDAG is required to produce a land use plan, known as a Sustainable Communities Strategy (SCS) or Alternative Planning Strategy (APS) that, together with it's transportation investments, will result in enough of a reduction in per capita GHG emissions to meet a target set by the Air Resources Board. Using data on DEIR/S pages 1-6 and 4-5, per capita emissions can be calculated to increase 14.7%, from .088 tons/capita in 2006 to .101 tons/capita for all the 2030 alternatives. Clearly, the DEIR/S land use assumptions, in concert with a very significant highway capacity expansion, produce an impermissible result under SB 375. The fact that SB 375, which

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Responses to Transportation Solutions Defense and Education Fund (TRANSDEF)

01 Thank you for your comments, which are part of the public record regarding project-related climate change and transportation concerns. With respect to your concern regarding California Senate Bill (CA SB) 375 and the 2050 Regional Transportation Plan (RTP), a comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the 2050 RTP and the Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns and smart growth can, however, take an extended period to implement. Considering planned land use patterns, the RTP identifies the necessary regional multimodal transportation improvements through 2050 to allow the time necessary for the region to work toward complex solutions, such as smart growth. The RTP includes the *I-5 NCC Project*, along with other multimodal solutions, and forecasts a countywide reduction in greenhouse gas (GHG) emissions to 1990 levels by 2020, as required by California Assembly Bill (CA AB) 32 and CA SB 375. Discussion regarding these issues was provided in the August 2012 Supplemental Draft EIR/EIS and has been incorporated into this Final EIR/EIS, with focused discussion in *Chapter 4, California Environmental Quality Act Evaluation*.

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02 cont. was enacted well before the release of this DEIR/S, is not even mentioned in the document is determinative that the DEIR/S is legally inadequate.

03 The remedy is to revise the DEIR/S to include as an alternative the SCS or APS adopted for the new RTP, as well as consider mitigations and alternatives that would reduce GHG and VMT increases. This must include multimodal transportation alternatives that serve the activity centers and employment sites mentioned on pages 1-3 and 1-6 as locations of highway congestion. TRANSDEF asserts that the Project Purpose and Need was illegally constrained to limit the Project to only highway solutions.

04 This project offers an opportunity to fundamentally change how California accommodates growth. The challenges of climate change, coupled with sharply rising oil prices, have brought attention to the unsustainability of the conventional pattern of auto-dependent suburban sprawl. It is now recognized that to move towards a sustainable future for California, residents will need to drive less and use alternative modes more. However, the Project, as currently constituted, would cause more driving, more greenhouse gas emissions, more sprawl and more auto-dependency. In the interest of changing that pattern, TRANSDEF offers the following detailed comments, which are divided into Legal Issues and Planning Issues:

05 **Legal Issues**
TRANSDEF believes that your agency is proceeding down an inappropriate and potentially impermissible path in processing this project. Failure to properly describe the project objectives and truncating the analysis by focusing on a single mode has prejudiced the adequacy of the alternatives analysis and the adequacy of the CEQA and NEPA review processes. We implore your agency to recirculate the environmental review documents in light of our concerns – with a complete description of Project Objectives, and a complete alternatives analysis – to both ensure that the requirements of these environmental review processes are met and that this project is given the appropriate level and type of public review and comment.

For purposes of this comment letter, reference is made to both state and federal authority under CEQA and NEPA. Parallel state and federal legal authority generally exists for each legal and regulatory point made in this letter, even though only state or federal authority is cited. See, generally, City of Carmel-by-the-Sea v. DOT, 123 F.3d 1142, 1150 (9th Cir. 1997). We note, however, that NEPA does not preempt CEQA, and where CEQA's requirements are more extensive, they apply with equal vigor, albeit only to the state agency actions. The CEQA Guidelines and DOT's NEPA regulations, 23 C.F.R. Part 771, are similar in many ways and apply many of the same principles.

1. Inadequate Project Objectives Statement

An inadequate CEQA Project Description and Objectives statement infects the DEIR's alternatives analysis. The CEQA Guidelines provide: "A clearly written statement of the objectives will help the lead agency to develop a reasonable range of alternatives to

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01 cont. Specific to the proposed project, potential project impacts related to climate change and associated GHG generation are addressed in EIR/EIS *Section 4.6, Climate Change*. This section provides an analysis of GHG emissions, including a quantified evaluation of associated potential impacts from the project build alternatives. As discussed therein, the project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions, for example, in the San Diego region by hundreds of tons per day compared with the No Build alternative (refer to Final EIR/EIS *Table 4.2*). Please also refer to Topical Response "Climate Change" for additional information regarding climate change issues.

The potential for "induced" or "latent" demand has been included in the project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, as a result of a number of regional and project strategies and improvements designed to reduce the growth in the number of VMT and to encourage options to the use of Single Occupancy Vehicle (SOV) (refer to *Section 2.2.3* of the Final EIR/EIS). Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic.

02 With regard to the current RTP and SCS, GHG emissions, project-related VMT increases, and compliance with CA SB 375, please refer to the response to your Comment 01. As noted, the project is included in the San Diego Association of Government's (SANDAG's) 2050 RTP, which focuses on providing a variety of travel choices and multimodal facilities by improving the existing transportation system and which forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by CA AB 32 and CA SB 375. The conclusions provided in this comment regarding the per capita generation of CO_2 emissions are misleading, in that the associated population data derived from EIR/EIS *Table 1.3.9* reflect the entire project area, while the CO_2 emissions data in Final EIR/EIS *Table 4.2* are intended to demonstrate the differences in fuel consumption and related mobile source emissions among the project alternatives. That is, CO_2 generated by the regional population from other (non-mobile)

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	02 cont. sources is not specifically evaluated in *Table 4.2,* while the increased per capita figures noted in this comment reflect CO_2 emission from all regional sources, not just mobile emissions from the project corridor. The data in *Table 4.2* do indicate, however, that both assessed build alternatives would result in a net reduction of daily CO_2 emissions relative to the No Build scenario. Based on that information, the proposed project would comply with applicable regulatory requirements related to GHG emissions, including CA AB 32 and CA SB 375 as noted above.
	03 With regard to alternatives, please note that CA SB 375 requires the analysis of a SCS or Alternative Planning Strategy by the regional planning agency, not by proponents of individual transportation projects. As described in the response to your Comment 01, the required comprehensive regional planning process has been undertaken by SANDAG and calls for the region to trend toward more transportation options, with development concentrated around transit stations. The overall transportation system and the project specifically would reduce GHG emissions and limit VMT increases. Based on current planning and modeling projections, roadway improvements are a necessary element of the transportation network in the time frame through 2050. The regional transportation planning process is described in Topical Response "Multimodal System" and the planning process specific to the corridor is described in Topical Response "Corridor Alternatives." With the analysis of modal alternatives having been completed through these processes, each of the applicable lead agencies is conducting a project-specific review of the transportation component(s) for which it is responsible, as appropriate. This EIR/EIS focuses on the I-5 element of multimodal improvements proposed for the North Coast Corridor. Please also refer to Topical Responses "Rail Preference" and "Mass Transit" regarding alternative transportation options being planned and evaluated concurrently with the proposed project.
	04 With respect to project-related climate change concerns, GHG emissions, and alternative modes of transportation, please refer to the response to your Comments 01 and 03 above. Additionally, the reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of

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evaluate in the EIR and will aid decisionmakers in preparing findings . . . The statement of objectives should include the underlying purpose of the project." Guidelines § 15124 (b). See also, Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336. "An EIR may not define a purpose for a project and then remove from consideration those matters necessary to the assessment whether the purpose can be achieved." County of Inyo v. City of Los Angeles (1981) 124 Cal.App.3d 1, 9.

05 cont.

In this case, the DEIR/S project objectives fail to include consistency with the state's climate change program, the reduction of GHG emissions, or SANDAG's responsibilities under SB 375, including assisting in achieving SANDAG's regional GHG emissions reduction target. The unstated project objective is to address capacity constraints in the corridor. The capacity constraints may be addressed by an multimodal alternative that can reduce highway usage with numerous environmental benefits and thereby reduce congestion by reduced highway demand, rather than increased highway capacity. As discussed in the alternatives analysis comments, the failure to employ an adequate project objectives methodology prevents fulfillment of one of CEQA's core functions – determining whether a feasible alternative may meet project objectives. If it can, the principal project cannot be approved without comparing the projects' respective impacts and selecting the one with the fewest impacts. It is evident to TRANSDEF that alternative approaches to the objective of increased corridor capacity do exist, and could possibly achieve all of the putative project objectives with lesser impacts and at substantially lesser economic costs.

In recent years a number of project applicants have attempted to avoid or defeat CEQA's substantive alternatives analysis mandate by adopting an overly narrow project objective statement or contending that otherwise feasible alternatives are simply not appropriate. See, Preservation Action Council v. City of San Jose (2006) 141 Cal.App. 4th 1336; Uphold Our Heritage v. Town of Woodside (2007) 147 Cal.App.4th 587.

06

2. Alternatives Analysis - CEQA

The requirement that less impactful alternatives be identified through the alternatives analysis process in every DEIR/S is one of CEQA's most substantial mandates to ensure environmental protection. The California Supreme Court has opined: "[t]he core of an EIR is the mitigation and alternatives sections. The Legislature has declared it the policy of the State to "consider alternatives to proposed actions affecting the environment." Pub. Resources Code § 21001(g); Laurel Heights, 47 Cal.3d at 400. Section 21002.1(a) of the Public Resources Code provides: "The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." Citizens for Goleta Valley 52 Cal. 3d at 564 (so in original). Where feasible alternatives exist, the project cannot be approved.""[I]t is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." Id. (so in original).

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04 cont. growth in the project vicinity (i.e., cause "more sprawl and more auto-dependency"), due to other limits on growth, including land use controls within local and regional plans and policies, as well as the highly urbanized nature of the surrounding land uses. As noted above, the *I-5 NCC Project* is only one element of the balanced, multimodal transportation network that is planned for the region. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* of the EIR/EIS. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. These measures are intended to reduce dependency on the SOV.

05 State and federal authority under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) as noted in this comment is recognized and adhered to in the EIR/EIS.

Regarding the adequacy of the project objectives statement in relation to the CEQA Guidelines and other references cited in this comment, it is important to note that the project objectives do not presume that freeway expansion is the best sole transportation strategy. As mentioned in response to the comments above, it is Caltrans' responsibility to plan, design, and maintain the State highway system. The project is only one element of a larger transportation upgrade being developed along the North Coast

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05 cont. Corridor, various modal choices have been rigorously explored in previous documents. As a project-specific analysis by the State agency charged with the State highway system, and considering the previous analysis of systemwide alternatives, focusing on highway improvements is appropriate at this stage in the process.

Objectives of the project provided in EIR/EIS *Chapter 1, Proposed Project*, include maintaining or improving travel times within the corridor, providing a facility that is compatible with future bus rapid transit and other modal options, and maintaining the facility as an effective link in the national Strategic Highway Network. These objectives encompass the "underlying purpose of the project," as cited in this comment (CEQA Guidelines Section 15124(b)). Please also note that the objectives are not the entire project's purpose and need, which was addressed on pages 1-1 through 1-7 of the Draft EIR/EIS. The clarified project objective to "Provide consistency with the adopted Regional Transportation Plans, as appropriate, where feasible and in compliance with federal and State regulations" encompasses the project's consistency with the State's climate change program, including the reduction of GHG emissions.

With regard to addressing capacity constraints in the corridor, it is recognized that multimodal transportation opportunities would reduce highway usage, congestion, and highway demand; however, as noted above, all modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) would require improvements in order for the overall system to work at peak efficiency and address anticipated travel demand along the I-5 corridor. EIR/EIS *Section 1.3.7, Other I-5 Projects*, and *Section 1.5, Other I-5 Considerations*, provide information regarding projects and initiatives, including the Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail corridor projects, Corridor System Management Plan, Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), and Corridor of the Future program. Those projects, in combination with the proposed *I-5 NCC Project*, establish a program of projects for the long-term improvement of transportation in the project corridor and beyond. As described in EIR/EIS *Section 2.2.4, No Build Alternative*, a number of other regional transportation improvements were assumed to occur regardless of whether the

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06 cont. Regardless of who prepared the DEIR, and who controlled its development, "the duty of identifying and evaluating potentially feasible project alternatives lies with the proponent and the lead agency, not the public." Citizens for Goleta Valley 52 Cal.3d at 568. The lead agencies bear this responsibility.

07 The alternatives analysis contained in the DEIR/S is woefully inadequate. It is clear that the DEIR/S never considered transit as a possible alternative. The Traffic and Transportation chapter did not even provide an Existing Conditions report on available transit.

08 A rail program alternative must be allowed to compete for funds on equal (or preferential, see 23 C.F.R. Part 450.320) footing with the highway project.

09 Multimodal Alternatives must be considered in this Project review as an alternative use of the massive funding proposed for HOV lanes. That irretrievable commitment of resources must not be made before a potentially more beneficial alternative is evaluated, especially given the funding shortages faced by the State, and the multiple challenges posed by climate change.

10 As described below in the Planning Issues section, a recirculated DEIR/S must include the SCS or APS adopted by SANDAG as a land use Alternative

11 Significantly, the alternatives analysis fails to offer TSM and TDM strategies integrated with multimodal options, which could likely serve as additional feasible project alternatives. Surprisingly, no such alternatives were listed either among the Build Alternatives or among the Alternatives Considered but Eliminated From Further Discussion. The absence of a reasoned analysis of such alternatives makes the Alternatives Analysis legally inadequate. The DEIR/S failed to make a good faith effort to find the optimal solution.

Infeasibility of alternatives must be established by substantial evidence that is specific and concrete. Citizens for Goleta Valley v. Board of Supervisors (1988) 197 Cal.App.3d 1167, 1180-1183 (mandating comparative data and analysis). Conclusory statements are inadequate. Village Laguna of Laguna Beach, Inc. v. Board of Supervisors (1982) 134 Cal.App.3d 1022, 1034-1035.

12 3. Alternatives Analysis - NEPA

NEPA imposes a similar set of duties upon federal agencies in examining alternatives:

> "When a federal agency prepares an Environmental Impact Statement (EIS), it must consider "all reasonable alternatives" in depth. 40 C.F.R. § 1502.14. No decision is more important than delimiting what these "reasonable alternatives" are. That choice, and the ensuing analysis, forms "the heart of the environmental impact statement." 40 C.F.R. § 1502.14. To make that decision, the first thing an agency must define is the project's purpose. See Citizens

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05 cont. proposed *I-5 NCC Project* is implemented; these improvements alone would not achieve the objective of maintaining or improving travel times within the corridor. For example, as described in EIR/EIS *Section 1.4, History and Background*, even with the proposed full double-tracking of the rail line and increasing the number and capacity of the trains, the daily 2030 projection of riders is less than 30,000.

06 EIR/EIS *Chapter 2*, *Section 2.1 Project Description*, describes the proposed action and corridor-wide design alternatives that were developed by a multidisciplinary team to achieve the project's purpose and need while avoiding or minimizing environmental impacts. Four build alternatives and eight alternatives considered but eliminated from further discussion are included in *Chapter 2*. The criteria used for identifying and evaluating the project alternatives are the project objectives listed in EIR/EIS *Section 1.2*, *Purpose for the Project*. Similarly, the criteria for eliminating other alternatives are based on the project's objectives; eliminated alternatives, along with specific reasons they do not meet the project objectives, are provided in EIR/EIS *Section 2.6*, *Alternatives Considered but Eliminated from Further Discussion*. Topical Response "Corridor Alternatives" presents even more alternatives screened over the past 20 years during programmatic review of all transportation modes in the North Coast Corridor. Additionally, the four build alternatives are consistent with the applicable transportation planning documents, including the North Coast Transportation Study, Congestion System Management Plan, and 2050 RTP. Based on these considerations, the EIR/EIS appropriately identifies a "reasonable range" of alternatives and is in conformance with applicable criteria identified in Section 15126.6 of the State CEQA Guidelines.

An analysis of alternatives is necessary where alternatives could reasonably be expected to lower impacts while still responding to a project's purpose and need. The criteria for determining whether the alternatives would meet the stated objectives are identified in the sections of the document associated with individual objectives,

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	06 cont. primarily in *Chapter 1*, *Proposed Project*; *Chapter 2*, *Project Alternatives*; and *Chapter 3*, *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures* (particularly *Section 3.6*, *Traffic and Transportation/ Pedestrian and Bicycle Facilities)*. Consideration is given to the avoidance and minimization of impacts on the environment, local streets, and communities adjacent to the project, while adhering to Caltrans design and safety standards. The potential impacts and benefits of the project, in addition to variations in impacts between the build alternatives, are described in detail in EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures.* EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects*, discloses that impacts to Community Cohesion (for the 10+4 Barrier alternative) and Visual/Aesthetics would remain significant under CEQA after implementation of the mitigation that is identified in *Chapter 3*. Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative is the build alternative that would result in the fewest impacts while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. The Preferred Alternative is such an alternative that the implementation of avoidance, minimization, and mitigation measures would effectively reduce significant impacts under CEQA to each environmental issue area analyzed in the EIR/EIS, with the exception of Visual/Aesthetics. The Preferred Alternative is considered to represent the best balance between I-5 improvement and the minimization of environmental impact. Although visual quality impacts would remain substantial after mitigation, as described in EIR/EIS *Section 3.7*, *Visual/ Aesthetics*, the project would include a number of design elements to address potential project-related visual concerns.

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	06 cont. The responsibility of the lead agencies to identify and evaluate potential reasonable project alternatives is recognized; it is important to note that alternatives analyzed in an EIR must be feasible for the Lead Agency to implement. Please note that public transit improvement projects are moving forward separately by the appropriate lead agencies for those facilities, as described in the response to your Comment 03.
	07 As noted in the response to your Comment 05, several alternatives were considered before the build alternatives were chosen as the most viable options to meet the project's purpose and need; this followed an extensive evaluation of broader alternatives, with transit improvements being pursued by the applicable lead agencies as described in the response to your Comment 03. A detailed discussion of this planning process is provided in EIR/EIS *Section 1.4, History and Background*. The *Existing Conditions* segments of the EIR appropriately focus on conditions which, when combined with the proposed project, could result in a significant environmental impact under CEQA. Because the proposed project would not interfere with available transit, a description of such conditions is not required.
	08 As described in the response to your Comment 03, rail improvements are being planned and evaluated concurrently with the proposed *I-5 NCC Project*. With respect to project funds: funds from the TransNet program, approved by the voters, are distributed to transportation projects in general. TransNet monies are divided so approximately one-third each goes to highways, transit, and local roadways. Thus, funding for the rail improvements is identified in the 2050 RTP and these upgrades are anticipated to occur in the same time frame as the proposed project. In particular, CA SB 468 requires the concurrent completion of rail and highway improvements that cross lagoons, unless phasing would result in an environmentally superior outcome. Please also refer to the response to your Comment 04 regarding the ability of rail improvements to address corridor congestion and to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

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	09 Please refer to the responses to your Comments 03 and 08 regarding the multimodal nature of transportation improvements to the North Coast Corridor as well as applicable funding. For more information regarding climate change, please refer to the response to your Comment 01.
	10 Caltrans is not a land use planning agency and does not have jurisdiction over local land use planning. The role of Caltrans is not to restrict or cause future growth or development; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by the local and regional planning agencies. As such, a "land use alternative" is not considered in the *I-5 NCC Project* alternatives analysis. Additionally, please refer to the response to your Comment 01 regarding the SCS and the importance of the I-5 improvements to the overall functionality of the North Coast Corridor multimodal transportation system.
	11 TSM and TDM features are discussed in EIR/EIS *Section 2.2.3*, *Transportation System Management (TSM), Multimodal and Transportation Demand Management (TDM) Alternatives*, which notes that although these measures alone could not satisfy the purpose and need of the project, and elements of them are beyond Caltrans' jurisdiction to implement, TSM and TDM measures have been incorporated into the build alternatives for this project, as appropriate. Project elements designed to reduce VMT include adding bike and pedestrian facilities; providing a competitive option to SOV through the express lane system; and using fee revenue generated through congestion pricing to support transit within the corridor. Please refer to EIR/EIS *Section 2.2.3* for details. In addition, the *I-5 NCC Project* includes a number of operational and TSM improvements such as ramp meters, vehicle detection, and changeable message signs, designed to maximize the efficiency of the existing system and to provide improved traveler information. As noted in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS, the planned regional TDM strategy that would be implemented concurrently with the project includes outreach, education, and incentives to reduce solo driving through improved vanpools, carpools, telework, and

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> Against Burlington, Inc. v. Busey, 290 U.S. App. D.C. 371, 938 F.2d 190, 195-96 (D.C. Cir. 1991). The broader the purpose, the wider the range of alternatives; and vice versa. The "purpose" of a project is a slippery concept, susceptible of no hard-and-fast definition. One obvious way for an agency to slip past the strictures of NEPA is to contrive a purpose so slender as to define competing "reasonable alternatives" out of consideration (and even out of existence). The federal courts cannot condone an agency's frustration of Congressional will. If the agency constricts the definition of the project's purpose and thereby excludes what truly are reasonable alternatives, the EIS cannot fulfill its role. Nor can the agency satisfy the Act. 42 U.S.C. § 4332 (2)(E)." Simmons v. Army Corps of Engineers, 120 F.3d 664, 666 (7th Cir. 1997).

12 cont. The project is ostensibly intended to address commute hour congestion from capacity deficiencies in the Highway I-5 corridor in the project reach. Capacity inadequacies are manifested during peak commuting hours. A substantial majority of commuters employ a single occupancy vehicle and commute from established and developing residential areas into defined employment centers. Federal law directs specific monitoring programs and evaluation of congestion management strategies, and conditions the addition of system capacity upon a demonstration of necessity, unlike other forms of system improvements, including, notably, "public transportation improvements." 23 C.F.R. § 450.320.(c)(3)(iii). Federal law and policy, as well as local and regional priorities, require an evaluation of multimodal alternatives that is entirely lacking in the DEIR/S. The Department of Transportation's regulations prohibit of the use of federal funds on any project that will result in a significant increase in the carrying capacity for single occupancy vehicles (SOV) unless the project is addressed in the pertinent congestion management process. 23 C.F.R. § 450.320(d). Nonetheless, the DEIR/S proposes to build mixed-flow lanes, without having demonstrated that this process has been satisfied, and in particular, whether an multimodal or public transportation-based alternative can address any substantial portion of the stated project need.

The DEIR/S fails to acknowledge that elimination of a relatively small percentage of the current and future commuters during peak hours through alternative transportation strategies, such as a rail-based public transit system, would alleviate traffic congestion and restore the highway's use to below capacity. Importantly, a rail-based alternative would be capable of accommodating future increased needs, and reduce adverse induced and cumulative environmental impacts associated with sprawling land use patterns. In short, it has many advantages over the proposed project.

13 4. Impact Analysis

TRANSDEF asserts that the environmental review documents must address the issues of induced growth, construction delays versus congestion relief, cumulative impacts and

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11 cont. bicycle programs. Additionally, please refer to the response to your Comment 02 regarding the multimodal improvement efforts for the North Coast Corridor. Even with the incorporation of TSM and TDM measures, as well as the planned improvements to mass transit, the 8+4 Buffer alternative was the smallest alternative that would achieve traffic flow objectives, based on traffic modeling.

12 Please refer to the response to your Comment 06 regarding previously considered project alternatives, including transit-based options. Also as described in that response, the Preferred Alternative is the refined 8+4 Buffer alternative, which would only consist of the addition of HOV/Managed Lanes. As stated in EIR/EIS *Section 1.3.5*, *Managed Lanes*, such lanes provide additional highway capacity within a constrained corridor while minimizing impacts to the environment and surrounding communities. Please also refer to the response to your Comments 03, 04, and 11 regarding the inability of multimodal alternatives, including rail, to satisfy the project's need.

13 Please refer to the responses to your Comments 14 through 23 for detailed responses regarding induced growth, construction delays versus congestion relief, cumulative impacts, congestion relief benefits, and the analysis of impact categories.

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13 cont. identify the term of any congestion relief benefit from the proposed highway widening project. These analyses were not properly completed. In addition, a series of impact categories were not analyzed properly either.

A. Induced VMT

14 "A growing body of research has shown that widening highways is only a temporary solution at best to the complex problem of traffic congestion. Indeed, research has pointed to a phenomenon known as "induced traffic" that suggests new and wider highways actually create additional traffic, above and beyond what can be attributed to rapid population increases and economic growth." *Why Are The Roads So Congested*?, Surface Transportation Policy Project, See http://www.transact.org/PDFs/constr99.pdf See also *Sierra Club v. DOT*, 962 F.Supp. 1037 (N.D. Ill., 1997).

B. Construction Delays

15 Studies show that gains in congestion relief from highway expansion may not always exceed the additional congestion associated with construction delays. "*Road Work Ahead: Is Construction Worth the Wait*." Surface Transportation Policy Project, See http://www.transact.org/report.asp?id=166

C. Cumulative Impacts

16 The environmental review document must comprehensively address the cumulative effect of this project, including the impacts associated with expanding the region where sprawl is induced as a result of additional long-distance SOV commuting. These project impacts may be quite significant over time as commute and land use patterns are established in reliance upon continually expanding highway capacity. The beneficial effect that traffic congestion has upon public transit ridership must be examined. As more environmentally-benign transit systems operate in this same corridor, the DEIR/S has improperly failed to examine the effect that the no build project would have on transit ridership (increased ridership due to delays in the comparable single occupancy vehicle highway mode) and the effect of the highway widening (reduced transit ridership from the increased viability of the single occupancy vehicle alternative due to at least temporarily reduced highway congestion).

D. Term of Benefits

17 Studies show that the benefits gained from highway capacity expansion are often short in duration, and necessitate further future expansion to meet additional demand. The environmental review document fails to identify how long the Build Alternatives will benefit the congestion issue and when diminishing returns will be encountered.

E. Ozone Precursors Analysis

18 The Air Quality chapter completely failed to analyze ozone precursors, despite the San Diego Air Basin being designated nonattainment for ozone. The DEIR/S asserts that,

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14 Please refer to the response to your Comment 01 regarding induced VMT.

15 With respect to the relationship between construction-related traffic delays and congestion relief associated with the proposed project, construction-related activities would generally be focused during non-peak hours to minimize traffic delays, to the maximum extent practicable. As described in *Section 3.6, Traffic and Transportation/ Pedestrian and Bicycle Facilities,* of the EIR/EIS, identified avoidance, minimization, and mitigation measures include the implementation of a TMP during and potentially after construction. The TMP would include a Public Awareness Program to distribute information, such as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns, such as road closures and alternate route strategies. Traffic delays and closures would be minimized through the application of traditional traffic handling practices, for example signs, barriers, and flaggers. Please also refer to Topical Response "Construction Traffic."

The *I-5 NCC Project* is regional and construction is anticipated to be phased over many years to be consistent with the adopted RTP, as discussed in EIR/EIS *Section 2.4, Phased Construction*. The construction duration for each of the three major phases would be lengthy compared with smaller and more localized types of projects. However, the length of construction activities in any given location would be shorter than each overall phase; this would limit construction-related delays during a given time frame. Please also note that overall, congestion through the planning horizon is anticipated to increase substantially due to projected

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	15 cont. growth in the absence of project improvements. As shown in EIR/EIS *Table 3.6.3, Total Delay, Congested Hours, and Travel Time,* the No Build alternative would result in increased congestion as compared with the project build alternatives in the year 2030. As such, project improvements would reduce the duration of congestion as compared with the No Build conditions. As discussed in EIR/EIS *Section 3.6.2.1, Traffic and Transportation*, under the heading *Existing and Forecasted Conditions*, improvements would ease future conditions commensurate with traffic projections into the 2040 to 2050 time period. 16 The EIR/EIS discusses the cumulative effects of the project in *Section 3.25, Cumulative Impacts*. Cumulative impacts are appropriately identified based on past, present, and *reasonably foreseeable* future projects. As described in EIR/EIS *Section 3.2, Growth*, there are no known projects in this vicinity that are dependent on the implementation of the *I-5 NCC Project*. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity due to other limits on growth, including land use controls within local and regional plans and policies as well as the highly urbanized nature of the surrounding land uses. For information regarding regional and project improvements and strategies to reduce sprawl and to encourage smart growth, please refer to the response to your Comment 01. With regard to the relationship between transit use and congestion on I-5, during the planning process, it was determined that improvements are needed on all transportation modes in the North Coast Corridor. Improvements to just transit would not accommodate the anticipated growth in the area, as described in the response to your Comment 05. Additionally, as part of the Preferred Alternative, only HOV/Managed Lanes would be constructed, which would encourage an increase in carpooling and bus ridership as congestion increases.

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18 cont. since the Project is in a conforming RTP, there are no Air Quality impacts (3.14-1), but it provides no legal justification why it is not necessary to analyze project level impacts under CEQA. Under the CA Clean Air Act, nonattainment areas are required to implement all feasible measures to reduce ozone precursors. As lead agency, Caltrans is obligated to provide responsible agencies with enough information to fulfill their mandate. As the largest source of ozone precursors, air districts must do everything possible to reduce motor vehicle emissions. Also, it must be possible to determine whether the Project will hinder attainment, both federal and state. There is no exemption for Caltrans in CEQA.

F. Air Toxics Analysis

Despite the San Diego Air Basin being non-attainment for the state PM standards, the DEIR/S fails to have CEQA threshold of significance, and make a significance findings. Instead, the DEIR/S attempts to claim it is exempt:

> "The PM Guidance defines the following types of projects as projects of air quality concern: • New or expanded highway project that have a significant number of or significant increase in diesel vehicles; ...
>
> "A significant volume for a new highway or expressway is defined as an annual average daily traffic (AADT) volume of 125,000 or more, and a significant number of diesel vehicles are defined as 8 percent or more of that total AADT. A significant increase in diesel truck traffic is normally considered to be approximately 10%." (3.14-5).

19 While there is no legal justification presented for why the DEIR/S is not nonetheless subject to the requirements of CEQA, even the asserted PM Guidance exemption is invalid. That argument claims that the "significant increase in diesel truck traffic" is to be measured from a No Build Alternative. But that is not what the Guidance says. Clearly, as these are human carcinogens we are discussing, any increase beyond current levels would be a matter of public health concern. TRANSDEF therefore asserts that this is a project of air quality concern, thereby requiring a quantitative assessment of the effects of air toxic emissions impacts on human health. The issue is not which of the alternatives would have "significant adverse impacts on the human environment," it is whether any of them has such impacts.

Just because levels will be reduced below current levels (because of reasons unrelated to the Project) (3.14-9) does not mean there are no adverse effects from the Project. Because these are human carcinogens, any feasible mitigation or alternative, including those that reduce VMT, will provide public health benefits.

"Caltrans has provided a quantitative analysis of MSAT relative to the various alternatives and has acknowledged that some alternatives may result in increased

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17 Please refer to the response to your Comment 01 regarding projected growth and the associated need for the project, as well as the lifespan of the proposed project. The anticipated project lifespan is further described in Topical Response "Project Lifespan."

18 The evaluations of criteria pollutants and mobile source air toxics (MSAT) incorporate project-generated ozone (O_3) precursors. Specifically, EIR/EIS *Section 3.14, Air Quality,* points out that the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This would result in lower overall air emissions and related improvements to air quality compared with existing conditions, including O_3 precursors such as oxides of nitrogen (NO_X). Similarly, the MSAT analysis in *Section 3.14* indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. MSAT emissions evaluated in *Section 3.14* include a number of volatile organic compounds (VOCs), which are also O_3 precursors, such as benzene, 1,3-butadiene, and formaldehyde. Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality considerations.

The referenced text regarding project inclusion in a conforming RTP is from a discussion in EIR/EIS *Section 3.14.3*, under the heading of *Regional Air Quality Conformity*, which states:

> The proposed project is fully funded in the 2030 RTP. The proposed project is also listed in the 2050 financially constrained RTP, which was found to conform by SANDAG on October 28, 2011. The FHWA and FTA made a regional conformity determination on December 2, 2011. The project is included in SANDAG's financially constrained 2012 RTIP, page 33. The SANDAG 2012 RTIP was adopted by the SANDAG Board on September 28, 2012,

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18 cont. and was determined to conform by FHWA and FTA on December 14, 2012. The design concept and scope of the proposed project is also generally consistent with the project description in the 2030 RTP, and the 2010 RTIP, and the "open to traffic" assumptions of the SANDAG's regional emissions analysis. Therefore, the project is assumed to conform to the SIP and no adverse regional air quality impact would occur as a result of the project.

Accordingly, the analysis in EIR/EIS *Section 3.14* does not state or imply that the project would have "no air quality impacts," but rather it points out that because the project is included and/or funded in the RTP and Regional Transportation improvement Program (RTIP), it would comply with the California State Implementation Plan (SIP). Accordingly, because the SIP outlines measures to achieve attainment with the national ambient air quality standards (NAAQS), the EIR/EIS appropriately concludes that the project would not result in related adverse regional air quality impacts. The analysis in *Section 3.14* goes on to provide the following discussion that RTPs:

> … include all of the transportation projects planned for a region over a period of at least 20 years for the RTP, and 4 years for the TIP. RTP and TIP conformity is based on use of travel demand and air quality models to determine whether or not the implementation of those projects would conform to emission budgets or other tests showing that requirements of the Clean Air Act and the SIP are met. If the conformity analysis is successful, the Metropolitan Planning Organization (MPO), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA), make determinations that the RTP and TIP are in conformity with the SIP for achieving the goals of the Clean Air Act. Otherwise, projects in the RTP and/or TIP must be modified until conformity is attained. If the design, scope, and open to traffic schedule of a proposed transportation project are the same as described in the RTP, then the proposed project is deemed to meet regional conformity requirements for purposes of project-level analysis.

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19 cont. exposure to MSAT emissions in certain locations, although the concentrations and duration of exposures are uncertain; because of this uncertainty, the health effects from these emissions cannot be estimated." (3.14-10). Unless such impacts can be quantified with certainty as being insignificant, they must be identified as a significant impacts under CEQA.

20 G. Construction Impacts Analysis
The following impact analysis violates CEQA by failing to identify an obvious significant impact; "During construction activities, including utility relocation, short-term degradation of air quality may occur due to the release of particulate emissions generated by the activities mentioned above... These emissions would be temporary and limited to the immediate area surrounding the relocation site, and therefore would not adversely affect air quality**." (**3.14-10, emphasis added). Adjacent residents, not to mention the construction workers themselves, would be impacted by the air toxics in diesel particulates. The proposed mitigation measure is inappropriately loose: "Construction Air Quality measures to minimize emissions for construction include: Use low-emission onsite mobile construction equipment where feasible." (3.14-10, emphasis added). Consistent with Caltrans practice in Sacramento, construction air quality mitigation measures should include the requirement to use only construction equipment that meets the latest CARB off-road diesel standards. This is a feasible method of reducing PM emissions.

21 H. Greenhouse Gas Impacts
The GHG analysis impermissibly failed to make a determination of impact significance. The claim that "overall CO2 emissions would be reduced" (4-5), an obvious attempt to deflect attention away from GHG impacts, ignores the huge increase in emissions over current conditions.

22 I. Energy
The two-page Energy chapter is utterly inadequate. There is no quantification of the massive increase in energy consumption that would occur between the present and 2030, if VMT increases as projected. In rewriting this chapter, keep in mind that lower speeds result in lower energy consumption, especially if the speeds are steady. Higher speeds cause much higher energy consumption.

23 J. Growth Inducement
There is no analysis whatsoever of growth inducement. This is a mandatory EIR element. CEQA Guidelines Section 15126.2(d) Expanding highway capacity by 50% or more can reasonably be expected to remove a major constraint to growth in the Project Area.

24 **Planning Issues**
The Project's tremendous expenditure of public resources would result in, at best, short-term congestion relief, but would result in long-term environmental harm. While the goal of congestion relief is understandable on a human level, it is outmoded in the professional practice of transportation and land use planning. See "Why Are the Roads

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18 cont. It should also be noted, per the discussion of Lead Agency responsibilities in this comment, that Caltrans has worked closely with the California Air Resources Board (CARB) and the San Diego Air Pollution Control District (SDAPCD) to identify, evaluate, and implement measures to reduce the generation of O_3 precursors from mobile sources (pursuant to the SIP requirements noted above). Specifically, this has included involvement in the following ongoing efforts:

- Vehicle Inspection and Maintenance Program
- Transportation Control Measures (TCMs)
- Alternative Fuels and Vehicles
- Congestion Reduction and Traffic Flow Improvements
- Travel Demand Management
- Carpooling and Vanpooling
- Diesel Engine Retrofits and Other Advanced Truck Technologies
- Idle Reduction
- Training for Transportation Workforce
- Transit Improvements
- Bicycle and Pedestrian Facilities and Programs

Based on the information provided above, the EIR/EIS air quality analysis adequately addresses the issue of potential project-related impacts from the generation of O_3 precursors, through the evaluation of related emissions, conformance with applicable plans and programs, and measures to reduce O_3 precursor emissions from motor vehicles.

19 With respect to the analysis of particulate matter (PM) in *Section 3.14, Air Quality*, the EIR/EIS does not attempt to claim the project is exempt from State (or other applicable) requirements, as stated in this comment. Rather, the analysis assesses the project under the appropriate U.S. Environmental Protection Agency (USEPA) PM Guidance, and notes that:

> While the SDAB is not a federally designated PM_{10} and $PM_{2.5}$ nonattainment or maintenance area, it is designated as a State nonattainment area for both pollutants. Thus, to meet State requirements, the proposed project is assessed

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19 cont. using the procedure outlined in the PM Guidance. To meet statutory requirements, the March 10, 2006, final rule requires $PM_{2.5}$ and PM_{10} hot spot analyses to be performed for "projects of air quality concern." Qualitative hot spot analyses would be done for these projects. Project not identified as projects of air quality concern (POAQC) are considered to meet statutory requirements without any further hot spot analyses.

The analysis in *Section 3.14* then provides an assessment of the proposed project under applicable criteria in the USEPA PM Guidance and appropriately concludes that it is not a "project of concern," and, therefore, does not require a detailed PM_{10} and $PM_{2.5}$ hot spot analysis.

Regarding the methodology of the project PM analysis, *Section 3.14* identifies that diesel fuel truck percentages for both the existing and proposed project would be six percent below the PM Guidance threshold, and specifically notes that:

> The proposed improvements to the I-5 North Coast Corridor would increase capacity. The existing diesel fuel truck percentage within the project limits is six percent of AADT, however, which is below the threshold of eight percent. Accordingly, the proposed project would not result in an increase in the ratio of trucks to the overall traffic volumes. Estimated horizon year (2030, equivalent to 2035) truck AADT would remain at six percent. In addition, the proposed project would relieve congestion, improve operations, and provide better circulation.

From the above information and the related evaluation in *Section 3.14*, the EIR/EIS appropriately concludes that the proposed project is not a "project of concern" under the USEPA PM Guidance.

For the project MSAT analysis, while the EIR/EIS indicates some uncertainties with respect to associated localized health effects as indicated in this comment, the analysis also notes that a substantial decrease in MSAT emissions can be expected for the Preferred

ORGANIZATIONS – COMMENTS	RESPONSES
	19 cont. Alternative from the base year (2006) levels through future year levels. Based on the analysis for the Preferred Alternative, reductions from base year (2006) MSAT levels expected by 2030 are: 42 percent of DPM, 74 percent of benzene, 75 percent of 1,3-butadiene, 67 percent of DEOG, 75 percent of acrolein, and 78 percent of formaldehyde. These are substantial reductions from existing conditions. Based on these projections, associated potential health effects are anticipated to exhibit improvement over existing conditions for the corridor. As indicated in *Chapter 4* of this Final EIR/EIS, conditions which are improved from the baseline result in a less than significant impact under CEQA for air quality. Regarding construction-related air quality impacts, the statement referenced in this comment that emissions from construction equipment "…would not adversely affect air quality" is qualified by the related discussion that such emissions are both short-term and localized, as well as by the provision of associated avoidance, minimization, and/or mitigation measures in *Section 3.14.4*. Based on these considerations, the noted impact conclusion is considered appropriate.
	20 With respect to the identified measure to "Use low-emission onsite mobile construction equipment where practicable," the mitigation measures in *Section 3.14* have been updated in this Final EIR/EIS. Specifically, these include conformance with Caltrans' Standard Specifications, which require contractors to comply with applicable air pollution control rules, regulations, ordinances, and statutes; including conformance with CARB regulations. The current CARB (and USEPA) requirements for off-road diesel-powered construction equipment of more than 50 horsepower are the "Tier 3" emissions standards. These standards are in effect until December 31, 2014, after which the "Tier 4" standards will become effective, and all equipment will be outfitted with best available control technology (BACT) devices certified by CARB. The current Tier 3 requirements in California provide emission standards for hydrocarbons, NO_X, carbon monoxide (CO) and PM, but they provide "flexibility for industry" to address conditions such as the phased nature of the

ORGANIZATIONS — COMMENTS | RESPONSES

20 cont. standards and associated industry compliance, as well the related potential for applicable equipment and control devices to be unavailable. Additional information on the Tier 3 and 4 requirements can be reviewed at the following website:

http://www.epa.gov/otaq/nonroad-diesel.htm#regs.

21 Detailed information regarding the existing, No Build, and build alternative conditions is presented in Final EIR/EIS *Table 4.2* for public information. The increases in GHG emissions result from increased traffic generation, which would occur with or without project improvements. It is, therefore, appropriate to compare conditions that would occur without the project in the future to the conditions that would occur with the implementation of the various build alternatives. Because project impacts would be beneficial, this Final EIR/EIS appropriately concludes that impacts would be less than significant.

22 The projected increase in VMT is primarily due to the projected growth in the region and is not a direct impact of the proposed project. This increase, therefore, is not discussed in *Section 3.16, Energy,* of the EIR/EIS because it is not an impact resulting from the project. For more information regarding VMT and the relatively small project-related increase (approximately four percent), please refer to the response to your Comment 01. It also should be noted that this increase in VMT on I-5 would be offset by reduced VMT on other local and regional roadways.

With regard to energy consumption at different speeds, lower speeds do not necessarily correlate with lower energy consumption. In fact, the highest amount of energy use occurs at stop-and-go speeds (0 to 25 miles per hour [mph]). Fuel efficiency then increases between speeds of 25 mph and 60 mph and then begins to decrease at higher speeds. The proposed improvements are intended to maintain or improve traffic conditions through 2035 and beyond. Considering the current amount of congestion during peak hours on I-5, congestion would improve, thereby lowering energy consumption. Nevertheless, congestion would still be anticipated to continue on I-5 during peak hours. It is not

ORGANIZATIONS – COMMENTS

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So Congested," http://www.transact.org/PDFs/constr99.pdf which makes the case that congestion is the result of the spatial pattern of development, not the increase in population, so it cannot be remedied long-term by highway widening.

TRANSDEF finds the Project's focus on congestion relief to be overly simplistic. The Project clearly was designed to serve the travel demand of future growth, as current levels of travel delay certainly do not necessitate any of the Build Alternatives. (1-3) And yet, the level of future travel demand unquestioningly assumes a specific type of growth: low-density auto-dependent suburbia.

24 cont.

In its planning mandated by AB 32, the Air Resources Board (ARB) determined that future growth needs to substantially reduce GHG emissions from automobiles and light trucks. This change to how planning is done was codified as SB 375. Under that law, ARB has adopted Regional GHG Emissions Reduction Targets, including one for SANDAG. To meet that target, SANDAG will have to substantially alter the spatial distribution of its projected growth, creating higher density nodes that will need to be served by high-capacity transit. This process, in and of itself, will necessarily result in significantly lower future travel demand, which will make this DEIR/S both legally stale and excessively out-of-scale. None of these considerations is even mentioned by the DEIR/S.

25

A proliferation of mixed-use pedestrian-friendly communities, in which many daily trips can be conveniently made by walking or biking, will result in a reduction in the environmental impacts of future land use development in the North Coast Corridor. With transit conveniently available, the resulting lower auto ownership rates will lead to lower vehicle trip generation, which in turn will lead to less highway congestion and lower overall emissions of ozone precursors and greenhouse gases. In addition, higher density living leads to lower per-capita water consumption, lower energy consumption for domestic heating, less water pollution caused by urban run-off and better personal health, resulting from regular walking.

While the development of the SCS is outside the scope of the DEIR/S, it should be clear that, by the time this DEIR/S is ready to be recirculated, it must include a land use alternative: the SCS or APS that is adopted by SANDAG, as that will be the official land use plan for the Project Area, and because it represents a feasible mitigation that has lower overall environmental impacts. The SCS or APS is likely to include Transit-Oriented Development (TOD) centers, including both existing employment centers and new mixed-use centers, with high levels of transit service. Another component that should be considered for the RTP now in development that would be relevant to the Project would be to create an incentive structure to get more freight off the road and onto rail. (1-9).

26

Growth beyond the Project's horizon of 2030 will certainly bring more highway congestion. However, adding even more highway capacity later will just multiply the Project's environmental impacts. Passenger rail is the only other long-term expansion strategy for this corridor. Given that a robust transit network will inevitably be needed, it

RESPONSES

22 cont. anticipated that traffic would improve in such a way as to create completely free flowing traffic and, therefore, potentially more energy use.

23 As explained further in Topical Response "Projected Growth," expansion of the freeway is not anticipated to draw additional population to the region. Growth inducement is also analyzed in *Section 3.2*, *Growth*, of the EIR/EIS. It was determined that there are no known projects that are dependent upon the project and that further growth in the project area would occur regardless of whether or not the project is constructed. The project is responsive to planned regional growth and is growth-accommodating rather than growth-inducing.

24 Please refer to the response to your Comment 01 regarding the project lifespan and complex solutions planned for the North Coast Corridor. These solutions would include changes to land use patterns, which would promote higher density development and the use of public transportation. Also as described in that response, even considering the land use modifications contained in the SCS, I-5 improvements were identified as a necessary element of the regional multimodal transportation improvements through 2035 and beyond.

25 Please refer to the response to your Comment 10 regarding a land use alternative and to the responses to your Comments 03 and 08 regarding rail.

26 Please refer to the responses to your Comments 01, 03, and 08 regarding the need for multimodal (including rail) improvements to the North Coast Corridor, as well as the limited lifespan of transportation improvements. Additionally, any specific suggestions or comments regarding rail services should be directed to SANDAG and the North County Transit District (NCTD), which have jurisdiction over these services.

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26 cont. makes far more sense to consider such alternatives now, especially given the considerations of climate change. A network of convenient, comfortable well-connected transit services would encourage drivers to switch their trips to transit, thereby reducing greenhouse gas emissions and providing a long-term reliable alternative to longer-distance driving.

27 The Project's expected travel demand and the resulting congestion are a function of a fundamental supply-side philosophy that unquestioningly assumes the existence of a duty to facilitate any and all driving trips. Highways are presumed to exist to serve single occupant vehicles. There would be no congestion if all vehicles carried at least two passengers. The fact that weekend HOV percentages are roughly five times higher (1-4) than weekdays says that the reason people drive alone is because they can. Off-peak weekday HOV travel is higher than peak HOV travel, supporting the same conclusion. This is why so-called Managed Lanes need to be compared to a Full Road Pricing Alternative, in which all SOV drivers pay a toll. Price elasticity should result in a substantial mode shift, which, when combined with an SCS or APS, should meet a significant portion of the Project's Objectives, with a dramatic decrease in VMT and GHG emissions, not to mention Project cost.

While federal and state legislation may be required to implement such a scheme, this clearly is the direction transportation policy is heading. (See the National Surface Transportation Policy and Revenue Study Commission's Final Report.) Rather than rule such an alternative as infeasible, the DEIR/S should list it in a Statement of Overriding Considerations as requiring action by other agencies.

28 A lack of understanding of the issue of induced demand leads to the flawed modeling of travel demand, which then underestimates future demand. (4-step travel demand models are incapable of feeding back the effects of capacity increases to the trip generation step.) This results in building very expensive facilities that provide congestion relief for a limited number of years, only to clog up again. Worse yet, these facilities then encourage the continued development of dispersed suburban land uses, whose residents then become locked in, forever dependent on the personal auto for mobility. This would be inconsistent with current trends in regional planning.

29 In developing appropriate Multimodal Alternatives, one policy approach is easy to overlook: reducing transit fares. Lower fares can have substantial impacts on ridership, as was seen when LACMTA lowered its bus fares after the Bus Riders Union consent decree. Costing possibly less overall than capital projects, Caltrans would fund the annual operations subsidy for the transit operators, making whatever funds swaps are necessary to obtain the proper "color of money."

30 All Alternatives should be tested under a scenario where 2030 gas prices are the equivalent of $6.00 per gallon gas in 2010. This scenario will evaluate the resilience of the transport system in a climate of radically higher gas prices. High gas prices will result in a mode shift to transit, as was experienced during the 2008 price spike, and a corresponding drop in travel delays.

RESPONSES

27 As noted in the response to your Comments 03 and 06, the build alternatives include measures to encourage transportation via means other than SOV and the Preferred Alternative consists only of HOV/Managed Lanes. CA SB 468 authorizes SANDAG to conduct, administer, and operate a value pricing high-occupancy toll lane program on I-5, which is part of the proposed project. The use of such a program would accomplish many of the objectives listed in your comment. Consistent with your comment, converting an existing free highway to a toll-only facility is not within Caltrans' existing authority. Such a program would interfere with interstate commerce and could result in the diversion of highway traffic onto local streets and the generation of economic hardships for businesses and workers that rely on the highway. Additionally, addressing a "Full Road Pricing Alternative" in the potential project Statement of Overriding Considerations would be inappropriate. Only those elements proposed as part of the proposed project would be appropriate to discuss in the Statement of Overriding Considerations.

28 Project-related traffic and growth projections are derived from established sources such as the SANDAG Series forecasts, as well as project-specific technical analyses. Forecast methodology is provided in the I-5 North Coast Corridor Project Technical Report #5 Traffic Demand Forecasting Report (August 2007). This report notes that initial forecast modeling was conducted by Caltrans using the SANDAG Regional Travel Demand Model Series 10, Year 2030 and 2015 forecast, with verification and adjustments provided based on considerations including growth rate forecasts and anomalies, average daily traffic (ADT) forecasts and adjustments, and peak hour traffic forecasts. An additional description of traffic forecast methodology is provided in Section 2.0 of the referenced technical report. Based on the described considerations, the noted data sources and analyses are based

ORGANIZATIONS — COMMENTS	RESPONSES
	28 cont. on accepted industry standards and methods, and they are considered the most appropriate and accurate approach for the proposed project. Please refer to the response to your Comment 01 regarding project consistency with regional planning efforts, as well as the discussion of induced demand. 29 Comments regarding transit fares are beyond the purview of Caltrans and would be better addressed to SANDAG and the NCTD, which are responsible for transit programs. Please also refer to the response to your Comment 08 regarding transportation funding and the responses to your Comment 01 and Comment 03 regarding the need for multimodal improvements. 30 Traffic volumes on I-5 historically have increased on average over time despite continued increases in gasoline prices. During the 2008 spike in gasoline prices (http://energyalmanac.ca.gov/gasoline/retail_gasoline_prices.html#2008), an increase in mass transit ridership was observed (see attachment No. 1 on the next page) and freeway volumes declined (http://pems.dot.ca.gov/), although the decrease was temporary. The adopted RTP indicates that the increased demand will occur due to regional population growth, increased goods movement, increased economic growth, and greater recreational and tourist activity. As such, without improvements to I-5, traffic conditions and the effective movement of people and goods will continue to deteriorate. Please refer to EIR/EIS *Section 1.3, Need for the Project*, and Topical Response "Projected Growth" for additional discussions of the need for the project.

ORGANIZATIONS — COMMENTS

RESPONSES

COASTER
BOARDING (TOTAL) PASSENGERS

FY	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
													-
2011	134,171	124,408	116,049	99,195	97,306	84,559	98,583	97,608					851,879
2010	131,680	120,801	108,739	104,854	88,608	89,930	88,375	92,208	105,565	112,653	109,967	118,240	1,271,620
2009	179,426	166,839	145,089	139,602	105,333	101,515	104,380	98,932	110,965	118,477	111,019	120,042	1,501,619
2008	162,914	175,046	132,497	126,683	121,913	105,796	125,716	120,282	135,680	152,619	151,958	174,911	1,686,015
2007	134,015	161,069	128,667	129,780	115,632	100,760	114,357	111,121	128,817	135,054	146,120	155,337	1,560,729
2006	133,530	148,294	135,321	130,218	118,591	112,085	119,068	115,820	133,185	123,164	138,745	146,429	1,554,450
2005	141,023	143,424	125,778	115,128	110,947	89,082	95,609	102,537	127,104	125,427	124,381	132,028	1,432,468
2004	123,259	126,225	119,343	112,514	96,813	101,687	112,863	115,518	136,912	130,612	119,052	134,021	1,428,819
2003	109,495	118,300	115,033	117,468	105,106	96,986	133,020	102,448	111,962	117,759	109,124	111,752	1,348,453
2002	106,412	118,765	106,054	119,150	105,873	87,211	107,593	98,803	107,171	110,397	110,746	102,969	1,281,144
2001	94,065	108,638	104,470	99,927	95,221	90,233	101,318	91,043	103,444	98,720	107,782	111,978	1,206,839
2000	112,319	107,344	104,912	93,957	90,327	88,386	92,167	91,948	107,178	89,900	98,770	110,541	1,187,749
1999	98,241	96,941	102,344	104,158	89,916	94,632	103,249	97,038	113,233	128,949	102,351	109,173	1,240,225
1998	83,758	85,905	86,033	83,408	72,124	73,827	96,155	83,672	92,568	91,997	85,584	96,237	1,031,268
1997	77,958	82,043	77,524	77,205	71,074	63,486	72,422	73,760	77,019	80,757	78,851	77,875	909,974
1996													741,019
1995													177,733
													20,412,003

Attachment No. 1

ORGANIZATIONS — COMMENTS

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Conclusion

31 TRANSDEF finds the DEIR/S wholly inadequate as a resource for 21st century decision-making. It fails to consider feasible multimodal alternatives; it fails to characterize impacts as to their significance, using proper CEQA terminology; it fails to consider the changed circumstances brought by the passage of SB 375; it fails to use state-of-the-practice travel demand modeling methodology, resulting in fallacious conclusions; it fails to analyze ozone precursor and air toxics emissions; and it fails to quantitatively analyze energy consumption.

32 As circulated, the draft environmental review documents suffer from significant and fatal flaws that stem from a continuing "old school" approach to transportation planning and a process that, while creating many opportunities for public input, ignored the really important analysis. Applicable laws do not condone defiance of the critical issues that should have been addressed. TRANSDEF implores your agency to recognize and correct this problem by redrafting the environmental review documents to contain a robust, complete and unbiased alternatives analysis, and recirculating the DEIR/S to enable more informed public involvement and the best possible decisionmaking concerning this important transportation corridor.

TRANSDEF firmly believes that the choice between building highway lanes and expanding current passenger rail and bus services will significantly affect the spatial distribution of future land uses in the North Coast Corridor. This in turn will affect how well or how poorly residents are able to adapt to the challenges of climate change and escalating oil prices. Instead of promoting features to discourage driving, this Project does the opposite: it facilitates longer-distance trips and increased greenhouse gas emissions. The subject of transportation demand management (TDM) is left entirely unexplored. No programs are proposed to encourage a shift to HOV modes. These are issues that must be addressed in the environmental review documents if the public and decisionmakers are to be adequately informed.

We are pleased to offer these comments, in the hope that they will assist the lead agencies in fully disclosing the environmental consequences of highway building and in considering a far-more sustainable future. We look forward to the re-circulation of the environmental review documents and an opportunity to examine a fully framed set of policy choices, once the environmental review process is properly completed. Please feel free to contact us for clarification of any of the comments above.

Sincerely,

/s/ DAVID SCHONBRUNN

David Schonbrunn,
President

RESPONSES

31 The Draft EIR/EIS fulfills requirements of both CEQA and NEPA. Caltrans also circulated a Supplemental Draft EIR/EIS in August 2012, which provided newly available information on potential effects to lagoons, as well as the clarification of issues related to latent traffic demand, sea level rise, water quality, and common design features and community enhancements proposed by the project. Where important new information and analyses related to the Preferred Alternative, refinements to the community enhancement projects, and lagoon studies potentially could have supported recirculation, such review was accomplished in the focused Supplemental Draft EIR/EIS and is now incorporated into this Final EIR/EIS. For these reasons, the analysis contained in the EIR/EIS is considered adequate. Please refer to the responses to your Comments 01, 07, 18, 19, 22, and 28 regarding the issues summarized in this conclusion.

With respect to the EIR/EIS characterizing significance using CEQA terminology, please note that all CEQA significance determinations are provided in *Chapter 4* of the EIR/EIS. Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation*, in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project*.

32 Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into the Final EIR/EIS. As such, recirculating the Draft EIR/EIS is deemed unnecessary. Please refer to the response to your Comment 06 regarding the adequacy of the alternatives analysis.

Please refer to the response to your Comment 01 regarding the project's place in the regional land use and transportation planning

ORGANIZATIONS — COMMENTS	RESPONSES
	32 cont. process recently undertaken by SANDAG, as well as climate change and GHG emissions. As noted in the response to your Comment 11, TDM features are discussed in EIR/EIS *Section 2.2.3*, *Transportation System Management (TSM), Multimodal and Transportation Demand Management (TDM) Alternatives,* and the project analysis includes measures to encourage transportation modes other than the SOV. Lastly, please refer to the response to your Comment 12 regarding the identified Preferred Alternative, which only consists of HOV/Managed Lanes and would encourage ridesharing.

ORGANIZATIONS — COMMENTS RESPONSES

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Appendix H:

Responses to Comments
Volume IV of V
Part A

Final
Environmental Impact Report/
Environmental Impact Statement

October 2013

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MAIL

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: August 17, 2010
Place: Faraday Center, Rm 173A-173B
1635 Faraday Ave., Carlsbad, CA 92008

Name: DOUG ANDERSON Date: 8-24-10
(Print Clearly)

Address: 4536 HARTFORD PL
(Print Clearly) CARLSBAD CA 92010

Contact Phone: 760 434 94 28

Email (Optional): NOSIERRANO @ YAHOO.COM

Do you wish to be added to the mailing list? [X] Yes

I would like the following comments included in the public record for this project:

01 RESTRIPING I-5 SOUTHBOUND FROM MANCHESTER TO VIA DE LA VALLE.
RIGHT NOW EVERY MORNING THOUSANDS OF CARS ENTER I5 SOUTH AT MANCHESTER. BUT THAT LANE EXITS AT LOMA SANTA FE SO ALL THOSE CARS MERGE LEFT TO THE 4 GENERAL LANES. THAT CAUSES A BACK UP FOR MANY MILES, ENCINITAS - CARLSBAD AND SOMETIMES ALL THE WAY TO CAMP PENDLETON.

MY SOLUTION IS TO HAVE MANCHESTER RUN STRAIGHT THRU AND HAVE THE CARPOOL LANE START AT VIA DE LA VALLE INSTEAD OF LOMASANTAFE. VIA DE LA VALLE IS WHERE THE 6TH LANE BEGINS THAT SHOULD EASE THE MORNING COMMUTE FOR THOUSANDS OF US COMMUTERS THANK YOU DOUG

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Response to Doug Anderson

01 Thank you for your comment regarding re-striping southbound I-5 between Manchester Avenue and Via de la Valle. Your comments are part of the public record. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative would have four general lanes and two High Occupancy Vehicle (HOV)/Managed Lanes in the stretch of southbound I-5 between Manchester Avenue and Via de la Valle. In addition, a southbound auxiliary lane is also proposed from the Manchester Avenue southbound on-ramp to the Lomas Santa Fe Drive southbound off-ramp, and from the Lomas Santa Fe Drive southbound loop on-ramp to the Via de la Valle southbound off-ramp. An HOV/Managed Lane ingress/egress located at the Lomas Santa Fe Drive Undercrossing bridge is also proposed, and a Direct Access Ramp (DAR) on the northeast side of Manchester

MAIL – COMMENTS	RESPONSES
	01 cont. Avenue would be built to access the northbound and southbound I-5 HOV/Managed Lanes. The extension of the proposed southbound auxiliary lane between Manchester Avenue and Via de la Valle as a general-purpose lane would not be viable at this time, due to the limited right-of-way available in this segment of the I-5 corridor. Under this design, HOV/Managed Lanes would access the DAR directly, and weaving between HOV/Managed Lane traffic from the I-5 southbound Manchester Avenue on-ramp and Lomas Santa Fe Drive HOV/Managed Lane ingress/egress would be eliminated. Since weaving would not be a concern, there would be no need to move the Lomas Santa Fe HOV/Managed Lane ingress/egress to Via de la Valle.

MAIL – COMMENTS

San Diego Moving TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: August 17, 2010
Place: Faraday Center
1635 Faraday Ave., Carlsbad CA 92008

Name: Greg and Emma Anderson Date: September 8, 2010

Address: 1645 St. James Ct., Carlsbad 92008

Phone: 760-434-2642 e-mail (optional) opluri@dslextreme.com

Do you wish to be added to the mailing list? ☒ Yes ☐ No

Re: 1621 Lopez Street, Oceanside 92054

I would like the following comments included in the public record for this project

01 Re: Sound Wall S840 (Soto St. in Oceanside; between Whaley and Morse Streets)

Currently this sound wall is recommended for exclusion from the project, i.e. it will not be constructed. The reason explained to me is that the cost has been determined to be "unreasonable". I would like this recommendation to be reviewed and the recommendation changed to include it in the project.

The sound wall is justified by the sound level standards set for the project. Current sound levels make use of our back yard close to impossible.

The cost for the wall has been calculated to be $677,000. If the cost would have been $624,000 the sound wall would have been included in the project. The differential - $53,000 – is miniscule in the overall scope of the project.

The existing sound wall (8 ft. to 10 ft. high) will be removed and replaced as part of the project. It appears that the cost ($677,000) is based on the full cost of a new sound wall rather than the differential between $677,000 and the cost of removal and replacement which would appear to be the appropriate cost to consider.

Another approach to consider would be "value engineering", i.e., reviewing the costing of the new wall and finding areas where costs could be reduced. Again, the $53,000 differential is small compared to the total cost.

This sound wall is essential to the quality of life for the residents on Lopez St. Not building it will negatively affect their health and welfare.

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet NORTH COASTAL INTERSTATE 5 CORRIDOR

RESPONSES

Response to Greg and Emma Anderson

01 Thank you for your comments regarding potential noise concerns in the vicinity of the California Street Interchange in the City of Oceanside (south California Street and east of I-5 along Lopez Street). Your comments are part of the public record. As noted in your comments and discussed in EIR/EIS *Section 3.15, Noise*, Soundwall S840 was evaluated in that area. Based on the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol, however, Soundwall S840 was determined not to be "reasonable" due to the estimated construction cost exceeding the "reasonable" allowance and construction is therefore not recommended (refer to *Table 3.15.40*). But, as discussed in *Section 3.15.4*, an existing soundwall or retaining wall of varying heights in the described location would be partially removed but replaced with a similar wall as part of the proposed project (refer to Final EIR/EIS *Figures 2-2.3, Sheet 58*). Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. The cost of the project feature wall has no bearing on the cost of the soundwall considered for noise abatement. And, even though noise abatement was determined to be not "reasonable," the project proposes to build a soundwall to replace an existing wall that would be removed to accommodate the widening. This wall is proposed as a project feature, and not as a consideration of noise abatement.

MAIL – COMMENTS

LILIAN ANIXT
930 VIA MILCUMBA
SOLANA BEACH CA 92075
#8

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01
- You are going to expand the I-5 northbound on ramp at Lomas Santa Fe, how will this affect traffic on Santa Helena – entering and leaving? What will the impact be for those residents?
- How are you going to ensure the safety of pedestrians and cyclists with the expansion of the off/on ramps to I-5 at Lomas Santa Fe?

02
- When do you expect the expansion to begin?

03
- At what hours will you be working on the freeway? If at night what will you do to accommodate residents as far as noise?

04
- Why didn't the plan to review traffic reduction include public transportation until 2050? Why wasn't this part of the initial plan?
- What is the cost of widening public transportation? San Francisco has BART, why can't San Diego develop something similar?

05
- Did Cal Trans meet with local communities to discuss various options prior to the most recent "informational" meetings in various locations? If so when were they and if not why not?

06
- For those areas in which Cal Trans has made a determination that a sound wall wasn't feasible, what if anything will Cal Trans do to work with local community residents to put in these walls – possible cost share?

07
- Was there a reason for all the changes at Lomas Santa Fe and I-5 if this is all going to be re-done with the new expansion?

08
- What will it take Cal Trans to re-consider reviewing public transportation alternatives prior to 2050?

09
- A spokesperson from Cal Trans stated on the news that there is a great deal of bottleneck between UTC and Oceanside (northbound) – what are Cal Trans plans for further north as there is considerable back up in San Clemente as well as San Juan Capistrano and what is Cal Trans doing for southbound I-5 through downtown?

10
- What is the reason for the constant climb in the number of eviction notices being sent?

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Lillian Anixt

01 Thank you for your comments, which are part of the public record. Modification to the Lomas Santa Fe Drive Interchange and ramps are not proposed as part of this project.

02 If a build alternative is selected, construction is anticipated to begin as early as 2015.

03 As described in *Section 3.15, Noise,* of the EIR/EIS, noisier operations would be planned to occur during times least sensitive to noise receptors. Typical construction work hours are from daybreak to 4:00 p.m. If a soundwall is recommended, and the project is approved, Caltrans would work with the owners to prioritize building it early in the process and before highway construction begins.

Regarding potential impacts related to nighttime construction, general measures used to minimize construction noise are described in EIR/EIS *Section 3.15, Noise*.

Noise generation at the construction sites would be intermittent and would vary in nature and intensity depending on the specific construction activities. A combination of attenuation techniques with equipment noise control and administrative measures would be selected to provide the most effective means to minimize effects of construction activity noise. These control measures would be implemented in order to minimize noise disturbances at sensitive receptors during periods of construction. Measures described in Final EIR/EIS *Section 3.15.4* include equipment noise control, construction noise monitoring, and planning rests between construction activities so that noisy activities are followed by more quiet activities. Application of attenuation measures in the Final EIR/EIS would reduce the construction noise at sensitive receptors; however, a temporary increase in noise would occur.

MAIL – COMMENTS	RESPONSES
	04 Regarding inclusion of public transportation in planning through 2050, the *I-5 NCC Project* is one element of a larger transportation upgrade that the San Diego Association of Governments (SANDAG), with support from other transportation agencies noted below, is developing for the corridor. The 2050 Regional Transportation Plan (RTP) outlines projects for rail and bus services, highways, local streets, bicycle and pedestrian facilities, as well as systems and demand management. Based on regional traffic projections (refer to Topical Response "Projected Growth"), all modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation planning. These upgrades are anticipated to occur in the same time frame as the proposed project. In particular, California Senate Bill 468 requires concurrent completion of rail and highway improvements where crossing lagoons unless phasing would result in an environmentally superior outcome.
	05 Regarding the cost of public transportation, Caltrans has no authority to independently require or authorize bus rapid transit or light rail programs or to divert Caltrans funds to social programs that potentially could affect traffic patterns. Staff agrees that alternative transportation methods are critical to keeping San Diegans moving and that mass transit options provide critical elements of the regional transportation network. Improvements to the rail, light rail, bus transit, bikeway, and pedestrian trail system are being pursued by the agencies responsible for these facilities within the North Coast Corridor. Please refer to Topical Response "Transportation Funding" for additional discussion regarding funding for public transportation. Caltrans and the FHWA held preliminary public scoping meetings before circulating a Notice of Preparation (NOP) on October 20, 2004 and a Notice of Intent (NOI) on January 12, 2004, respectively. Additional project outreach occurred through two separate newsletters sent out or made available to addresses within 1.6 km (1 mile) east or west of the freeway. Since 2004,

MAIL – COMMENTS	RESPONSES
	05 cont. Caltrans staff and Caltrans staff on behalf of the FHWA have attended meetings; conducted surveys; presented handouts and mailers; and given presentations to Local Communities and Planning Groups, Homeowners Associations, Chambers of Commerce, City Council meetings, and local politician-sponsored meetings in an effort to update interested parties and the public on the status of the project. These meetings have facilitated public input into the development and design of the proposed project. In addition, project information was available on the website www.keepsandiegomoving.com.
	06 Regarding the potential for Caltrans to "work with local community residents" to potentially construct soundwalls determined not to be "feasible" under applicable guidelines, this is not a plausible scenario based on the fact that "feasibility" determinations under FHWA and Caltrans guidelines are derived from engineering considerations. Specifically, as discussed in EIR/EIS *Section 3.15*, *Noise*, and per the Caltrans Traffic Noise Analysis Protocol, a minimum 5 dBA (decibel) reduction in the future noise level must be achieved for an abatement measure to be considered "feasible." Other considerations include topography, access requirements, other noise sources and safety considerations. Accordingly, if a soundwall is determined not to be "feasible" under this analysis, there is no opportunity for negotiation or cost sharing, as indicated in this comment. The determination of whether a soundwall is "reasonable" under FHWA and Caltrans guidelines, however, is based on cost considerations and does potentially provide opportunities for negotiated agreements with property owners (such as cost sharing), depending on site-specific circumstances. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	07 As noted in the response to your Comment 01, the project does not propose further modification to the interchange at Lomas Santa Fe Drive.
	08 Please refer to the response to your Comment 04 with regard to public transportation.

MAIL – COMMENTS	RESPONSES
	09 Improvement plans for portions of I-5 north of Oceanside are not addressed in this EIR/EIS because that is beyond the established *I-5 NCC Project* boundaries; however, the 2050 RTP includes plans to provide improvements to I-5 from SR-905 to the Orange County border.
	10 Caltrans cannot speculate regarding the reasons for an increase in the number of eviction notices; such activity is unrelated to the proposed project or other Caltrans activities. If properties are required for acquisition by Caltrans, they would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available through measures such as the State Relocation and Last Resort Housing programs. Please also refer to Topical Responses “Property Acquisition” and “Acquisition Valuation” for additional information regarding property acquisition and property valuation, respectively.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 In out-of-date, overly expensive
way to deal with transportation - that
02 hurts (cars, air, water, views) more
than it helps (speed)

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Anonymous Commenter #1

01 Thank you for your comment, which is part of the public record. With respect to your concern about the plan being "out of date and overly expensive," it is important to note that the *I-5 NCC Project* is based on the best available information related to enhancing the movement of goods and people through the corridor. In combination with the San Diego Association of Governments' (SANDAG) Regional Transportation Plan (RTP) for the year 2050, the proposed project is intended to respond to the changing transportation demands within the corridor and provide integrated transportation options. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route.

02 Regarding potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners (per applicable Federal Highway Administration [FHWA] and Caltrans guidelines). Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise abatement facilities has been demonstrated to be effective in the reduction

MAIL – COMMENTS	RESPONSES
	02 cont. of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. For air quality related pollution, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation. As described in EIR/EIS *3.10, Water Quality and Storm Water Runoff*, potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of

MAIL – COMMENTS	RESPONSES
	02 cont. each Build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project. Refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views. Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. Regarding project effects on freeway speeds, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The use of High Occupancy Vehicle (HOV)/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. The project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
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I am very concerned about the following

01 (1) impingement on our very limited wetlands

02 (2) noise pollution

03 (3) CO_2/asbestos/petrochemical pollution of air

(4) lack of light rail/trolley on freeway
there must be emphasis on mass
transit on each freeway, not just I 5

(5) why is Caltrans only interested in auto
04 transport? Focus on mass transit.
How about a monorail system to
relieve auto crowding? Extend the
trolley up from Old Town & the
UTC/UCSD/VAHosp extensions.
We need more mass transit

05 (6) Loss of views, reduction of property values,

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Anonymous Commenter #2

01 Thank you for your comment, which is part of the public record. With respect to the potential impacts to biological resources from the project, the EIR/EIS states that the project would impact wetlands that are considered a sensitive biological resource (see *Section 3.18*). Project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. The project would include a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) that would enhance and protect lagoon habitat. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale. Please refer to Topical Response "Lagoon Evaluations" for additional information.

02 Regarding potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners, per applicable Federal Highway Administration [FHWA] and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 15.1*), numerous

MAIL – COMMENTS	RESPONSES
	02 cont. soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	03 With respect to carbon dioxide (CO_2) emissions, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative. This would occur by enhancing operations and improving travel times through reduction of congestion along the I-5 (refer to Final EIR/EIS *Table 4.2* and Topical Response "Climate Change"). For asbestos-related air quality concerns, project implementation would comply with applicable requirements under the U.S. Environmental Protection Agency (USEPA) National Emissions Standards for Hazardous Air Pollutants (NESHAP). Specifically, as outlined in EIR/EIS *Section 3.14,* the NESHAP regulations are intended to protect public health by minimizing the release of asbestos fibers during activities involving the processing, handling, and disposal of asbestos-containing material. These regulations identify associated requirements for activities including structure demolition and renovation and other applicable facility installations, as well as require notification of applicable state and local agencies and/or USEPA regional offices before commencement of all subject demolition or construction operations. The EIR/EIS also evaluates the potential presence of naturally occurring asbestos in the form of serpentine, which is a mineral commonly found in seismically active regions of California. Because naturally occurring asbestos is typically not found in local geologic formations, this discussion concludes that hazardous exposure to asbestos-containing serpentine materials would not be a concern for the proposed project. While petrochemicals are not associated with vehicular emissions, the project area does include existing and/or previous agricultural

MAIL – COMMENTS	RESPONSES
	03 cont. areas that could encompass petrochemical residue (e.g. fertilizers, pesticides, etc.). As described in EIR/EIS *Section 3.13, Hazardous Waste/Materials*, agricultural land and nurseries soil may require reuse or proper off-site disposal. Soil excavation activities would be performed under the guidelines of a site-specific Soil Management Plan and Health and Safety Plan.
	04 Regarding rail, trolleys, and emphasis on mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The San Diego Association of Governments (SANDAG) is the regional planning agency with responsibility for designing and implementing mass transit in the County. The *I-5 NCC Project* is part of the larger transportation upgrade that SANDAG is developing for the corridor; including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lines, and improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. These transit projects, when combined with the *I-5 NCC Project*, would provide a balanced transportation system for people to travel within and through the North Coast Corridor. Please refer to Topical Responses "Multimodal System," Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives evaluated for the I-5 corridor, including light rail, trolley and monorail.
	05 With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway-level visual impacts of the project. Refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views. Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5 as well as the

MAIL – COMMENTS	RESPONSES
	05 cont. less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. Based solely on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated because a number of larger factors drive property values in the San Diego region. These factors include proximity to coastal areas, school districts, accessibility to public facilities and amenities, neighborhood affiliation, lifestyle, etc., as well as a potential increase in property values over time. Please refer to Topical Response “Property Valuation” for information regarding factors affecting residential property value based on potential transportation project effects.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Do not turn what is left of our lovely area into an ugly, loud, unhealthy parking lot!

02 Do the right thing!! Expand affordable, accessible public transportation

03 Stop making money at the expense of public health & well being.

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Anonymous Commenter #3

01 Thank you for your comment, which is part of the public record. With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway-level visual impacts of the project. Refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views. Please also refer to the Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed project relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.

02 Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort, but is responsible for implementing only the highway improvement portion of the plan. The San Diego Association of Governments (SANDAG) is the regional planning agency responsible for designing and implementing mass transit in the County. The *I-5 NCC Project* is part of the larger transportation upgrade that SANDAG is developing for the corridor; including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lines, and improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. These transit projects, when combined with the *I-5 NCC Project*, would provide a balanced, affordable transportation system for people to travel within and through the North Coast Corridor. Please refer to Topical Responses "Multimodal System," Rail Preference," and "Mass Transit" for additional discussion regarding public transportation options.

MAIL – COMMENTS	RESPONSES
	03 As a public agency responsible for the State highway system, Caltrans does not "make money." If you are referring to tolls that would be collected for single-occupant vehicle use of the High Occupancy Vehicle (HOV)/Managed Lanes, such funds would be collected by SANDAG and used to offset the costs of operating the toll program, as well as for improvement of transit services, and for HOV facilities. Regarding public health and well-being, it is projected that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year conditions (2006). For additional information regarding public health, please refer to Topical Response "Air Pollutants."

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Please start funding and planning mass transit programs and stop widening our freeways

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Response to Anonymous Commenter #4

01 Thank you for your comment regarding your preference for mass transit programs. Your comment is part of the public record.

Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System,” Rail Preference,” and “Mass Transit” for additional discussion regarding ongoing plans and improvements to public transportation.

In regard to project funding, Caltrans’ responsibility is to use transportation monies provided for the upgrade of the state highway system in the most beneficial way, considering a combination of driver need, environmental effects on those highway facilities, and project cost. Improvements to the rail, light rail, bus transit, bikeway, and pedestrian trail system are also being pursued by the agencies responsible for these facilities within the North Coast Corridor. Please also refer to Topical Response “Transportation Funding” for information on issues related to use of public highway funding for alternative transportation modes.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 - This is not a 'project' yet - it is only a bad idea
- Adding lanes does not reduce: a) miles d-
02 b) long-term (even short-term) congestion, c) carbon
03 emissions, d) oil consumption - the last two being
mandated by law
04 - HOV lanes + bus lanes do not significantly increase
carpooling + bus use
05 - ~~This [illegible]~~ The funds are being taken from
transit funds - this is not a proposed transit project

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RESPONSES

Responses to Anonymous Commenter #5

01 Thank you for your comments, which are part of the public record. The proposal to modify I-5 constitutes a "project" for the purposes of the California Environmental Quality Act (CEQA; refer to CEQA Guidelines Section 15378). The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes would increase the number of vehicle occupants by giving carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement,* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. These factors would limit potential increases in miles driven (vehicle miles traveled [VMT]). The minor increases in freeway VMT would be accompanied by a decrease in VMT along regional arterials, including a projected 10 to 15 percent reduction on El Camino Real and Pacific Coast Highway. Please refer to Topical Response "Projected Growth" for additional information.

02 With regard to long-term traffic congestion, the proposed project would not eliminate gridlock or bottlenecks. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Regarding short-term congestion, the project Traffic Management Plan (TMP), as outlined in *Section 3.6.4.1*, *Traffic and Transportation*, would take into consideration the needs and

MAIL – COMMENTS	RESPONSES
	02 cont. safety of all anticipated users during construction activities. The TMP would encompass a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please refer to Topical Response "Construction Traffic."
	03 With respect to emissions generation, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions (including carbon emissions) and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation as well as Topical Response "Climate Change" with regard to greenhouse gas (predominantly carbon dioxide) emissions. Similarly, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing travel out of one's way to reach a desired destination.
	04 The inclusion of HOV/Managed Lanes within the I-5 corridor is identified in a number of related planning documents, including the San Diego Association of Governments (SANDAG) Regional Transportation Plans (RTPs) and the North Coast Transportation Study. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. HOV/Managed Lanes have been shown to provide an important commuting option, encourage ridesharing and, as stated in *Section 1.3.5* of the EIR/EIS, provide additional highway capacity in a constrained corridor while minimizing impacts to the environment and surrounding communities. Within the project corridor, approximately 13 percent of weekday peak period vehicles are HOVs (anticipated to increase to roughly 10 to 20 percent by 2030),

MAIL – COMMENTS	RESPONSES
	04 cont. while approximately 60 percent of vehicles within the project area during weekend peak periods are HOVs (refer to *Section 3.6.3.1*, *Traffic and Transportation*).
	05 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. TransNet monies, which provide a portion of the project funding, are divided into rough thirds, with approximately one-third each going to highways, transit, and local roadways. For more information on TransNet, please visit www.keepsandiegomoving.com. The TransNet Independent Taxpayer Oversight Committee was formed to provide a higher level of accountability for expenditure of funds. More information about this committee and SANDAG is also available at www.sandag.org. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 The freeway expansion increases pollution levels to two sensitive groups children (3 schools affected) and elderly people. Please do not expand lanes! Please consider ultrafine particle pollution and NOx near the freeway

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RESPONSES

Response to Anonymous Commenter #6

01 Thank you for your comments, which are part of the public record. Regarding air quality related pollution and associated potential health effects, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. The same conclusions as presented for PM_{10} and $PM_{2.5}$ would also apply to ultra-fine particulates. The analysis in *Section 3.14* also indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions for the No Build alternative and the build alternatives provided in Final EIR/EIS *Tables 3.14.11* and *3.4.12* for future years 2015 and 2030. Potential long-term health effects from living in proximity to a freeway are also addressed in *Section 3.14.3*. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation.

MAIL – COMMENTS

01 You will damage & polute the water ways.

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

02 I'm against the expansion of
03 the freeway. Noise will increase.
04 My Condo will decrease in value due to
05 noise. Polution will increase. You
06 will not improve traffic conjection.
What is the point. People's homes
07 will be destroyed. People will
08 lose their view of the ocean.
09 You will increase population
10 problems in San Diego. You will
effect the residences homes.
11 You will destroy precious land.
12 There is NO Benefit for the
residences of San Diego. Only negatives.
13 Quality of air will decrease.
14 Growth will be increased. Negative.

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Anonymous Commenter #7

01 Thank you for your comments regarding potential project-related water quality impacts to local waterways. Your comments are part of the public record. As described in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative. Specifically, this includes direct impacts from short-term construction activities, such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related pollutants (e.g., fuels and lubricants), as well as long-term operational impacts, such as the generation of vehicle-related pollutants, e.g., particulates and metals from break pad wear, and exhaust-generated pollutants such as nitrite. This analysis provides quantified assessments of potential impacts related to existing and proposed impervious (paved) surfaces as well as identification of associated potential pollutant generation and related effects. This analysis also addresses associated indirect impacts, such as downstream sediment/pollutant transport (i.e., sedimentation) and the potential discharge of pollutants related to long-term facility operation and maintenance such activities as landscaping (e.g., green waste and pesticides and herbicides).

Section 3.10 also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases, and concludes that Caltrans is committed to prevent or minimize impacts to water

MAIL – COMMENTS	RESPONSES
	01 cont. quality. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.
	02 Your preference for the No Build alternative is part of the public record.
	03 With respect to potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners (per applicable Federal Highway Administration [FHWA] and Caltrans guidelines). Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	04 Regarding your concerns for loss of property value, based on discussion provided in EIR/EIS *Section 3.4, Community Impacts*, substantial adverse impacts to local property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects.
	05 With respect to water quality-related pollution, please refer to the response to your Comment 01. With respect to air-quality related pollution, and as described in EIR/EIS *Section 3.14, Air*

MAIL – COMMENTS	RESPONSES
	05 cont. *Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation.
	06 Regarding potential concerns associated with ongoing congestion along I-5, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The use of High Occupancy Vehicle (HOV)/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants, thus reducing the number of vehicles needed to convey the same number of commuters. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. The proposed project would not completely eliminate traffic congestion. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives.
	07 With regard to your concern about people losing their homes, it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system. Where impacts to homes cannot be avoided through design efforts, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available through measures such as the State Relocation programs. For more information, please refer to Topical Response "Property Acquisition" regarding specifics of property acquisition,

MAIL – COMMENTS	RESPONSES
	07 cont. and to Topical Response "Acquisition Valuation" for information regarding property valuation.
	08 Regarding visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. Specific to your concern regarding maintaining ocean views, efforts to retain these desirable views may include the use of transparent materials for soundwalls (refer to EIR/EIS *Figure 3-7.122*). Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor and enters the surrounding community. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS).
	09 With respect to your comment about the project causing an increase in population in San Diego – the role of Caltrans is not to project, restrict, or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. As seen on *Table 1.3.10* of the EIR/EIS, projected growth of employment in the San Diego area from the year 2000 to the year 2030 is 28 percent. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of the surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. For more information regarding accommodation of projected growth and associated project need, please refer to Topical Response "Projected Growth."
	10 The potential for adverse effects to residents' homes would likely be through direct impact (the acquisition of a portion or all of the property, as addressed below) or effects such as noise and changes to the visual and community environment, which are discussed

MAIL – COMMENTS	RESPONSES
	10 cont. above in response to your Comments 03 and 08, respectively. Additionally, the EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*.
	11 As explained in the EIR/EIS, implementation of the proposed improvements would impact land, along with associated biological and agricultural resources. These issues are addressed under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures,* including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*, and *Section 3.3, Farmlands/Agricultural Lands,* respectively. Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Specifically, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative would reduce impacts to both biological and agricultural resources. As noted in Topical Response “Lagoon Evaluations,” the project would include a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), which enhance and protect lagoon habitat. This program, being coordinated among transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies, will address transportation-related impacts on a regional scale.
	12 The *I-5 NCC Project* would result in a number of benefits related to conditions experienced by motorists within the project corridor, as well as the regional population. Anticipated reductions in travel time during peak hours and the duration of congestion would be two of the predominant benefits of the project.

MAIL – COMMENTS	RESPONSES
	12 cont. With the No Build alternative in the year 2030, the travel times during the a.m. peak hour in the southbound direction would be 53-54 minutes and 40-48 minutes during the peak p.m.. With the No Build alternative in the year 2030, the travel times during the a.m. peak hour in the northbound direction would be 29-37 minutes in the peak a.m. and 67-69 minutes in the peak p.m.. With the Preferred Alternative in the year 2030, the travel times during the a.m. peak hour in the southbound direction would be 36-47 minutes in the peak a.m. and 29-30 minutes in the peak p.m.. With the Preferred Alternative in the year 2030, the travel times during the a.m. peak hour in the northbound direction would be 27-29 minutes in the peak a.m. and 45-50 minutes in the peak p.m.. Depending on the situation, the proposed project would reduce travel time through the corridor by between 2 and 22 minutes. The proposed project would also reduce the duration of congestion within the corridor. In the no build condition, in the year 2030, the duration of congestion in the northbound direction is estimated to be 3.5 hours in the a.m. and 6 hours in the p.m.. In the no build condition, in the year 2030, the duration of congestion in the southbound direction is estimated to be six hours in the a.m. and seven hours in the p.m.. With the Preferred Alternative, in the year 2030, the duration of congestion in the northbound direction is estimated to be eliminated in the a.m. and six hours in the p.m.. With the Preferred Alternative, in the year 2030, the duration of congestion in the southbound direction is estimated to be 5.5 hours in the a.m. and 2 hours in the p.m.. Depending on the situation, the proposed project would reduce the duration of congestion within the corridor by up to five hours. Reductions in travel time and duration of congestion would benefit consumers by eliminating the adverse impacts on the costs of goods due to increased travel time. Increased travel time proportionately increases the cost of goods to the consumer due to increased labor and fuel costs associated with longer travel times. Longer travel times also adversely affect commuters' quality of life by forcing them to spend more time in their cars. Increased and unreliable employee commute times also adversely affect businesses by reducing productivity on the part of employees which, in turn,

MAIL – COMMENTS	RESPONSES
	12 cont. adversely affects the ability of the employers to meet the needs of their clientele. Reduced congestion and travel times would also translate into reductions in criteria pollutant and greenhouse gas emissions over that which would occur with the No Build alternative. For example, the project build alternatives are estimated to reduce carbon dioxide emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative, due to decreased congestion and improved travel times along the corridor (refer to Final EIR/EIS *Table 4.2).* See Topical Response "Air Pollutants" for more discussion on the benefits of the project with respect to air quality. 13 Please refer to the response to your Comment 05 with regard to air quality. 14 Please refer to the response to your Comment 09 regarding the need to accommodate for projected growth.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 I know the traffic is terrible on I-5 — but it is mainly in the early morning or late afternoon. Building more lanes will not make it any better — it will just cause more building. All of the freeway extensions in L.A. did not help - they still have traffic jams in the a.m. + p.m. only for longer periods of time.

02 The added lanes in Solana Beach — off ramps — were a big help. If that can be added up to Oceanside, it should be sufficient. We do not need 16 lanes. Only would cause more building — say from single family to multistory apts.

03 No to more lanes

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Anonymous Commenter #8

01 Thank you for your comments, which are part of the public record. The proposed project is specifically designed to maintain or reduce traffic congestion along the I-5 NCC and is not anticipated to result in a substantial number of additional trips. Associated improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in the project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic.

02 While it is true that interchange improvements can be helpful in maintaining traffic flow, they would not be sufficient to convey to the substantial increase in traffic projected to occur as a result of regional growth. With respect to your preference for not expanding the freeway to 16 lanes, the EIR/EIS fully evaluates four build alternatives, as well as the No Build alternative, which are described in EIR/EIS *Section 2.2, Alternatives*. EIR/EIS *Section 2.6, Alternatives Considered but Eliminated From Further Discussion Prior to Draft EIR/EIS*, also provides descriptions of eight additional alternatives that were eliminated from detailed

MAIL – COMMENTS	RESPONSES
	02 cont. environmental review due to their inability to provide adequate highway capacity to meet the year 2020 travel demands within the project limits. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Please also refer to Topical Response "Corridor Alternatives" for additional discussion of alternatives evaluated as part of the transportation planning process for the North Coast Corridor.
	03 The proposed project is not anticipated to increase development. It would run through several highly urbanized cities and would accommodate anticipated growth in the area, based on local and regional planning efforts. Because the North Coast Corridor is already highly urbanized, it is not anticipated to become more so or have increased development based solely on the proposed improvements. Other constraints are involved, such as land use controls within local and regional plans and policies as well as the limited space available for further development. Also, this project is not designed with excess capacity that could induce substantial unplanned growth during the design period.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 The San Diego area needs good "Public Transportation" it needs to be "cheap" and "frequent" Then, and only then, people would give up their 2nd cars!

02 It is not reasonable to build more "Lanes" on the 5 Freeway!

03 Small buses should run often on every major east/west Street to take people to the Coaster. The Coaster needs to run 7 days a week, 6 AM to MIDNIGHT

04 We need the high speed train on 15 — San Diego to Scramento — with a branch to the LA area, and another to the San Francisco Bay area.

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Anonymous Commenter #9

01 Thank you for your comments regarding public transportation. Your comments are part of the public record. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation options.

With regard to the price and schedule of public transportation, please note that because potential modifications to public transportation schedules and fees are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District (NCTD), which has jurisdiction over public transportation in North County.

02 Your preference for the No Build alternative is noted.

03 Please refer to the response to your Comment 01 regarding suggestions to improve public transportation, as well as the multimodal nature of the system. Please also refer to Topical Response "Corridor Alternatives" for a list of alternatives that were previously evaluated for the corridor, which included the Coaster.

MAIL – COMMENTS	RESPONSES
	04 Your comment regarding the high-speed rail between San Diego and points north is noted. Please note, however, that the northern-most San Diego County stop is projected to be Escondido, followed by downtown San Diego. The coastal cities would be by-passed by this rail line. This travel mode would be expected to divert longer-range travelers from I-5, but would not divert a significant amount of the peak hour commuters from I-5, and therefore would not be expected to improve the peak hour freeway level of service in the North Coast Corridor.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: Susan Ashling Date: 9/26/10
(Print Clearly)

Address: 681 Poinsettia Park South
(Print Clearly) Encinitas, CA 92024

Contact Phone: (760) 942-0342

Email (Optional): sueashling@cox.net

Do you wish to be added to the mailing list? ☒ Yes ☐ No

I would like the following comments included in the public record for this project:

01 As the I-5 may expand to the west boundary of our neighborhood's greenbelt, I as a resident who enjoys our greenbelt area & my homes environment, would like to emphasize the need for a sound wall (a 15'-18' double insulated wall with graffiti resistant surfaces
02 & landscaping to include 12' mature trees.

Thank you,

Susan Ashling

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet NORTH COAST 5 INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Susan Ashling

01 Thank you for your comments regarding project design and related potential noise concerns in the area east of the I-5 corridor and south of Leucadia Boulevard. Your comments are part of the public record. As shown on Final EIR/EIS *Figures 2-2.3, Sheet 36*, while the I-5 right-of-way would be expanded slightly in the subject area, it would not extend to the western boundary of the Poinsettia Park Community "greenbelt" as indicated in this comment.

Pursuant to the analysis in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project

MAIL – COMMENTS	RESPONSES
	01 cont. in appropriate locations, including S692 along the noted freeway segment. While S692 was determined not to be "reasonable" due to the fact that the estimated cost exceeds the "reasonable" cost allowance, it is recommended for construction at a height of 12 feet to provide noise abatement for "severely impacted" noise receptors including R11.31 and R11.32 (refer to Final EIR/EIS *Figures 2-2.3, Sheet 36,* and *Table 3.15.24*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise and would provide noise abatement for associated noise receptors in accordance with applicable FHWA and Caltrans requirements. Refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. The construction of S692 may not provide a discernible noise-abatement benefit for the subject property (681 Poinsettia Park South), due to its location approximately 500 to 850 feet east-southeast of the listed noise receptors (from review of Google Maps) and the presence of intervening structures that can provide noise shielding. S692 would, however, provide noise abatement in the open space ("greenbelt") area associated with the noted noise receptors (refer to *Table 3.15.23*). 02 Your preferences for soundwalls and landscaping are part of the public record. A number of conceptual elements to mitigate project-related visual impacts are identified in *Section 3.7, Visual/ Aesthetics*, including potential designs associated with soundwalls, earthen berms, and berm/wall combinations (refer to *Figures 3-7.113* through *3-7.119,* and *3.7-122*). Please refer to Topical Response "Visual/Community Effects" for more information regarding efforts to minimize local visual effects of the proposed improvement. As described in *Section 3.7,* of the Draft EIR/EIS, because the project has not yet been approved, specific landscape plans have not been developed. Project landscaping plans would be developed during the design process and would reflect input from sources including Caltrans design standards and comments received during public outreach meetings. It should also be noted that, while vegetation can exhibit some noise-absorption benefits in situations where substantial vegetation "depth" is present (e.g., extensive planted orchards or wooded areas), the use of vegetation within the generally confined I-5 corridor would not provide notable noise abatement.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: MARJORIE A. BAILEY Date: 9/28/2010
(Print Clearly)

Address: 714 POINSETTIA PARK So.
(Print Clearly) ENCINITAS, CA 92024

Contact Phone: 760-436-8299

Email (Optional):

Do you wish to be added to the mailing list? ☐ Yes ☒ No

I would like the following comments included in the public record for this project:

01 Concerning the expansion of Interstate 5 to help alleviate existing congestion will raise the noise level drastically thus will need to be given attention. A sound barrier wall, hopefully graffiti resistant, and with efficient knowledge can the Pottsbrow west property of Poinsettia Park Common area, to help alleviate the increased noise level

Marjorie A. Bailey

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet NORTH COAST 5 INTERSTATE 5 CORRIDOR

RESPONSES

Response to Majorie A. Bailey

01 Thank you for your comments regarding potential project-related noise concerns, the request to include a soundwall in the area located east of the I-5 corridor and south of Leucadia Boulevard, and the request for this soundwall to include a "graffiti-resistant" design. Several measures would be considered during final design, including deep texturing or other graffiti-deterrent surfaces, or covering walls with landscape materials. Your comments are part of the public record. As outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S692 along the noted freeway

MAIL – COMMENTS	RESPONSES
	01 cont. segment. While S692 was determined not to be "reasonable" due to the fact that the estimated cost exceeds the "reasonable" cost allowance, it is recommended for construction to provide noise abatement for "severely impacted" noise receptors, including R11.31 and R11.32 (refer to Draft EIR/EIS *Figure 2-2.14v* and *Table 3.15.24*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise and would provide noise abatement for associated noise receptors in accordance with applicable FHWA and Caltrans requirements. Refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. The construction of S692 may not provide a discernible noise abatement benefit for the subject property (714 Poinsettia Park South), due to its location of approximately 750 to 1,000 feet east of the listed noise receptors (from review of Google Maps) and the presence of intervening structures that can provide noise shielding. S692 would, however, provide noise abatement in the open space associated with the noted noise receptors (refer to *Table 3.15.23*). With regard to a "graffiti-resistant" soundwall design, several measures have been identified in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS, in an effort to mitigate project-related visual impacts. Specifically, as depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, earthen berms (or berm/wall combinations), and/or transparent materials to retain desirable views. Where walls are preliminarily recommended, graffiti-resistant surfaces would be considered in final design. Please refer to Topical Response "Visual/Community Effects" for more information regarding potentially substantial local visual effects of the proposed improvement.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 We oppose the massive freeway widening project.
It is very hard to understand the sentences in
the Draft EIR that essentially state that there
will be no deleterious effect on the community of
02 Solana Beach. Whoever wrote those sections didn't
speak with anyone who lives or works here. In the
short term, commuting will be much worse than it
is currently. Longer term the additional noise,
air pollution, and traffic will destroy the
03 existing character of Solana Beach. In addition
many of our property values will drop horribly.
Will CalTrans pay for not only the properties they
take over, but also for the decline in values of
04 the others affected? I'm sure you won't. Many of
us rely on home values as assets to support us
in retirement & later life. This will be a hit that
cannot be made up elsewhere. Redo the EIR!

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Dave & Cheryl Barnebay
119 Santa Florencia
S.B. 92075
dbarnebay@roadrunner.com

RESPONSES

Responses to Dave & Cheryl Barnebay

01 Thank you for your comments, which are part of the public record.

02 Regarding the noted deleterious effect on the community of Solana Beach, a number of efforts have been made during the project design process to avoid, minimize, and/or mitigate project-related community impacts. Specifically, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. Accordingly, the EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*.

As described in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*, a number of community enhancements associated with the I-5 project are proposed, based on extensive local input occurring over a several year period. Specifically, this process included city council hearings, coordination with city staff and community representatives, and public community input meetings in Solana Beach. The identified enhancement projects encompass several facilities in the vicinity of Solana Beach, including: (1) Streetscape Enhancements on Ida Avenue; (2) Pedestrian Trailhead at Solana Hills Drive; and (3) I-5 North Coast Bike Trail in the City of Solana Beach, intended to provide a non-vehicular alternative along the entire I-5 project corridor. These

MAIL – COMMENTS	RESPONSES
	02 cont. and other identified enhancement facilities within the project corridor, if implemented, would foster community improvement through the creation and/or enhancement of pedestrian or bicycle access, connection of pedestrian or bicycle routes with public transit centers, enhancement of non-vehicular connectivity across I-5, and creation of trailheads and other recreational opportunities within local communities throughout the I-5 project area (refer to EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*). Please also refer to Topical Response "Visual/ Community Effects" regarding potential effects of the proposed I-5 modifications on North County and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities near the highway. With regard to commuting being worse that it currently is, the main purpose of the *I-5 NCC Project* is to maintain or improve the existing and future traffic operations in the North Coast Corridor, and thereby improve the safe and efficient regional movement of people and goods. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities; the use is projected to lead to a decrease of traffic when compared to I-5 without HOV/Managed Lanes. During the short term, construction-related activities would generally be focused during non-peak hours to minimize traffic delays, to the extent practicable. As described in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities,* of the EIR/EIS, identified mitigation measures include the implementation of a Traffic Management Plan (TMP) during (and potentially after) construction. The TMP would include a Public Awareness Program to distribute information such as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address

MAIL – COMMENTS	RESPONSES
	02 cont. traffic-related concerns such as lane and road closures and alternate road strategies. Please refer to Topical Response "Construction Traffic."
	03 With respect to potential air pollution (air quality) concerns, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for the discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation. For potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With regard to traffic levels, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated

MAIL – COMMENTS	RESPONSES
	03 cont. to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system, and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of HOV/ Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. With regard to changing the character of Solana Beach, the changes to the I-5 right-of-way are focused and linear in nature. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County lifestyle and community character and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. As stated in the response to your Comment 02, Caltrans has worked with the City to develop a number of potential enhancement projects. Based on the described information, implementation of new project features is not expected to have an adverse effect on the quality of life of local residents or the character of the local community. 04 Regarding your concern for loss in property values as a result of the project, based on discussion provided in EIR/EIS *Section 3.4, Community Impacts*, substantial adverse impacts to local property values are not anticipated from project implementation. For information regarding factors affecting residential property value based on potential transportation project effects, please refer to Topical Response "Property Valuation."

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Re: Economic & Social Effects
Population & Housing
Blight Inducing
How will compensation ~~for~~ be determined for property and/or business that will be "taken" or severely impacted?

Teresa Barth
2140-K ARINDA DR
Cardiff-by-the-Sea CA 92007

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Response to Teresa Barth

01 Thank you for your interest in the project. Your comments are part of the public record.

Regarding your question about the compensation determination process, each property has a unique set of characteristics that would be assessed at the time the property would be required for acquisition. Fair market value is determined by Caltrans' qualified appraisal agents using the guidance provided by *Chapter 7: Appraisals*, of the California Department of Transportation's "Right of Way Manual." In addition, assistance for relocated property owners would be available through such measures as the State Relocation programs. For more information, please refer to Topical Response "Property Acquisition" for specifics of property acquisition, and Topical Response "Property Valuation" regarding property valuation for purchase of whole or part parcels.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

I have questions about the posters
at the CalTrans meeting at the
Encinitas Community Center in August.
01 It said this project will ① lower noise
② lower sound noise gauge
02 How can this be? What is your
documentation?

Also there are peer reviewed studies (Hansen et al) (?)
that say when you add lanes - people
03 start to ~~do~~ drive more.
What is your response to this?
How will this ease congestion?

Amy Bennett 824 Del Rio Ave
Leucadia CA 92024

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Amy Bennett

01 Thank you for your question regarding the potential project-related reduction of noise levels. Your comments are part of the public record. As described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise and would provide noise abatement for a number of associated noise receptors in accordance with applicable FHWA and Caltrans requirements. Refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. One of the recommended project soundwalls, S692, is located east of I-5 and south of Leucadia Boulevard in the vicinity of the subject property (824 Del Rio Avenue; refer to Final EIR/EIS *Figures 2-2.3, Sheets 36* and *37*). As shown in EIR/EIS

MAIL – COMMENTS	RESPONSES
	01 cont. *Table 3.15.23*, the recommended design of S692 would result in future with project noise levels that are below the existing condition noise levels at several associated noise receptors, including R11.31A, R11.32, and R11.34 through R11.36.
	02 Regarding the potential project-related reduction of greenhouse gases (GHGs), EIR/EIS *Section 4.6, Climate Change*, provides an analysis of associated GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. To the extent that a project relieves congestion by enhancing operations and improving travel times in high-congestion travel corridors, GHG emissions, particularly carbon dioxide (CO_2), may be reduced. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the decreased congestion and improved travel times along the corridor. Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues.
	03 With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The use of High Occupancy Vehicle (HOV)/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the HOV/Managed Lanes proposed, the number

MAIL – COMMENTS	RESPONSES
	03 cont. of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response “Projected Growth” for additional information regarding the project’s accommodation of anticipated traffic, including latent demand.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 1. I am in favor of effective public tranist. I am opposed to adding lanes for single occupancy vehicles.

02 2. I was told this project adds HOV lanes. HOV lanes and Bus Rapid Transit (BRT) are not the same thing. If we want BRT to work, we need to provide lanes dedicated to buses only. We need buses to run frequently and to be affordable. We need bus service to provide quicker access than automobiles – otherwise it will never fly with the general public. We need direct access to the bus lanes. Will this system provide all of these things?

3. We may be able to build the infrastructure for BRT, but are we committed to maintaining it? Is there funding for buses to run frequently, affordably, and with reliable and effective connections? If you say – we're CALTRANS and we only build, we don't run buses, then stop now. That is not a big picture solution. That is a useless piece meal solution.

4. Was a double-decker option considered for the bus lanes? If the buses rode on top of the freeway, widening would not be necessary.

03 5. I don't understand how your proposal will cut greenhouse gas emissions as you purport. If traffic gets bad enough, fewer people will drive and there will be fewer emissions. If we add lanes, more people will drive and there will be more emissions. What is your allegation based on that this will cut greenhouse gas emissions?

04 6. Imagine the following. We build this project to the fullest. We complete it in 2030. The freeway is wider. San Diego County is developed further. More jobs come to the area. More people move to Temecula and Oceanside because it's the most affordable. They all work in Sorrento Valley and San Diego. They all drive to work between 6 and 9 am and come home between 4 and 7 pm. In 2040 – we're right back where we started from. Congestion – traffic – noise – pollution. This may be a good project for 10 years. But after that, we're back at square one. What would you propose then? 40 lanes? You may laugh – who would build a freeway with 40 lanes. But I bet you 50 years ago when they built this freeway, they would have laughed at 10 or 15 lanes and now we're building it. Do we really want to double the freeway lanes every 10 years. So here is my question. It's not where will be in 10 years, but where will we be in 100 years? I'm absolutely serious. What do you expect this corridor to look like in 100 years and will adding 8 lanes today improve our situation in 100 years?

Judy Berlfein
1145 Stratford Dr.
Encinitas, CA
92024

RESPONSES

Responses to Judy Berlfein

01 Thank you for your comments supporting public transit and opposing freeway expansion for single occupancy vehicles. Your comments are part of the public record.

Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation.

02 In regard to the distinction between High Occupancy Vehicle (HOV) lanes and Bus Rapid Transit (BRT), it is correct that the two terms are not synonymous. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The only through lanes proposed as part of the Preferred Alternative are HOV/Managed Lanes, which would accommodate mass transit bus use. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. With regard to direct access for

MAIL – COMMENTS	RESPONSES
	02 cont. bus lanes, an important part of the proposed project consists of Direct Access Ramps (DARs) that move HOV/Managed Lane users directly from on-ramps (often associated with park and ride lots) onto I-5 and directly into the HOV/Managed Lanes. The system would provide all of these elements as part of a unified design. Please also refer to Topical Responses "Multimodal System" and "Mass Transit." In regard to double-decker bus lanes, Caltrans has coordinated closely with the San Diego Association of Governments (SANDAG) during the process of I-5 corridor evaluation and proposed design. At this time, the number of buses running North County routes in this area do not support construction of lanes restricted solely to buses. Lanes accommodating buses as needed, as well as carpools and paying single-occupancy vehicles, would provide the greatest transit support and move the greatest number of people at this time.
	03 With respect to greenhouse gas (GHG) emissions, EIR/EIS *Section 4.6, Climate Change*, provides an analysis of associated project GHG and climate change effects, including a quantified evaluation of potential impacts from the project build alternatives. As described in that section, the California Air Resources Board EMFAC 2007 vehicle emissions model for the San Diego Air Basin was used to calculate carbon dioxide (CO_2) emissions for the San Diego metropolitan area with and without the project. Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing GHG reduction and related climate change issues. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and approximately 40 percent of all human-made GHG emissions are from transportation, Caltrans has implemented the Climate Action Program (December 2006). One of the main strategies of the Climate Action Program to reduce GHG emissions is to make California's transportation system more efficient. To the extent that a project relieves congestion by enhancing operations and improving travel times in high-congestion travel corridors, GHG emissions (particularly CO_2) may be reduced. Compared to the No Build alternative, the project build alternatives are estimated

MAIL – COMMENTS	RESPONSES
	03 cont. to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the decreased congestion and improved travel times along the I-5 corridor. Please also refer to the Topical Response "Climate Change" for additional information on GHG-related issues.
	04 In regard to the future of the I-5 corridor, as noted above in the response to your Comment 01, the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. The *I-5 NCC Project* build alternatives would increase the capacity of this portion of I-5 to relieve both existing and reasonably anticipated future congestion through the design year of 2035. The project planning horizon has been selected with the full understanding that conditions will continue to change over time, potentially requiring additional modifications to the system in the future. Please also refer to Topical Responses "Multimodal System" for additional discussion regarding ongoing regional transportation planning. Please also refer to Topical Response "Project Lifespan" regarding the anticipated longevity of project improvements.

MAIL – COMMENTS

September 23, 2010

Shay Lynn M. Harrison, Branch Chief
Environmental Planning Branch C
CalTrans District 11 (MS 242)
4050 Taylor Street
San Diego, CA 92110

RE: Widening of the I-5 Project

To Whom It May Concern:

01 I have lived in San Diego County, North County, for almost 20 years. I've seen the growth in both the cities and the traffic. The widening of Hwy 78 was needed, but too little, too late. The I-5 project would be the same.

I don't believe the answer is in additional lanes on freeways. If we have the wisdom to learn from other cities, we would look far into the future needs of our county, not just short-term needs for the next 15 years. BART, in the Bay Area was a very wise move so many years ago. They had the foresight, why can't we?

You've got to give our residents *workable alternatives* to **driving one person per car**. Not just a commuter train that goes from point A to point B and then they are stuck not being able to get to their job, unless it's right next to the transit station.

I know you've waited too long to solve this problem, but waiting longer, or just adding more lanes is not the solution. I believe if you give us viable mass transit, people will use it, and even walk an additional 3 or 4 blocks to work: think of what that could also do for the community's physical health!

02 I thank you for your time, and I hope you will not turn our beautiful county into one monstrous freeway.

Sincerely,

Monica Blake

Monica Blake
2304 Azure Lane
Vista, CA 92081
760-598-9895

RESPONSES

Responses to Monica Blake

01 Thank you for your comment regarding the timing of the proposed improvements within the *I-5 NCC*. Your comments are part of the public record.

Regarding your suggestion of finding long-term solutions and using San Francisco's BART as an example for San Diego's transportation system, please note that *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Many alternatives were considered in the initial planning phase. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives evaluated for the I-5 corridor, including light rail systems similar to BART. These considerations led to the conclusion that the most viable option for the North Coast Corridor would be a multimodal system with improvements to rail, bus, highway, as well as pedestrian routes and bikeways. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak

MAIL – COMMENTS	RESPONSES
	01 cont. periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. 02 Regarding effects on the character of the county, please refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.

MAIL – COMMENTS

Oct. 10, 2010

Re: widening of Interstate 5

Shay Lynn Harrison,
4050 Taylor St.
MS--242
San Diego, Ca. 92110

To Whom it may concern:

01 It is futile to keep widening traffic lanes to accommodate motorists when the obvious answer is to employ rapid transit as the solution. Los Angeles realized that belatedly after 50-plus years of ripping out countless homes and removing them from the tax rolls, devaluing property for miles around by creating deafening noise levels, building endless, ugly concrete sound walls that provided a perfect canvas for lawbreakers to plague others with their offensive, expensive graffiti and it was all to no avail. The traffic there is worse than ever.

02 The widening did not work there nor will it work in San Diego county. Are we really being asked to give up ocean views and the sight of scenic flower beds so we can drive through concrete, noisy tunnels, decorated with obnoxious graffiti?

03 Please, please don't let this travesty take place. In Oceanside, it would take out parkland that residents have a right by law to vote on before any change in it's usage. Will we be denied that right?

04 Put your collective brain power to work and come up with a monorail plan to transport motorists. It's time has come. I hope SOMEONE is listening.

Respectfully, Harriett Bledsoe

Harriett Bledsoe
2166 Grandview St.
Oceanside, CA 92054-5620
Hgbledsoe @cox.net

RESPONSES

Responses to Harriett Bledsoe

01 Thank you for your comments, which are part of the public record. The proposed project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation options. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

Please note that no one answer is appropriate for all segments of our State highway system; congested portions of I-5 in Los Angeles are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5. Please also refer to Topical Response "Projected Growth" regarding the accommodation of projected growth in traffic over time and Topical Response "Project Lifespan" regarding the fluid nature of transportation improvements, which change over time and can be iterative.

MAIL – COMMENTS	RESPONSES
	02 Please refer to Topical Response “Visual/Community Effects” for information regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the anticipated less than substantial nature of project effects as the viewer leaves the I-5 corridor.
	03 Thank you for the information on the Oceanside vote. Since 2010, redesign of the project has resulted in avoidance of permanent impacts to the golf course, as reflected in the Final EIR/EIS. Since circulation of the Draft EIR/EIS, the Oceanside Direct Access Ramp (DAR) has been eliminated from the proposed project. As the DAR would not be constructed, additional right-of-way associated with its implementation would not be required.
	04 Please refer to Topical Response “Corridor Alternatives” with regard to alternatives previously considered for the North Coast Corridor, including use of an elevated monorail. Monorail use was previously eliminated for a variety of reasons, including cost.

MAIL – COMMENTS

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Helen Bourne
4042 Albatross St., #20
San Diego, Ca. 92103
October 18, '10

Caltrans
Shay Lynn Harrison
4050 Taylor St., MS-242
San Diego, Ca. 92110

Dear Representative Harrison;

I am concerned about your plans as stated in the Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the Interstate 5 North Coast Corridor Project.

01 I am opposed to adding new lanes to a freeway which crosses six lagoons and sensitive wetland areas. I am opposed to any widening of freeways to eliminate traffic congestion.

We should first increase ridership on the NCTD Coaster by providing weekend, late night, and more frequent and affordable service. Smaller buses could transport riders from the Coaster stops to urban areas, business centers, and to major MTS stops.

02 Our trolley system could be easily extended to include North County. MTS service must make their rates more affordable to all, and service should be much more frequent. Routes and stops that were eliminated should be reinstated. Rates need to be made affordable to <u>all</u>.

03 Also, commuters should be rewarded for carpooling, car sharing, as well as for bicycling or walking.

RESPONSES

<u>Responses to Helen Bourne</u>

01 Thank you for your comments, which are part of the public record. Regarding general project-related effects to wetlands and biological resources in the lagoons, these issues are addressed under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Additional information is provided in Topical Response "Lagoon Effects." Based on those analyses, project impacts would be avoided, minimized and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Please also refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since circulation of the Draft EIR/EIS in 2010. Based on those studies, the portions of I-5 that cross Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons were determined to be appropriate lengths, while crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. The project would include a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) to enhance and protect lagoon habitat. This program is being coordinated among the transportation planning agencies

MAIL – COMMENTS	RESPONSES
	01 cont. with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale.
	02 Regarding increase of ridership on the North County Transit District (NCTD) Coaster and Metropolitan Transit Service (MTS), because potential modifications to rail and bus services are within the jurisdiction of other agencies, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the San Diego Association of Governments, NCTD, and MTS. Please also refer to Topical Response "Corridor Alternatives" with regard to transportation alternatives previously considered for the North Coast Corridor, including extension of the trolley system.
	03 Regarding rewarding commuters for using alternate modes of transportation, the proposed use of High Occupancy Vehicle (HOV)/Managed Lanes is intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve such amenities as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities.
	04 With respect to businesses subsidizing public transportation for their workers, although Caltrans agrees that this would help increase ridership among these facilities, this type of subsidy is not something Caltrans can implement or mandate in its role as a highway infrastructure provider. Please note that the proposed project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been

MAIL – COMMENTS

2 of 2.

04 Businesses should subsidize public transportation commuting and use for their workers. We all need to promote and to use a good public transportation system so that our area can enjoy quality of life, both now and in the future.

05 We are living in times when the well being of our ecosystems and an honest concern for the well being of our children must take precedence over "band-aid fixes". We must quickly reduce pollution and greenhouse gases if we are to survive as a species.

06 I hold Caltrans responsible to work with MTS, NCTD, Sandag and all local and state representatives to provide us with a clean energy, affordable, and reliable public transportation system. Other cities already have this, and we should do the same. Please use our tax dollars in a more responsible way. Public transportation is the answer to congestion, but it must be affordable and efficient.

I thank you for considering my comments.

Sincerely,
Helen Bawne

RESPONSES

04 cont. actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation options.

Please also refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities and neighborhoods near the highway.

05 With respect to project-related air and water quality pollution as well as greenhouse gas (GHG) generation, these issues are addressed in EIR/EIS *Sections 3.10, Water Quality and Storm Water Runoff*; *3.14, Air Quality;* and *4.6, Climate Change*. *Section 3.10* identifies and evaluates potential water quality impacts associated with implementation of the identified build alternatives and the No Build alternative.

Appropriate best management practices (BMPs) to address potential project-related water quality concerns are also identified in *Section 3.10*, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases, and concludes that Caltrans is committed to prevent or minimize impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

MAIL – COMMENTS	RESPONSES
	05 cont. For air quality, and as described in *Section 3.14,* the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please refer to Topical Response "Air Pollutants" for additional discussion on potential air quality impacts and associated health effects. Regarding project-related greenhouse gas (GHG) generation, EIR/EIS *Section 4.6, Climate Change*, includes an analysis of project GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives (refer to Final EIR/EIS *Table 4.2*). Specifically, the project build alternatives are estimated to reduce buildout carbon dioxide emissions in the San Diego region by hundreds of tons per day, compared to the No Build alternative. These decreases would be due to the drop in congestion and improved travel times along the corridor. Please also refer to Topical Response "Global Warming" for additional information on climate change issues.
	06 As stated in the response to your Comment 04, the proposed project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. The San Diego Association of Governments 2050 Regional Transportation Plan includes the project along with other multimodal solutions and forecasts countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and California Senate Bill 375. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 I am opposed to I5 Expansion because of the huge Negative impacts on human life and wildlife with increased air pollution,
02 Noise pollution, green house gas emissions
03 and the cost and visual impact.

Mary Jane Boyd
1304 Via Mil Cumbres
Solana Beach, CA 92075

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Mary Jane Boyd

01 Thank you for your comments, which are part of the public record.

Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County lifestyle and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. Specifically with regard to Solana Beach, Caltrans has worked with the City to develop a number of potential enhancement projects, including: (1) Streetscape Enhancements on Ida Avenue; (2) Pedestrian Trailhead at Solana Hills Drive; and (3) I-5 North Coast Bike Trail in the City of Solana Beach, intended to provide a non-vehicular alternative along the entire I-5 project corridor. Based on the described information, implementation of new project features is not expected to have an adverse effect on the quality of life of local residents.

Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

Given the nature of the project, which is designed to maintain or reduce travel time (and therefore traffic congestion) along the I-5 corridor, it is anticipated that health effects associated with traffic congestion would be improved over existing conditions. The mobile source air toxics (MSAT) analysis conducted for the proposed alternatives indicated that there would be an approximately 49 percent decrease in 2030 in MSAT emissions over base year

MAIL – COMMENTS	RESPONSES
	01 cont. conditions (2006). Please refer to Topical Response "Air Quality" for additional information. The EIR/EIS states that the project would impact sensitive biological resources. As summarized in Draft EIR/EIS *Table S.1,* and Final EIR/EIS *Table ES.14*, the build alternatives would impact wetlands, which are considered a sensitive biological resource. They would also impact the following sensitive bird species: Belding's savannah sparrow and coastal California gnatcatcher and associated critical habitat. The Preferred Alternative would also impact critical habitat for the southwestern willow flycatcher and the tidewater goby. However, substantial avoidance efforts, as well as minimization efforts, have been incorporated into the project design. An extensive mitigation package also has been developed in concert with wildlife agencies. Please refer to Topical Response "Lagoon Effects" and EIR/EIS *Sections 3.20, Animal Species,* and *3.21, Threatened and Endangered Species,* for additional information. With respect to air quality related pollution, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation. 02 Regarding potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by

MAIL – COMMENTS	RESPONSES
	02 cont. property owners, per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With regard to noise impacts on wildlife—under existing conditions, noise in excess of 70 decibels occurs over various amounts of wetland and upland habitats that either support, or have potential to support, special status bird species at the lagoons within the project area. Although population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. Please refer to Section 4.9 of the Natural Environment Study for further details. Potential project-related effects related to greenhouse gas (GHG) emissions are addressed in, EIR/EIS *Section 4.6, Climate Change*. This discussion provides an analysis of project-related GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the decreased congestion and improved travel times along the corridor. Please refer to Topical Response "Climate Change" for additional information on GHG-related issues. 03 With regard to spending money for project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic

MAIL – COMMENTS	RESPONSES
	03 cont. on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) at www.sandag.org. The TransNet Independent Taxpayer Oversight Committee (ITOC) was formed to provide a higher level of accountability for expenditure of funds. More information about this committee and the San Diego Association of Governments (SANDAG) is also available at www.sandag.org. With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each Build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project. Refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views. Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed project relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.

MAIL – COMMENTS

Shay Lynn Harrison, Branch Chief
CA Dept. of Transportation, District 11
Division of Environmental Analysis, MS 242
San Diego, CA 92110

November 12, 2010 Regarding: I-5 Expansion DEIR

01 I have reviewed parts of the DEIR and attended workshops and public hearings. I think the report is incomplete, inadequate, incorrect and confusing. It includes 4 alternatives plus the no build option but the report does not clarify which specific project will be done; therefore, it is difficult to express concerns or ask questions

02 1. What consideration was given to how "any" expansion will work against implementation of AB 32 now that it is to move forward on original schedule?
03 2. To what extent will our green house gases and other emissions increase with each of the alternatives and the increase in traffic moving at a faster speed?
04 3. How do you know adding more lanes is the best option to solve our congestion and gridlock problems? What other alternatives were studied? What are the results of other transportation alternatives in comparison to the 4 in the DEIR?
05 4. How much will the noise increase? How did you establish this data?
06 5. *What kind of walls will be installed? Do walls actually reduce noise or simply* reflect it and spread it over a larger area? How much larger would the noise area become?
07 6. What agency is responsible for protecting the visual character of the community and what has been done so as not to damage or destroy our views and landscaping?
7. Did you consider any visual improvement anywhere along the corridor?
08 8. If this project is to take 35 to 40 years to complete, what consideration was given to how things will change during that time period?
09 9. What data supports the concept that gas emissions will improve with speed?
10 10. Is any data used in this report more than 4 years old? What is it? Why?
11 11. Where do plans for the expansion of the Del Mar Fairgrounds show up in the DEIR? Was increased traffic in this specific area considered at all?
12 12. How will the proposed mitigation measures comply with basic requirements and who or what determines if the mitigation is effective?
13 13. Why did you not address improvements to the various interchanges; especially those that are in need of repair and are very unsafe like Via de la Valle and 78?
14 14. How will this expansion improve the quality of my life as a resident in Solana Beach? How will the expansion benefit the city of Solana Beach?

15 I do not approve of pouring more concrete. The future of transportation should not be "more of things as they are". Thank you for a response to my concerns and questions

Mary Jane Boyd

Mary Jane Boyd
1304 Via Mil Cumbres
Solana Beach, Ca 92075

RESPONSES

Responses to Mary Jane Boyd

01 Thank you for your comments, which are part of the public record. A single Preferred Alternative was not presented in the Draft EIR/EIS because a full exploration of all four build alternatives, including comments from the public, was desired before having decision makers consider project approval and selection of an alternative for final design. From this detailed analysis and after due consideration of comments, the 8+4 Buffer alternative was refined. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative and is the smallest of the build alternatives proposed in the EIR/EIS.

02 Regarding your concerns on potential project conflicts with California Assembly Bill (CA AB) 32, this issue is addressed in EIR/EIS *Section 4.6.5, AB 32 Compliance*. As described in that section, Caltrans is involved in a number of efforts to help meet the targets in CA AB 32, through means such as reducing traffic congestion and associated greenhouse gas (GHG) emissions. The proposed project would contribute to these efforts by reducing traffic congestion and smoothing traffic flows along the I-5 corridor. It should also be noted that the San Diego Association of Governments' (SANDAG) 2050 Regional Transportation Plan (RTP) includes the I-5 project, along with other multimodal solutions, and forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by CA AB 32 and California Senate Bill (CA SB) 375. Please also refer to Topical Response "Global Warming" for additional information on GHG and related global warming and climate change issues.

03 With respect to project-related effects on GHG emissions, this issue is addressed in EIR/EIS *Section 4.6*, *Climate Change*. This section provides an analysis of project-related GHG emissions, including a quantified evaluation of potential impacts from the

MAIL – COMMENTS	RESPONSES
	03 cont. project build alternatives. As discussed therein, the project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day compared with the No Build alternative (refer to Final EIR/EIS *Table 4.2*). The relationship between vehicle speeds and GHG emissions, such as CO_2, is also addressed in *Section 4.6*. Specifically, this analysis notes that while the highest levels of CO_2 generation from mobile sources such as automobiles occur at stop-and-go speeds (0-25 miles per hour [mph]) and speeds over 55 mph, the most severe emissions occur from 0 to 25 mph (refer to EIR/EIS *Figure 4-2*). Accordingly, to the extent that a project relieves congestion by enhancing operations and improving travel times in high congestion travel corridors such as I-5, GHG emissions, particularly CO_2, would be reduced.
	04 A number of transportation improvement alternatives were explored prior to the completion of the EIR/EIS as described in Topical Responses "Multimodal System" and "Corridor Alternatives." Several I-5 improvement alternatives were identified but were rejected from further consideration as described in *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, of the EIR/EIS. Adding capacity to the freeway is one of many improvements being pursued for the North Coast Corridor. The *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency.
	05 Regarding potential project-related noise level increases, and as discussed in EIR/EIS *Section 3.15, Noise*, while project noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over No Build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. The associated noise data, which are explained in detail in *Section 3.15* and the associated Noise Study Report prepared for the project, were derived from sources including extensive short- and long-term noise measurements within the project corridor, and computer

MAIL – COMMENTS	RESPONSES
	05 cont. modeling of future noise levels conducted pursuant to applicable FHWA and Caltrans guidelines. Based on these data, the project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per the noted FHWA and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. 06 With respect to the types of soundwalls that may be used for project-related noise abatement, the design of soundwalls in the project area is continuing to be refined through the project design process. A number of potential design options have been identified, however, including standard masonry walls, articulated wall facades, earthen berms, berm/wall combinations, and transparent materials to retain desirable views in applicable locations (refer to EIR/EIS *Figures 3-7.113* through *3-7.119,* and *3-7.122*). Soundwalls do not reduce noise, but rather are intended to shield targeted noise receptors from excess noise energy and associated increases in noise levels. Accordingly, while soundwalls have the potential to reflect a small amount of noise as indicated in this comment, any associated potential increase in noise levels in the subject area would be minor. Specifically, noise from roadway traffic is not one-dimensional, but rather emanates out from the source in all directions. Accordingly, much of the noise energy generated from freeway sources does not strike facades such as soundwalls and, therefore, is unaffected by the walls. Noise energy that does strike walls is reflected at an incident angle (i.e., an angle similar to that at which the energy struck the wall). As a result, noise energy that strikes walls and is reflected at very low incident angles can potentially result in an increase of overall noise levels at associated

MAIL – COMMENTS	RESPONSES
	06 cont. noise receptors (i.e., at locations opposite the walls). The majority of noise energy in this scenario, however, would strike the wall and be reflected at higher incident angles such that it would not contribute to an increase in associated receptor noise levels. The portion of this noise energy reflected at angles that may potentially be directed to more distant noise receptors would also be minor and would be reduced by the standard attenuation of three dBA per doubling of distance typically applied to highway noise. Based on the described considerations, project-generated noise reflected by soundwalls would not substantially contribute to increased noise levels either within or outside of the project limits, and thus would not result in a larger area of substantial noise effects.
	07 As the lead agencies for the development of this project, Caltrans and FHWA are responsible for considering visual and community character impacts of the project, and mitigating for any substantial adverse impacts. Please refer to Topical Response "Visual/ Community Effects" regarding potential effects of proposed I-5 modifications on North County character and why those effects are not expected to result in a substantial adverse overall effect in the communities already crossed by this highway. As discussed in Topical Response "Visual/Community Effects," additional retaining walls and soundwalls along I-5 would be notable and would affect the visual experience for travelers along this roadway. It should be noted that in many instances, project walls would be located only on one side of I-5. In addition, walls are linear facilities, with views shifting as the viewer moves along (or adjacent to) the freeway corridor. Views following potential project implementation would continue to be mixed, with some open and some blocked (similar to existing conditions), and the latter condition addressed to the greatest extent practicable through implementation of project measures to address associated potential visual concerns. Retaining walls and noise barriers are common features along I-5 and other freeways within the State. Please note that specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon

MAIL – COMMENTS	RESPONSES
	07 cont. and river bridges, and these views would be maintained. Also note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS). Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. Mitigation for visual impacts (described in detail in EIR/EIS *Section 3.7.4*) might include, for example, the use of landscaping; planting buffers and pockets; and architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would provide relief from monolithic appearance and reduce the apparent scale of the retaining wall. Enhancements are also proposed in many of the communities adjacent to the project's footprint. Specifically with regard to Solana Beach, Caltrans has worked with the City to develop a number of potential enhancement projects, including: (1) Streetscape Enhancements on Ida Avenue; (2) Pedestrian Trailhead at Solana Hills Drive; and (3) I-5 North Coast Bike Trail in the City of Solana Beach. Thus, implementation of new project features is not expected to have an adverse effect on the visual character of adjacent communities.
	08 Project phasing has been further refined subsequent to the public circulation of the Draft EIR/EIS. As illustrated on *Figures 2-4.1a* through *2-4.1c*, construction of the Preferred Alternative is anticipated to be complete by 2035. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take extended time to implement rather than focusing only on short-term solutions. This is done with the full understanding that conditions will continue to change over time, potentially requiring additional modifications to the system. Please refer to Topical Response "Project Lifespan" regarding the fluid nature of transportation improvements, which change over time and can be iterative. With respect to the relationship between GHG emissions and vehicle speeds, please refer to the response to your Comment 03 above.

MAIL – COMMENTS	RESPONSES
	09 Similar relationships also exist between vehicle speeds and other air quality pollutants, such as volatile organic compounds and carbon monoxide; related data are provided in the project Air Quality Analysis, EIR/EIS *Section 3.14, Air Quality*, and related technical information is provided by sources including the FHWA (e.g., http://www.fhwa.dot.gov/environment/air_quality/publications/fact_book/page15.cfm).
	10 Unless specified differently through the identification of a date for baseline data gathering (i.e., vegetation mapping or traffic counts), the baseline for analysis in the EIR/EIS is what exists at the time the Notice of Preparation (NOP) is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The NOP for the proposed project began circulation in October 2004. The preparation and review of internal technical reports and assimilation into a complete EIR/EIS takes a substantial amount of time, sometimes necessitating the use of data that is more than four years old by the time of public circulation. The 2008 Master Plan for the Del Mar Fairgrounds and Horsepark is discussed in EIR/EIS *Section 1.3.7, Other I-5 Projects*.
	11 Regarding traffic impacts of the Fairgrounds, it is the responsibility of the 22nd District Agricultural Association to address the impacts that the implementation of its Master Plan might generate. Traffic impacts of the *I-5 NCC Project* are discussed in EIR/EIS *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities.* Levels of service (LOS) are used to describe traffic operations, with A representing the best operations and F representing the worst operations. Final EIR/EIS *Table 3.6.6* discloses that in 2030, the northbound I-5 segment from Del Mar Heights Road to Via de la Valle is projected to operate at LOS F/F in the a.m./p.m. peak for the No Build alternative, LOS E/F for the 10+4 alternative, and LOS D/F for the 8+4 alternative. In the northbound direction, therefore, either build alternative would improve LOS in the a.m. peak and maintain LOS compared with the No Build alternative in the p.m. peak in this freeway segment. Final EIR/EIS *Table 3.6.7* discloses that in 2030, the southbound I-5 segment from Via de la Valle to Del Mar Heights Road is projected to operate at LOS E/E in the a.m./p.m. peak for the No Build alternative, LOS F/E for the 10+4

MAIL – COMMENTS	RESPONSES
	11 cont. alternative, and LOS F/D for the 8+4 alternative. In the southbound direction, therefore, both build alternatives would diminish LOS in the a.m. peak and maintain or improve LOS compared to the No Build alternative in the p.m. peak in this freeway segment.
	12 The revised *Executive Summary* in the Final EIR/EIS summarizes measures discussed in detail in the appropriate technical issue evaluation in *Chapter 3*. In addition, the Environmental Commitments Record, which specifies responsible staff, timing, and actions for each measure, is included in Appendix D of the EIR/EIS. The measures are presented in sufficient detail to demonstrate effectiveness and compliance with basic requirements of NEPA (42 USC 4321 et seq.) and CEQA (PRC, Division 13, Sections 21000-21177), in addition to enabling acceptable implementation. Per CEQA, the lead agency determines effectiveness, but measures must also be approved by the agencies with jurisdiction over the resources in question.
	13 *Table 2.2.2* of this Final EIR/EIS provides a discussion of the proposed interchange and ramp reconfigurations. Specifically, that table includes a description of proposed changes to the Via de la Valle ramps and the I-5 / State Route (SR-) 78 Interchange. In addition, *Figures 2-2.3, Sheet 20,* of the Final EIR/EIS shows the changes proposed to Via de la Valle. With regard to the I-5 / SR-78 Interchange, while some improvements to the interchange connectors are included as part of the *I-5 NCC Project* (see *Figures 2-2.3, Sheet 56,* of the Final EIR/EIS), the I-5 / SR-78 Interchange Project is a separate project (see EIR/EIS *Section 3.25, Cumulative Analysis*). The specific design of the SR-78 ultimate connection with I-5 has not been completed.
	14 With regard to benefits expected from the proposed improvements for both the residents and the City of Solana Beach, Caltrans has worked with the City of Solana Beach to develop a number of potential enhancement projects, including: (1) Streetscape Enhancements on Ida Avenue; (2) Pedestrian Trailhead at Solana Hills Drive; and (3) I-5 North Coast Bike Trail in the City of Solana Beach. Additionally, the investment in the *I-5 NCC Project* would result in a number of benefits related to conditions experienced by motorists within the project corridor as well as the regional

MAIL – COMMENTS	RESPONSES
	14 cont. population. Anticipated reductions in travel time during peak hours and in the duration of congestion would be two of the predominant benefits of the project. In addition to benefitting commuters, these reductions are anticipated to benefit the regional economy. Please refer to Topical Response "Visual/Community Effects" for more information regarding potential effects of proposed I-5 modifications on North County lifestyle and why those impacts are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by the highway.
	15 Your preference for the No Build alternative has been noted. With respect to your concern regarding the future of transportation, the proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system and would allow the time necessary for the region to work toward complex sustainable solutions, such as smart growth and improved mass transit.

MAIL – COMMENTS

Shay Lynn Harrison
Environment Analysis Chief
California Department of Transportation – District 11
Division of Environmental Analysis, MS 242
40509 Taylor Street
San Diego, CA 92110

November 19, 2010

Reference: I-5 Expansion Draft Environmental Impact Report/Environmental Impact Statement

01 To summarize my concerns with the referenced documents, they are interesting, but not complete enough to offer thorough evaluation of their adequacy for proceeding further, until they are substantially modified and revised.

02 Please address the following questions regarding the I-5 Draft Environmental Impact Report (DEIR).

1. *What is the impact of each of the four (4) expansion alternatives regarding the environment, quality of life,* congestion relief, etc., as related to the "No Build Option"? Details please.
2. Why aren't additional transit alternatives included in the DEIR? Isn't the proposed I-5 expansion only a component of a regional transit plan (RTP)? 03
   If this isn't a Caltrans responsibility, how do we the public become informed and get involved with a thorough strategic process addressing regional transportation for the next forty (40) years?
3. When and how are plans going to be issued concerning the I-5/SR-56 and I-5/SR-78 interchanges? These 04
   are important components of the I-5 expansion alternatives and must be included in the overall plans. They are not separate entities. The DEIR, as issued, is not complete without addressing these components. A piecemeal approach is not acceptable. How will Caltrans address this issue?
4. When and how are plans to be issued concerning the I-5 transit over each of the six (6) lagoons? Again, 05
   these are important components of the I-5 expansion alternatives and must be included in the overall plans. They are not separate entities. The DEIR, as issued, is not complete without addressing these components.
5. Many details of the I-5 expansion plan impact have been ignored in the DEIR, e.g. green houses gases, ultra- 06
   fine particulates and other emissions, noise, violation of view corridors with unattractive obstructions, private property impacts, etc.
   How does the DEIR address these and other factors important to the quality of life? They can not be ignored
6. Is Caltrans responsible for stewardship of scenic corridors adjacent to transit corridors? If so, how is this 07
   responsibility incorporated in each of the four alternatives? Barrier walls adjacent to freeways can be visually obtrusive, and if needed, must be mitigated with active participation by local citizens.
7. *What is the I-5 expansion impact on the private residence located at 802 Devonshire Drive, Encinitas,* 08
   for each of the four (4) alternatives? The street was not even identified on any of the available maps at the Caltrans community meeting in Encinitas. How many "Devonshire's" are missing in the detailed plans?
8. What is the Caltrans responsibility for designing and building safe highway interchanges where motor 09
   vehicles, bicycles, and pedestrians co-exist? Examples of poor existing interchange safety designs are located in Encinitas at Santa Fe Drive/I-5 and Encinitas Blvd/I-5. Again, local citizens need to be involved in the detailed designs impacting their neighborhoods, including appropriate signage, adequate space separation between transit modes, lighting, etc. This has proven to be a life and death issue.

I look forward to the Caltrans detailed response to these questions and comments.

Roger Boyd
1304 Via Mil Cumbres
Solana Beach, CA 92075
858.481.7547

RESPONSES

Responses to Roger Boyd

01 Thank you for your comments, which are part of the public record. The Draft EIR/EIS fulfills requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA) and follows the format approved by the State, as presented on the Caltrans Standard Environmental Reference. Caltrans also circulated a Supplemental EIR/EIS in August 2012, which provided newly available information on potential effects to lagoons, as well as the clarification of issues related to latent traffic demand, sea level rise, water quality, and common design features, as well as community enhancements proposed by the project. Where important new information and analyses related to the Preferred Alternative, refinements to the community enhancement projects, and lagoon studies potentially could have supported recirculation, such review was accomplished in the focused Supplemental Draft EIR/EIS and is now part of this Final EIR/EIS. The Draft EIR/EIS and Final EIR/EIS were reviewed and approved for circulation following legal review for adequacy.

02 For details regarding impacts of each build alternative, including the No Build alternative, please refer to EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, which includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures.

03 The San Diego Association of Governments (SANDAG) is the regional planning agency with responsibility for designing and implementing mass transit in the County. Although the *I-5 NCC Project* does feature a number of improvements designed to

MAIL – COMMENTS	RESPONSES
	03 cont. encourage carpooling and ridesharing, additional transit plans are not included in the EIR/EIS because the *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for the North Coast Corridor. All modes of transportation—rail, bus, highway, pedestrian routes, and bikeways—are expected to require improvements in order for the overall system to work at peak efficiency. A number of the planned transit improvements would occur regardless if the *I-5 NCC Project* were to be built, as described in the No Build alternative described in *Chapter 2.0, Project Alternatives*, of the EIR/EIS. Planning for transportation needs for the next 40 years was completed in 2011 when SANDAG adopted the 2050 Regional Transportation Plan (RTP). Public involvement was an extensive component of that regional planning effort. The 2050 RTP outlines projects for rail and bus services, highways, local streets, bicycle and pedestrian facilities, as well as systems and demand management. The report is available on the SANDAG website http://www.sandag.org. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit." 04 The county's freeway system is highly interrelated, and many of its segments will require improvement in order to meet future transportation demands. It is not practicable to wait until plans are available for the entire system before commencing the analysis of any one element. As a result, project limits are determined based on whether they have "independent utility." In this case, the *I-5 NCC Project* would serve to relieve congestion on the focused freeway segment regardless of whether other improvements are made along I-5. Separate environmental analysis, therefore, is appropriate for the interchanges. Both interchanges are appropriately included in the analysis of cumulative impacts (see EIR/EIS *Section 3.25, Cumulative Analysis*). Specifically, new eastbound SR-56 to northbound I-5 and southbound I-5 to eastbound SR-56 connectors are currently proposed as a separate project called the I-5 / SR-56 Interchange Project. The I-5 / SR-56 Interchange Project is a separate stand-alone project that is not dependent on the *I-5 NCC Project*. Either project could be constructed without the other; however, if a build

MAIL – COMMENTS	RESPONSES
	04 cont. alternative is selected for both projects, both would accommodate a connection to one another. As discussed in EIR/EIS *Section 2.4, Phased Construction*, the *I-5 NCC Project* would be constructed in phases, with construction anticipated to begin as early as 2015. If a build alternative is selected for the I-5 / SR-56 Interchange, its construction is anticipated to begin between 2020 and 2030. While some improvements to the I-5 / SR-78 Interchange connectors are included as part of the *I-5 NCC Project* (see *Figures 2-2.3, Sheet 56,* of the Final EIR/EIS), the I-5 / SR-78 Interchange Project is a separate project. The specific design of the SR-78 ultimate connection with I-5 has not been completed. 05 Regarding plans for the I-5 expansion over lagoons, planned alignments were depicted in Draft EIR/EIS Figures *2-2.14a* through *2-2.14ao* (these figures were updated after circulation and are available in Appendix K of this Final EIR/EIS, as well as updated to reflect the Preferred Alternative in *Figures 2-2.3, Sheets 1* through *67*) and summarized in Final EIR/EIS *Table 2.2.3*, with associated impacts addressed as appropriate throughout EIR/EIS *Chapters 3* and *4*. Focused studies on the lagoons that were completed since the circulation of the Draft EIR/EIS in 2010 were presented in the August 2012 Supplemental EIR/EIS and have been incorporated into this Final EIR/EIS. Based on those studies, the existing lengths of I-5 where it crosses Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons were determined to be appropriate, while crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. Please refer to Topical Response "Lagoon Evaluations" for additional details. 06 All of your listed concerns regarding specific issues not being addressed in the Draft EIR/EIS, were, in fact, addressed in the Draft EIR/EIS. Please refer below for specifics on greenhouse gases (GHG), ultrafine particulates and other emissions, noise, visual impacts, private property impacts, and quality of life (including sections in the EIR/EIS that discuss each topic). GHG is discussed in EIR/EIS *Section 4.6*, *Climate Change*. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and approximately 40 percent of

MAIL – COMMENTS	RESPONSES
	06 cont. all human-made GHG emissions are from transportation, Caltrans has created and is implementing the Climate Action Program (December 2006). One of the main strategies in the Climate Action Program to reduce GHG emissions is to make California's transportation system more efficient. The baseline analysis for GHG emissions (expressed as CO_2 emissions) is provided in EIR/EIS *Section 4.6, Climate Change*. The project's quantitative GHG analyses show that when compared with existing conditions, the Preferred Alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by approximately 340 tons per day, while the 10+4 Barrier and Buffer alternatives are estimated to reduce 2030 CO_2 emissions in the San Diego region by approximately 350 tons per day. The project would therefore have a positive effect on GHG emission reduction planned as part of California Assembly Bill (CA AB) 32. Please note that ultrafine particulates, as referenced in this comment, are defined as those with a diameter of less than 100 nanometers (one nanometer is equal to one billionth of a meter) and are not regulated under existing air quality criteria. Particulate matter (PM) and emissions in general, however, are discussed in EIR/EIS *Section 3.14, Air Quality.* This section is based on the Air Quality Analysis prepared for the project (August 2007) and has been revised based on the Final Air Quality Analysis Update (August 2013). As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions, including PM, and related improvements to air quality compared with existing conditions. For PM generation, including inhalable (PM_{10}) and fine ($PM_{2.5}$) particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared with the No Build alternative. The proposed project, therefore, would comply with federal PM_{10} and $PM_{2.5}$ standards, and it is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency (USEPA) PM guidance, as described in *Section 3.14*, the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives with conditions

MAIL – COMMENTS	RESPONSES
	06 cont. under the No Build alternative. A number of measures are also identified in *Section 3.14* that would control construction-related PM generation, including requirements for conformance with applicable San Diego Air Pollution Control District and Caltrans dust control standards, as well as proper vehicle and equipment operation and maintenance. Please refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality considerations. Regarding project-related noise concerns, this issue is addressed in EIR/EIS *Section 3.15 Noise*. Although project-related decibel (dBA) increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer dBA over No Build conditions, with changes of three dBA or less generally not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans criteria. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol, and as described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise analysis and soundwall determinations. With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project; refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views. Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.

MAIL – COMMENTS	RESPONSES
	06 cont. Regarding private property impacts, in addition to the impacts discussed above, impacts to properties such as property acquisitions and effects on property values are discussed in *Section 3.4, Community Impacts*. It is Caltrans' intent to avoid and/or minimize impacts to residential and business properties that abut an existing highway system. The potential for property acquisition, which would depend upon the alternative, has been identified throughout the planning process. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to the locally preferred alternative and has been identified in the Final EIR/EIS as the Preferred Alternative. Caltrans engineers are continuing to refine the project's design and are working to minimize the project's footprint to avoid impacts to properties to the greatest extent possible. Please also refer to Topical Response "Property Acquisition" regarding specifics of property acquisition. Also, based on the discussion provided in this EIR/EIS section, substantial adverse impacts to local property values are not anticipated from project implementation. Please also refer to Topical Response "Property Valuation" for criteria that may affect property values, as well as Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those impacts are not expected to result in a substantial adverse effect on the overall quality of life in the communities and neighborhoods near the highway.
	07 As the lead agencies for the development of this project, Caltrans and the FHWA are responsible for considering visual and community character impacts of the project. As discussed in Topical Response "Visual/Community Effects," additional retaining walls and soundwalls along I-5 would be notable and would affect the visual experience for travelers along this roadway. It should be noted that in many instances, project walls would be located only on one side of I-5. In addition, walls are linear facilities, with views shifting as the viewer moves along (or adjacent to) the freeway corridor. After the potential project's implementation, viewers along the corridor would continue to be exposed to a mix of open

MAIL – COMMENTS	RESPONSES
	07 cont. vistas, including views of the ocean and lagoons, and views that are blocked by development. These views would be similar to existing view conditions. The latter condition would be addressed to the greatest extent practicable through the implementation of project measures designed to address associated potential visual concerns. Retaining walls and noise barriers are common features along I-5 and other freeways within the State. Please note that specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Also note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS). Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. Soundwalls would not be constructed without property owners' approval. Mitigation for visual impacts (described in detail in EIR/EIS *Section 3.7.4*) might include, for example, the use of landscaping; planting buffers and pockets; and architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would provide relief from monolithic appearance and reduce the apparent scale of the retaining wall. Caltrans has made extensive efforts to incorporate community concerns and reflect local character in the project design, as well as to develop a number of potential community enhancement projects. Draft EIR/EIS *Section 3.7.4* describes that a set of corridor design guidelines would be developed under the direction of the District Landscape Architect. These guidelines have now been developed and have been made available for review with the Final EIR/EIS. The design guidelines contain detailed architectural and landscape mitigation guidance that reflects comments received during public outreach meetings that were held with interested community groups, city staff members, regulatory agencies, and the general public.

MAIL – COMMENTS	RESPONSES
	08 Regarding potential impacts to the property on Devonshire Drive, although the final design of the project has not been completed, no right-of-way acquisition of this residence is anticipated. Regarding your comment about the maps presented at the Encinitas public meetings being incomplete, it should be noted that, while it was not possible to label every street on every map, major streets were labeled and the maps are accurate representations of the project area at the time. Proposed modifications to Devonshire Drive were depicted on Draft EIR/EIS *Figure 2-2.14u* and have been updated to reflect the Preferred Alternative in this Final EIR/EIS on *Figures 2-2.3, Sheet 33*. 09 Caltrans strives to provide the safest transportation system for users and to maximize transportation system performance and accessibility. *Section 2.3, I-5 North Coast Regional and Community Enhancement*, describes a number of community enhancements associated with the I-5 project are proposed, based on extensive local input occurring over several years. Specifically, this process included city council hearings, coordination with city staff, and public community input meetings. Enhancements have been identified that would increase east-west movement at several locations across the corridor as well as the I-5 North Coast Bike Trail along the I-5 corridor.

MAIL – COMMENTS

August 25, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation - District 11
Division of Environmnetal Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Dear Ms Harrison,
I would like to express my NO vote on the expansion of I-15 from Del Mar to Oceanside.

01 I am an owner in the Saxony condominiums in Encinitas, CA which is perched right on the freeway. I am also a native San Diegan, and fourth generation Californian. I have very strong views on this project both from a personal viewpoint, and for the long term quality-of-life in our state.

02 My condo accumulates a lot of black dust, presumably from tires from the freeway, and I assume that fine black dust probably goes into my lungs. The dust is particularly noticeable around the light fixtures,* at the fireplace entrance and at the base of the walls on my white carpet. * switch plates

03 The noise from the freeway is a constant background noise, but is more noticeable at night, when motorcycles or emergency vehicles go by, or cars with glass- packed mufflers. The background noise is always there. If it were not for late-night-radio to distract me until falling asleep, I would have not gotten adequate beauty sleep over the last 5 years.
I do not want additional lanes outside my bedroom.

04 My concerns are the value of my retirement investment, the noise, the pollution, the cutting of a community in half by an even larger freeway, and the disruption of life with noise and dust from construction.

05 The current mega freeway at the merge where 5 and 805 come together is a blight on the landscape in that area. Please don't continue that blight into the beautiful north county of San Diego, which has unique wetlands, lagoons, and a slower pace of life.

06 I would suggest a system to handle the current slow-downs by changing the allowable freeway speed between 65 to 80, (using a system of digital speed limit signs) to keep it flowing so it does not bottleneck. At rush hour, the upstream traffic speed would be raised, to get traffic moving, and

RESPONSES

Responses to Robin Brey

01 Thank you for your comments, which are part of the public record. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County quality of life and why those effects are not expected to result in a substantial adverse overall effect in the communities already crossed by this highway. In addition, please note that Caltrans has worked with the City of Encinitas to develop a number of potential enhancement projects, including: (1) Bicycle/ Pedestrian Enhanced Trail on Both Sides of I-5 at San Elijo Lagoon with Bridge Connection to Manchester Avenue; (2) Park and Ride Enhancements at Birmingham Drive; (3) Villa Cardiff Drive Improvements and MacKinnon Bridge Enhancements; (4) Hall Park Trail Connecting to Santa Fe Drive; (5) Trail Connecting Santa Fe Drive to Requeza Street with Wetland Revegetation; (6) Trail Connecting Requeza Street to Encinitas Boulevard; (7) Union Street Pedestrian Overpass; (8) Cottonwood Creek Park to Union Street trail connection with Wetland Revegetation; and (9) I-5 North Coast (NC) Bike Trail. Because the project generally would improve recreational facilities and would enhance access within the community, implementation of new project features is not expected to have an adverse effect on Encinitas residents' overall quality of life.

02 Regarding air quality and particulate matter (PM), the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor

MAIL – COMMENTS	RESPONSES
	02 cont. (as described in EIR/EIS *Section 3.14, Air Quality)*. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing and projected future no build conditions. For PM such as dust and other particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared to the No Build alternative. A number of measures are also identified in the EIR/EIS to control construction-related particulate generation (e.g., dust), with additional information provided in *Section 3.14.4* and Topical Response "Air Pollutants."
	03 With respect to potential noise concerns east of the I-5 corridor and north of Encinitas Boulevard (521 Sweet Pea Place), and as described in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S686A in the subject area, which has been recommended for construction; refer to Final EIR/EIS *Figures 2-2.3, Sheets 35* and *36,* and *Table 3.15.24*. While this soundwall would be located along the I-5 corridor in the noted area, it would not provide perceptible associated noise-abatement benefits at the subject property due to the presence of intervening structures and the distance from the freeway (approximately 500 feet per review of Google Maps). It should also be noted that the two closest noise receptors to the subject property (R11.26 and R11.28) have a projected future noise level of 72 dBA with implementation of the project and without soundwalls (refer to EIR/EIS *Table 3.15.23*). Due to the intervening distance from these noise receptors (250 to 300 feet per Google maps), noise levels at the subject property under the described scenario would be expected to be somewhat lower. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

MAIL – COMMENTS	RESPONSES
	04 Substantial adverse impacts to property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value. As described in EIR/EIS *Section 3.4.1, Community Character and Cohesion*, the project would not worsen existing conditions with respect to community character or cohesion, with the exception of the 10+4 Barrier alternative in the community of Barrio Carlsbad. With respect to construction-related air quality (dust) and noise concerns, please refer to the responses to your Comments 02 and 03, respectively.
	05 With regard to the potential for visual blight associated with the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway-level visual impacts of the project. Refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views. Please refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. Please refer to the response to your Comment 01 regarding potential effects of proposed I-5 modifications on North County quality of life and why those effects are not expected to result in a substantial adverse overall effect in the communities already crossed by this highway. Regarding general project-related effects to wetlands and biological resources in lagoon habitats, these issues are addressed under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Additional information is provided in Topical Response "Lagoon Effects." Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition.

MAIL – COMMENTS

06 cont. keep it moving as the volume of cars increases. This could be controlled by a sensor which monitors traffic speed. We might even need a traffic controller like the airports have, to review the camera systems on the freeway and tweek the speed limits.

07 I would support concurrent development of mass transit systems other than freeways and highways, to bring our state up to par with European countries and our poorer neighbors to the south. We will eventually have to get there, so why waste billions of dollars and scar our beautiful environment with concrete, when we could be putting in place transportation that will serve our children in the future, without the pollution, noise and dissection of our communities.

Thank you,
Robin Brey
Robin Brey
Owner 521 Sweet Pea Place, Encinitas, CA
Mailing address: 4085 Mt. Barnard, San Diego, CA 92111

RESPONSES

05 cont. Please also note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA), has been identified in the Final EIR/EIS as the Preferred Alternative, and would constitute the least amount of expansion.

06 Regarding your suggestion to change the allowable freeway speed to between 65 and 80 miles per hour (mph) during rush hour periods, it is not anticipated that such a change would result in a consistent improvement in traffic operations. That is, while this change would ideally keep traffic flowing at the posted freeway speeds, the actual traffic movements would not be as consistently free flowing as would be expected based on differences in driving patterns and increased traffic volumes during rush hour. The current posted freeway speed of 65 mph, for example, creates congestion during rush hour periods due to the fact that some drivers tend to drive slower during higher traffic volumes, resulting in slow-downs in the upstream traffic.

07 In regard to concurrent development of mass transit systems, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding ongoing plans and improvements to public transportation. Please refer to the response to your Comments 02, 03, and 04 with regard to air quality, noise, and community cohesion.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: July 27, 2010
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park Dr., Encinitas, CA 92024

Name: CANDICE BROWN Date: 8/16/10
(Print Clearly)

Address: 561 LA COSTA AVE.
(Print Clearly) ENCINITAS, CA 92024

Contact Phone: (760) 942-9458

Email (Optional):

Do you wish to be added to the mailing list? ☒ Yes ☐ No

I would like the following comments included in the public record for this project:

01 NOISE: WE ARE VERY CONCERNED, SINCE OUR PROPERTY WILL BE AFFECTED ON THE SOUTH I-5 ENTRANCE FROM LA COSTA AVE. WE STRONGLY FEEL A SOUND WALL (WITHOUT OBSTRUCTING OUR VIEW OF THE LAGOON) IS NEEDED

02 VIEW: ANY LANDSCAPING THAT WOULD ALSO OBSTRUCT OUR VIEW / IN THE THIRTY YEARS WE HAVE LIVED HERE, I HAVE YET TO SEE ANY MAINTENANCE ON THE EXIT - CONCERN NOW IS BRUSH DURING FIRE SEASON WHICH SEEMS TO BE YEAR ROUND

PLEASE NOTE THESE CONCERNS THANK YOU!

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Candice Brown

01 Thank you for your comments regarding potential noise concerns in the vicinity of the La Costa Avenue Interchange (i.e., 561 La Costa Avenue, south of the interchange and west of I-5). Your comments are part of the public record. As discussed in EIR/EIS *Section 3.15, Noise*, Soundwall S719 was evaluated in that area. Based on the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol, however, Soundwall S719 was determined not to be "feasible" under applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Specifically, as shown on EIR/EIS *Table 3.15.25*, the maximum considered soundwall height (16 feet) would provide a future noise reduction of one decibel (dBA) at the subject property. As discussed in EIR/EIS *Section 3.15.1*, and per the Caltrans *Protocol*, a minimum of five dBA reduction in the future noise level must be achieved for an abatement measure to be considered "feasible." Accordingly, because future noise reduction at the subject site was less than five dBA, the associated

MAIL – COMMENTS	RESPONSES
	01 cont. soundwall was determined not to be "feasible." It should also be noted that the change in noise level from existing conditions to future with project (and without a soundwall) conditions would vary by one dBA at the subject property (i.e., 66 to 67 dBA, refer to *Table 3.15.25*). As described in the project's 2007 Noise Study Report, changes of three dBA or less generally are not detectable by the average healthy human ear.
	02 As described in EIR/EIS *Section 3.7, Visual/Aesthetics*, because the project has not yet been approved, specific landscape plans have not been developed. Project landscaping plans would be developed as the ongoing design process proceeds, however, and would reflect input from sources including Caltrans design standards and comments received during public outreach meetings.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: July 27, 2010
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park Dr., Encinitas, CA 92024

Name: CLINTON BROWN Date: 8/16/10
(Print Clearly)

Address: 720 DEVONSHIRE
(Print Clearly)
ENCINITAS, CA 92024

Contact Phone:

Email (Optional):

Do you wish to be added to the mailing list? [X] Yes [ ] No

I would like the following comments included in the public record for this project:

01 NOISE: IS A HUGE CONCERN WITH THE EXPANSION OF I-5 OUR PROPERTY ON THE WEST SIDE WILL BE AFFECTED.

THANK YOU!

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Response to Clinton Brown

01 Thank you for your comment regarding potential noise concerns in the area west of I-5 and south of Requeza Street in the City of Encinitas (720 Devonshire Drive). Your comments are part of the public record. As described in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines). Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S671 in the subject area (refer to Final EIR/EIS *Figures 2-2.3, Sheet 33*). As described in *Section 3.15.4* and shown in *Tables 3.15.21* and *3.15.22*, S671 was determined not to be "reasonable" under FHWA

MAIL – COMMENTS	RESPONSES
	01 cont. and Caltrans standards due to estimated costs exceeding the identified “reasonable” allowance, but it has been recommended for construction at “severely impacted” noise receptors including the subject property. Specifically, S671 is recommended to be 12 feet tall along the subject property and would provide a noise reduction of five dBA over existing noise levels and six dBA over the “proposed project without soundwall” scenario. Please refer to Topical Response “Soundwall Considerations” for additional information on noise and soundwall analysis.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: July 27, 2010
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park Dr., Encinitas, CA 92024

Name: DUSTIN BROWN Date: 8/16/10
(Print Clearly)

Address: 579 LA COSTA AVE
(Print Clearly)
LEUCADIA, CA 92024

Contact Phone:

Email (Optional):

Do you wish to be added to the mailing list? ☑ Yes ☐ No

I would like the following comments included in the public record for this project:

01 NOISE: OUR PROPERTY WILL BE AFFECTED FROM EXPANSION OF I-5, SINCE WE BORDER SOUTH ENTRANCE TO I-5 OFF LA COSTA AVE. A SOUND WALL (NOT OBSTRUCTING OUR VIEW OF LAGOON) WE FEEL IS NEEDED

02 VIEW: LANDSCAPE (NOT OBSTRUCTING OUR VIEW) SHOULD BE CONSIDERED.

THANK YOU!

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Dustin Brown

01 Thank you for your comments regarding potential noise concerns in the vicinity of the La Costa Avenue Interchange (i.e., 579 La Costa Avenue, south of the interchange and west of I-5). Your comments are part of the public record. As discussed in EIR/EIS *Section 3.15, Noise*, Soundwall S719 was evaluated in that area. Based on the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol, however, Soundwall S719 was determined not to be "reasonable" due to the estimated construction cost exceeding the "reasonable" allowance and is therefore not recommended for construction (refer to *Table 3.15.26*). For more information on general soundwall evaluation and location analysis in accordance with the Caltrans *Protocol*, please refer to Topical Response "Soundwall Considerations." Please also note that the change in noise level from existing conditions to future with project conditions would vary by two decibels (dBA) at the subject property (i.e., 72 to 74 dBA, refer to *Table 3.15.25*). As described in the project's 2007

MAIL – COMMENTS	RESPONSES
	01 cont. Noise Study Report, changes of three dBA or less generally are not detectable by the average healthy human ear. 02 As described in EIR/EIS *Section 3.7, Visual/Aesthetics*, because the project has not yet been approved, specific landscape plans have not been developed. Project landscaping plans would be developed as the ongoing design process proceeds, however, and would reflect input from sources including Caltrans design standards and comments received during public outreach meetings.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 (1) We had 6"'s taken away from our property for the sound wall — We were assised for that + paying higher property taxes.

02 (2) Are you taking more of our Property for this project + will our taxes go down??

03 (3) MOST IMPORTANT — what is you do this fly by — what happens if a car/truck careens into our back-yard + KILLS A MEMBER OF OUR FAMILY, DOGS OR DESTROYS THE BACKYARD + /OR HOUSE??

(4) I WILL SUE + HOLD EVERYONE ACCOUNTABLE!!!

Linda Brown - Portofino Dr. Del Mar

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Linda Brown

01 Thank you for your comments, which are part of the public record. Regarding the increase in property taxes resulting from acquisition of a portion of your property for a previously constructed soundwall, please note that Caltrans is a State agency with responsibility for state highways. It is outside the role of Caltrans as a highway infrastructure provider to implement or influence property value assessment. The County of San Diego would be responsible for property assessment and any associated fluctuation in property taxes owed.

02 With respect to potential project-related property acquisition, it is Caltrans' intention to avoid and/or minimize such potential effects to properties that abut an existing highway system. As illustrated on Final EIR/EIS *Figures 2-2.3, Sheets 12* through *14*, the limits of existing right-of-way along the Portofino Drive are generally anticipated to be retained. In the northern portion of this area, a temporary construction easement and a footing easement would be required. As you did not provide a house number, it is uncertain whether these easements would affect your property; regardless, they are not anticipated to affect property ownership or taxation.

03 Although no design can account for every possible accident scenario, routine highway design plans for cars and trucks moving at high rates of speed, including banking curves along the route to keep cars on the throughway under foreseeable conditions. Guard rails are also provided. The southbound route adjacent to the properties accessed by Portofino Drive is not on a major curve or slope that would result in heightened concerns about safety. There is no "fly by" planned within this area.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: July 27, 2010
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park Dr., Encinitas, CA 92024

Name: MATTHEW BROWN Date: 8/16/10
(Print Clearly)

Address: 579 LA COSTA AVE
(Print Clearly)
LEUCADIA, CA 92024

Contact Phone:

Email (Optional):

Do you wish to be added to the mailing list? [X] Yes [ ] No

I would like the following comments included in the public record for this project:

01 NOISE: NOTE A NEED FOR SOUNDWALL (WITHOUT OBSTRUCTING OUR VIEW OF THE LAGOON)

02 VIEW: ANY LANDSCAPING THAT WOULD ALSO OBSTRUCT OUR VIEW

THANK YOU!

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Matthew Brown

01 Thank you for your comments regarding potential noise concerns in the vicinity of the La Costa Avenue Interchange (i.e., 579 La Costa Avenue, south of the interchange and west of I-5). Your comments are part of the public record. As discussed in EIR/EIS *Section 3.15, Noise*, Soundwall S719 was evaluated in that area. Based on the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol, however, Soundwall S719 was determined not to be "reasonable" due to the estimated construction cost exceeding the "reasonable" allowance and is therefore not recommended for construction (refer to *Table 3.15.26*). For more information on general soundwall evaluation and location analysis in accordance with the Caltrans Protocol, please refer to Topical Response "Soundwall Considerations." Please also note that the change in noise level from existing conditions to future with project conditions would vary by two decibels (dBA) at the subject property (i.e., 72 to 74 dBA, refer to *Table 3.15.25*). As described in the project's 2007 Noise Study Report, changes of three dBA or less generally are not detectable by the average healthy human ear.

MAIL – COMMENTS	RESPONSES
	02 As described in EIR/EIS *Section 3.7, Visual/Aesthetics*, because the project has not yet been approved, specific landscape plans have not been developed. Project landscaping plans would be developed as the ongoing design process proceeds, however, and would reflect input from sources, including Caltrans' design standards and comments received during public outreach meetings.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: July 27, 2010
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park Dr., Encinitas, CA 92024

Name: RYAN BROWN Date: 8/16/10
(Print Clearly)

Address: 579 LA COSTA AVE
(Print Clearly)
LEUCADIA, CA 92024

Contact Phone:

Email (Optional):

Do you wish to be added to the mailing list? ☒ Yes ☐ No

I would like the following comments included in the public record for this project:

01 NOISE: BIG CONCERN, OUR PROPERTY IS ON THE SOUTH ENTRANCE OUTO TO SOUTH I-5 OFF LA COSTA AVE A SOUNDWALL (WITHOUT OBSTRUCTI OF OUR VIEW) IS NEEDED OF LAGOON

02 VIEW: CONCERNED, ANY LANDSCAPE THAT WOULD HINDER OUR VIEW OF THE LAGOON

THANK YOU!

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Ryan Brown

01 Thank you for your comments regarding potential noise concerns in the vicinity of the La Costa Avenue Interchange (i.e., 579 La Costa Avenue, south of the interchange and west of I-5). Your comments are part of the public record. As discussed in EIR/EIS *Section 3.15, Noise*, Soundwall S719 was evaluated in that area. Based on the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol, however, Soundwall S719 was determined not to be "reasonable" due to the estimated construction cost exceeding the "reasonable" allowance and is therefore not recommended for construction (refer to *Table 3.15.26*). For more information on general soundwall evaluation and location analysis in accordance with the Caltrans Protocol, please refer to Topical Response "Soundwall Considerations." Please also note that the change in noise level from existing conditions to future with project conditions would vary by two decibels (dBA) at the subject property (i.e., 72 to 74 dBA, refer to *Table 3.15.25*). As described in the project's 2007

MAIL – COMMENTS	RESPONSES
	01 cont. Noise Study Report, changes of three dBA or less generally are not detectable by the average healthy human ear.
	02 As described in EIR/EIS *Section 3.7, Visual/Aesthetics*, because the project has not yet been approved, specific landscape plans have not been developed. Project landscaping plans would be developed as the ongoing design process proceeds, however, and would reflect input from sources including Caltrans design standards and comments received during public outreach meetings.

MAIL – COMMENTS

Michael Bullock
1800 Bayberry Drive
Oceanside, CA 92054
760-754-8025

November 16, 2010

Shay Lynn Harrison Environmental Analysis Branch Chief
California Department of Transportation
District 11
Division of Environmental Analysis
MS 242
4050 Taylor Street
San Diego, CA 92110

RE: I-5 North Coast Corridor Project Draft Environmental Impact Report/ Environmental Impact Statement

Submitted via Electronic Mail and U.S. Mail

Dear Ms. Shay Lynn Harrison,

I appreciate the opportunity to provide you with my comments.

01 I am confused by the subject document's presentation of four alternatives. I expected a preferred alternative and a sufficiently wide range of alternatives to that preferred alternative. Which is the preferred alternative? In light of your not showing which alternative is the baseline, I think it would be only fair if you revised the subject document showing which alternative is the baseline.

02 **I also find it to be legally unacceptable that there is no transit or comprehensive pricing alternatives presented.** Given the need for our GHG emissions to at least adhere to the trajectory of Reference 1, we need to stop adding more freeway lanes. The transit alternative could be to use the TransNet money allocated for freeways for transit, by going back to the voters if necessary. Recent polls indicate a strong preference for transit over highways on the part of San Diego voters. This is shown in Figure 8 of Reference 2.

03 "Pricing", means that we should implement systems that will unbundle the cost of driving and parking with equitable, convenient, and environmentally sound (full cost) pricing and payout systems. This would be easy to do these days, with GPS, RFID, computers, and so on. It would be cheaper than free because roads and parking are so expensive and we could get by with less if we were simply fair to consumers.

04 Please add these alternatives to you DEIR and re-circulate the updated memo.

Thank you for your consideration of these comments.

Respectfully Submitted,

Bullock to Caltrans Re I-5 DEIR 1 of 2 11/16/10

RESPONSES

Responses to Mike Bullock

01 Thank you for your comments, which are part of the public record. The EIR/EIS has been prepared to comply with the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The EIR/EIS thoroughly describes "reasonable" alternatives, as required by 40 Code of Federal Regulations (CFR) 1502.14(a), addressing at an equal level of detail the alternatives that were determined to meet the purpose and need. The process of identifying the build alternatives is addressed in detail in EIR/EIS Section *1.4, History and Background*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor.

A single Preferred Alternative was not presented in the Draft EIR/EIS because a full exploration of all four build alternatives, including comments from the public, was desired before having decision makers consider project approval and selection of an alternative for final design. This approach is specifically allowed by 40 CFR 1502.14(e), which states: "Identify the agency's Preferred Alternative or alternatives, *if one or more exists*, [emphasis added] in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference." From this detailed analysis and after due consideration of comments, a Preferred Alternative was identified.

MAIL – COMMENTS	RESPONSES
	01 cont. The Preferred Alternative is the refined 8+4 Buffer alternative, which is the smallest of the build alternatives proposed in the EIR/EIS and which would result in the fewest impacts. It also should be noted that the appropriate "baseline" for an environmental analysis is the existing environmental condition, rather than the conditions that are forecast to occur with a build alternative. 02 The *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2050 to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation that includes other transportation service alternatives, including transit. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for discussions of how the project fits within the regional transit system and the 2050 Regional Transportation Plan (RTP) to encourage the use of mass transit and provide compatibility with Bus Rapid Transit (BRT) lines. Additional information on modal choice is provided in the Corridor System Management Plan (CSMP). CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. The Interstate 5 San Diego North Coast CSMP includes a range of strategies for addressing congestion, performance measures or criteria for identifying when action is needed, and a system for prioritizing which congestion management strategies would be most effective. CSMP development resulted in a solution that includes double-tracking the rail corridor and adding High Occupancy Vehicle (HOV)/Managed Lanes on I-5, as well as improving regional arterials; bicycle and pedestrian routes; and bus, rail, vanpools, and carpool services. The *I-5 NCC Project* would, therefore, be consistent with the CSMP. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function adequately. A balanced approach to improving regional transportation facilities is considered more equitable than using State and federal funds exclusively for either widening freeways or mass transit. Caltrans has been actively involved in this regional multimodal planning. The lead agencies responsible for the implementation of

MAIL – COMMENTS	RESPONSES
	02 cont. the other transportation improvements are planning and evaluating them concurrently with Caltrans' work on I-5. Please refer to Topical Response "Transportation Funding" regarding the use of highway funds for alternative transportation modes. Greenhouse gases (GHG) are discussed in EIR/EIS *Section 4.6, Climate Change*. Recognizing that 98 percent of California's GHG emissions are from the burning of fossil fuels and approximately 40 percent of all human-made GHG emissions are from transportation, Caltrans has created and is implementing the Climate Action Program (December 2006). One of the Climate Action Program's main strategies to reduce GHG emissions is to make California's transportation system more efficient. The baseline analysis for GHG emissions (expressed as carbon dioxide [CO_2] emissions) is provided in EIR/EIS *Section 4.6, Climate Change*. The project's quantitative GHG analyses show that when compared with existing conditions, the Preferred Alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 340 tons per day, while the 10+4 Barrier and Buffer alternatives are estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 350 tons per day. The project, therefore, would have a positive effect on reducing GHG emissions called for in California Assembly Bill (CA AB) 32. The regulation of GHG emissions has continued to evolve subsequent to the circulation of the Draft EIR/EIS. Additional information addressing climate change was provided in the Supplemental Draft EIR/EIS circulated in August 2012 and subsequently incorporated into this Final EIR/EIS. In addition, it should be noted that the San Diego Association of Government's (SANDAG's) 2050 Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS) include a regional analysis of GHG emissions. The 2050 RTP/SCS efforts to impact GHG emissions, in combination with alternative transportation projects scheduled during the planning period, include specific upgrades to the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail project double-tracking, Coaster and Sprinter use, bus use, etc. The 2050 RTP incorporates land use planning proposed by local planning agencies as well as specific transportation upgrades

MAIL – COMMENTS	RESPONSES
	02 cont. projected within the planning period. The document also provides an analysis regarding conformance with CA AB 32 and meeting the goal of achieving 1990 GHG emissions levels by 2020. The Preferred Alternative for the *I-5 NCC Project* is consistent with the I-5 improvements detailed in the RTP, supporting a conclusion of a less than significant impact for the proposed I-5 project. As such, mitigation measures are not required for the GHG emission issue for the *I-5 NCC Project*. Please also refer to Topical Response "Climate Change" for additional information regarding achieving the State's goals regarding climate change and GHG emissions.
	03 EIR/EIS *Section 3.4.3, Environmental Justice*, discusses value pricing, where excess capacity in the HOV/Managed Lanes would be sold to Single Occupancy Vehicle (SOV), allowing SOV drivers to pay a fee to use the lanes in all the build alternatives. The proposed use of HOV/Managed Lanes provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. The EIR/EIS notes that value pricing is being considered as a means of managing demand so all potential stakeholders could benefit equitably. The only parking provided within the Caltrans right-of-way is associated with park and ride facilities, which are free in order to encourage carpooling. The price of parking outside of the right-of-way is beyond Caltrans' purview.
	04 Please refer to the responses to your comments above. It also should be noted that focused studies have been completed since the circulation of the Draft EIR/EIS in 2010. The Supplemental Draft EIR/EIS circulated in August 2012 addressed specific issues such as habitat impacts and hydrology in the vicinity of lagoons, as well as the clarification of issues related to latent traffic demand, sea level rise, water quality, as well as the common design features and community enhancements proposed by the project. That information has been incorporated into this Final EIR/EIS. Recirculation of the Draft EIR/EIS is not necessary.

MAIL – COMMENTS	RESPONSES
Mike Bullock **References** 05 1. *Governor's Executive Order S-3-05* (Attached as a Word Document, in Email Submittal) 2. Key *Findings from Recent Countywide Survey on Climate Change*, September 14, 2010, David Metz & Curtis Below, Fairbank, Maslin, Maullin, Metz and Associates	05 The exhibits consist of source material and/or documentation for statements made, including an Executive Order and results of a survey on climate change. These documents provide back up for the comments submitted but do not comprise comments in and of themselves; they do not require responses.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 The best alternative is a trolley service from Sorrento Mesa to Oceanside following following roughly El Camino. This would service a huge number of bedroom to work place trips. Public transit along the I-5 corridor does not speed home-to-work.

02 The analyses to support the overall plan should show ~~that~~ a net reduction in cost/time of the average trip including the cost of the total project.

edbutler@roadrunner.com

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Ed Butler

01 Thank you for your comment regarding home-to-work trolley service, which is part of the public record.

Regarding provision of trolley service from Sorrento Mesa to Oceanside, the San Diego Association of Governments (SANDAG) is the regional planning agency responsible for designing and implementing public transit in the County. Caltrans has been actively involved in SANDAG's regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Response "Corridor Alternatives" with regard to alternatives evaluated for the North Coast Corridor, including light rail.

The project does include a number of community enhancement features within the project corridor (refer to *Section 2.3* of the EIR/EIS), which, if implemented, would create and/or improve amenities, such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. The project also proposes use of High Occupancy Vehicle (HOV)/Managed Lanes to provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Responses "Multimodal System," Rail Preference," and "Mass Transit" for additional discussion regarding public transit options.

02 In regard to time as associated with the average trip, the proposed use of HOV/Managed Lanes is intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of

MAIL – COMMENTS	RESPONSES
	02 cont. heavy traffic congestion during peak periods. The project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. In regard to project cost, four build alternatives were considered in the EIR/EIS (refer to EIR/EIS *Chapter 2, Project Alternatives*), each of which varied in design, area of impact, and cost, in order to address a variety of engineering, environmental, population growth, and community needs. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. The cost of the average trip to the individual commuter is largely related to fuel costs. The build alternatives would support bus rapid transit and carpool commuting options, which would reduce commute costs. For commuters choosing to travel by single-occupant vehicle, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy (fuel) consumption by relieving congestion and reducing out-of-direction travel.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

To: Shay Harrison -

01 I am against this expansion. We
02 should spend this money on mass transit! We don't want to become a Los Angeles! We will
03 have increased noise, pollution,
04 miles of walls (ruin the beauty
05 of North County)! and air pollution. Our cultural resources
06 will be impacted as well as the
07 lagoons!

DO NOT DO THIS!!!

Ann Caldwell
annwcaldwell@sbcglobal.net

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Ann Caldwell

01 Thank you for your comments, which are part of the public record.

02 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System" and "Mass Transit" for additional discussion regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

Regarding your concern about becoming another Los Angeles, no one answer is appropriate for all segments of our state highway system; congested portions of I-5 in Orange County and Los Angeles are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously with other regional efforts to address transportation demand, including changes in land use patterns and improvement of public transportation alternatives.

MAIL – COMMENTS	RESPONSES
	03 With respect to potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. For potential pollution (water quality) concerns, EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, identifies and evaluates potential water quality impacts associated with implementation of the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis

MAIL – COMMENTS	RESPONSES
	03 cont. also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.
	04 With regard to visual concerns from the proposed project, Section 3.7, Visual/Aesthetics, notes that the visual impact of each build alternative would be high. There would be some loss of views to scenic resources, and there would be modifications to current views of the highway right-of-way. In many instances, however, project soundwalls or retaining walls would be located on only one side of I-5. In addition, this is a linear facility, and views shift as the viewer moves along the highway. Viewers along the corridor would continue to be exposed to a mix of open views and blocked views, similar to existing conditions, as a result of implementing project landscaping. *Section 3.7* of the EIR/EIS identifies a number of measures to address potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.119*, and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, and earthen berms (or berm/wall combinations). Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project (refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views). Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.
	05 With respect to air pollution (air quality) concerns, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality

MAIL – COMMENTS	RESPONSES
	05 cont. regulations and the anticipated decrease in emitted pollutants with project implementation.
	06 The EIR/EIS confirms the comment that the proposed project would impact cultural resources. According to the discussion in *Section 3.8, Cultural Resources,* within *Chapter 3* of the EIR/EIS, the proposed project would impact several archaeological sites but would not be expected to impact historic buildings. The final design of the improvements would attempt to avoid or minimize impacts to archaeological resources. Where impacts cannot be avoided or sufficiently minimized, mitigation in the form of data recovery would be carried out in accordance with the mitigation measures specified in the EIR/EIS.
	07 Potential impacts to biological resources at the six coastal lagoons and/or associated waterways within the I-5 corridor are evaluated under the *Biological Environment* heading of the EIR/EIS. Based on those analyses, all project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Please also refer to Topical Response “Lagoon Evaluations” for information on focused studies completed since the circulation of the Draft EIR/EIS in 2010. Based on those studies, the existing I-5 lengths of I-5 crossings at Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons were determined to be appropriate, while crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. Topical Response “Lagoon Evaluations” also addresses the importance of the Transportation Resource and Enhancement Program. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale.

MAIL – COMMENTS

David Chadwick
4403 Highland Drive
Carlsbad, California 92008

Sent Via e-mail to: I-5_NCC_EIR_EIS@dot.ca.gov

November 11, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Harrison:

01 I am writing to express my concern for the proposed Caltrans Interstate-5 Widening Project. My house is located just east of I-5 on 4403 Highland Drive in Carlsbad. The I-5 Widening Project will have negative and substantial impacts on my residence and the surrounding community through an increase in the already significant noise impacts, as discussed in more detail within this letter.

According to the EIR/EIS and the "Final Noise Study Report for Interstate 5 North Coast Corridor Widening Project," my property lies within "Segment 16—Cannon Road to Tamarack Avenue." Between my property and northbound I-5 is the Agua Hedionda Lagoon, which changes the way sound travels. The EIR hinted at this issue on page 6 of the I-5 Noise Study, which indicates that no ground absorption occurs when sound travels over a smooth body of water. However, the EIR failed to recognize that a body of water can, in fact, amplify sound waves as the sound travels over the water.

Along Segment 16, the I-5 Noise Study selected 19 receptor sites that measured sound. (See Sheets 44 through 47 of 60.) The I-5 Noise study focused on areas that were close to the freeway, but failed to recognize that homes 600 hundred yards away from the freeway may be impacted if there is a body of water between the noise source and the home, due to the amplification of the noise as it travels over the body of water. The I-5 Noise Study failed to take measurements near my house, or any of the houses that are across the lagoon where the sound is amplified. Therefore, the noise impacts have not been fully analyzed or considered.

I already experience considerable noise from the freeway. The freeway noise is amplified as it travels over the lagoon, especially at night when the air is cooler, and I am concerned that any increases in freeway noise will begin to interfere with my sleep. In fact, I was so distressed about the noise I hired an expert to come take noise measurements at my house earlier this year.

RESPONSES

Response to David Chadwick

01 Thank you for your comments, which are part of the public record, regarding project-related noise concerns in the area east of I-5 and south of Tamarack Avenue (4403 Highland Drive). As discussed in EIR/EIS *Section 3.15, Noise*, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over No Build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer

MAIL – COMMENTS

Please see an attached map indicating the location of the noise measurement. He found that the existing ambient Leq noise levels measured on my first floor balcony ranged from 51.1 to 66.6 dBA Leq with an overall Leq value of 62.4 dBA and a 66.8 dBA CNEL. Please contact me if you want to review a copy of the report. The noise from the freeway is already a significant impact.

The I-5 Widening Project will have negative and substantial impacts on my residence and the surrounding community through an increase in the already significant noise impacts. These substantial impacts will negatively affect the quiet use and enjoyment of my property. In the CEQA determination of noise, the EIR/EIS indicates that the noise increase from the freeway widening could increase the noise conservatively 3-5 dBA, but it could be as much as 9 dBA. (EIR/EIS page 4-1) In my case that means the noise at my home could increase to as high as 75.8 dBA CNEL. According to the noise study, sound walls are appropriate in locations where the noise level is 75 dBA or above with the project. (EIR/EIS page 4-1) Therefore, my home may qualify for noise abatement under CEQA and further analysis is required.

01 cont.

In addition, since the project is proposing some sound walls, and the Carlsbad Energy Plant may require a barrier for worker safety, I am concerned that the cumulative effect will be to direct more sound towards my house, which is further amplified as it travels over the lagoon. The EIR/EIS has not studied this potential cumulative impact.

Under the NEPA Analysis in Chapter 3, exterior noise levels that approach or exceed 67 dBA meet the criteria to be considered for noise abatement. (EIR/EIS page 3.15-1) Given my 66.8 dBA CNEL existing condition, there is no doubt that the increase in noise from the project will result in reaching this threshold, based on the conservative prediction of a 3-5 dBA increase. (I-5 Noise study, page 37) Therefore, some sort of noise abatement must be considered for my home under NEPA.

For these reasons, I ask that you please revise your document to consider the impacts to my home, and to consider additional measures, including additional sound walls, or additional studies, that will appropriately mitigate or address these impacts under both CEQA and NEPA.

Please place me on the mailing list to receive any additional notices about this project. Thank you.

Sincerely,

David Chadwick

RESPONSES

01 cont. to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

Regarding your comments on the location of a water body (Agua Hedionda Lagoon) between the subject property and the freeway, and the corresponding effects to noise attenuation via ground absorption, the discussion of ground absorption in the Noise Study Report (NSR) states that:

> For acoustically hard sites (i.e., those sites with a reflective surface, such as a parking lot or a smooth body of water, between the source and the receiver), no *excess* ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., those sites with an absorptive ground surface, such as soft dirt, grass, or scattered bushes and trees, between the source and the receiver), an *excess* ground attenuation value of 1.5 dB per doubling of distance is normally assumed. (Emphasis added).

The excess ground attenuation referenced in the above text is in addition to the standard attenuation of three dBA per doubling of distance typically applied to highway noise (as described in Section 3.0 of the NSR). Accordingly, while freeway-generated noise traveling over Agua Hedionda Lagoon near the subject property would not be subject to the excess attenuation for acoustically absorptive sites noted above, it would experience the standard attenuation of three dBA per doubling of distance typically applied to highway noise. It should also be noted, per review of Google Maps, that Agua Hedionda Lagoon represents only approximately two-thirds of the intervening area between the subject property and the freeway. The remaining area, approximately 550 feet, consists primarily of native upland (brushy) habitat and/or tilled soil, which would likely constitute "soft sites" with an excess ground attenuation value of 1.5 dBA per doubling of distance as previously noted.

MAIL – COMMENTS	RESPONSES

Attachment A: Vicinity Map and Noise Measurement Location

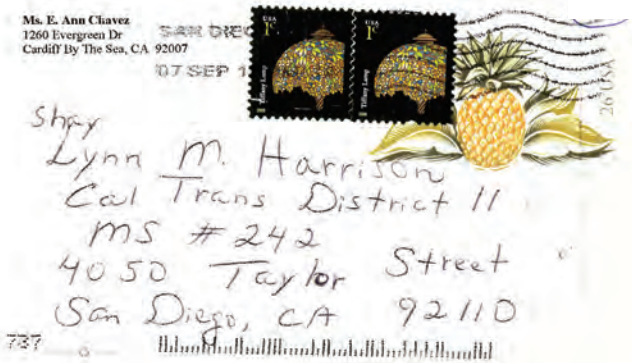
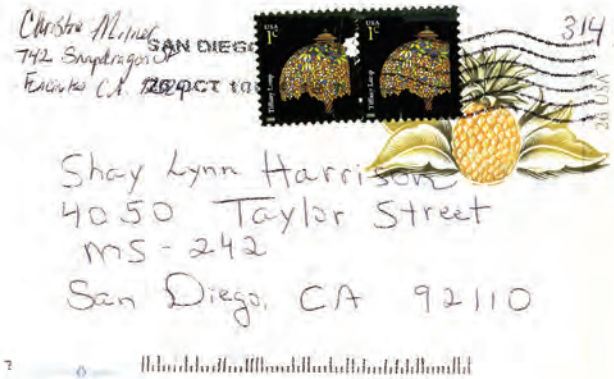
01 cont. With respect to the location of project-related noise receptor sites and related noise measurements, the project noise assessment provided in the NSR and summarized in EIR/EIS *Section 3.15* was conducted within a defined “project limits,” which extends approximately 500 feet on both sides of the I-5 corridor. These limits are based in part on the fact that, as noted in the Caltrans Traffic Noise Analysis Protocol, the accuracy and/or effectiveness of noise projections, modeling, and abatement decline substantially beyond this distance. Accordingly, noise measurements, which are used as baseline information in the noise analysis process, are not conducted outside of the project limits. As a result, noise measurements at the subject property (located approximately 1500 feet from I-5 based on review of Google Maps) are not considered necessary or appropriate. Thus, the noise analysis contained in the NSR and EIR/EIS provides a thorough and accurate assessment in conformance with all applicable FHWA and Caltrans requirements.

Existing and projected future noise levels at the subject property are not expected to approach or exceed the previously described criterion of 67 dBA. Specifically, the closest noise receptor site in the vicinity of the lagoon and subject property is R16.1, located east of the freeway and just north of the lagoon (refer to Final EIR/EIS *Figures 2-2.3, Sheet 51,* and *Table 3.15.33*). The existing and projected future noise levels with the project and no soundwall at this site are 67 and 72 dBA, respectively; R16.1 is located approximately 250 feet from the freeway. With the noted standard roadway noise attenuation of three dBA, the fact that water bodies do not amplify noise, and the occurrence intervening areas that likely consist of “soft sites” (with “excess” attenuation), the existing and future noise levels at 1500 feet (i.e., the approximate distance of the subject property from I-5 per review of Google Maps) would be expected to be less than 66 dBA.

While Caltrans appreciates the information provided regarding the private noise analysis conducted at the subject property, the associated data cannot be verified or used in the project noise evaluation. Please also note, however, that the Caltrans Traffic Noise Analysis Protocol states that “For the purposes of complying

MAIL – COMMENTS	RESPONSES
	01 cont. with 23CFR772 and this Protocol, noise levels must be expressed in terms of worst-hour equivalent sound level (L_{EQ}[h]).” Accordingly, the Community Noise Equivalent Level (CNEL) value provided in this comment is not applicable, while the stated “overall L_{EQ} value of 62.4 dBA” would not approach or exceed the previously noted criterion of 67 dBA. Based on the information provided above in this response, the build alternatives would not be anticipated to have substantial noise effects on the subject property. The information regarding noise levels from the EIR/EIS CEQA analysis listed in this comment are applicable to the previously described project limits, with existing and future noise levels at the subject property expected to be less than 66 dBA as described above. Regarding potential “cumulative effects” from noise reflection associated with project-related soundwalls and potential “safety barriers” constructed at the Encina Power Plant located west of I-5: While soundwalls do have the potential to reflect a small amount of noise, any associated potential increase in noise levels in the subject area would be minor. Specifically, noise from roadway traffic is not one-dimensional, but rather emanates out from the source in all directions. Accordingly, much of the noise energy generated from freeway sources does not strike soundwall (or other wall) surfaces and, therefore, is unaffected by the walls. Noise energy that does strike walls is reflected at an incident angle (i.e., an angle similar to that at which the energy struck the wall). As a result, noise energy that strikes a wall and is reflected at very low incident angles can potentially result in an increase of overall noise levels at associated noise receptors (i.e., at locations opposite the walls). The majority of noise energy in this scenario, however, would strike the wall and be reflected at higher incident angles, such that it would not contribute to an increase in associated receptor noise levels. The portion of this noise energy reflected at angles such that it may potentially be directed to more distant noise receptors would be minor, and would be reduced by the previously described standard attenuation of roadway noise over distance, such that it would not substantially contribute to increased noise levels.

MAIL – COMMENTS	RESPONSES
	01 cont. As indicated above, the CNEL value provided in this comment is not applicable, and existing and future worst-hour equivalent noise levels at the subject property are not expected to approach or exceed the previously noted criterion of 67 dBA L_{EQ}. Based on these considerations and the additional information provided above in this response, the project noise analysis provides an accurate and thorough evaluation of project-related noise effects and identifies appropriate mitigation measures in compliance with all applicable FHWA and Caltrans requirements. Accordingly, no additional analysis or mitigation is necessary or proposed. Per your request, you have been placed on appropriate lists to receive additional project-related information.

MAIL – COMMENTS	RESPONSES
	
	

MAIL – COMMENTS

Re: Expansion of I-5
in North County

01 More freeways are not the
answer. They will just
become congested. We need
02 trains and trolleys. Please
do not turn our coast
into Los Angeles. Sincerely,
Ann Chavez

Re: I-5 Expansion OCT 27

03 Don't ruin our coastline!
We don't want it.

Christie D. Milner

RESPONSES

Responses to Ann Chavez and Christie Milner

01 Thank you for your comments, which are part of the public record.

Regarding freeway congestion, please note that *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2050 to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. The proposed project would not completely eliminate congestion. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to Topical Response "Projected Growth" with regard to accommodation of anticipated regional growth.

02 Regarding the need for trains and trolleys, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the

MAIL – COMMENTS	RESPONSES
	02 cont. highway improvement portion of the plan. Please refer to Topical Responses “Mass Transit” and “Rail Preference” for additional discussion regarding mass transit options.
	03 Your objection to the *I-5 NCC Project* is part of the public record.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: July 27, 2010
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park Dr., Encinitas, CA 92024

Name: MARY CONWAY Date: 9-21-10
(Print Clearly)

Address: 1717 MACKINNON AVE. CARDIFF-by-the-Sea Ca. 92007
(Print Clearly)

Contact Phone: (619) 988-5537

Email (Optional): mikeconwaymcsc@gmail.com

Do you wish to be added to the mailing list? [X] Yes [ ] No

I would like the following comments included in the public record for this project:

01 My neighbors and I who reside on Mackinnon Ave., Cardiff-by-the-Sea between Burkshire Ave and the Mackinnon Ave. overcrossing would like a Soundwall installed tto protect our properties from freeway traffic noise. In reviewing the EIR we have found, in our opinion, significant oversights and or mistakes made by Caltrans in determining if a Soundwall should be constructed.

Regarding Table 3.15.20 on page 3. 15-23 Soundwall S653 there are 4 SFR listed. We have conducted our own count and between Receptors R9.3 and R9.4 there are 9 addresses, (see attached Exh. A). There are 7 structures two of which are duplexes, all have backyards directly exposed to the freeway and are heavily impacted by the freeway. 1717 Mackinnon Ave. is a new house and did not exist at the time of the Caltrans sound study. There are 9 families on the freeway side of Mackinnon Ave and 9 families located on the west side of the street in the same location and all will be impacted yet Caltrans is saying it is not reasonable to build a Soundwall, is it reasonable for all these families to be subjected to increased freeway noise with no mitigation in the form of a Soundwall? WHY ISN'T CALTRANS CONDUCTING AN ACCURATE, CURRENT COUNT OF RESIDENCES LOCATED BETWEEN RECEPTORS R9.3 AND R9.4?

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

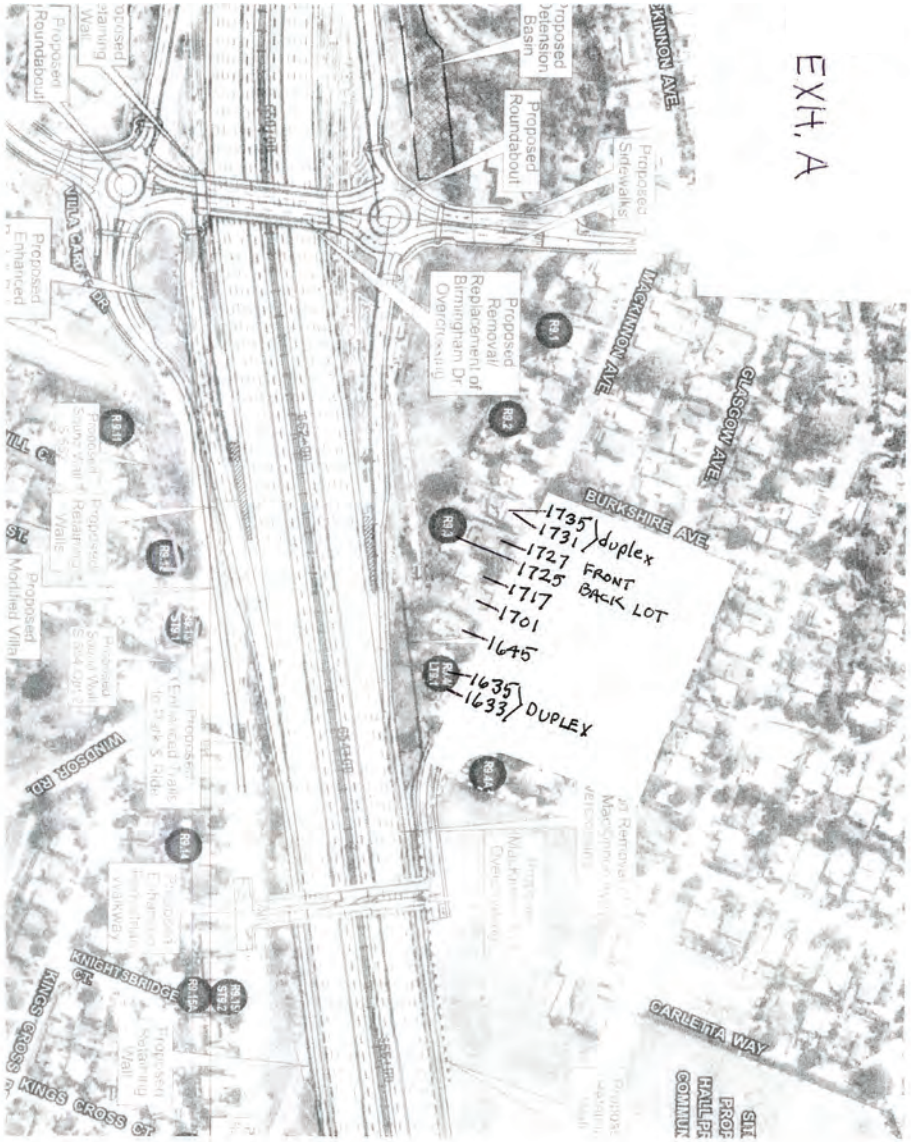
RESPONSES

Response to Mary Conway

01 Thank you for your comments regarding potential noise concerns, the number of residences associated with noise receptors R9.3 and R9.4, and the related potential to affect the "reasonable" conclusion for Soundwall S653. Your comments are part of the public record. After review of this comment and the associated noise receptor locations and associated residences, it was determined that the inclusion of the four residential structures identified in association with R9.3 and R9.4 was correct, although the number of benefited individual residences would increase from four to five if the structure listed as 1633 MacKinnon Avenue is a duplex as stated in this comment (and includes both 1633 and 1635 MacKinnon Avenue).

As discussed in *Section 3.15* and per the Caltrans Traffic Noise Analysis Protocol, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners, as

MAIL – COMMENTS



RESPONSES

01 cont. described in Topical Response "Soundwall Considerations." The "reasonable" cost per benefited residence for S653 was determined as $54,000 (refer to Table 7-29 in the project Noise Study Report, available at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf). Accordingly, with the inclusion of four benefited residences, the "reasonable" total allowance for S653 was identified as $216,000. If the number of benefited residences for S653 was increased to five to reflect a duplex at 1633/1635 MacKinnon Avenue as noted, the "reasonable" total allowance would increase to $270,000 but would still be exceeded by the estimated construction cost of $638,653. Similarly, if nine benefited residences were assumed for S653 as stated in this comment, the "reasonable" total allowance would increase to $486,000, but would still be exceeded by the estimated construction cost. As a result, the determination that S653 is not "reasonable" under FHWA and Caltrans guidelines would be appropriate with the inclusion of four, five, or nine benefitted residences, and this soundwall would not be recommended for construction except for "severely impacted" noise receptors, as noted in *Table 3.15.20*. It is preliminarily recommended that "severely impacted" noise receptor R9.4 (1633 & 1635 MacKinnon Avenue, which is a multi-family structure) receive individual noise abatement.

With respect to the residences located on the west side of MacKinnon Avenue, these properties were not included in the project noise analysis because the frequent outdoor use areas (backyards) of the residences on the west side of MacKinnon Avenue, with the exception of 1606 MacKinnon Avenue, represented by noise receptor R9.4A, are shielded by the residential structures, which provide noise reduction. Front yards are typically not considered frequent outdoor use areas. Results of the noise model showed that noise receptor R9.4A, which is not shielded from the residential structures, has a future predicted noise level of 68 dBA and "feasible" noise reduction is not possible. Assuming a typical noise reduction of 3 to 5 dB for the shielding effects of the building structures, and given that the outdoor use areas are further from the freeway than the backyard of 1606 MacKinnon Avenue, the future noise levels at the backyards of the residences on the west side of MacKinnon are predicted to be 65 dBA or less, which is below the noise abatement criteria, so they would not be considered as impacted by freeway traffic noise.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: Mike Conway Date: 9-21-10
(Print Clearly)

Address: 1725 MACKINNON AVE. Cardiff-by-the-Sea Ca. 92007
(Print Clearly)

Contact Phone: (619) 988-5537

Email (Optional): mikeconwaymcse@mac.com

Do you wish to be added to the mailing list? [X] Yes [ ] No

I would like the following comments included in the public record for this project:

01 My neighbors and I who reside on Mackinnon Ave., Cardiff-by-the-Sea between Burkshire Ave and the Mackinnon Ave. overcrossing would like a Soundwall installed tto protect our properties from freeway traffic noise. In reviewing the EIR we have found, in our opinion, significant oversights and or mistakes made by Caltrans in determining if a Soundwall should be constructed.

Regarding Table 3.15.19 on page 3.15-22. R9.3 1725 Mackinnon Ave. I believe the noise levels shown are not accurate. During the public meeting held in Solana Beach on 8-24-10 we were able to ask several questions regarding noise measurements and were informed that the noise levels used in the EIR were taken in 2004 and "modeling" was used to extrapolate "current" noise levels. On 8-24-10 using a RadioShack sound level meter cat. no. 33-2055 I took sound measurements as shown on Exh. B attached. At Receptor R9.3 your Table shows 67 dBA, I measured 76 dBA, which would make my property currently " severely impacted" by Caltrans standards prior to any freeway widening. WHY ISN'T CALTRANS USING ACCURATE CURRENT SOUND LEVEL MEASUREMENTS? WOULD I BE ALLOWED TO SUPPLY MY OWN SOUND MEASUREMENTS MADE BY AN ACCEPTABLE SOUND ENGINEER?

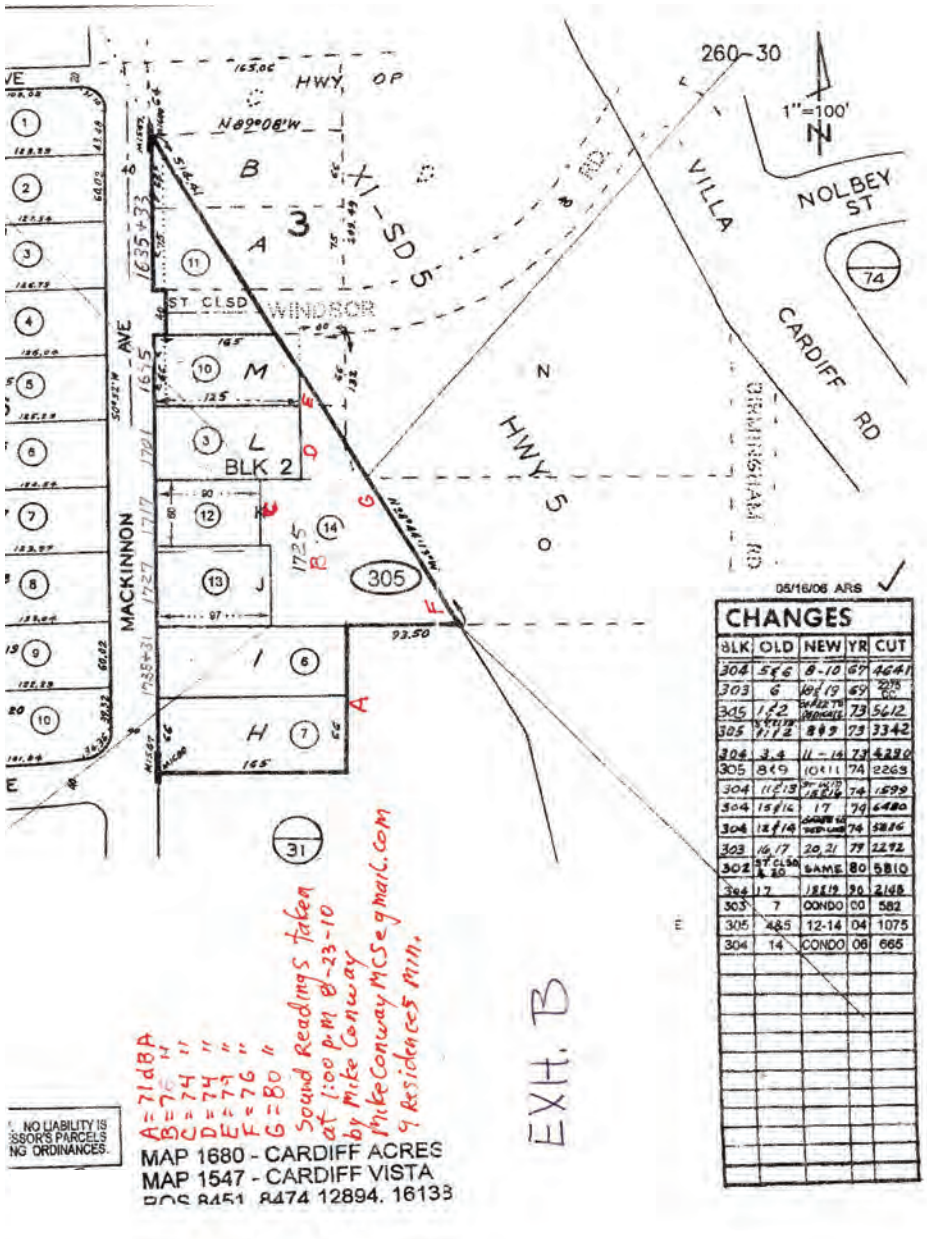
Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Response to Mike Conway

01 Thank you for your comments, which are part of the public record. The Noise Study Report was prepared in accordance with the Caltrans Noise Protocol (August 2006). Noise measurements were conducted in conformance with the Caltrans Technical Noise Supplement (1998) and the guidelines outlined in the Federal Highway Administration's (FHWA's) "Measuring of Highway Related Noise" (FHWA-DP-96-046). Noise measurement procedures are explained in Section 5.0 of the Noise Study Report. Meters are calibrated before and after each set of measurements. Wind screens are used on microphones. Both short- and long-term measurements are taken. Measurements and predictions are based on the Equivalent Sound Level (L_{eq}), which represents an average of the sound energy occurring over a specified period. A 24-hour measurement was taken at LT9.1 near this location. Resulting data may be found in Appendix A of the Noise Study Report.

MAIL – COMMENTS	RESPONSES
	01 cont. It is unclear from the noise data you mention whether the noise measurements identified are based on L_{eq} or Maximum Sound Level (L_{max}), which is an instantaneous measurement during a specified period. Caltrans noise specialists would welcome the opportunity to review any noise study that has been prepared.

MAIL – COMMENTS

Jeff Cours
417 Santa Dominga
Solana Beach, CA 92075

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

September 7, 2010

Dear Ms. Harrison:

01 I am writing as a resident of Solana Beach to express a number of concerns regarding the Interstate 5 North Coast Corridor Project's Draft Environmental Impact Report / Environmental Impact Statement (the "EIR"). As discussed below, the EIR contains significant internal inconsistencies, errors and omissions in its analysis of air quality, its analysis of noise is incomplete, and it does not adequately analyze project alternatives related to shifting demand to other means of transportation.

1. Air Quality

02 Much of the existing construction in Solana Beach is east of I-5.[1] As with most of California, prevailing winds are usually out of the west or northwest. As a result, much of the existing construction in Solana Beach is directly downwind of the emissions from vehicles using I-5.

1.1 Number of Vehicles and Traffic Speeds

03 The EIR points out that "[t]he [2008 Regional Transportation Improvement Program] aims to reduce transportation-related air pollution in an effort to attain federal and state air quality standards for the San Diego region."[2] However, the various Build options have significant potential negative effects on the local air quality around these homes because they increase both the usage of I-5 and the average speed of vehicles on the interstate.

The EIR predicts that the proposed Build options will increase average daily traffic relative to the No Build option, presumably as users take advantage of the most convenient form of transportation. For example, average daily traffic will be 326,940 from Via De La Valle to Lomas Santa Fe for the No Build option in 2030, while projected average daily traffic for the 10+4 Barrier/Buffer option through the same corridor increases to 354,250.[3]

Vehicle emissions increase as the speed of the vehicle increases. For example, when the U.S. Environmental Protection Agency evaluated eliminating the national 55 mph speed limit, it noted that an increase in average speed from 55 mph to 65 mph would increase emissions of carbon monoxide by 153% and nitrogen oxides by 9.6%.[4] EIR table 3.6.2 projects a decrease in average travel times, which

1 *E.g.*, EIR § 3.1.1.1.
2 EIR § 3.1.2.1.
3 EIR § 3.6.3.1.
4 U.S. Environmental Protection Agency, Office of Mobile Sources, *Information from the EPA Office of Mobile Sources: Emissions Impact of Elimination of the National 55 mph Speed Limit*, January 8, 1996, http://www.epa.gov/otaq/market/inventory/envspons.txt.

1

RESPONSES

Responses to Jeff Cours

01 Thank you for your comments, which now are part of the public record. The issues raised in your introductory statement are addressed below.

02 It is true that most of the existing construction in Solana Beach is located east and downwind of I-5. As stated in the project air quality study (2007), the predominant wind directions are westerly and west-southwesterly during all four seasons, and the average annual wind speed is 5.6 miles per hour. The air quality study takes this information into consideration in modeling air quality impacts of the proposed project alternatives.

03 As explained in Topical Response "Air Pollutants," emissions are a function of two variables: volumes and emission factors. Traffic volumes are expected to increase over time with or without the project, due to population growth. Emission factors are related to speed. Typically, as speeds increase, most criteria pollutant emissions will decrease. Therefore, because the project would result in improvements to the roadway network that would result in less congestion, vehicle speeds would increase and emissions would typically be reduced. For a few pollutants, such as oxides of nitrogen (NO_x) and carbon monoxide (CO), emissions are the highest at very low speeds and very high speeds, and are the lowest at medium speeds. These concepts are explained in greater detail below.

MAIL – COMMENTS

03 cont.

necessarily means vehicles will move more quickly.[5] The EIR also notes that the stretch of interstate that is the subject of the proposed project extends 43.4 km.[6] Using the information in table 3.6.2, Table 1 presents the calculated range of vehicle speeds for each option.

Conditions	Direction	Time	Travel Time Low	Travel Time High	Speed Low	Speed High	Δ% Vs. No Build Low	Δ% Vs. No Build High	Δ% Vs. Existing Low	Δ% Vs. Existing High
Existing, 2006	NB	AM	24	25	65	67	–	–	–	–
		PM	33	39	41	49	–	–	–	–
	SB	AM	31	44	37	52	–	–	–	–
		PM	27	32	51	60	–	–	–	–
No Build, 2030	NB	AM	29	37	44	56	–	–	68%	83%
		PM	67	69	23	24	–	–	57%	49%
	SB	AM	53	54	30	31	–	–	81%	58%
		PM	40	48	34	40	–	–	67%	68%
10+4 Barrier/Buffer, 2030	NB	AM	25	27	60	65	137%	116%	93%	96%
		PM	30	36	45	54	192%	223%	108%	110%
	SB	AM	28	35	46	58	154%	189%	126%	111%
		PM	26	30	54	62	160%	154%	107%	104%
8+4 Barrier/Buffer, 2030	NB	AM	27	29	56	60	128%	107%	86%	89%
		PM	45	50	32	36	138%	149%	78%	73%
	SB	AM	36	47	34	45	115%	147%	94%	86%
		PM	29	30	54	56	160%	138%	107%	93%

Table 1: Vehicle Speeds Calculated from EIR Table 3.6.2

With the No Build option, projected vehicle speeds would range from 23 to 56 mph, while with the 10+4 Barrier/Buffer option, speeds would range from 45-65 mph, 116% to 223% as fast as the No Build option and, in all cases except northbound travel in the mornings, even faster than today. As a result of this project, most of Solana Beach would be downwind from the carbon monoxide, nitrogen oxides and particulate emissions of many more vehicles traveling much faster.

04

1.2 Choice and Location of Air Quality Monitoring Station

The EIR notes that the San Diego Air Pollution Control District's air quality monitoring station that represents the project area, climate and topography is the Del Mar-Mira Costa College monitoring station, which is east of I-5. However, because the Del Mar station does not monitor the necessary range of pollutants, the U.S. Department of Transportation and State of California Department of Transportation ("Caltrans") instead base the EIR's conclusions regarding pollution on the "12th Avenue Downtown San Diego Monitoring Station".[7] The 12th Avenue station no longer exists: on July 14, 2005 the air monitoring equipment was moved to a different location at 1110 Beardsley Street.[8]

Using the Beardsley Street / 12th Avenue data to establish air quality information raises fundamental difficulties due to location and topography. The EIR encounters one such difficulty when it states, "[t]he nearest air quality monitoring site *located in a downwind direction from the project site* that provides PM_{10} and $PM_{2.5}$ background information is through [sic] San Diego 12th Avenue monitoring

5 EIR § 3.6.3.1.
6 EIR at S-1.
7 EIR § 3.14.3.
8 County of San Diego, 5 Year Air Quality Summary at 1, http://www.sdapcd.org/info/info.html; *see also* California Environmental Protection Agency, Air Resources Board, State and Local Air Monitoring Network Plan, Table 1: Air Quality Monitoring Data Availability, http://www.arb.ca.gov/aqd/netrpt/netrpt.htm.

2

RESPONSES

03 cont. Although Average Daily Traffic (ADT) volumes on I-5 would be greater with the build alternatives in comparison with the No Build alternative (refer to *Table 3.6.2* of the Final EIR/EIS), the difference in traffic volume on I-5 associated with the build alternatives would not represent a net increase within the North Coast Corridor. Rather, the increase reflects the fact that reduced congestion on I-5 would encourage more trips to use the freeway rather than surface streets. The total volume of future ADT within the North Coast Corridor would be similar, with or without the project, because trips are primarily related to land use rather than roadways.

The comparison of the various traffic scenarios in the August 2007 I-5 NCC Technical Report #5 Traffic Demand Forecasting Report (http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic5.pdf) shows that arterial traffic for the Year 2030 No Build scenario would generally be higher than the Year 2030 8+4 scenarios for the north/south arterials. The more congested I-5 freeway mainline in the Year 2030 No Build scenario would tend to force trips onto the parallel north/south arterials, increasing their ADT volumes; the project build scenarios would draw traffic away from the north/south arterials. Thus, the increase in ADT on I-5 would be offset by a proportionate decrease in the ADT on surface streets connected to I-5.

As you note, average vehicle speeds on I-5 would be expected to increase with the implementation of the project build alternatives. Increased speeds, however, do not necessarily result in proportionate increases in vehicle emissions, as explained below.

The travel times and calculated speeds presented in your Table 1 represent averages, without showing the variations in speed that make up those averages. Figures 3.3 through 3.8 of the project traffic study (2008) represent graphically the speeds typically experienced by vehicles in the frequent peak hour bottlenecks on I-5. (The study is available at:

http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf)

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	03 cont. As indicated in these figures, in some segments, vehicle speeds in the queue caused by the bottlenecks can be 10 miles per hour or less for a significant amount of time. In most cases, even the average peak hour speeds for the build alternatives are projected to be in the 30s, 40s, and 50s. As you point out in your Illustration 6 and consistent with the study you cite by the Environmental Protection Agency (USEPA) on the elimination of the 55 mph speed limit, CO emissions are highest when a vehicle is idling, decline as speeds rise, and then climb as speeds increase above the 50 to 55 mph level. The lowest CO emissions are found in about the 35 to 60 mph range. Even at the 65 mph speed limit, CO emissions would be lower than at any speed from 0 mph to about 30 mph. NO_X shows a similar pattern, as you show in your Illustration 7. Thus, the increased speeds associated with the implementation of the project build alternatives would likely result in decreased CO and NO_X emissions. Mobile sources are the largest source of air pollution and greenhouse gases in the San Diego area. Reducing emissions from mobile sources, even as population and motor vehicle use continue to increase, is a key challenge for the San Diego region. To help offset the additional emissions caused by increased vehicle use, the California Air Resources Board (CARB) has adopted several transportation and mobile control measures to reduce motor vehicle travel and to promote the use of clean vehicles and fuels. Regardless of the improved traffic flows anticipated with the implementation of the proposed project, emissions are expected to decrease because of improvements in vehicle fuel consumption technology and new regulations aimed at reducing emissions.
	04 With regard to your comment that the analysis of air quality conditions on a regional basis is not acceptable in analyzing conditions at the project sites and that the air monitoring stations are miles from the project site area, it should be noted that the term, “regional pollutants” refers to pollutants such as ozone, hydrocarbons, secondary particles, and other chemically reactive compounds that affect air quality conditions in the region, and “localized pollutants” refers to the air quality effects of a pollutant

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station."[9] The Beardsley Street station is approximately 15 miles from the La Jolla Village Drive entrance to I-5, the nearest point of the project site, and 40 miles from the farthest point at Harbor Drive in Oceanside. As mentioned above, prevailing winds in San Diego are usually out of the west or northwest, off the ocean. However, both the former 12th Avenue air quality monitoring site and the current Beardsley Street site (shown in Illustration 1) are west, or upwind, of I-5, not downwind as the EIR states. As a result, they are unlikely to sample the emissions from the traffic on I-5.

04 cont.

Illustration 1: Location of Beardsley Street Air Quality Monitoring Site

Another difficulty with using the Beardsley Street air quality monitor, beyond wind direction and distance to the project site, is topography. The area around the air quality monitoring site is fairly flat. Illustrations 2 and 3, which reproduce photographs of the site taken by the California Air Resources Board, give a good sense of the topography.[10]

9 EIR § 3.14.3 (emphasis added).
10 http://www.arb.ca.gov/qaweb/site.php?s_arb_code=80142.

3

RESPONSES

04 cont. within the immediate vicinity of the proposed project. Background monitoring data are not defined as regional or local pollutant data; instead they are defined as the historical air quality conditions of the region.

The Final EIR/EIS has been revised to explain that ambient air pollutant concentrations in the San Diego Air Basin (SDAB) are measured at 10 air quality monitoring stations operated by the San Diego County Air Pollution Control District (APCD). As noted in your comment, the APCD air quality monitoring station that represents the project area, climate, and topography in the SDAB is the Del Mar-Mira Costa College Monitoring Station. However, the Del Mar-Mira Costa College Monitoring Station only monitors ozone (O_3). The next nearest monitoring station is San Diego Beardsley, 1110A Beardsley Street, San Diego, CA 92112. This station monitors CO, NO_X, O_3, PM_{10}, and $PM_{2.5}$. *Table 3.14.4* in the Final EIR/EIS summarizes the excess of standards and the highest pollutant levels recorded at these stations for the years 2010 and 2012. Monitoring locations are selected by APCD and are beyond the control of Caltrans. The above-noted revisions information regarding ambient air quality data collection stations do not affect the analysis or conclusions in the Air Quality Analysis (2007). The ambient data were only used for the CO hot spot analysis. This analysis calculates the estimated CO generated by the projected traffic volumes at each intersection and then requires that the background concentration of CO be added to the total concentration before comparing the result to the State and federal standards for CO. Due to the relatively high traffic volumes in downtown San Diego, often operating at lower speeds with relatively high emission rates, the Downtown San Diego air quality monitoring station actually records some of the highest ambient CO levels in the region and is appropriate as the baseline CO level for the subject air quality study. The analysis uses the correct wind direction data in its modeling, and topography at an intersection is not a factor except in extreme conditions, such as an intersection in a canyon.

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04 cont.

Illustration 2: Site of Beardsley Street Station, Looking West

Illustration 3: Site of Beardsley Street Station, Looking North

05

In contrast, the San Elijo Lagoon Ecological Reserve, which the EIR notes is a Sensitive Receptor[11], is located between two ridges, as shown in Illustrations 4 and 5, which show the view from the southern ridge, near Lomas Santa Fe Drive, looking north towards the Manchester exit .

Illustration 4: Topography of San Elijo Lagoon Ecological Reserve

Illustration 5: More topography of San Elijo Lagoon Ecological Reserve

While EIR table 3.14.4 states the distance from the interstate to the Ecological Reserve as 79 feet, this distance may reflect easements. As the illustrations show, the interstate crosses the Ecological Reserve. In fact, I-5 crosses a bridge over the waterway that feeds the lagoon, and it is possible to walk under the interstate on the Reserve's hiking trails. The ridges on either side of the Ecological Reserve funnel the prevailing westerly wind across the interstate, where it picks up the pollutants and sprays them through the Ecological Reserve to the east.

11 EIR Table 3.14.4.

4

RESPONSES

05 The San Dieguito River Park has been added to the list in *Table 3.14.5* of this Final EIR/EIS (Draft EIR/EIS *Table 3.14.4*). This does not change the analysis or conclusions within the air quality section of the EIR/EIS, however. A Mobile Source Air Toxics (MSAT) analysis was conducted for the segment of I-5 between Del Mar Heights Road and Via de la Valle. MSAT emissions for all segments were calculated to be an average of 49 percent lower than under base year (2006) conditions for the 8+4 alternative. This decrease was shown to be prevalent throughout the highest-priority MSATs and the analyzed alternatives, regardless of the difference in mainline configurations. This decrease was also consistent with a USEPA study that projects a substantial reduction in on-highway emissions of benzene, formaldehyde, 1,3-butadiene, and acetaldehyde between 2000 and 2020.

Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This refined alternative is identified in this Final EIR/EIS as the Preferred Alternative. It is the smallest of the build alternatives presented in the EIR/EIS. For additional information, please refer to Topical Response “Air Pollutants” and the response to your Comment 04.

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05 cont.

The EIR omits the San Dieguito River Park, south of Via De La Valle, from table 3.4.4's list of Sensitive Receptors. However, the area around the San Dieguito River Park has a similar topography and is likely to experience a similar funneling effect.

06

1.3 Carbon Monoxide

The EIR's analysis of carbon monoxide emissions contains instances of inconsistent, incomplete or incorrect information. For example, the EIR states, "[t]he composite CO emission factors were calculated for the years 2020 and 2030 for [the San Diego air basin]."[12] However, the caption of EIR table 3.14.5, *Estimated CO Concentration Hotspot Modeling Results*, indicates it contains values for 2015, not 2020. Unfortunately, the EIR does not provide sufficient information to reproduce the results in table 3.14.5 to determine whether the results derive from 2015 or 2020 information.

Table 3.14.5 provides carbon monoxide concentrations for some, but not all, options. It presents concentrations for Existing Conditions, No Build in 2030, and 10+4 Build in 2015 and 2030 but omits information about 8+4 Build in 2015 and 2030 and No Build in 2015. As a result, a full comparison among these conditions impossible.

The EIR's analysis is also incomplete. Table 3.14.5 presents the results for three intersections: Palomar Airport Road, Genesee Avenue and Del Mar Heights Road. The EIR then concludes, "[a]ll other intersections in the project area are predicted to experience less delay time and improved operating conditions."[13] This analysis focuses entirely on carbon monoxide emissions at the low end of the vehicle's speed range, but California's EMFAC2007 model predicts that carbon monoxide versus speed is a U-shaped curve. Illustration 6 shows one such curve derived from an EMFAC2007 simulation run.

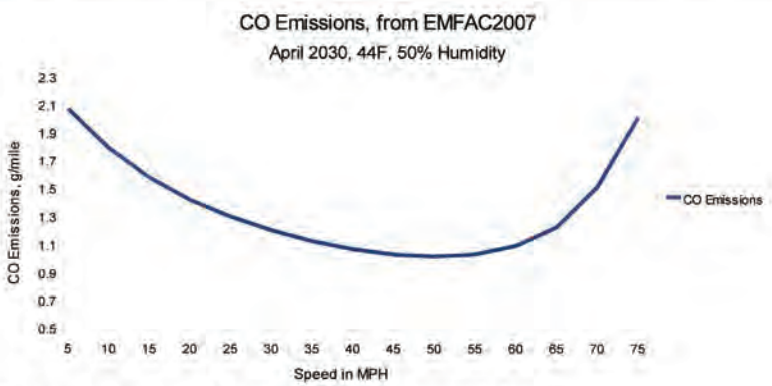

Illustration 6: Example Carbon Monoxide Emissions from EMFAC2007

12 EIR § 3.14.3.
13 EIR § 3.14.3.

5

RESPONSES

06 Thank you for pointing out the typographical error regarding one of the dates of the modeled analysis. As stated in the project Air Quality Analysis (2007), CO concentration hot spot modeling was done for the project build alternatives for future 2015 and 2030 conditions. The impact on local CO levels was assessed with the CARB-approved California Line Source Dispersion Model (CALINE4) air quality model, which allows micro-scale CO concentrations to be estimated along roadway corridors or near intersections. This model is designed to identify localized concentrations of CO, often termed "hot spots." A brief discussion of input to the CALINE4 model follows. In the CALINE4 model, roadway geometry is set up to depict the roadway configurations of the proposed on- and off-ramps and roadways, and model receptors were placed at corner locations within three meters and seven meters from I-5, as required by the Transportation Project-Level Carbon Monoxide Protocol (Protocol). The CALINE4 model then uses future traffic volumes (i.e., 2015 and 2030) to predict CO concentration levels at the receptor locations. The highest one-hour CO concentration monitored in 2006 at the Beardsley Street Air Quality Monitoring Station is considered the worst-case background concentration. This level, which is 5.3 parts per million (ppm) for the one-hour CO concentration, is then used to calculate the eight-hour maximum CO concentration by applying a persistence factor of 0.7. The analysis was performed for the worst-case wind angle and wind speed conditions. The top three ramp intersections with the highest number of peak hour traffic volumes are modeled, as required by the Protocol.

The Air Quality Analysis concluded that CO concentrations at the intersections of Palomar Airport Road and I-5 access ramps, Genesee Avenue and I-5 access ramps, and Del Mar Heights Road and I-5 access ramps for the 10+4 alternatives would represent the greatest

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Emissions are high at low speed, decrease at medium speed and then, as speed continues to increase, emissions begin to increase sharply. As discussed above, the 10+4 Build option predicts traffic will flow significantly faster than the No Build option and, in most cases, even faster than it does today. By omitting the portions of the project area that experience less delay time, the EIR's analysis ignores the high-speed end of the emissions curve.

06 cont.

Finally, the estimates use suspect source data. According to the caption of EIR table 3.14.5, the estimates were based on measurements of "maximum CO levels for the Beardsley Street monitoring station." As discussed above, the Beardsley Street station is west of I-5, which is normally the upwind side. It is true that winds in San Diego occasionally come out of the east. This reversal happens most notably during a phenomenon called a Santa Ana wind, when strong, dry winds blow from the desert to the ocean. Because Santa Ana winds are typically quite strong, moving a large volume of air quickly, they would likely result in a lower concentration of carbon monoxide at the monitoring station than it would receive if it were located east of I-5 during normal wind conditions. The EIR concludes that "[t]he results of the quantitative CO hotspot analysis show that the proposed project would not adversely impact the local air quality." If the quantitative analysis uses air quality data which does not correctly sample emissions from the interstate, it would not be surprising that changing conditions on the interstate would not significantly change the result of the quantitative analysis and, indeed, there is very little difference in table 3.14.5's values for the 2030 No Build scenario and the 2030 10+4 Build scenario.

1.4 Particulate Matter: PM_{10} and $PM_{2.5}$

The EIR's analysis of PM_{10} and $PM_{2.5}$ emissions contains significant flaws and faulty assumptions that undermine its conclusion that "the proposed project is not a Project of Air Quality Concern because it does not meet the criteria due to relatively low total/truck AADT, truck percentage, and increase in truck volumes comparing the Build and No Build alternatives."[14]

07

When analyzing PM_{10} and $PM_{2.5}$ emissions, the EIR applies an incorrect definition of "significant number of diesel vehicles." The EIR correctly notes that expanded highway projects that have a significant number of or significant increase in diesel trucks are projects of concern.[15] The EIR then states that "a significant volume for a new highway or expressway is defined as an annual average daily traffic (AADT) volume of 125,000 or more, and a significant number of diesel vehicles are defined as 8 percent or more of that total AADT." Finally, the EIR concludes, "existing diesel fuel truck percentage within the project limits is 6 percent of [average annual daily traffic] which is below the threshold of 8 percent."[16] The 8% threshold the EIR mentions appears to come from language in 71 Fed. Reg. 12491 (March 10, 2006), which provides a set of examples for applying 40 CFR § 93.123(b)(1). However, Federal Highway Administration guidance clarifies that the example of 125,000 average annual daily traffic and 8% diesel truck traffic is intended for new facilities only, not as an example of a "significant increase."[17] The correct standard is, simply, a "significant increase" in diesel truck traffic, determined through interagency consultation if necessary. In this case, taking the EIR's 6% figure at face value, EIR table 3.14.7 predicts that the daily total of trucks in 2030 will be 35,369 more for the 10+4 Barrier Alternative than for the No Build Alternative, an increase of 8.4%. In other words, based on table 3.14.7, if Caltrans builds this project instead of leaving the interstate as it currently exists, and changes

14 EIR at 3.14-6.
15 EIR at 3.14-5; *see also* 40 CFR § 93.123(b)(1).
16 EIR § 3.14.3.
17 Federal Highway Administration, *PM2.5 Project-level Conformity and Hot-Spot Analyses Frequently Asked Questions*, item 14, http://www.fhwa.dot.gov/environment/conformity/pm25faqs.htm, hereinafter the "FHA FAQ".

6

RESPONSES

06 cont. concentrations of CO due to the greater traffic volumes, congestion, and limited dispersion areas at these intersections. Because these intersections represent the worst-case scenario, there is no need to analyze other locations; all other intersections and all conditions for the 8+4 alternatives would experience less congestion and lower CO concentrations.

Regarding the relationship of CO emissions to freeway speeds, please refer to the response to Comment 03 above.

Please see the response to Comment 04 regarding the appropriateness of the background data used.

07 The SDAB is in nonattainment for PM_{10} and $PM_{2.5}$ State standards as stated above. It is not, however, located in a federally designated $PM_{2.5}$ and PM_{10} nonattainment or maintenance area. The need for PM_{10} and $PM_{2.5}$ hot spot analyses is determined by the USEPA Transportation Conformity Rule (40 CFR Section 93.116 and 40 CFR Section 93.123) to determine project-level conformity in PM_{10} and $PM_{2.5}$ nonattainment or maintenance areas (FHWA 2006a).

As defined above, the *I-5 NCC Project* would expand the I-5 corridor but would not have a significant increase in diesel truck traffic. The percentage of diesel trucks would remain at six percent of the total traffic volumes. The *I-5 NCC Project* would not affect intersections that operate at LOS D, E, or F with a significant number of diesel vehicles, or change those to LOS D, E, or F, because of increased traffic volumes from a significant number of diesel vehicles related to the project. The *I-5 NCC Project* would not expand or create new bus and rail terminals, and transfer points, that have a significant number of diesel vehicles congregating at a single location. The *I-5 NCC Project* would not significantly increase the number of diesel vehicles congregating at a single location affection locations, areas, or categories of

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	07 cont. sites that are identified in the $PM_{2.5}$ applicable implementation plan or implementation plan submission, as appropriate, as sites of violation or possible violation. The *I-5 NCC Project* does not meet the criteria of a Project of Air Quality Concern (POAQC) as defined in the PM Guidance and, therefore, does not require PM_{10} or $PM_{2.5}$ hot spot analyses. In the Final EIR/EIS, *Section 3.14, Air Quality,* has been updated accordingly. The Federal Highway Administration (FHWA) guidance you refer to gives the following as an example of one type of project that is not a POAQC under 40 CFR 93.123(b)(1)(i) and (ii): "Any new or expanded highway project that primarily services gasoline vehicle traffic (i.e., does not involve a *significant number* OR *increase in the number of diesel vehicles*), including such projects involving congested intersections operating at Level-of-Service D, E, or F" (italics and capitalization added for emphasis; http://www.epa.gov/otaq/stateresources/transconf/policy/420b06902.pdf). As noted in the EIR/EIS, Caltrans uses two indicators in the process of determining whether a project primarily services gasoline vehicle traffic: one for the "significant number of diesel vehicles" (8 percent) and one for the "significant increase in the number of diesel vehicles" over time (10 percent). Neither of these values refers to the difference between the number of diesel vehicles related to the proposed project build alternatives in comparison with the No Build alternative. The *I-5 NCC Project* would clearly fall below the first value of 8 percent, because the existing (base year) diesel fuel truck percentage within the project limits is 6 percent of the average annual daily traffic. This percentage is expected to remain constant over time (0 percent increase), which is less than the 10 percent value. In addition, the advice listed from the California conformity working group states that a project is not likely to be a POAQC if the project has essentially the same build and no build truck volume. The comparison of build and no build average annual daily traffic (AADT) for truck volumes in EIR/EIS *Section 3.14* indicates the volumes are not substantially different. In fact, the combined northbound and southbound truck volumes for the Preferred Alternative is 294,848 AADT, while the combined northbound and southbound truck volumes for the No Build alternative is 315,921 AADT. Not only would the *I-5 NCC Project* meet the criterion of essentially the

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07 cont. nothing else, the EIR predicts that the number of trucks through the corridor will increase by 8.4% or about 35,000 trucks per day.

08 Another difficulty with the EIR's analysis is that it assumes 6% of the traffic will be diesel trucks regardless of traffic conditions. A truck driver who has some flexibility in choosing routes would likely seek out less congested conditions. As a result, by increasing operating speeds through the project area, the 10+4 With Barrier option is likely to attract additional trucks, resulting in a larger percentage of truck traffic. Conversely, if the No Build option will be more congested as the EIR states, one would expect trucks to avoid the route, resulting in a lower percentage of truck traffic in the No Build case. Similarly, more diesel trucks might use the interstate during off-peak times, taking advantage of the less congested conditions but operating at the high-speed end of the U-shaped emissions curve. Assuming a constant 6% of truck traffic neglects all of these effects.

09 The EIR's analysis of particulate emissions also fails to identify the year or years of peak emissions. The Federal Highway Administration's guidance specifies that "the hot spot analysis should examine the year(s) during the time frame of the plan in which project emissions, in addition to background regional emissions in the project area, are expected to be the highest."[18] The peak year or years might be different from the year in which the project begins operation or the year of its planning horizon.

10 The EIR's analysis uses data from the 12th Avenue and Beardsley Street monitoring stations in drawing the conclusion that the proposed project area meets the current Federal PM_{10} and $PM_{2.5}$ standards. As discussed above, both the 12th Avenue and the Beardsley Street air quality monitoring sites are generally upwind of I-5. As a result, they are unlikely to sample PM_{10} and $PM_{2.5}$ emissions from existing traffic through I-5.

11 Finally, the EIR incorrectly states that "concentrations in the SDAB show a general downward trend" when referring to table 3.14.6.[19] According to table 3.14.6, the maximum concentrations of PM_{10} and $PM_{2.5}$ from 2004 to 2006 showed a significant increase in the 24 hour averages. PM_{10} national annual average values increased slightly and those for state values decreased slightly. The national average value for $PM_{2.5}$ decreased slightly, and the state value could not be calculated at all. However, any prediction of long term trends based on only two or three data points is likely to be statistically unreliable. Making matters worse, between 2004 and 2006 the monitoring station moved as discussed above: it was on 12th Avenue in 2004 and on Beardsley Street in 2006. If the station had remained in the same place, local effects might average out, allowing long term trends to appear. But when a station moves, a change in local effects can mask any long term trends.

1.5 Mobile Source Air Toxics

12 The EIR's analysis of mobile source air toxics includes a number of internal inconsistencies. For example, the analysis fails to explain an inconsistency in average speeds. Table 3.14.7 of the EIR, which provides the traffic assumptions forming the basis of the emissions analysis, specifies the average speeds through the project area. However, the speeds for the year 2030 are inconsistent with the corresponding speeds calculated on the basis of the travel times from EIR table 3.6.2, which discusses how the project will relieve congestion. Table 2 presents the speeds from the two sources.

18 FHA FAQ item 12.
19 EIR at 3.14-6. The text of the EIR incorrectly provides the table number as "3.15.6" but the intent appears to be to refer to table 3.14.6.

7

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07 cont. same build and no build truck volume, but the project also would exceed the criterion, because the Preferred Alternative would have seven percent less diesel truck traffic than the No Build alternative.

08 The analysis of truck traffic, which was based on the Caltrans truck traffic book published by Caltrans headquarters and on field counts, showed that the truck traffic was between five and seven percent on I-5, which was averaged to six percent. Data regarding truck volume variations by hour are not available and are not relevant for the air quality analysis; because the analysis for these types of traffic studies is based on AADT. These data are calculated from observations and counts periodically conducted by Caltrans staff. Consistent use of AADT units throughout the analysis captures truck trips that occur at all hours of the day or night, including those that choose to avoid peak hour travel, and allows for more accurate comparisons between project alternatives. There are no clearly preferable alternate routes for long distance, north-south truck trips through the project area that could attract a significant number of trucks away from I-5 when it is congested; it is far more likely the trips would continue to use I-5 but will occur in off-peak hours, as the commenter suggests. Such trips would continue to be captured within the AADT numbers and smoother trips in off-peak hours would only be more beneficial from an air quality standpoint.

09 To ensure that conformity requirements are being satisfied, the FHWA's guidance specifies that areas such as San Diego County should examine the year(s) within the transportation plan or regional emissions analysis, as appropriate, during which the peak emissions from the project are expected, and new violation or worsening of an existing violation would most likely occur due to the cumulative impacts of the project and background concentrations in the project area. The USEPA believes that conformity requirements would be met if the San Diego area demonstrates that no new or worsened violations would occur in the year(s) of highest expected

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Scenario	Average Speed (Peak) from EIR table 3.14.7	Average speed calculated from EIR table 3.6.2				
		NB AM	NB PM	SB AM	SB PM	Avg.
Existing	50.5	66	45.3	44.5	55.3	52.8
2030 No Build	19.5	49.8	23.8	30.3	37.1	35.2
2030 8+4 With Barrier	39.3	57.9	34.2	39.7	54.9	46.6
2030 10+4 With Barrier	54.7	62.3	49.4	52.0	58.1	55.5

Table 2: Comparison of Average Speeds

"NB" and "SB" are values based on the northbound and southbound travel times from table 3.6.2, respectively, and "AM" and "PM" show the morning and evening peaks, respectively. "Avg." is the average of the speeds during the peaks. These speed differences are significant. Many pollutants show a U-shaped emission curve similar to the one for emissions of carbon monoxide discussed above, with high emissions at low vehicle speeds, a range of speeds for which emissions are fairly low, and increasing emissions again at high speeds. For instance, the following graph, showing an example of modeled emissions of nitrogen oxides generated from the EMFAC2007 modeling software, demonstrates such a curve:

12 cont.

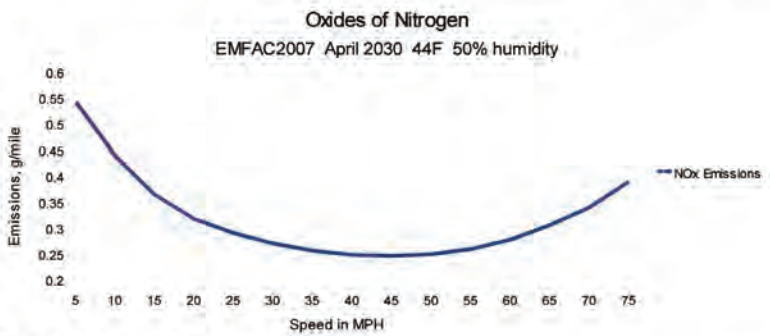

Illustration 7: Sample Graph of NOx Emissions

An erroneously high average speed, or one that is erroneously low (as is potentially the case with table 3.14.7's value for the average speed under the 2030 No Build scenario), could significantly distort the predicted emission values.

13

The EIR's description of land use along at least some segments of the proposed project area appears to be incorrect. Table 3.14.10 notes that the principle land use along segments 6 and 7 of the proposed project, from Via De La Valle to Manchester Drive, is "Commercial & Industrial." This description entirely neglects the San Elijo Ecological Reserve which occupies most of the space between Lomas Santa Fe Drive and Manchester Drive and is a Sensitive Receptor identified in Table 3.14.4, residential neighborhoods in the area including an extensive one located off Santa Helena at the Lomas Santa Fe Drive interchange, and Skyline Elementary school, a Sensitive Receptor located east (downwind) of I-5 in segment 7.

8

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09 cont. emissions, which includes the project's emissions in addition to background regional emissions. If such a demonstration occurs as was demonstrated in the Conformity Analysis for the San Diego Association of Government's (SANDAG) 2050 Regional Transportation Plan (RTP), then no adverse impacts would be expected to occur in any other years within the time frame of the transportation plan or regional emissions analysis. The U.S. Department of Transportation (USDOT) approved the project conformity analysis on December 2, 2011. Additional discussion of the project relative to cumulative greenhouses gas emissions is provided in EIR/EIS *Section 4.6*.

10 Beardsley Street Monitoring Station is the next nearest monitoring station downwind from the project that monitors the criteria pollutants and thus was used to show historical data. However, these data are just meant to show the history of criteria pollutants in the San Diego Air Basin. Please refer to the response to your Comment 04.

11 During the past 20 years, the San Diego Air Basin (SDAB) has experienced a decline in the number of days with unhealthy levels of ozone and particulates (PM_{10} and $PM_{2.5}$), despite the region's growth in population and vehicle miles travelled, which both contribute to air pollution problems. Based on the APCD's 2009 Annual Report, there is a general downward trend in concentrations of ozone and inhalable particulates. This 20-year improvement in air quality clearly shows that efforts to reduce air pollution are working. The movement of the station does not affect the background conditions. Please refer to the response to your Comments 04 and 10 regarding monitoring station locations.

12 The two measures of average vehicle speeds are the result of two different methodologies of calculating vehicle speed. The average speed in the traffic study is averaged over a 24-hour period, while the vehicle speeds calculated for the Mobile Source Air Toxics (MSATs) analysis are based on the average speed during congested periods; the goal of the MSAT analysis is to calculate

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	12 cont. the potential worst-case human exposure to such toxic pollutants. As the commenter points out, emissions rates vary based on the speed a vehicle is traveling, but it is important to note that these variations are not the same for all pollutants. As reflected in the CARB model for vehicle emissions, EMFAC20072 (CARB 2007), volatile organic compounds (VOC) and CO emission rates typically drop as speed increases, while NO_x emission rates are highest at both the low and high ends of the speed range. It is also important to recognize that emissions rates at all speeds have been falling over time as newer, more emission-controlled vehicles enter the fleet. Finally, the generalized pollutant and vehicle speed curves do not represent the full range of effects associated with travel at different speeds. Emission rates are higher during stop-and-go, congested traffic conditions than free flow conditions operating at the same average speed.
	13 Thank you for pointing out the omission in Draft EIR/EIS *Table 3.14.10* regarding the principal land uses in the area adjacent to I-5 between Via de la Valle and Manchester Avenue. As shown in EIR/EIS *Figures 3-1.4* and *3-1.5*, land uses are primarily residential and open space, with some commercial, golf course, public services, public utilities, and industrial land uses. The purpose of Draft EIR/EIS *Table 3.14.10* (Final EIR/EIS *Table 3.14.13*) is simply to set the stage for locations of the greatest numbers of sensitive receptors (the most densely populated or visited locations). As a result, the residential category has been added to this table (Final EIR/EIS *Table 3.14.3*). The potential for sensitive receptors to use hiking trails in open space preserves is reflected on Draft EIR/EIS *Table 3.14.4* (Final EIR/EIS *Table 3.14.5*). The addition of residential uses to lines six and seven of Final EIR/EIS *Table 3.14.13* does not change any conclusions in this section regarding projected decrease of roadway-related pollutants under future conditions.

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14 In its discussion of the MSAT results, the EIR notes that a significant decrease in emissions for all proposed alternatives is likely to occur due to the U.S. Environmental Protection Agency's national control programs. The EIR also states that "all Build Alternatives are expected to reduce emissions of [diesel particulate matter] well below the base year values."[20] This statement is true but incomplete: due to the U.S. Environmental Protection Agency's national control programs, all alternatives, both the Build Alternatives and the No Build Alternative, will reduce emissions below the base value. By failing to include the No Build Alternative, this statement gives the incorrect impression that only the Build Alternatives will reduce emissions of diesel particulate matter.

The final paragraph of the EIR's discussion of results for mobile source air toxics contains the most striking inconsistency. The EIR states the following:

> Differences in [mobile source air toxics] emissions among the proposed alternatives is also noted in Tables 3-14.7 and 3-14.8. *Although the No Build Alternative is expected to accommodate less traffic as indicated in Table 3-14.6, its MSAT emissions are expected to be greater than those of the other Build Alternatives in both 2015 and 2035 [sic].* The greater MSAT emissions projected for the No Build Alternative, despite less traffic, are attributable to the congested traffic conditions and breakdown of travel speeds during peak periods.[21]

In contrast, EIR tables 3.14.8 and 3.14.9, and the associated graphs in figures 3-14.5 and 3-14.6, show exactly the opposite result: in every case, the tables and figures project greater emissions for the 8+4 and 10+4 Build Alternatives than the No Build Alternative in the same time period. For example, table 3.14.8 projects that the 10+4 Build Alternative will produce 10-17% greater emissions than the No Build Alternative in 2015, and that these emissions will increase to 15-26% in 2030.

15 **1.6 Avoidance, Minimization, and/or Mitigation Measures**

The EIR's analysis of avoidance, minimization and mitigation measures addresses only construction emissions. The expected lifetime during which any of the Build Alternatives would be operational extends considerably past the 2030 planning horizon and the project area extends past or through multiple sensitive receptors, yet the EIR's analysis fails to even discuss avoidance, minimization or mitigation measures related to the operation of the interstate.

16 **1.7 Significant Impacts for Purposes of the California Environmental Quality Act**

Section 4.2 of the EIR concludes that the effect of the proposed project on the environment from its impact on air quality, hazards and hazardous materials, parks and recreational facilities and traffic and transportation would be "less than significant" and refers the reader to the discussion in Chapter 3 of the EIR. As part of the process of addressing the issues raised above, the appropriate state and federal agencies should also reassess whether these impacts would have a significant effect on the environment for purposes of the California Environmental Quality Act.

17 **1.8 Carbon Dioxide Emissions**

EIR section 4.6 addresses carbon dioxide emissions. A recent display at the San Diego Zoo, depicted in Illustration 8, drives home the importance of reducing carbon dioxide emissions. Coincidentally, it projected carbon dioxide concentrations through 2030, this proposed project's horizon year.

20 EIR at 3.14-9.
21 Id. (emphasis added).

9

RESPONSES

14 You correctly point out that the No Build alternative, similar to the build alternatives, would be expected to reduce emissions of diesel PM well below the base year values. The MSAT discussion has been revised in the Final EIR/EIS. Please refer to the response to your Comment 05.

The Final EIR/EIS notes that MSAT priority pollutant levels for the Preferred Alternative would decrease by an average of three percent (2015) and increase by an average of four percent (2030) compared to the No Build alternative (*Tables 3.14.11* and *3.14.12*), with the 2030 increase due to the higher projected traffic volumes shown on *Table 3.14.10*.

15 No mitigation measures are required for the operation of the project because no substantial direct adverse operational impacts to air quality were identified. As noted in the air quality section, future emissions from I-5 are anticipated to decline compared to existing conditions as a result of successful regional, State, and federal regulatory programs, regardless of the alternative selected.

16 As discussed in the responses to your Comments 2 through 15, future conditions are projected to improve over existing (baseline 2006) conditions, which is the condition against which potential project impacts are identified. This is discussed in detail in *Section 3.14* of the EIR/EIS. It is appropriate to reference back to this section in the California Environmental Quality Act (CEQA) discussion in EIR/EIS *Chapter 4.*

17 As noted in the response to your Comment 03, in most cases, even the average peak hour speeds for the build alternatives are projected to be in the 30s, 40s, and 50s. Please also note that the

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17 cont.

Illustration 8: Display of Carbon Dioxide Emissions at San Diego Zoo

EIR section 4.6 offers the following reasoning:

> The highest levels of carbon dioxide emission from mobile sources, such as automobiles, occur at stop-and-go speeds (0-25 miles per hour) and speeds over 55 mph; the most severe emissions occur from 0-25 miles per hour . . . . To the extent that a project relieves congestion by enhancing operations and improving travel times in high congestion travel corridors GHG emissions, particularly CO_2, may be reduced.[22]

Notice the logical shift from the first sentence to the second. The first sentence correctly describes the U-shaped emission curve for carbon dioxide versus vehicle speed. In contrast, the second entirely neglects the high-speed end of the curve, concluding that a project that relieves congestion may reduce CO_2 emissions regardless of how fast the vehicles go.

As Table 1 shows, the proposed project will increase travel speeds through the region and, in many, cases, increase them over today's speeds, so that more vehicles will operate at the high-speed end of the emission curve. Illustration 9 supplements EIR Figure 4-2 by extending the graph into this higher speed region and adding additional data points.[23]

The EIR's analysis, however, should go farther. By the year 2020, transportation will account for more than 200 million tonnes carbon dioxide equivalent.[24] The EIR projects that the 10+4 Barrier/Buffer alternative will result in a savings of 350 tons (318 tonnes) per day, or 0.54%, over the No Build Alternative. This difference is small enough to be statistically insignificant.

In light of the goals expressed in AB 32, the Global Warming Solutions Act of 2006, and the Climate Change Scoping Plan issued pursuant to AB32 in December 2008, the appropriate comparison should not be between the 10+4 Barrier/Buffer alternative and the No Build Alternative. Neither will make a significant dent in the emissions levels depicted in Illustration 8. Instead, the EIR should compare the Build Alternatives with other practical means of meeting people's need to move where they need to go while emitting fewer greenhouse gases. As currently proposed, this project would spend $4.3 billion dollars, obtain an insignificant improvement in carbon dioxide emissions, not generate sufficient rail capacity to address anticipated travel demand along the I-5 corridor in 2030,[25] and leave most of the rail and bus rapid transit projects to be addressed some time in the future.[26]

22 EIR section 4.6.2.
23 Taken from Matthew Barth and Kanok Boriboonsomsin, *Traffic Congestion and Greenhouse Gases*, ACCESS #35, Fall 2009, at 5, http://www.uctc.net/access/35/access35_Traffic_Congestion_and_Grenhouse_Gases.shtml.
24 EIR figure 4-1.
25 EIR at 1-7.
26 EIR table 1.3.11; EIR at 1-10.

10

RESPONSES

17 cont. *I-5 NCC Project* is only one element of a larger transportation upgrade being developed for the corridor, which includes significant expansion of the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lines, and improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. These multimodal transportation projects, when combined with the *I-5 NCC Project*, will provide a balanced transportation system for people to travel within and through the North Coast Corridor and will help the region to conform with the requirements of California Assembly Bill (CA AB) 32. Although specific BRT facilities would not be constructed as part of this project, future use of the HOV/Managed Lanes by BRT would not be precluded. The discussion of climate change has been enhanced in Final EIR/EIS *Section 4.6*. Please also refer to Topical Responses "Climate Change," "Multimodal System," "Rail Preference," "Mass Transit," and "Transportation Funding" for more information relating to this subject.

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17 cont.

FIGURE 5

Emission-speed plot of individual trips or trip segments

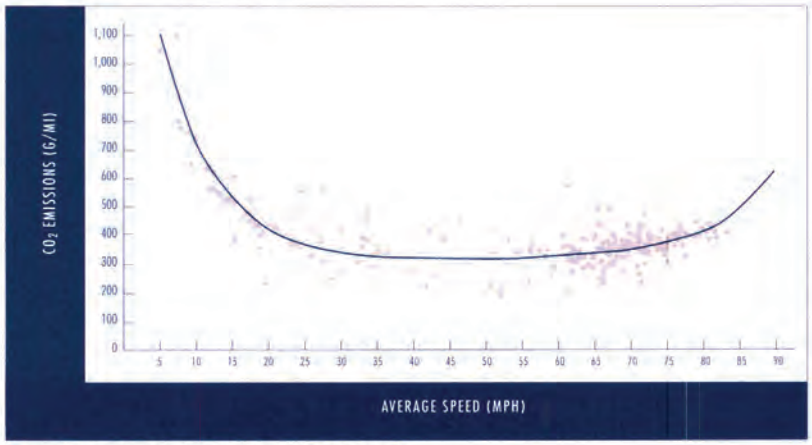

Illustration 9: Carbon Dioxide Emissions vs. Speed.

18

2. Noise

Highway traffic noise increases rapidly with the vehicle's speed, as shown in Illustration 10, which depicts a table from the California Department of Transportation's Technical Noise Supplement, showing how noise reference mean emission levels vary with vehicle speed for different models.[27] As discussed above, in addition to increasing number of vehicles, the proposed project will increase vehicle speed relative to the No Build option and, in most cases, relative to 2006 levels.

27 California Department of Transportation, *Technical Noise Supplement* (October 1998) at N-133, http://www.dot.ca.gov/hq/env/noise/pub/Technical%20Noise%20Supplement.pdf

11

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18 Anticipated noise impacts and potential mitigation measures are described in EIR/EIS *Section 3.15, Noise.* The graph you refer to as Illustration 10 does derive from the Caltrans Technical Noise Supplement, but it refers to the sound levels associated with a single vehicle at different speeds, without consideration of the volume of traffic on a roadway. Caltrans noise modeling addresses the overall flow of traffic on the freeway, analyzes the total number of vehicles of varying types and speeds over the course of time, and produces hourly sound level averages. The model addresses the hypothetical conservative noise scenario of 1,800 vehicles per lane per hour traveling at the posted speed limit, corresponding to Level of Service (LOS) C. Less congested traffic (LOS A or B) would involve fewer vehicles on the freeway, thus resulting in lower noise levels. At the other extreme, LOS D, E, or F would mean more vehicles on the freeway traveling more slowly and in extreme cases, stopping traffic flow completely; this would also result in lower noise levels. Thus, LOS C represents the conservative scenario for noise analysis; this scenario of “maximum traffic flow

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18 cont.

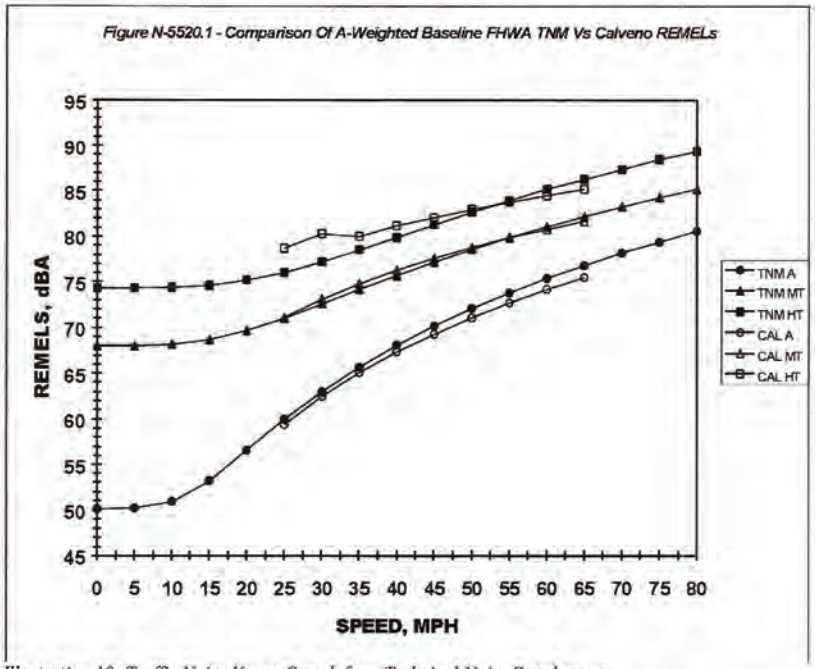

Illustration 10: Traffic Noise Versus Speed, from Technical Noise Supplement

EIR table 3.15.15 provides existing noise levels and predicted levels for the various project scenarios. Through segment 7, the segment from Lomas Santa Fe to Manchester Avenue, the projected sound levels for the 2030 No Build scenario are within 1 dBA of the existing noise levels, suggesting that the increase in noise is almost entirely attributable to the greater traffic and, especially, the higher speeds the project will enable.

19

A "significant effect on the environment" for purposes of the California Environmental Quality Act may include an economic change related to a physical change.[28] Section 4.3.2 of the EIR states that "implementation of proposed noise abatement would reduce noise impacts to less than significant." However, the topography through the Solana Beach area consists of multiple elevations. Many of the homes will be located above the interstate and therefore will not benefit from the soundwalls. As a result, the outside areas of these homes, such as their back patios, are likely to become more difficult to use, and homeowners will need to leave their windows closed more often rather than taking advantage of the prevailing winds for cooling. These impacts are likely to reduce the value of the homes. The

20

28 CAL. CODE REGS. tit. 14, § 15382 (2010).

12

RESPONSES

18 cont. at full speed" was modeled for the existing conditions, No Build and build alternatives.

As you note, based on the modeling, the projected sound levels in Segment 7 (Lomas Santa Fe to Manchester Avenue) for the 2030 No Build scenario are within one decibel (dBA) of the existing noise levels. Modeling of the project build alternatives, based on the worst-case (LOS C) scenario described above, predicts sound levels within three dBA of the no build noise levels in almost all locations; at two locations, the sound level change is predicted to be four dBA. Noise level changes of three dBA or less generally are not detectable by the average healthy human ear. Nevertheless, the noise study and preliminary noise abatement decisions are based on Title 23, Code of Federal Regulations (CFR), Part 772 of the FHWA standards, and the Caltrans Traffic Noise Analysis Protocol. Under these regulations, noise-abatement measures must be considered when future predicted noise levels with the project "approach or exceed" the Noise Abatement Criteria (NAC) or when the predicted noise levels with the project substantially exceed (by 12 dBA or more) existing noise levels. In the case of Segment 7, soundwalls are analyzed at 29 locations, even though at many of these sites, the project would be adding an undetectable noise increase to existing noise levels that already "approach or exceed" the NAC. The 23 CFR 772 guidance requires that noise-abatement measures that are "feasible" and "reasonable" and that are likely to be incorporated into the project be identified before adoption of the final environmental document.

19 The traffic noise modeling and associated noise barrier analysis incorporates existing and planned topographical characteristics. In addition, primary consideration in the modeling is given to outdoor areas of frequent human use. In some cases in Segment 7, proposed soundwalls have been determined not to be "reasonable" or "feasible" due to factors such as engineering considerations, environmental impacts of abatement, and the

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	19 cont. cost per benefited residence. Please refer to Topical Response "Soundwall Considerations" for more information on this issue. As noted above, however, even where soundwalls would not be "reasonable" or "feasible," future predicted noise levels with the project would generally be three or fewer dBA, with two receptors experiencing a four dBA change. It is widely accepted that the average healthy human ear can barely perceive changes of three dBA or less; therefore, the predicted noise levels would not be audibly higher than existing noise levels inside most residences or at outdoor areas of frequent human use (such as patios) within Segment 7. Therefore, the opening or closing of windows would not be tied to a perceived change in noise since this segment generally would have less than a three dBA change for noise. It is not expected that less than significant changes in noise levels relative to existing conditions would warrant changes in behavior such as the need to leave windows closed more often. The resale value of the homes in the area presumably already reflects the reality of existing noise levels at these locations. As explained above, even without soundwalls, future predicted noise levels with the project would not be audibly higher than existing noise levels inside most residences or at outdoor areas of frequent human use (such as patios) within Segment 7. At most locations where soundwalls would be constructed in this segment, there would be a net improvement, with resulting future noise levels lower than existing levels. Please refer to Topical Response "Property Valuation" for additional discussion of this issue.

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views from these properties represent a large portion of the property's value. See Illustration 11. The EIR offers the possibility of transparent soundwalls,[29] but a transparent soundwall to reduce highway noise in the home's back patio would still interrupt the view, again reducing the value of the property. Illustration 12 shows such a typical "glass fence." The EIR fails to consider this inevitable reduction in home value when drawing the conclusion that soundwalls would reduce the noise impact to less than significant.

20 cont.

Illustration 11: Typical view.

Illustration 12: Typical "glass fence".

Building soundwalls is the sole mitigation strategy EIR section 3.15.4 considers, a strategy that, as the EIR notes, would result in the destruction of some homes and partial takings of others, severely impact views and fail to mitigate noise for the residences located above the walls. The EIR does not consider other possible approaches, such as adopting means to reduce peak traffic speed through the project area while maintaining low congestion conditions or shifting traffic loads to higher density forms of transportation. Both of these alternatives would reduce air pollution, reduce noise, and, potentially, reduce the need to pour quite so much concrete.

21

3. Project Alternatives

The EIR should consider alternatives to the proposed project that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.[30] The EIR provides the following objectives for the project:

22

1. Maintain or improve future traffic levels of service in 2030 over the existing levels of service;
2. Maintain or improve travel times within the corridor;
3. Provide a facility that is compatible with future bus rapid transit and other modal options;
4. Provide consistency with the regional transportation plan, San Diego Regional Transportation Plan: Pathways for the Future (2030 RTP) where feasible and in compliance with federal and state regulations;
5. Maintain the facility as an effective link in the national Strategic Highway Network; and
6. Protect and/or enhance the human and natural environment along the I-5 corridor.[31]

29 EIR at 3.7-40.
30 Cal. Code Regs. tit. 14, § 15126.6(a) - (c) (2010).
31 EIR § S.2.

13

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20 EIR/EIS *Section 3.15*, *Noise*, identifies the locations where sound barriers are anticipated at this time. These barriers could take many forms, depending on the conditions at each location, including landscaped earthen berms, walls with various decorative improvements and/or landscaping, transparent materials, and combinations of these materials. *Section 3.7 Visual/Aesthetics*, presents the various design techniques that would be employed to mitigate the visual impact of the sound barriers and other project features, and concludes that although these measures would reduce the visual impact of the project, the overall impact of the project build alternatives would remain high.

Socioeconomic impacts are addressed in EIR/EIS *Section 3.4*, *Community Impacts*, and the supporting technical study, the I-5 North Coast Corridor Final Community Impact Assessment (CIA), available at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSComm07.pdf. The CIA states that property values in the project area could be affected by adverse indirect effects such as changes in the visual environment; but they also could benefit from improved access to community facilities and nearby community enhancement projects, such as the improved pedestrian and bicycle corridors and trailheads. The CIA notes that residences that would have increased proximity to I-5 and be impacted by the proposed retaining walls and soundwalls, especially if these walls are built on easements donated by property owners, could experience a decrease in property values. The introduction of large soundwalls could create a more urban feel, as well as affect shade, noise levels, and viewsheds. In contrast, it is also possible that the installation of soundwalls could improve property values, creating an environment with reduced traffic-related noise and a relative separation from the freeway. A number of factors drive property values in the San Diego region, however, such as proximity to coastal areas, school districts, accessibility to public facilities and amenities, neighborhood affiliation, lifestyle, etc. It is likely that this complex set of factors may overwhelm any

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	20 cont. project-related incremental change. Please refer to Topical Response "Property Valuation" for additional discussion of this issue.
	21 As noted above, the *I-5 NCC Project* is one element of a larger transportation upgrade being developed for the corridor, including significant transit projects. Please refer to Topical Responses "Multimodal System," "Rail Preference," "Mass Transit," and "Transportation Funding" for more information on this subject.
	22 Caltrans has further refined a number of community enhancements, including an enhanced trail for bicycles and pedestrians on both sides of I-5 at the San Elijo Lagoon with a bridge connection to Manchester Avenue. The proposed trail would be located along the west side of I-5 between Lomas Santa Fe Drive, crossing over San Elijo Lagoon to Manchester Avenue; it would be one mile long and 12 feet wide. This would include sidewalk improvements on the south side of Manchester Avenue under I-5, with a trail connection to existing trails on the east and west sides of the southern I-5 bridge abutment and a bicycle and pedestrian suspension bridge attached to and under I-5 at the lagoon. Additionally, this is also a segment of the proposed I-5 North Coast Bike Trail, which would receive further enhancements. The bicycle and pedestrian enhanced trail at this location would provide increased access to Manchester Avenue's proposed San Elijo Multi-use Facility from the Lomas Santa Fe neighborhood. The design of the proposed I-5/ Manchester Avenue interchange Direct Access Ramp (DAR) and multi-use facility has been revised. Specifically, pedestrians from the Solana Beach and Manchester communities (located south of the I-5 / Manchester Avenue Interchange) would have access to the proposed multi-use facility via the proposed enhanced mixed-use trails on both sides of I-5, as well as a proposed bicycle/pedestrian suspension bridge attached to and under I-5 (i.e., attached to the proposed new San Elijo Lagoon Bridge). This suspension bridge would tie into Manchester Avenue. The proposed improvements to Manchester Avenue include a 10- to 12-foot-wide sidewalk on the south side of Manchester Avenue, and a 5-foot-wide sidewalk on the north side of this roadway. The proposed new intersection at Manchester Avenue and the San Elijo Multi-use Facility would be

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22 cont.

As discussed above, the project as proposed in the draft EIR falls short of some of these objectives, but the draft EIR appears entirely focused on moving cars and trucks. For example, the project proposes to significantly widen a bridge across the San Elijo lagoon and to install a park-and-ride facility at the Manchester exit, yet it omits adding pedestrian access that would allow people living in the nearby Solana Beach neighborhood at Lomas Santa Fe to walk to the Manchester park-and-ride rather than driving there.[32] It is notable that the project's objectives are consistent with an approach that would shift more transportation use to higher-density forms of transportation, such as rail, light rail or bus rapid transit. However, rather than considering investing the $4.3 billion project cost in these alternatives, the EIR examines only methods of moving cars and trucks more quickly.[33]

3.1 Case Study

What follows is a case study of sorts, intended to illustrate some of the areas in which some or all of the $4.3 billion allocated to this project could be used to improve the current transportation system in order to shift usage from cars to means with higher density and lower pollutant emissions and noise per user.

The case study describes options for commuting from a home in Solana Beach to an office in the La Jolla Westfield UTC Shopping Mall area. The commuter in question is a reasonably fit man, though not an athlete. He works from the office Monday through Friday but has highly irregular hours. He usually arrives at work around 8:30 a.m., but on some days he leaves at 5:30 p.m., most days at 7:30 p.m., and several times per month leaves at 10 p.m. or sometimes as late as 2 a.m. or 4 a.m., depending on the demands of the job. He is generally unable to predict in advance how late he will need to work on any given day. He has shower facilities available near his office.

23

As a baseline for comparison, the current drive from Solana Beach to UTC takes about half an hour. The return trip takes 45 minutes to 1 hour during rush hour, and about 20-25 minutes during off-peak times.

3.2 Available Public Transportation

Because it takes place during peak travel times, public transportation in the morning is reasonably available. For example, one option is a half hour walk to the Solana Beach train station, taking the southbound Coaster to the Sorrento Valley station, then taking Bus 979. Google Maps predicts the total travel time for this route as 1 hour, 19 minutes, about 2.5 times as long as the commute by car.

Transit availability on the return trip is not as good. If the commuter left the office at 6:09 p.m., he could take a 1 hour, 28 minute trip via Bus 979 and the Coaster, only about twice as long as the rush hour drive. However, the Coaster shuttle to the Sorrento Valley station is not available after the 6:50 p.m. train, and the Coaster itself stops running after 7:26 p.m. He could rely on Bus 101 if he left the office as late as 9:30 p.m. It would be a 1 hour 27 minute trip, about 3.5 times as long as driving at the same hour, and get him home around 11 p.m. Any time after 9:30, though, he would need to take a cab, assuming the hour was not too late for one to pick him up. Otherwise, he could find himself wanting to leave the office at 2 a.m. and stuck until the next morning.

Additional investment in public transportation could significantly improve the commuter's options for taking public transportation rather than driving, but as discussed above the draft EIR leaves enhancements to public transportation as future projects.

32 *See* EIR figure 2-2.14p.
33 EIR § 2.5.

14

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22 cont. signalized to facilitate access by pedestrians and bicycles to and from the proposed facility, and sidewalks would also be provided.

23 Please refer to the response to your Comment 21 regarding ongoing and planned efforts to upgrade rail and BRT services.

The case study you describe highlights some of the current limitations of the existing public transit system and the existing bicycle network. It is agreed that alternative transportation methods are critical to keeping San Diegans moving and that mass transit options provide critical elements of the regional transportation network. The expansion of the adjacent LOSSAN heavy rail line, new BRT lines, and other transit improvements are included in regional transportation planning. In addition to the proposed *I-5 NCC Project*, other upgrades to the existing highway system and improvements to LOSSAN are under way. Please refer to Topical Responses "Multimodal System," "Rail Preference," "Mass Transit," and "Transportation Funding" for more information on this subject.

SANDAG has also developed the San Diego Regional Bicycle Plan: Riding to 2050, which proposes an integrated network of bikeways and support facilities to increase bicycling trips. The plan is available here: http://www.sandag.org/uploads/projectid/projectid_353_10862.pdf. This plan, in association with bicycle plans developed by individual municipalities, proposes to address the types of bicycle facility deficiencies you address in your comments. As noted in response to your Comment 22 above, several bicycle and pedestrian enhancements have been added to the project. These were described and evaluated in the Supplemental EIR/EIS that was circulated to the public in August 2012; this information also has been incorporated into this Final EIR/EIS.

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23 cont.

3.3 Bicycle and Mixed-Mode

The commuter could also bicycle to work, or take advantage of the fact that many buses have bicycle racks and take the bus in the morning and bike in the evenings or on late days. In adopting the California Bicycle Transportation Act,[34] the California legislature intended to establish a transportation system that is "designed and developed to achieve the functional commuting needs of the employee, student, business person, and shopper as the foremost consideration in route selection, to have the physical safety of the bicyclist and bicyclist's property as a major planning component, and to have the capacity to accommodate bicyclists of all ages and skills." Deputy Directive 64-R1 supports this objective by requiring Caltrans to create "complete streets."[35]

While the EIR notes that the General Plans have a goal of increasing bicycle ridership and that all agencies strive for a safe interconnected network of bicycle facilities,[36] as currently drafted the EIR primarily addresses east-west bicycle accessibility.[37] This commuting route would require north-south

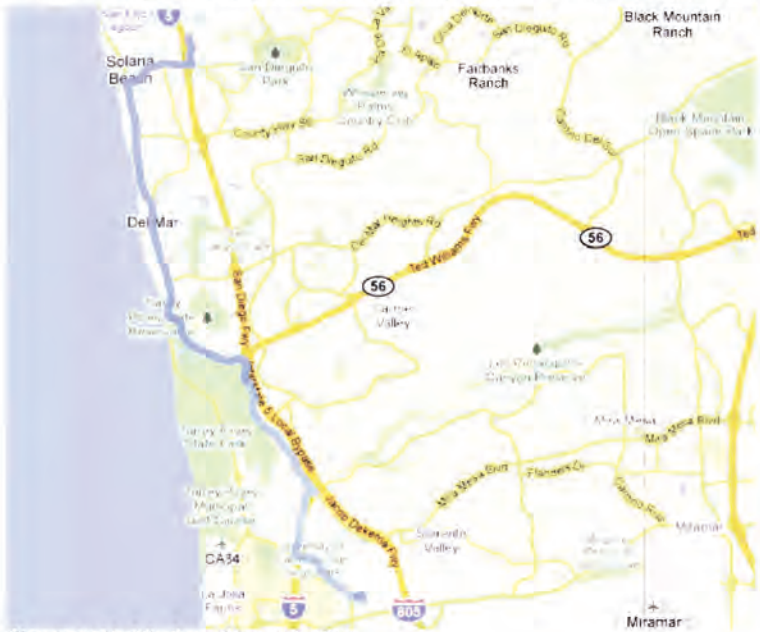

Illustration 13: Bike Route Discussed in Text

34 Cal. Streets and Highways Code §§ 890-894.2.
35 Caltrans Deputy Directive DD-64-R1 (October 2008).
36 EIR at 3.1-22.
37 *E.g.* EIR at 3.4-4; EIR § 3.6.2.2.

15

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bicycle accessibility. The EIR discusses the Pacific Coast "Bike"- Centennial Bicycle Route, which would form a part of the commute route discussed below, though not all of it for reasons to be discussed. Illustration 13 provides an overview of the route.[38]

The southbound commute would begin with a ride under I-5 at the Lomas Santa Fe overcrossing, then turn south on the Pacific Coast Highway. The cyclist would need to remain alert along this stretch because the path travels next to parallel-parked cars. See Illustration 14. Car doors present a hazard to cyclists because drivers can suddenly open them in front of the cyclist, who might not be able to avoid them.

Illustration 14: the Pacific Coast Highway in Solana Beach

Illustration 15: the Pacific Coast Highway entering Del Mar

23 cont.

Continuing south, the cyclist would pass through Del Mar. See Illustration 15. This stretch features a Class II Bike Lane which, again, places the cyclist next to car doors. This arrangement presents an example of one of the ways in which a Class II Bike Lane can potentially increase the danger to a cyclist. A cyclist must normally operate the bicycle within the boundaries of the Class II Bike Lane.[39] If the cyclist were to move a sufficient distance to the left to avoid the risk of being "doored," the cyclist would risk citation for riding outside the bike lane.

This portion of the route presents another difficulty for cycle commuters: large numbers of stop signs. Many cyclists use mechanisms that attach the shoe to the pedal, such as toe clips or step-in pedals. These attachment mechanisms significantly increase the amount of power the cyclist can inject into the bicycle's drive train, allowing the bicycle to go faster. However, every time the bicycle comes to a complete stop, the cyclist must disengage from the pedal in order to put his or her foot on the ground to avoid falling over. The cyclist must then re-engage upon restarting. The process of disengaging and reengaging slows down the bicycle, adding time to the commute. The longer the commute takes, the more commuters will prefer driving over cycling.

At Carmel Valley Road, the cyclist faces a choice: stay on the Pacific Coast bike route or turn left on Carmel Valley Road and take the Sorrento Valley Road route. The main difficulty with the Pacific Coast bike route is steep climb at Torrey Pines (Illustration 16) that requires the cyclist to climb continuously from sea level to approximately 400 feet. Not only is it a hard climb, which in itself is sufficient to discourage many commuters, but it presents another problem: bikes climb hills slowly. A

38 A fully interactive map of this route is available on Google Maps at http://maps.google.com/maps/ms?msa=0&msid=101393791450316446994.00048f78f7a66dcb2b6a8.

39 Cal. Veh. Code § 21208 (2010).

16

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long, steep climb can add considerable time to a commute and, as mentioned above, the longer the commute takes, the more commuters will prefer the faster alternative of driving.

Illustration 16: Hill Climb at Torrey Pines

Illustration 17: Bottom of the Hill at Carmel Valley Road, Looking North

Carmel Valley Road presents its own challenges. In the southbound direction, it is a somewhat winding downhill stretch, not as steep as the Torrey Pines climb. However, the cyclist must be extremely vigilant near the bottom of the stretch because it combines a Class II Bike Lane next to car doors with a bicycle that will be coasting quickly downhill. See Illustration 17.

23 cont.

The cyclist next enters Sorrento Valley Road. While the pavement is not in ideal shape, this portion of Sorrento Valley Road is closed to motorized traffic and relatively flat, making it one one of the most pleasant, and fastest, parts of the ride, effectively a "bike highway." See Illustration 18. The EIR discusses the Sorrento Valley Road Reuse Project which proposes to develop this section of Sorrento Valley Road into either a pedestrian trail and multi-use asphalt path or a pedestrian trail and limited access road, noting that, because the Sorrento Valley Road Reuse Project is located near the EIR's proposed project, it "could be affected" by the proposed project.[40] In other words, San Diego has a functional bike highway with plans to enhance it, and the proposed project may affect those plans and the existing bike highway in a way which the EIR leaves unspecified.

Illustration 18: Sorrento Valley Road

Illustration 19: Southbound on the Shoulder of I-5

Traffic resumes on Sorrento Valley Road shortly after pump station No. 65, though it remains fairly light. Shortly after the Sorrento Valley Coaster Station, the cyclist crosses the railroad tracks, turns

40 EIR at 3.1-3.

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23 cont.

right on Roselle Street, and rides along the shoulder of Interstate 5 to the Genesee exit. See Illustration 19. The Genesee exit requires an uphill climb (remember, bikes climb hills slowly) while crossing exiting interstate traffic to move from the shoulder to the left turn lane at Genesee.

The EIR mentions a proposed Class I bike facility at the Genesee Avenue exit, but the facility would place the bicycle in the right-most lane, making a left turn to reach the UTC area difficult or dangerous in the presence of automobile traffic turning right.[41] See Illustration 21, reproducing a portion of EIR Figure 2-2.14b.

Illustration 20: Genesee Avenue Exit, From Which Cyclist Must Turn Left

Illustration 21: Proposed Genesee Avenue Bike Facility, Reproduced from EIR Figure 2-2.14b

Bicycle facilities do not need to carry the same loads as those designed for motor vehicles, do not have the same noise and pollution issues, and require far fewer materials to construct, so a small investment can produce large improvements. Also, San Diego has near perfect bicycling weather. The potential exists to divert a significant amount of transportation demand to bicycles. However, the draft EIR focuses virtually all of its resources on facilities for motor vehicles while not adequately thinking through improvements to bicycle infrastructure.

24

4. Conclusion

Thank you for the opportunity to comment on this proposed project. In light of the issues raised above regarding the EIR's treatment of air pollution, noise and project alternatives, the U.S. Department of Transportation, Federal Highway Administration and the State of California Department of Transportation should carefully evaluate whether this project should proceed in its current form.

Sincerely,

Jeff Cours

41 EIR § 3.6.3.2; EIR Figure 2-2.14b.

18

RESPONSES

24 Thank you for your comments. The concerns raised in your letter have been addressed in this letter and are also appropriately treated in the Final EIR/EIS.

MAIL – COMMENTS

JOHN J. DAILY
Elaine M. Daily
802 SANTA REGINA
SOLANA BEACH, CALIFORNIA 92075-1513

November 9, 2010

I-5 North Coast Corridor E.I. R
HOV/Managed Lanes Project

I would like the following comments and questions to be included in the public record for this project:

01 Los Angeles has learned that adding more lanes to freeways does not alleviate gridlock. Why do you continue the absurd idea that spending billions of dollars on more lanes is the answer? This will be only a short term temporary fix. More lanes will bring more cars. Have you studied mass transit? Why is there not an alternate project in the E.I.R. for a light rail system to and from North County? San Diego will soon build a trolley line up to the Veterans' Hospital. Why can't this line be extended north to Oceanside along the I-5 corridor? The trolley east to La Mesa along the I-8 corridor runs parallel to the freeway in many places. Why not use this as a model for the I-5 Project? Have you considered how much noise and air pollution would be reduced with electric trains running alongside I-5 instead of gasoline driven automobiles? Please include answers to the above questions in the final E.I.R.

John J. Daily

Elaine M. Daily

RESPONSES

Response to John J. and Elaine M. Daily

01 Thank you for your comments, which are part of the public record. With regard to alternatives to expanding the freeway, please refer to Topical Response "Corridor Alternatives" for a discussion of how the *I-5 NCC Project* fits into the overall transportation plans for the North Coast Corridor. It should, however, be noted that the proposed project does not simply add more lanes to the freeway; it incorporates a number of design features, such as High Occupancy Vehicle (HOV)/ Managed Lanes, as well as direct access ramps and park and ride facilities, that should encourage North County residents to carpool or rideshare, rather than travel in Single Occupancy Vehicles. In addition, it is one element of an entire system of improvements designed to move both people and good through the North Coast Corridor more efficiently, as described in Topical Response "Multimodal System." Although the extension of light rail along the I-5 corridor was previously considered as part of the corridor-wide planning studies, it was rejected from further consideration by the applicable agencies. For additional information on the long-term plans for regional transportation improvements, including transit, that are contained in the 2050 Regional Transportation Plan, please visit the San Diego Association of Governments' home page at: http://www.sandag.org. The Final 2050 regional Transportation Plan, including individual chapters, appendices, and technical appendices can be found at http://www.sandag.org/index.asp?projectid=349&fuseaction=projects.detail.

The potential for electric trains is part of a larger evaluation for corridor system alternatives addressed in the 2000 Master Investment Study. This EIR/EIS addresses only highway improvements carried forth from that document, while other agencies pursue alternative transportation mode improvements. Air quality and noise effects of electric trains are therefore beyond the purview of this document and no information can be provided on that point.

MAIL – COMMENTS | RESPONSES

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

Thomas or Santa Regina,
Santa Helena, Santa Florencia
Solana Beach

01 To CalTrans committee,
It is appalling to me that you would create a plan that impacts so many homes. I feel certain that if any of you had a home that was involved in the project, you would reject the proposal.

02 If the freeway were moved toward the west where there is available land, no homes would be impacted.

Lynn Dandlin
842 Santa Hidalga
Solana Beach, CA. 92075

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Responses to Lynn Dandlin

01 Thank you for your comments regarding property impacts, which are part of the public record. With respect to impacts to homes in Solana Beach and along the project corridor, EIR/EIS *Section 3.4, Community Impacts,* discusses potential displacements resulting from the project alternatives. It is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system during improvements to that highway, to the extent practicable; however, avoidance is not always possible when an existing facility is being improved. The only alternative that would impact homes in Solana Beach would be the 10+4 Barrier alternative, which would potentially displace six condominium units in the Eden Gardens community. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Under the Preferred Alternative, no homes in Solana Beach would be directly impacted. An ultimate conclusion regarding property acquisitions, however, will be based on the alternative selection of decision makers and final project design. For more information regarding property acquisition, please refer to Topical Response "Property Acquisition."

02 With respect to your suggestion to realign and relocate the freeway to the west, the land between the current I-5 alignment and the Pacific Ocean has been mostly developed with uses consistent with local land use plans. Realigning the freeway within this area would result in substantial impacts to existing residences and businesses. Essentially, the entire alignment would require acquisition of freeway right-of-way, which would result in wholesale removal of existing structures. Such an alternative would be cost-prohibitive and is not consistent with the 2050 Regional Transportation Plan or local land use plans.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 • CalTrans states that during high traffic hours it takes approximately 45 minutes to get to Oceanside from the split – has a study been done that identifies what percentage of this is due to any accidents that might have occurred?

02 • You draft states that you could potentially increase the freeway up to 18 lanes, which would include HOV lanes. Has any thought been given to making truck lanes such as the ones up by 5/405 at Irvine?

03 • What study did CalTrans do on traffic patterns? During summer number of cars versus winter months.

04 • I noted in your literature that potential alternative transportation was something that wouldn't be considered until 2050. What reasons can you provide as to why CalTrans did not incorporate a study of what combination increased travel lanes and alternative transportation would mean?

05 • What changes are going to be made at the corner of Lomas Santa Fe and Santa Helena? As a resident on Santa Helena, my condo on Santa Helena court would be impacted. How will the changes be made to the on ramp? You will be removing the Wells Fargo at the corner that states a large impact to traffic patterns on side streets.

06 • Based on the above what will be done for noise? It shows in your report that there will be some sound walls along the 5 North, corridor by Lomas Santa Fe, which there appears to be already – will they be of the same height etc? I didn't quite understand the modification you would be making could you provide more detail?

07 • CalTrans seems reluctant to send representatives to discuss impact, would CalTans consider a video meeting? This would provide homeowners with the option to have their questions answered and remove some of the emotion that would be invoked at the meeting.

• I see no mention in any literature regarding meetings with various community governing boards prior to the informational meetings – did Cal Trans meet and if not, why not?

08 • Is there a reason as to why CalTrans hasn't visited homeowner sites directly to determine the overall impact with noise?

09 • Does CalTans intend to meet with local homeowners on a more individual level to discuss impact?

10 • What type of compensation will be given to homeowners whose property values have declined as a result of the changes to 5 and how does CalTrans determine value of a property to give funds to a homeowner when the entire property is condemned?

• What is the reason for the constant climb in the number of eviction notices being sent?

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Susan Darling
934 Santa Helena Park Court
Solana Beach, CA 92075

RESPONSES

Responses to Susan Darling

01 Thank you for your comments which are part of the public record. With regard to traffic delays due to accidents, it is not practicable to determine the proportion of travel time that is due to accidents, nor is it practicable with current technology to eliminate accidents. It is not practical to determine delay related to accidents because there are too many variables that are unpredictable, including accident type, severity, time of day, and emergency response.

02 As discussed in *Section 3.14.3, Noise,* of the EIR/EIS, existing truck activity on I-5 during peak hours is approximately six percent of all traffic. The percentage is anticipated to remain approximately the same in the future. This percentage of traffic would not merit truck-only lanes.

03 Regarding seasonal traffic studies, the traffic technical studies and the EIR/EIS addresses peak hour weekday needs, which address the highest demand periods during normal use. Seasonality is not a specific criterion for consideration as dividing analyses into summer versus winter use patterns would not be relevant to identification of the predictable and daily patterns that must be addressed in freeway planning. Caltrans maintains traffic counts during both summer and winter months; however, traffic studies for the EIR/EIS address (and freeway planning must accommodate) traffic during both seasons.

04 With respect to your comment regarding alternative transportation, the proposed project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation, which includes alternative transportation. These improvements are intended to accommodate projected traffic increases through 2050 and all modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected

MAIL – COMMENTS	RESPONSES
	04 cont. to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. These improvements are anticipated to occur concurrently with project implementation and are assumed as part of the project traffic models.
	05 With respect to proposed improvements at the Lomas Santa Fe Drive Interchange, the project's build alternatives would not affect the Lomas Santa Fe Drive and Santa Helena intersection. As shown in Final EIR/EIS *Figures 2-2.3, Sheet 23*, no impacts to residences would occur and the I-5 northbound on-ramp from westbound Lomas Santa Fe Drive would not impact the Wells Fargo building. In addition, EIR/EIS *Section 3.4.2, Relocations and Real Property Acquisition*, indicates that the only alternative that would impact homes in Solana Beach would be the 10+4 Barrier alternative, which would potentially displace six condominium units in the Eden Gardens community. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Under the Preferred Alternative, no homes in Solana Beach would be directly impacted. None of the project alternatives would result in relocation of Solana Beach businesses.
	06 Regarding noise concerns in the area east of the I-5 corridor (and outside the project limits) and north of Lomas Santa Fe Drive (934 Santa Helena Park Court), and as outlined in EIR/EIS *Section 3.15, Noise*, the project noise evaluation at the noise receptors closest to the subject property (R7.12 and R7.13; 307 and 325 Santa Helena Drive, respectively) determined that a soundwall at this location would not be "feasible," i.e., would not provide adequate noise reduction under Federal Highway Administration (FHWA) and

MAIL – COMMENTS	RESPONSES
	06 cont. Caltrans guidelines. This determination was based on existing and projected future noise levels, as well as the fact that an existing 12-foot-high soundwall associated with R7.12 and R7.13 would be demolished and rebuilt at the current height to accommodate the proposed new northbound access ramp alignment for Lomas Santa Fe Drive (refer to EIR/EIS *Section 3.15.4* and *Table 3.15.15*). This rebuilt soundwall would also be "coupled" to proposed Soundwall S614 via a 10-foot-high connecting wall, which is located just to the north (refer to Final EIR/EIS *Figures 2-2.3, Sheets 23* and *24*). Accordingly, as shown in *Table 3.15.15*, extending the height of the rebuilt wall to 14 or 16 feet, which is the maximum height considered, would not provide a five decibel (dBA) noise reduction or insertion loss (I.L.), and therefore would not be "feasible" under FHWA and Caltrans guidelines. Rebuilding the existing wall at 12 feet would result in projected future noise levels of 68 to 70 dBA at the noted noise receptors with construction of the project and no soundwalls (i.e., no height extension as described, refer to EIR/EIS *Table 3.15.15*). Even if the existing soundwall were constructed at the maximum height of 16 feet, it would provide little or no benefit for the subject property. Specifically, this conclusion is based on the intervening distance (approximately 600 feet based on review of Google Maps), as well as the presence of existing structures that would provide noise shielding. With the standard attenuation of roadway noise over distance (i.e., a three dBA reduction for every doubling of distance), future noise levels at the subject property are expected to be substantially less than those described for the listed noise receptors (68 to 70 dBA), and below the associated FHWA and Caltrans noise abatement level of 67 dBA. Please refer to Topical Response "Soundwall Considerations" for additional information on general soundwall evaluation and location analysis in accordance with the Caltrans Traffic Noise Analysis Protocol. 07 Caltrans is not reluctant to meet with homeowners associations, or individuals. As described in *Section ES.8, Coordination with Public and Other Agencies*, and *Chapter 5, Comments and Coordination*, of this Final EIR/EIS, Caltrans staff and Caltrans staff on behalf of the FHWA have attended meetings; conducted surveys; presented handouts and mailers; and given presentations to local communities and Planning Groups, Homeowners Associations, Chambers of Commerce, City Council meetings, and local politician-sponsored

MAIL – COMMENTS	RESPONSES
	07 cont. meetings in an effort to update interested parties and the public on the project. These efforts began as early as 2001, becoming more intensive in 2004.
	08 Regarding visitation of residential sites to "determine the overall impact with noise," such "visits" were conducted extensively as part of the project Noise Study Report and the associated analysis in EIR/EIS *Section 3.15, Noise*. Specifically, these documents note that noise measurements were conducted at numerous sensitive locations within the project limits, for purposes including: (1) establishing baseline noise level conditions; (2) calibrating future traffic noise modeling; (3) determining the interior noise levels in classrooms; and (4) calculating the drop-off rate from the front to backyard at certain residences. All project noise measurements were conducted in conformance with applicable Caltrans and FHWA standards and guidance, as outlined in EIR/EIS *Section 3.15.1*.
	09 Engineers are refining the project design and working to minimize the project footprint to avoid impacts to properties, as much as possible. Once the properties that would be acquired or that would be considered for construction of soundwalls have been identified, Caltrans will coordinate directly with the affected property owners.
	10 Please refer to the Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects. Based solely on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated. With respect to property acquisitions, it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system during improvements to that highway wherever practicable; however, avoidance is not always possible when an existing facility is being improved. The proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. As such, the number of property acquisitions and relocations resulting from

MAIL – COMMENTS	RESPONSES
	10 cont. the project would be minimized to the extent practicable through design efforts. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. As noted in the response to your Comment 05, this alternative would avoid direct impacts to any homes in Solana Beach. Where such impacts cannot be avoided, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. Each property has a unique set of characteristics that would be assessed at the time the property is required for acquisition. Fair market value is determined by Caltrans' qualified appraisal agents using the guidance provided by *Chapter 7: Appraisals*, of the California Department of Transportation's "Right of Way Manual." In addition, assistance for relocated property owners would be available through measures such as the State Relocation programs. For more information, please refer to Topical Responses "Property Acquisition" and "Property Valuation" regarding specifics of property acquisition and property valuation, respectively. Caltrans cannot speculate regarding the reasons for an increase in the number of eviction notices; such activity is unrelated to the proposed project or other Caltrans activities.

MAIL – COMMENTS

ELAINE DE FORGE

November 6, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Dept. of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Email: I-5_NCC_EIR_EIS@dot.ca.gov

Dear Ms. Harrison,

I am appossed to the freeway expansion of I-5.

01 I am a home owner who will be directly affected if the expansion takes place. I rent my condo at 809 Kalpati Circle, unit 121, Carlsbad, Ca. I do my own advertising, and talking to potential renters. I am scraping by now, but I doubt if a freeway expansion takes place. The first thing a potential renter wants to know is: 1. How close is your condo to the freeway? 2. How is the traffic noise from your condo? Actually, I tell them that it is subdued in the sheltered cul-de-sac where the condo is located. I doubt if I will be able to tell them that if the freeway project takes place. The noise from the freeway is very noticible if I go to the fence line which separates our complex from the Aqua Hedionda Lagoon. This is only a few steps away. I also put several photos on my web site. I can imagine the eye sore that would be created by this expansion. Not only will you ruin our complex chances to keep our condos rented, but you will hurt property managers, tourism, and generations to come.
Would you please reconsider expanding another freeway?

Elaine Deforge edeforge04@msn.com Elaine Deforge

809 Kalpati Circle
Unit #121
Carlsbad CA 92008

PHONE (914) 716-5554
E-MAIL edeforge04@msn.com

RESPONSES

Response to Elaine DeForge

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Regarding your concerns on project-related noise generation, this issue is addressed in EIR/EIS *Section 3.15, Noise*. As described therein, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over the No Build alternative. Changes of three dBA or less are generally not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S799 in the vicinity of the subject property (809 Kalpati Circle, Unit 121). This soundwall was determined to be "feasible" under the noted guidelines for three associated noise receptors (R16.14, R16.17 and R16.19), and not "feasible" for two additional noise receptors due to noise shielding by intervening structures (R16.16) or topographic conditions (R16.18). S799 was concluded not to be "reasonable" under

MAIL – COMMENTS	RESPONSES
	01 cont. the guidelines, as the estimated construction cost exceeded the "reasonable" allowance, and this soundwall is not recommended for construction (refer to EIR/EIS *Tables 3.15.33* and *3.15.34*). Because two of the listed noise receptors (R16.14 and R16.17) would be "severely impacted"—they would experience project-related noise levels at or above 75 dBA—by the project, individual noise abatement must be considered per FHWA and Caltrans guidelines and is recommended for those two noise receptors. Based on the location of the subject property approximately 400 to 500 feet from the freeway corridor, as well as the presence of intervening structures, associated project-generated noise levels would not be expected to approach or exceed the noted criterion of 67 dBA. Specifically, the closest noise receptors to the subject site (R16.16 and R16.18) are located approximately 175 feet from the freeway and would experience projected future noise levels (with the project and no soundwall) of 67 and 71 dBA, respectively. Accordingly, with the standard attenuation of roadway noise over distance—a three-dBA reduction for every doubling of distance—as well as the presence of additional intervening structures, associated noise levels at the subject site are expected to be less than those described for the nearest noise receptors and below the noted level at which noise abatement is considered. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, notes that the visual impact of each build alternative would be high. There would be some loss of views to scenic resources, and there would be modifications to current views of the highway right-of-way. In many instances, however, project soundwalls or retaining walls would be located on only one side of I-5. In addition, this is a linear facility, and views shift as the viewer moves along the highway. Viewers along the corridor would continue to be exposed to a mix of open views and blocked views, similar to existing conditions, as a result of implementing project landscaping. *Section 3.7* of the EIR/EIS identifies a number of measures to address potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.119*, and *3-7.122*, this may

MAIL – COMMENTS	RESPONSES
	01 cont. include efforts such as the use of landscaping, articulated facades, and earthen berms (or berm/wall combinations). Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project (refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views). Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less-than-substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. Regarding potential project impacts to the local quality of life and, therefore, your ability to rent your property, please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities and neighborhoods near the highway. Additionally, substantial adverse impacts to property values, which are also related to the ability to rent a given property, are not anticipated from project implementation. Please refer to the Topical Response "Property Valuation" for information regarding factors affecting residential property value.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: July 27, 2010
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park Dr., Encinitas, CA 92024

Name: Ruth DeWitt Date: 9-14-10
(Print Clearly)

Address: 11406 Moonhill Road
(Print Clearly) SYLMAR, CA 91342

Contact Phone: 213-922-1076

Email (Optional): dewittr@metro.net

Do you wish to be added to the mailing list? ☑ Yes ☐ No

I would like the following comments included in the public record for this project:

01 I'm concerned about the construction noise + dust. my condo is right above the 5 in Encinitas.

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Response to Ruth DeWitt

01 Thank you for your comments regarding potential construction-related noise and dust concerns in the Encinitas area. Your comments are part of the public record. Noise generation at project construction sites would be intermittent and would vary in nature and intensity depending on the specific construction activities. A combination of attenuation techniques with equipment noise control and administrative measures would be selected to provide the most effective means to minimize effects of construction activity noise. These control measures would be implemented in order to minimize noise disturbances at sensitive receptors during periods of construction. Measures described in Final EIR/EIS *Section 3.15.4* include equipment noise control, construction noise monitoring, and planning rests between construction activities so that noisy activities are followed by more quiet activities. Application of attenuation measures in the Final EIR/EIS would reduce the construction noise at sensitive receptors; however, a temporary increase in noise would occur.

MAIL – COMMENTS	RESPONSES
	01 cont. Regarding potential construction-related dust generation, a number of measures are identified in EIR/EIS *Section 3.14.4*, *Air Quality*, to control particulate generation (e.g., dust) during construction, with additional information provided in and the Air Pollutants Topical Response. Specifically, both San Diego County Air Pollution Control District (APCD) Rule 51 and Caltrans Specification Section 10: Dust Control, require that specific measures be implemented to reduce fugitive dust emissions during construction. Some of the measures contained in APCD Rule 51 include the use of watering trucks to minimize dust, suspension of grading and earth moving when winds exceed 25 miles per hour, covering of trucks when hauling dirt, and removal of unused material.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: July 27, 2010
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park Dr., Encinitas, CA 92024

Name: Darlene Dittus Date: 9-30-2010
(Print Clearly)

Address: 277 Mangano Circle
(Print Clearly) Encinitas, CA 92024

Contact Phone: 760-943-8139

Email (Optional): ddittus

Do you wish to be added to the mailing list? ☑ Yes ☐ No

I would like the following comments included in the public record for this project:

01 1. My first choice is option #1, No-Build Alternative: Keep existing conditions of the highway to 8 general-purpose lanes.

02 2. My second choice is to continue the freeway as it exists presently. Namely add one diamond lane from Manchester to Oceanside along with the 4 existing one-way lanes.

My greatest fear is that you will cut away a large portion of land which will result in my condo complex, West Hampton Cove, to be even closer in proximity to the freeway than it already is.

03 I live at the West Hampton Cove condo complex, which is located on top of the hill and corner of the north freeway exit and Encinitas Blvd. My most urgent concern and request is that you build an extremely strong and aesthetic reinforcement wall that would be resistant to erosion and last at least 100 years.

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Darlene Dittus

01 Thank you for your comments, which are part of the public record.

02 Regarding your other preference for eight general purpose lanes and one High Occupancy Vehicle (HOV)/Managed Lane in each direction, this is consistent with an 8+2 alternative. EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, includes the Freeway/HOV (8+2) alternative and discusses the reasons such an alternative does not meet the purpose and need for the project and consequently, it was not carried through as a build alternative.

03 As illustrated in Final EIR/EIS *Figures 2-2.3, Sheet 34*, the project would result in a cut slope and retaining wall adjacent to the northbound on-ramp in this location. The wall would be approximately 40 feet tall and it would be constructed of concrete block, which would provide appropriate strength. A portion would be terrain-contoured and small slopes adjacent to the freeway would provide landscape screening (refer to EIR/EIS *Figure 3-7.54* and associated text). The wall would be maintained by Caltrans as necessary.

MAIL – COMMENTS

Bob Dorn; 1740 Upas St. #19; SD, CA, 92103

Shay Lynn M. Harrison; Caltrans Dist. 11, MS#242;

4050 Taylor St.; San Diego, CA, 92110

Dear Harrison;

I wrote the following on a blog of a Rancho Santa Fe newsletter I happened to read online today:

01 In the hoary old days, when I was a reporter, any time a local or state agency received proposals for light rail, or multiple commuter lanes or, for that matter, more stringent emissions regulations a small militia of "conservatives" would turn up in meetings yelling about tax dollars being wasted. They'd swell up and berate environmentalists as if they were Damn Communists, and insist that public transport was just a touchy-feely minority preoccupation.

Fact is, these people are simply afraid of bumping elbows with people they don't know. That, and they have a love for gasoline, mistaking it for a path toward some sort of freedom (from what?). Petroleum, for them, is nearly sacred (hell smells like it, right?) and they hate the idea of sharing. And... they're losing what they view as a battle.

MTS in San Diego (bus and trolley) says it's been voted the best transit system in America. I can buy a senior citizen's ticket and get anywhere I want in its huge San Diego service area for $1.10. How much do cars cost, per day, in gasoline and maintenance and insurance and parking tickets?

All these gas heads would probably prefer sending our kids to Iraq just to cop the oilfields, rather than tax themselves a few coins to ride The Coaster. They're not conservatives any more than are people who like sending kids to war. They're just alarmingly, provocatively, disastrously DUMB.

Because it tends toward an attack on gas freaks I'd like to say something more positive. European cities survive and prosper partly because they've invested in transport. A light rail in the I-5 corridor seems overdue, and will be used and will pay for itself. I'll use it, and I know others who will. And, I'm not a Communist.

Sincerely,

Bob Dorn

RESPONSES

Response to Bob Dorn

01 Thank you for your comments regarding public transportation, which are part of the public record. Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation.

MAIL – COMMENTS

CITIZEN COMMENT FORM ON I-5 WIDENING PROJECT

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed 1-5 Widening Project
Deadline: 11/22/10

J D. Duncan
6927 Whitecap Dr
Carlsbad, CA 92011-3745

11/8/2010

01 TO WHOM IT MAY CONCERN: AS A RESIDENT OF CARLSBAD AND LIVING NEAR THE I-5, I OPPOSE THE PLANNED EXPANSION THERE ARE FAR MORE NEGATIVES THAN POSATIVES WITHIN THIS EXPANSION PLAN. MANY QUALIFIED AND PROFESSIONAL PEOPLE HAVE INTENSLY DONE GREAT RESEARCH REGARDING THIS I-5 EXPANSION. HERE IN OUR DEVELOPMENT OF HARBOR POINT WE HAVE HEARD WE WOULD NOT HAVE TALL SOUNDWALLS DUE TO A LACK OF FUNDS. I HAVE TRAVELED THE 5 FOR OVER 15 YEARS AND WITH PATIENCE THERE IS NO HUGE TRAFFIC PROBLEM TO GUARANT YOUR EXPANSION. I DOUBT YOUR PROJECTIONS FOR FUTURE DEVELOPMENT AND MORE TRAFFIC WILL HAPPEN WITH AN OCEAN TO THE WEST AND AN ECONOMY THAT WILL NEVER BE AS IT WAS IN THE PAST, IN FACT MANY HAVE LEFT THIS STATE.

02 SO WHY ARE YOU DOING THIS? WHY DON'T YOU PEOPLE TAKE A LOOK AT THOSE CITIES THAT HAVE CREATED MASS TRANSPORTATION, DUE AS THEY DO AND NOT AS YOU SAY.

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov/

~~Mail to~~:

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego CA 92110

RESPONSES

Responses to J.D. Duncan

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Soundwall S750 in the vicinity of the subject property (6927 Whitecap Drive) is preliminarily recommended for construction; please refer to the response to your Comment 04 below for additional details.

With regard to current levels of traffic and projected growth, the project is designed to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor. Existing levels of congestion are indicated by the difference between off-peak and peak travel times. As shown on EIR/EIS *Tables 1.3.2* and *1.3.3*, northbound p.m. peak travel times are 10 to 14 minutes more than non-peak times; southbound a.m. peak travel times are up to 19 minutes more than (nearly double) non-peak times. As discussed in Topical Response "Project Lifespan," the proposed project would increase the capacity of this portion of I-5 to relieve both existing and reasonably anticipated future congestion, through the design year of 2050.

Project-related traffic and growth projections are derived from established sources such as the San Diego Association of Governments' (SANDAG) Series forecasts, as well as project-specific technical analyses. Year 2030 traffic projections, for example, are outlined in EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*, with forecast methodology provided in the related I-5 North Coast Corridor Project Technical Report #5 Traffic Demand Forecasting Report (August 2007). On average historically, the SANDAG Regional Growth Forecast has been accurate within +/- 0.4 percent of actual

MAIL – COMMENTS

02 cont. WHY DON'T YOU LOOK INTO MORE RAIL, SHIPS OR BETTER YET EXPAND THE TROLLEY SYSTEM. THAT SYSTEM HAS DONE WONDERS FOR SAN DIEGO GOING SOUTH + EAST. THAT SYSTEM SHOULD HAVE BEEN CONSIDERED FOR THE I5 AND WHAT A CONCRETE RACE TRACK THAT TURNED OUT TO BE.

03 THERE ARE AS YOU KNOW MANY NEGATIVE FACTORS IN THIS EXPANSION, POLUTION, WHAT DO YOU PLAN TO DO ABOUT THAT, NOISE IT'S BAD ENOUGH

04 NOW WHAT ABOUT THAT? HOW ABOUT THE

05 PERSONAL IMPACT THIS WILL TAKE IN TAKING HOMES AND BUSINESSES AT A SMALL VALUE AS COMPARED TO WHAT IT WILL TAKE FOR THEM TO RE LOCATE. THIS WILL BE DEVASTATING FINANCIALLY TO PEOPLE YOU DON'T CARE TO KNOW, HOW ABOUT THEM?

06 THERE WAS BEAUTY IN TRAVELING THE I5 WHEN I LIVED YEARS AGO IN R.B. NOW IT'S A MASS OF CONCRETE AND NON STOP CONSTRUCTION ALONG WITH OUT OF CONTROL SPEEDS.

THE 5 HAS ALWAYS BEEN A BEAUTIFUL DRIVE FAST OR SLOW, IT DOESN'T HAVE TO BE ANOTHER I-15. IF YOU REVIEW THE RESEARCH THAT HAS BEEN DONE BY SOME VERY QUALIFIED CITIZENS WHO OPPOSE THIS, YOU WILL FIND A BETTER WAY.

CARLSBAD

RESPONSES

01 cont. annual counts for population, housing, and employment. The most recent forecast anticipates a 40 percent increase in the region's population between 2008 and 2050, which represents an average of less than one percent growth per year. Please refer to Topical Response "Projected Growth" for more information regarding the accommodation of projected growth in traffic over time.

02 Based on regional traffic projections (refer to Topical Response "Projected Growth"), all modes of transportation—rail, bus, highway, pedestrian routes, and bikeways—are expected to require improvements in order for the overall system to work at peak efficiency. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding public transportation improvements that are being planned concurrently with the proposed I-5 improvements. Please also refer to Topical Response "Corridor Alternatives" regarding alternatives, including light rail, previously evaluated for the North Coast Corridor.

03 With respect to your concerns on pollution (air quality), this issue is addressed in EIR/EIS *Section 3.14, Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project-related air quality issues.

04 Regarding your concerns on project-related noise generation, this issue is addressed in EIR/EIS *Section 3.15, Noise*. As described therein, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over the No Build alternative, with changes of three dBA or less generally not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the

MAIL – COMMENTS	RESPONSES
	04 cont. Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S750 in the vicinity of the subject property (6927 Whitecap Drive). This soundwall would provide a "feasible" noise reduction for most associated noise receptors, although it was determined not to be "reasonable" because the estimated construction cost exceeded the "reasonable" allowance. Despite this, S750 was preliminarily recommended for construction to address a number of "severely impacted" noise receptors (i.e., exhibiting project-related noise levels at or above 75 dBA; refer to EIR/EIS *Tables 3.15.29* and *3.15.30*). It should also be noted that S750 would not be expected to provide an associated discernible noise-abatement benefit at the subject property, due to the intervening distance (approximately 400 feet) and the presence of multiple structures therein, which would provide noise shielding.
	05 Although the number of property acquisitions and relocations resulting from the project would be minimized to the maximum extent practicable through design efforts, where such impacts cannot be avoided, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available through measures such as the State Relocation and Last Resort Housing (LRH) programs. The project's Draft Relocation Impact Report concluded that adequate relocation resources existed for the majority of displacees. Additionally, displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or LRH Program options, including LRH payments. Please also refer to Topical Responses "Property Acquisition" and "Acquisition Valuation" for additional information.
	06 With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, notes that the visual impact of each build alternative would be high. There would be some loss of views to scenic resources, and there would be modifications to current views of the highway right-of-way. In many instances, however, project soundwalls or retaining walls would be located on only one side of I-5. In addition, this is a linear facility, and views shift as the viewer

MAIL – COMMENTS	RESPONSES
	06 cont. moves along the highway. Viewers along the corridor would continue to be exposed to a mix of open views and blocked views, similar to existing conditions, as a result of implementing project landscaping. *Section 3.7* of the EIR/EIS identifies a number of measures to address potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, and earthen berms (or berm/wall combinations). Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project (refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views). Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. With regard to the control of freeway speeds, such efforts are within the jurisdiction of the California Highway Patrol (and/or other law enforcement agencies) and cannot be implemented by Caltrans. Caltrans has taken into account and provided responses to all comments received on the Draft EIR/EIS, including any research provided. The responses to comments and project refinements undertaken in response to those comments are included as part of this Final EIR/EIS. Please note, however, that a comprehensive regional process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns and smart growth can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system and would allow the time necessary for the region to work toward complex sustainable solutions, such as smart growth.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: WILLIAM EARNEST Date: 9-30-10
(Print Clearly)

Address: 277 MANGANO CIRCLE
(Print Clearly) ENCINITAS, CA 92024

Contact Phone: 760-943-8139

Email (Optional): SDCDACH@COX.NET

Do you wish to be added to the mailing list? ☐ Yes ☒ No

I would like the following comments included in the public record for this project:

01 THE LAST THING THIS AREA NEEDS IS ADDITIONAL FREEWAY CONSTRUCTION. THE MONEY THAT WILL BE SPENT ON THIS DISASTER IS GOING TO BE TAKEN FROM TAXPAYERS, AND THOSE POCKETS HAVE BEEN PICKED BARE. AND I DON'T

02 LOOK FORWARD TO SEEING THE AREA TURNED INTO A MINI-L.A. IF FOLKS GET TOO FED UP WITH THE CONGESTION, THEY CAN MOVE SOMEWHERE ELSE. PREFERABLY OUT OF CALIFORNIA.

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to William Earnest

01 Thank you for your comments, which are part of the public record. With regard to project funding, federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.

02 Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County quality of life and why those effects are not expected to result in a substantial adverse overall effect in the communities already crossed by this highway.

MAIL – COMMENTS

TO: CALTRANS
FROM: Sean Englert, 6992 Sandcastle Drive, Carlsbad, CA
RE: I-5 expansion project
Date: October 30, 2010

I have many questions which I would like to have addressed regarding the proposed I-5 widening. I oppose this project as it would have a negative impact on our community.

My questions to you:

01 1. In reference to the EIR - The map in Chapter 3 (specifically 3.7-16) did not contain any analysis of key views for Poinsettia and I-5. I am requesting sufficient details of proposed improvements on the east side of I-5 adjacent to Harbor Pointe and on the northerly side of Poinsettia where the proposed improvements will blend in with the existing improvements for the expansion. I would like to see the current existing view and proposed views for all scenarios.

02 2. Please provide full details of horizontal limits of proposed sounds walls that are proposed within the areas specified in Item 1 above (This information should include full sections of overall height of walls from existing finished grade at points at 100-foot intervals and at 50-foot intervals along curved sections of the wall.

03 3. Significant views will potentially be impacted within the entire Harbor Pointe development. I am requesting that CALTRANS erect temporary story-poles depicting the overall height of the proposed sound walls at the easterly limit of the I-5 expansion limit and the northerly limit of Poinsettia improvements.

04 4. How many homes specifically will be displaced by all proposed construction scenarios (i.e. 10+4 with buffer alternative, 10+4 with barrier alternative, 8+4 with buffer alternative, and 8+4 with barrier alternative). If there are any additional alternatives that you have omitted, then please indicate what those scenarios are with the number of displaced homes per scenario. Please indicate displaced homes by address and APN. Also, please indicate what portions of the lots are to be partially taken or fully taken.

05 5. Harbor Pointe has fire lanes that are mandated by the City of Carlsbad. What are the specific plans by CALTRANS to replace existing fire lanes, at no cost to HP, if any or all are lost via the eminent domain process.

06 6. Please provide a full plan and profile view details with dimensions from existing improvements to proposed sound walls and freeway improvements. The map on page 2-54 of chapter 2 is insufficient in data provided.

RESPONSES

Responses to Sean Englert

01 Thank you for your comments, which are part of the public record.

Preparation of visual simulations from all possible viewpoints is not practicable. Rather, as described in *Section 3.7.3, Environmental Consequences,* of the EIR/EIS, under the heading *Analysis of Key Views*, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project and also represent the primary viewer groups potentially affected by the project. Based on these representative and typical views, it is possible to evaluate the extent and magnitude of potential change that could occur anywhere along the I-5 improvements. In the area of I-5 containing Poinsettia Lane, primary view elements currently contain median oleanders and the Encina Power Station (refer to *Figure 3-7.111* in the EIR/EIS). For the Poinsettia Lane area improvements, a proposed soundwall (S750) is recommended for the northeast side of the interchange, which could be up to 16 feet tall. If installed, the wall would start at Poinsettia Lane and continue north. A smaller wall (S736) is recommended south of the interchange, also on the east side of I-5, and south of the undeveloped area immediately adjacent to the interchange. That wall is recommended to vary from 8 to 12 feet high, and would replace an existing 6-foot-tall barrier. Retaining walls also would be located both north and south of the interchange. These walls would introduce a more consistent and larger scale built element than currently exists along this specific stretch of I-5. As shown on EIR/EIS *Figure 3-7.112*, the proposed project would result in the removal of mature trees, increased proximity to I-5, and incompatibility with the community entry. It would not result in loss of views to scenic resources or creation of a “tunneling” effect.

MAIL – COMMENTS	RESPONSES
	02 As depicted on *Figures 2-2.3, Sheets 43* through *46*, Soundwall S750 is under consideration on the east side of I-5 from Poinsettia Lane to just north of Caminito del Reposo. This entire section of wall is "feasible" to build based on engineering considerations. Although costs would exceed the "reasonable" cost allowance projected for soundwall, it is being recommended due to the number of "severely impacted" noise receptors that would be shielded by the wall. Necessary heights for the wall to provide appropriate sound attenuation are shown on *Table 3.15.29* of the EIR/EIS. Wall heights (from ground level) of 12 feet would be sufficient in the vicinity of Quiet Cove Drive and the south side of Sandbar Way. The recommended wall would be 16 feet tall on the north side of Sandbar Way and adjacent to Spindrift Lane. The rest of the wall would be 14 feet tall and would attenuate sound in accordance with the Caltrans protocol, including at locations adjacent to Bluewater Road, Windcrest Drive, Windward Lane, Skysail Avenue, Caminito Azul, Caminito Rosa, Caminito Verde, Caminito del Sol, Caminito del Mar, and Caminito del Reposo.
	03 EIR/EIS *Section 3.7*, *Visual/Aesthetics,* identifies several alternative soundwall designs, including transparent materials to retain desirable western views for viewers east of I-5 (refer to EIR/EIS *Figure 3-7.122*). The use of story poles is not anticipated. Story poles provide a tool to help in the assessment of visual impact and whether or not mitigation should be required. Knowledge of the study area, design specifications, and the community have allowed Caltrans to make an assessment of substantial and adverse visual effect overall based on soundwalls and retaining walls proposed as part of the project. The potential for minimization and mitigation of this impact also has been considered (e.g., the potential use of transparent materials noted above). For more information regarding potential visual effects of the proposed improvement, please refer to Topical Response "Visual/Community Effects."
	04 Regarding possible property acquisition, if the project is approved, the number of property acquisitions would be based on the final project design as well as which alternative is selected by decision makers. Please see *Section 3.4.2, Relocations and Real Property Acquisition*, for information regarding possible property acquisitions for each project alternative, as currently designed. Note that all

MAIL – COMMENTS	RESPONSES
	04 cont. available alternatives for this project are listed, including the No Build alternative. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. With regard to specific properties, engineers are still refining the project design and working to minimize the project footprint to avoid impacts to properties to the extent possible. Precise numbers and dimensions of properties required will not be known until just prior to acquisition of individual properties. Please refer to Topical Response "Property Acquisition" for additional information. Each of the build alternatives proposed for approval in the Draft EIR/EIS was evaluated for potential structure removals, including homes. *Tables 3.4.1* through *3.4.5* identify home removals, including single-family homes, duplex, triplex and/or apartments and condominiums, by city for the different build scenarios. The overall numbers at time of the circulation of the Draft EIR/EIS included up to 112 residential units for the 10+4 Barrier, 53 residential units for the 10+4 Buffer, 104 residential units for the 8+4 Barrier, and 50 residential units for the 8+4 Buffer, respectively. The 8+4 Buffer alternative has since been refined such that impacts would now be limited to 20 residential units (refer to Final EIR/EIS *Table 3.4.4b*). Property owners immediately abutting I-5 right-of-way, as well as property owners abutting lots abutting I-5 right-of-way are on a mailing list that Caltrans uses for each major stage of the project. These individuals may see notices for public hearings listed in local newspapers, etc., but also are directly contacted. Prior to this Final EIR/EIS, aerial photographs with a generalized right-of-way plotted on them were provided in the Draft EIR/EIS (*Figures 2-2.14a* through *2-2.14ao*, updated versions are available in Appendix K of this Final EIR/EIS). Reference to them provides a general idea regarding potential project footprint and properties or portions of properties identified for acquisition if the project is approved. These figures have been further updated in the Final EIR/EIS to reflect the Preferred Alternative (*Figures 2-2.3,*

MAIL – COMMENTS	RESPONSES
	04 cont. *Sheets 1* through *67*). With regard to specifics, however, engineers continue to refine the project design and work to minimize the project footprint in order to avoid property impacts to the extent possible. Once the final design is completed, Caltrans will directly contact each property owner from whom right-of-way is required for coordination and negotiation consistent with the Fair Housing Act and EIR/EIS Appendix C, Relocation Assistance Information. Where property acquisitions cannot be avoided, affected properties would be subject to an appraisal to determine fair market value, and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available through measures such as the State Relocation and Last Resort Housing (LRH) programs. The project's *Draft Relocation Impact Report* concluded that adequate relocation resources existed for the majority of displacees. Displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or LRH Program options, including LRH payments. For more information on specifics of property acquisition and property valuation with regards to acquisition, please refer to Topical Responses "Property Acquisition" and "Acquisition Valuation." Because compensation would be provided at fair market value, it is anticipated that affected property owners generally would be able to use the compensation to purchase comparable property in the same vicinity.
	05 As indicated below in the response to your comment R318.06, no parcel acquisitions would be required in the vicinity of Quiet Cove Drive and Harbor Pointe under the Preferred Alternative, so there would be no need to replace existing fire lanes. To accommodate the proposed freeway widening for the Preferred Alternative, a retaining wall is proposed that would avoid impacting fire lanes. A permanent footing easement that would partially encroach into the fire lanes is proposed, as well as a temporary construction easement during construction of the retaining wall and a soundwall. Partial property acquisitions required for any of the other build alternatives would not interfere with fire lanes.

MAIL – COMMENTS

06 cont.

7. What are setback requirements for proposed sound wall to westerly edge of Quiet Cove Drive? We fail to see how you can erect a +/- 16' tall sound wall on westerly edge of the curb. Please provide sufficient detail of what the existing and proposed improvements of Quiet Cove Drive will look like. Will Quite Cove Drive be taken through eminent domain?

8. The noise studies in chapter 3 indicate that noise pollution will increase by the proposed development with mitigation by way of proposed sound walls. There is quite a bit of talk about sound walls not being feasible due to budget constraints. Please confirm that the sound wall as shown on figure 2.2.14aa will be constructed if any proposed improvements for the I-5 expansion are approved. Also, please provide all details requiring any conditions required for the sound walls to constructed (i.e. percentage of homeowner approval within subdivision, guarantee if project is approved that sound walls would be erected, etc.)

9. Provide more detailed noise studies for sound walls not be constructed.

07

10. Figure 2-2.14aa indicates the proposed R-O-W line. Please indicate what portions of Harbor Pointe development (common use areas or street areas) that you are planning on taking through eminent domain and what the proposed compensation for these areas will be. The proposed changes will significantly alter the aesthetics and safety of the existing subdivision and compensation needs to be appropriate.

11. Provide more detail as to what noise receptor sites are besides sound walls and what impact they will have on the homeowners (i.e R14.7 through 14.18...)

08

12. Is widening the I-5 really the solution on the coast? The majority of the SD coastline is developed and being as "green" as California wants private developers to become seems to contradict what is being proposed here. A private developer would never be able to develop through five lagoons and impact individuals in this magnitude. More detail needs to be provided overall as to the impacts of this development on Harbor Pointe.

09

13. This is a very poorly planned project and not a good fit for San Diego County. What other studies have been performed for alternative mass transit systems?

Please respond to all of my questions above.

Thank you,

Sean Englert

RESPONSES

06 Regarding project plans, please refer to Noise Abatement Decision Report (NADR), Volume 2, Segment 14 to address portions of your comment. More precise cross sections, plans, and profile views will be available after decisions have been made regarding project approval and selection of an alternative for final design. As indicated in the Draft EIR/EIS, the Project Features Maps (*Figures 2-2.14a* through *2-2.14ao*) represent the 10+4 Buffer alternative because it is the average footprint width among the project build alternatives. The other project alternatives have a variable footprint width of up to approximately 12 feet in either direction. It should be noted that the Project Feature Maps have been updated in the Final EIR/EIS to reflect the Preferred Alternative (*Figures 2-2.3, Sheets 1* through *67*).

The specific project impacts to properties in the vicinity of Quiet Cove Drive are as follows:

8+4 with Buffer Alternative (Preferred Alternative): Neither full property acquisitions nor partial property acquisitions would be required from properties located along Quiet Cove Drive under this alternative. The preliminary design reflects that temporary construction easements (TCEs) and footing easements (FEs) would be required for the property with Assessor Parcel Number (APN) 214-502-61. This property seems to be a common open area belonging to the Harbor Pointe Homeowners Association, adjacent to (east of) the I-5 northbound on-ramp from Poinsettia Lane.

8+4 with Barrier Alternative: Preliminary design and project records indicate potential partial property acquisition would be required for the property with APN 214-492-76. The preliminary design and project records also reflect that TCEs and FEs would be required from this property and from the property with APN 214-502-61. These two properties seem to be common open areas belonging to the Harbor Pointe Homeowners

MAIL – COMMENTS | RESPONSES

06 cont. Association adjacent to (east of) the I-5 northbound on-ramp from Poinsettia Lane.

10+4 with Buffer Alternative: Neither full property acquisitions nor partial property acquisitions would be required from properties located along Quiet Cove Drive under this alternative. The preliminary design and project records reflect TCEs, and FEs would be required from the property with APN 214-502-61. This property seems to be a common open area belonging to the Harbor Pointe Homeowners Association adjacent to (east of) the I-5 northbound on-ramp from Poinsettia Lane.

10+4 with Barrier Alternative: Preliminary design and project records indicate potential partial property acquisitions would be required from the properties with APNs 214-492-76 and 214-502-61, respectively. FEs would also be required from these two properties. These properties seem to be common open areas belonging to the Harbor Pointe Homeowners Association adjacent to (east of) the I-5 northbound on-ramp from Poinsettia Lane.

Ultimate conclusions regarding soundwall installation would be based on the final design, completion of the property owner coordination as documented in the final Noise Abatement Decision Report and approval by review agencies.

Regarding potential noise concerns and the status of Proposed Soundwall S750, and as described in EIR/EIS *Section 3.15 Noise*, while S750 was determined not to be "reasonable" under the Federal Highway Administration (FHWA) and Caltrans guidelines because the estimated construction cost exceeds the "reasonable" cost allowance, it is recommended for construction to address several "severely impacted" noise receptors (refer to *Tables 3.15.29* and *3.15.30*). It should be noted, however, that S750 may not provide noise abatement at the subject property (6992 Sandcastle Drive), due to the intervening distance, the presence of existing structures that can provide noise screening, and the proximity of this residence to Poinsettia Lane. Specifically, as shown in Final EIR/EIS *Figures 2-2.3, Sheet 43,* and *Table 3.15.29*, the closest noise receptor to the subject property associated with S750

MAIL – COMMENTS	RESPONSES
	06 cont. (R14.8 at 6995 Whitecap Drive) is located approximately 300 feet west of the subject property. The associated future noise level increase at the noted noise receptor would be three dBA with project implementation and no soundwall (i.e., 68 to 71 dBA). The future noise level increase at the subject property is expected to be somewhat less, based on its relative location (i.e., approximately 300 feet east of the noted noise receptor site) and the presence of intervening structures. Accordingly, the proposed project would be expected to result in a project-related noise level increase of three dBA or less at the subject property. Changes of three dBA or less generally are not detectable by the average healthy human ear. In addition, the subject property is located within approximately 100 feet of Poinsettia Lane, and this roadway may represent the principal source of noise at the site. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With respect to your question about conditions required for soundwalls to be constructed, please review pages 3.15-1 and 3.15-2 of the Final EIR/EIS. With respect to data on soundwalls not recommended for construction, such information is provided in EIR/EIS *Section 3.15*, as well as the project's Noise Study Report (NSR). Specifically, for the subject area or subject property (east of I-5 and north of Poinsettia Lane/6992 Sandcastle Drive), please refer to the response to your Comment 07; EIR/EIS *Figures 2-2.3, Sheet 43,* and *Tables 3.15.29* and *3.15.30*; and Section 7.0, Future Noise Environment, Impacts, and Abatement Measures, of the project's NSR. 07 With regard to total amount of compensation for potential property acquisitions in the referenced area – as stated in the response to your Comment 06, it is not currently anticipated that the development along the northbound side of the I-5, north of Poinsettia Lane, would suffer from any losses as a result of the proposed improvements. If this situation changes, the unique set of property characteristics for each parcel will be assessed at the time the property is required for acquisition. Please also refer to the response to your Comment 04.

MAIL – COMMENTS	RESPONSES
	07 cont. Please refer to the response to your Comment 02 for information regarding potential project-related impacts to the aesthetics of the area. With regard to safety concerns, although your exact concern is unclear, it is assumed that your concern is regarding the proximity of residents to the highway. Though no design can account for every possible accident scenario, routine highway design plans take into account cars moving at high rates of speed and slope the route to keep cars on the throughway under foreseeable conditions. Guard rails are also provided as appropriate. The northbound route adjacent to your property is not on a major curve or slope that would result in heightened concerns about safety. Noise receptors represent sampling locations near homes, schools, parks, hospitals, etc., that provide accurate existing information on which to base the noise model. These existing conditions measurements from these representative sensitive noise receptors are used to calibrate the model, so the noise technical specialist is confident that modeled future conditions will accurately predict “real world” future conditions. The location of a noise “sensitive receptor” would not have any physical impact on homeowners or property. Additional detail on noise receptors associated with individual soundwalls (including R14.7 through R14.18) and related effects to homeowners are provided in the sources listed in the response to your Comment 08. 08 While Harbor Pointe is not mentioned by name in the EIR/EIS, potential impacts to this community are reflected in the analysis. The location of the proposed improvements along this coastal portion of I-5 is in large part dependent upon the fact that the problem with peak hour congestion is located along this segment. Please also note that where an existing transportation facility is proposed for upgrades, potential natural resource and community impacts often would be greater if the transportation facility is moved to another location. Caltrans will continue to work with adjacent land owners and residents as to specific effects on their properties. Please also refer to Topical Responses “Property Acquisition” and “Acquisition Valuation.”

MAIL – COMMENTS	RESPONSES
	08 cont. The improvements included in the proposed *I-5 NCC Project* are part of an overall program to improve transportation in the region, which is guided by SANDAG's Regional Transportation Plan (RTP) for 2050. In addition to improvements to I-5, the RTP includes improvements to other forms of transportation to accommodate future demand including bus and rail service. The coordinated implementation of improvements to all forms of transportation in the North Coast Corridor would achieve the "green" objective identified in this comment by reducing vehicle miles traveled and the corresponding amount of energy consumed in transporting people and goods through the corridor. As would be required of private development, impacts to the lagoons from the proposed project are required to be avoided or minimized. General project-related effects to wetlands and biological resources are addressed under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Based on those analyses, all project impacts would be avoided, minimized and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. The analysis of individual developments within the corridor in the Draft EIR/EIS was somewhat generalized given the absence of final improvement plans. The potential effects of the proposed project on Harbor Point were assessed on a generally worst-case basis, however, using the potential footprint of a 10+4 development scenario. As depicted on Draft EIR/EIS *Figure 2-2.14aa*, no physical encroachment would be anticipated into this development. Also, as indicated on *Figures 2-2.3, Sheets 43* and *44,* of the Final EIR/EIS, freeway noise would be expected to increase in the development and a noise barrier would be necessary along the freeway right of way.
	09 As indicated above, your opposition to the project is noted. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the I-5 corridor.

MAIL – COMMENTS

MONTE MIRA

Pilot Property Management
2146 Encinitas Blvd #102
Encinitas, CA 92024
www.pilotpropertymanagement.com

October 18, 2010

I-5 North Coast Corridor
Caltrans District 11, MS# 242
4050 Taylor St.
San Diego, CA 92110

Re.: Planned Elimination of Traffic Control Light and Intersection at La Costa Ave. Park & Ride

From: Monte Mira Homeowner's Association
C/O Pilot Property Management
2146 Encinitas Blvd. #102
Encinitas, CA 92024

Attention: Shay Lynn M. Harrison,

Monte Mira HOA represents the community of Monte Mira which comprises 33 individual homes, located on Amalfi Dr. and Monte Mira Dr. off of Skyloft Ave.

The intersection of Piraeus and La Costa Ave., located immediately east of the existing Park & Ride intersection is the main access point to our community from the freeway and La Costa Ave.

As such, we are strongly opposed to the proposed plan to eliminate the existing intersection that services the Park & Ride.

01 We are concerned that this action will result in an extremely unsafe traffic condition at the Piraeus/La Costa intersection, as well as eliminating the ability for vehicles exiting the Park & Ride to proceed eastward. These vehicles will be forced to proceed westward and make an illegal u-turn somewhere on La Costa Ave., west of the freeway on-ramp. If the I-5 south on-ramp turn lanes are reconfigured to allow a u-turn, this creates a significant traffic hazard. Additionally, vehicles wishing to enter the Park & Ride from the west will be required to make a u-turn at the Piraeus/La Costa intersection, creating an additional safety hazard.

This section of La Costa Ave. is notorious for vehicle collisions, often resulting in injury. Please review the vehicle collision history for this area and reconsider eliminating the La Costa Ave. Park & Ride

1

RESPONSES

Response to Luann Esposito, Monte Mira Homeowner's Association

01 Thank you for your comments regarding modifications to the Piraeus Street and La Costa Avenue intersection, which are part of the public record. Caltrans projects are designed to applicable safety standards. I-5 improvements would result in improved traffic operations. As shown in EIR/EIS *Figures 2-2.3, Sheet 40*, modifications are proposed at the La Costa Avenue Interchange, including access to the existing park and ride facility. Under existing conditions, three signals are located close to each other in this area. As part of the realignment of the park and ride access, the existing signal at the La Costa Avenue and park and ride intersection would be removed, the roadway would be re-striped and medians would be modified to provide improved operations and traffic flows through the interchange. Specifically, left turns out of the park and ride would be prohibited, although U-turn movements would be allowed

MAIL – COMMENTS

01 cont.

intersection and control light as this will surely create an additional safety hazard resulting in an increase in traffic incidents and injuries.
If you must make changes to that section of La Costa Ave., we request that you link Piraeus and the Park & Ride into a single signalized intersection with La Costa, as was your original proposal for this intersection modification. Doing so would make this area much safer than it is now, while greatly improving access to/from the Park & Ride.

Sincerely,

Luann Esposito

Luann Esposito
President of the Board of Directors
Monte Mira Homeowner's Association

2

RESPONSES

01 cont. on the southbound I-5 ramps/La Costa Avenue Intersection on the west side of the bridge. In addition, left turns into the park and ride lot would be allowed, but would not be controlled. Removing the signal at the noted driveway intersection would improve the spacing between nearby intersections, provide more stacking area between the intersections, allow for better overall signal timing and coordination, and result in improved traffic operations along La Costa Avenue. The park and ride access road would not be constructed to align with Piraeus Street. A signal would remain at the intersection of Piraeus Street and La Costa Avenue.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: September 9, 2010
Place: Oceanside High School, Multipurpose Room
1 Pirates Cove, Oceanside, CA 92054

Name: ANDRE' Faris Date: 9/28/10
(Print Clearly)

Address: 509 San Luis Rey Dr. Oceanside, Ca. 92054
(Print Clearly)

Contact Phone: 760-967-6611

Email (Optional): androcks@cox.net

Do you wish to be added to the mailing list? ☐ Yes ☒ No

I would like the following comments included in the public record for this project:

I would like to express my concerns for I-5 widen.
01 ① If the sound wall is too high it would block the ocean view which would affect ~~my~~ property values. Perhaps there could be clear glass on top over 10'.
02 ② Losing the access to the harbour by moving it to another street. Again I think this would negatively impact property values. Perhaps an over pass to mitigate the transients under the bridge.
03 ③ I would prefer the widening takes place on the West side of I-5 for obvious reasons.

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Andre Faris

01 Thank you for your comments, which are part of the public record.

With respect to concerns about potential soundwall construction, Soundwall S882 was evaluated in the subject area, as discussed in EIR/EIS *Section 3.15, Noise*. This soundwall has been preliminarily determined to be both "reasonable" and "feasible" and is recommended for construction at a height of 12 feet. While the final design of soundwalls in the project area has not been determined, *Section 3.7, Visual/Aesthetics*, of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, this may include the use of transparent materials to retain desirable views. Ultimate conclusions regarding soundwall installation would be based on the final design, completion of the property owner coordination as documented in the final Noise Abatement Decision Report, and approval by the review agencies.

MAIL – COMMENTS	RESPONSES
	01 cont. Please refer to Topical Response "Visual/Community Effects" for more information regarding efforts to minimize the local visual effects of the proposed improvement.
	02 With respect to harbor access and the existing San Luis Rey River pedestrian and bicycle underpass, EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*, identifies potential enhancements to the underpass. These enhancements would provide east-west pedestrian/bicycle connectivity to Oceanside Harbor. If implemented, improvements would include, among other things, unobtrusive security lighting to provide a safe route for pedestrians and bicyclists. Refer to EIR/EIS *Figures 2-2.3, Sheets 64* and *65*. This improvement, along with other identified Community Enhancement Projects, would improve recreational facilities, and the proposed project would enhance access within the community. Based on these considerations and additional efforts to avoid, minimize, and/or mitigate project-related impacts, implementation of new project features is not expected to have a substantial adverse effect on property values. Refer to Topical Response "Property Valuation" for additional information.
	03 In regard to your preference for freeway widening on the west side of I-5, the proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

MAIL – COMMENTS	RESPONSES
04 A) concerned about sound wall height – blocking view - clear on top to see thru	04 Regarding your concern for soundwall height and the potential of soundwalls obstructing views, please refer to the response to your Comment 01.
05 B) #8 A ramp excessiable from Monterey handcappe Height restriction B might lose access from overstre running along backside & side foot steenbock vesidence C) maybe a ~~bridge~~ walking bridge over - prevent crime	05 Regarding your recommendations for the San Luis Rey River pedestrian underpass community enhancement project, the proposed design was subject to refinement subsequent to public review of the Draft EIR/EIS. The refined design is described in Final EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*. As noted in that section, the proposed enhancement would include ramp connections to meet Americans with Disabilities Act requirements. As noted in the response to your Comment 02, this enhancement also would include improved lighting. Given the existing topography and configuration of the area, enhancement of the existing underpass is considered to be a more cost-effective and implementable solution than construction of a new overpass.
Tequilagirly@cox.net	

MAIL – COMMENTS

Mr. & Mrs. Donald J. Fortman
2038 Balsam Lane
Cardiff by the Sea, CA
92007-1406

760. 633. 1847

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Dear Ms Harrison,
How are the billions of dollars to be provided to build this I-5 addition?
Federal amount in dollars:
State " " " :
EDUCATION vs HIGHWAY: local " " " :

① State funding has just been reduced to special education. Shameful. Our
② daughter, Cheryl L. Fortman-Whadford teaches 1st grade at Fallbrook's William Frazier Elementary. She has 32 children!! in her class; 5 are "Anglo"; 27 are Hispanic, many of whom will need help with English.
③ I am a volunteer for Carol's House in Encinitas, a refuge for abused women. Our committee just provided over 20 new backpacks & many school supplies to the 16 kids living there.

My point is EDUCATION IS THE FOUNDATION OF EVERYTHING; NOT THE HIGHWAY.

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

I'M AFRAID THERE ARE GOING TO BE A LOT OF UNDEREDUCATED PEOPE DRIVING UP & DOWN THIS UNNECESSARY NEW HIGHWAY.

Dorothy A. Fortman

RESPONSES

Response to Dorothy Fortman

01 Thank you for your comments, which are part of the public record. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org. Allocation of funding between transportation and education is beyond the purview of Caltrans; Caltrans' responsibility is to use transportation monies provided for the upgrade of the state highway system in the most beneficial way on those highway facilities.

MAIL – COMMENTS

Lynn Harrison
4050 Taylor Street
MS-242
San Diego, CA 92110

Dear Mrs. Lynn Harrison:

I am a very concerned resident and homeowner of the Oceanside Community. I am aware of the Interstate 5 North Coast Corridor Project Draft Environmental Report/Environmental Impact Statement. Last month I attended an informational meeting. I have several questions regarding this plan.

01 How will this effect coastal marine life due to the freeway's very close proximity to coastal lagoons, rivers and surf? How much run off from oil and debris will be added to our ocean? How will we clean this increased pollution from our beaches and ocean waters?

02 Will this decrease greenhouse gasses or increase them? What will be the level of CO2 released during weekday and weekend rush hour at the increased capacity including the additional lanes?

How will this increase of air pollution affect our children's health attending the neighboring schools of Oceanside High School, South Oceanside Elementary, and Laurel Elementary? Two of these schools have athletic field backed up against the freeway as it is. How will you inform parents of this increased health hazard from the neighboring freeway? What will be the cost of increased cases of bronchial issues and asthma caused by the air pollution?

03 Why is CalTrans not increasing railway service on existing railway running north south along the coastal corridor? Why doesn't the Coaster train run on Sunday? Why on Saturday is rail service greatly restricted? Weekends are the time when traffic is consistently the worst and this is the time when train services are greatly deficient.

04 Will this actually increase people's use of cars for transpiration from Oceanside to San Diego due to the quicker travel time? Will more people choose to live in North County and work in San Diego due to this freeway construction? Wouldn't this actually increase traffic?

05 As a nation we are facing an epidemic of obesity. Will this project increase instances of obesity in our population? Will increased freeway use contribute to an even more sedentary lifestyle?

I look forward to all of your responses. I am very concerned and hope the cost of this project is truly evaluated before it is begun.

Sincerely,
Heidi Franczyk

Heidi Franczyk

810 Leonard Ave.
Oceanside, CA 92054

RESPONSES

Responses to Heidi Franczyk

01 Thank you for your comments regarding potential project-related impacts to water quality and related effects to coastal marine life. Your comments are part of the public record.

Regarding general project-related effects to wetlands and biological resources in San Elijo Lagoon, these issues are addressed under the *Biological Environment* heading of *Chapter 3*, *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Additional information is provided in Topical Response "Lagoon Effects." Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. As noted in the Supplemental EIR/EIS and Topical Response "Lagoon Evaluation," the project will include a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), which would be implemented as part of the project and would enhance and protect lagoon habitat. Thus, project mitigation would be part of a comprehensive solution to coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale. Please also refer to the Environmental Commitments Record

MAIL – COMMENTS	RESPONSES
	01 cont. for a list of avoidance, minimization and/or mitigation measures associated with local wildlife. Regarding potential project impacts relative to water quality in lagoons, this issue is addressed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff,* and under the *Biological Environment* heading of *Chapter 3*, including *Sections 3.17* through *3.22*. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases, and concludes that Caltrans is committed to prevent or minimize impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. 02 Regarding project-related greenhouse gas (GHG) generation, EIR/EIS *Section 4.6, Climate Change*, includes an analysis of project GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives (refer to Final EIR/EIS *Table 4.2*). Specifically, the project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day, compared to the No Build alternative. These decreases would be due to the drop in congestion and improved travel times along the corridor. Please also refer to Topical Response "Global Warming" for additional information on climate change issues.

MAIL – COMMENTS	RESPONSES
	02 cont. With respect to air quality related pollution, and as described above and in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Additionally, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. Given the nature of the project, which is designed to maintain or reduce travel time through reduction in congestion along the I-5 corridor, it is anticipated that health effects associated with traffic congestion would be improved over existing conditions. Specifically, the mobile source air toxics (MSAT) analysis conducted for the proposed alternatives indicated that there would be an approximately 49 percent decrease in 2030 MSAT emissions over base year conditions (2006). Projected differences in future MSAT emissions under the proposed No Build alternative and the build alternatives are provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12*, with potential long-term health effects from living in proximity to a freeway discussed in *Section 3.14.3*. Please refer to Topical Response "Air Pollutants" for additional discussion on potential air quality related health effects.
	03 Regarding the existing railway and current Coaster schedule, because potential modifications to rail services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District (NCTD), which has jurisdiction over train schedules.
	04 With respect to your concern for project-related increases in traffic and daily commuter trips, the potential for induced demand has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project. This small expected increase can be attributed to the fact that this project is only one part of a multimodal system, along with other project-specific and regional efforts. Please refer to Topical Response "Projected Growth" for additional information regarding transportation demand.

MAIL – COMMENTS	RESPONSES
	04 cont. Additionally, because the North Coast Corridor is already highly urbanized, it is not anticipated to become more so or have increased development based solely on the proposed improvements. Due to the urbanized nature of the study area and limited availability of developable land, there are no known projects in the vicinity that are dependent on implementation of the proposed project. As such, it can be inferred that further growth in the project area and surrounding region is planned and would most likely occur with or without implementation of the proposed project. The potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends. The reduction in congestion and improved safety associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other constraints, such as land use controls within local and regional plans and policies, as well as the limited space available for further development. Also, this project is not designed with excess capacity that could induce substantial unplanned growth during the design period. Please refer to EIR/EIS *Section 3.2, Growth*, for more information on this issue.
	05 Caltrans is unaware of any direct connection between the proposed freeway improvements and obesity. However, intuitively, it would seem that reducing travel time would reduce the number of hours each year that people spend in their cars which would allow them more time for exercise and recreation. Additionally, a number of community enhancement features are identified within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement,* of the EIR/EIS). If implemented, these features would create and/or improve amenities including pedestrian or bicycle corridors, as well as connections between pedestrian and bicycle routes and public transit centers. Thus, the proposed project would provide additional options for non-motorized travel and active recreation.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 I would strongly advise you to take a ride through your proposed additional lanes (" as many as 16 through Solana Beach) on the newest dream track called I-5!
What wonderful it will be — with its many racing lanes and clover movements to move to the exist lanes.
Perhaps it will all be monitored by CHP in helicopter!

J F G

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Response to J.F.G. (Initials only)

01 Thank you for your comment, which is part of the public record.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

I am living here in Solana Beach since our homes were built in 1973.

01 We just went through a widening of I-5 that increased our noise and pollution level tremendously - the black grease residue is all over our outdoor furniture etc. I am outraged at your plan to double the lanes through Solana Beach. Haven't you learned from L.A. that it doesn't do any good - only create more gridlock. What we need is a Monorail

02 along I-5 with many stops and that is in service constantly. Similar to the El-Trains that run in many cities. We do not need anymore Freeway Lanes and noise + pollution. What we need is good public Transportation & hope you listen

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Mrs. Norma M. Gaukel
908 Santa Estella
Solana Beach, CA 92075

RESPONSES

Responses to Norma M. Gaukel

01 Thank you for your comments regarding potential noise and air quality concerns east of the I-5 corridor and north of Lomas Santa Fe Drive. Your comments are part of the public record.

With regard to noise, and as outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S614 and S622 (Option 2) in the subject area (refer to EIR/EIS *Figures 2-2.3, Sheets 23* through *25*). Neither of these soundwalls encompasses the subject property, however, and would not provide any associated noise-abatement benefits. Option 1 of S622 extends along the I-5 right-of-way adjacent to the subject property, although this structure was determined not to be "reasonable" to construct under the noted FHWA and Caltrans guidelines due to the fact that the estimated construction cost exceeded the "reasonable" cost allowance with S622 Option 2 recommended for construction (refer to EIR/EIS *Tables 3.15.16* and *3.15.16*). It should also be noted that Option 1 of S622 would not provide noise abatement at the subject property due to elevation differences between this site and the freeway corridor (refer to EIR/EIS *Section 3.15.4*). As

MAIL – COMMENTS	RESPONSES
	01 cont. shown in EIR/EIS *Table 3.15.15*, the closest noise receptors to the subject property, R7.21 and R7.21A (757 and 745 Santa Rosita, respectively), would experience noise level increases of zero dBA (i.e., 72 to 72 dBA at 757 Santa Rosita) and three dBA (i.e., 63 to 66 dBA at 745 Santa Rosita) over existing conditions under the "project without soundwall" scenario. Noise level increases at the subject property are expected to be similar, based on its relative location (i.e., approximately 300 to 350 feet east of the noted noise receptor sites). Accordingly, the proposed project would be expected to result in a noise level increase of approximately zero to three dBA at the subject property. Changes of three dBA or less generally are not detectable by the average healthy human ear. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With respect to general air quality concerns, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing and projected future no build conditions. For particulate matter (PM) such as dust and diesel exhaust particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards and is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency PM guidance (described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against a no build condition. Please also refer to Topical Response "Air Pollutants" for additional information on air quality concerns. 02 With respect to your comment regarding doubling the lanes through Solana Beach, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined.

MAIL – COMMENTS	RESPONSES
	02 cont. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. All potential project options, including the largest of the build alternatives (the 10+4 Barrier alternative), however, will be considered during the ongoing project review and decision process. No one answer is appropriate for all segments of our State highway system: congested portions of I-5 in Los Angeles are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5. Please also refer to Topical Response “Projected Growth” regarding the accommodation of projected growth in traffic over time and Topical Response “Project Lifespan” regarding the fluid nature of transportation improvements, which change over time and can be iterative. Regarding the need for a monorail, please refer to Topical Response “Corridor Alternatives” regarding transportation alternatives evaluated for the North Coast Corridor, which included early screening relative to use of monorail in this area. With regard to better public transportation, please note that the proposed project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding mass transit options.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 We are strongley opposed to the proposed
I-5 widening project. The perpetual widening of
02 the interstate is not the solution to the
transportation issues faced by commuters in north
county. The recent widening project and reconfiguration
03 of the exits at the Lomas Santa Fe Drive exit
has already had a negative impact on the
community by increased noise pollution. Continuing
04 the trend of adding lanes to the interstate
degrades the quality of life in our coastal communities,
05 destroys property values, and negatively impacts
our coastal land, waterways & wildlife. Other
06 solutions need to be explored.

Catherine & Douglas Gilbert

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

G Douglas Gilbert
418 Santa Bartola
Solana Beach, CA 92075

RESPONSES

Responses to Douglas Gilbert

01 Thank you for your comments, which are part of the public record.

02 The benefits of the *I-5 NCC Project* with respect to reducing future travel time and congestion in the region is documented in the EIR/EIS. However, Caltrans realizes that improvements to the freeway are not the only way to improve transportation within the corridor. As discussed in Topical Response "Multimodal Systems," the *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), mass transit improvements alone are not a substitute for freeway widening.

03 With respect to potential noise concerns east of the I-5 corridor and north of Lomas Santa Fe Drive (418 Santa Bartola), and as described in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. As shown in EIR/EIS *Table 3.15.15*, the closest noise receptors to the subject property, R7.18 and R7.19 (831 and 819 Santa Rosita, respectively), would experience noise level increases of three dBA (i.e., 65 to 68 dBA at 831 Santa Rosita) and two dBA (i.e. 64 to 66 dBA at 819 Santa Rosita) over existing

MAIL – COMMENTS	RESPONSES
	03 cont. conditions under the "project without soundwall" scenario. Noise level increases at the subject property are expected to be equal or less, based on its relative location (i.e., approximately 450 feet east of the noted noise receptors). Accordingly, the proposed project would result in a noise level increase of up to approximately two to three dBA at the subject property. Changes of three dBA or less generally are not detectable by the average healthy human ear. Please refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	04 A number of efforts have been made during the project design process to avoid, minimize, and/or mitigate project-related community impacts to the maximum extent practicable. Specifically, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. Accordingly, the EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. Caltrans has also worked with local jurisdictions along the project corridor to develop a number of potential community enhancement projects. The identified enhancement projects encompass several facilities in the vicinity of Solana Beach, including: (1) Streetscape Enhancements on Ida Avenue; (2) Pedestrian Trailhead at Solana Hills Drive; and (3) I-5 North Coast Bike Trail in the City of Solana Beach, intended to provide a non-vehicular alternative along the entire I-5 project corridor. These and other identified enhancement facilities within the project corridor, if implemented, would foster community improvement through creation and/or enhancement of pedestrian or bicycle access, connection of pedestrian or bicycle routes with public transit centers, enhancement of non-vehicular

MAIL – COMMENTS	RESPONSES
	04 cont. connectivity across I-5, and creation of trailheads and other recreational opportunities within local communities throughout the I-5 project area (refer to EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*). Please also refer to Topical Response "Visual/Community Effects" regarding potential effects of the proposed I-5 modifications on North County and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities near the highway. Based solely on the effects of the proposed I-5 modifications, substantial adverse impacts to property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects. 05 Regarding general project-related effects to wetlands and biological resources in San Elijo Lagoon, these issues are addressed under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Additional information is provided in Topical Response "Lagoon Effects." Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. The project will include a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), which would enhance and protect lagoon habitat. This program, being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies, will address transportation-related impacts on a regional scale. 06 Please refer to the response to your Comment 02 with regard to other transportation solutions.

MAIL – COMMENTS

09/10/10

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Widening I-5 will encourage increased development and thereby, increased traffic on I-5.
In light of this States push for energy efficiency, how you can justify this project?

Jane Gilbert
820 Ida Ave
Solana Beach, CA
92075

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Response to Jane Gilbert

01 Thank you for your comments, which are part of the public record. With regard to the potential for the proposed project to generate an increase in development and traffic, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. As described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reduce traveling out of one's way to reach a destination. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic.

MAIL – COMMENTS

September 7, 2010

Shay Lynn Harrison,
Environmental Analysis Branch Chief
CA Department of Transportation
District 11 Division of Environmental Analysis, MS 242
4050 Taylor Street San Diego, CA 92110

Dear Ms. Harrison;

01 We are writing to express our extreme concern regarding the I-5 North Coast Corridor HOV/Managed Lanes Project. Not only are the impacts on neighborhoods and natural resources unacceptable, but the funds associated with the project should be used on much more progressive and positive solutions of impending traffic woes.

02 Our suggestions include:
1) Establish more functional Park and Ride facilities and subsidize carpool users.
2) Stagger use of the lanes by prohibiting large trucks from the route during peak travel times.
3) Implement a tax similar to London's for entering downtown San Diego during peak times.
4) Develop incentives for hybrid or electric vehicle use as a means to reduce emissions, minimize brake pad dust, and lower noise levels along the corridor.
03 5) Focus on improvements for the Coaster and Amtrak tracks.

04 Property values along I-5 will suffer; quality of life in respect to air and sound pollution will decrease; and the affected communities will be perceived as a super-highway vs. a scenic destination along our San Diego County coastline.

05 Can CalTrans honestly say that this project is not likely to leave us in a similar predicament in 30 years?

Karen Gordon
Stephen L. Gordon

Karen Gordon
Stephen Gordon
878 Viva Court
Solana Beach, CA 92075

RESPONSES

Responses to Karen and Stephen Gordon

01 Thank you for your comments, which are part of the public record. Regarding funding of other traffic solutions, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

02 Thank you for your suggestions for congestion relief on our regional transportation network. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement,* of the EIR/EIS). If implemented, these features would create and/or improve amenities including park and ride facilities. With regard to prohibiting large trucks during peak travel times, truck traffic comprises approximately five to seven percent of I-5 traffic in the existing condition. This is also the projected

MAIL – COMMENTS	RESPONSES
	02 cont. future condition. Given the relatively small percentage of trucks on I-5, Caltrans believes that the potential benefits to traffic flow would not justify the potential impacts on routes, users, businesses, and delivery actions by placing timing restrictions on trucks in the general purpose lanes. The remaining suggestions would be beyond the purview of Caltrans to authorize and are not identified as components or strategies of the region's multimodal transportation network envisioned in the 2050 Regional Transportation Plan (RTP), which is the adopted long-range blueprint for the San Diego regional transportation system for the next 40 years. The focus of the 2050 RTP is to provide more modal choices for the movement of people and goods. Refer to Topical Response "Multimodal System" for information on the multimodal nature of the planned transportation network. 03 Regarding your preference to focus on Coaster and Amtrak improvements, such projects are being planned concurrently with the proposed project. Please also refer to the response to your Comment 01 regarding these transportation modes. 04 Based on the discussion provided in EIR/EIS *Section 3.4, Community Impacts*, substantial adverse impacts to local property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for more information regarding factors affecting residential property value based on potential transportation project effects. Regarding quality of life with respect to air and sound pollution, please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on the North County lifestyle and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. Specifically with regard to air pollution, air quality is anticipated to improve with project implementation due to reduced levels of congestion. Please refer to Topical Response "Air Pollutants" for more information regarding the anticipated decrease in emitted pollutants with project implementation. With regard to noise pollution, as outlined in EIR/EIS *Section 3.15, Noise,* project-related increases in traffic

MAIL – COMMENTS	RESPONSES
	04 cont. noise over no build conditions are anticipated to generally be approximately three decibels. As described in the project 2007 Noise Study Report, changes of three dBA or less generally are not detectable by the average healthy human ear. Please note, however, that the project would address existing and future noise levels when conditions would approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners. For more information regarding noise pollution, analyses, and the process for approving soundwalls, please refer to Topical Response "Soundwall Considerations." Additionally, please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. As noted at the beginning of this response, the perception of coastal communities being a scenic destination along our San Diego coastline is not anticipated to change.
	05 Growth will continue in the region and put pressure on the transportation services available within the North Coast Corridor. The improvements included within the *I-5 NCC Project* are designed to accommodate future transportation but, at some point, additional improvements to the overall transportation system will likely be required to meet the continued growth in the region. Please refer to Topical Response "Project Lifespan" for additional information regarding the planning time frame for the proposed project.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: David Hagglunel (Print Clearly) Date: 9-21-10

Address: 769 Poinsettia Park S. (Print Clearly)
Encinitas CA 92024

Contact Phone: 760 436 9701

Email (Optional): hagglunde cox.net

Do you wish to be added to the mailing list? ☐ Yes ☒ No

I would like the following comments included in the public record for this project:

01 A sound wall will be critical to mitigate impact on my home. The expansion will create more noise and adversely impact my home value.

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet NORTH COAST 5 INTERSTATE 5 CORRIDOR

RESPONSES

Response to David Hagglunel

01 Thank you for your comments regarding noise concerns and the request for a soundwall in the area east of the I-5 corridor and south of Leucadia Boulevard. Your comments are part of the public record. As outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S692 along the noted freeway segment. While S692 was determined not to be "reasonable" due to the fact that the estimated cost exceeds the "reasonable" cost allowance, it is recommended for construction to provide noise abatement for "severely impacted" noise receptors

MAIL – COMMENTS	RESPONSES
	01 cont. (including R11.31 and R11.32, refer to EIR/EIS *Figures 2-2.3, Sheet 36,* and *Table 3.15.24*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise and would provide noise abatement for associated noise receptors in accordance with applicable FHWA and Caltrans requirements. Refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. The construction of S692 may not provide a discernible noise abatement benefit for the subject property (769 Poinsettia Park South), due to its location of approximately 1110 to 1400 feet east of the listed noise receptors (from review of Google Maps) and the presence of intervening structures that can provide noise shielding. S692 would, however, provide noise abatement in the open space area associated with the noted noise receptors (refer to *Table 3.15.23*). Based on discussion provided in EIR/EIS *Section 3.4, Community Impacts*, substantial adverse impacts to local property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 We are appalled by this project plan. This money should not be spent, considering the budget crisis CA. is in, and if any is spent, it should be on mass public

02 transportation projects, to get Southern CA out of the middle ages of transportation.

03 Expanding this freeway will do nothing but destroy the whole reason that people enjoy living here. It will bring noise &

04 pollution & visual blight that are absolutely unacceptable.

05 We must stop spending on these huge, needless projects & look ahead intelligently.

Linda Hart
978 Santa Florencia
Solana Beach, CA 92075

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Linda Hart

01 Thank you for your comments, which are part of the public record. With regard to spending money for project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by voters) at www.sandag.org. The TransNet Independent Taxpayer Oversight Committee was formed to provide a higher level of accountability for expenditure of funds. More information about this committee and the San Diego Association of Governments (SANDAG) is also available at www.sandag.org.

02 Regarding the use of funding for public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System” and “Mass Transit” for additional discussion regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response “Transportation Funding” for information on issues related to use of public highway funding for public transportation projects.

MAIL – COMMENTS	RESPONSES
	03 Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA), has been identified in the Final EIR/EIS as the Preferred Alternative, and would constitute the least amount of expansion. With respect to your concern regarding project impacts to the enjoyment of living in Solana Beach, the changes to the I-5 right-of-way are focused and linear in nature. Based solely on the effects of proposed I-5 modifications, substantial adverse impacts to local quality of life and community enjoyment are not anticipated. For more information regarding potential effects of proposed I-5 modifications on North County and why they are not expected to result in a substantial adverse effect on the quality of life in the communities and neighborhoods near the highway, please refer to Topical Response "Visual/Community Effects." Additionally, with regard to community enjoyment in Solana Beach, Caltrans has worked with the City to develop a number of potential local community enhancement projects, including: (1) Streetscape Enhancements on Ida Avenue; (2) Pedestrian Trailhead at Solana Hills Drive; and (3) I-5 North Coast Bike Trail in the City of Solana Beach, intended to provide a non-vehicular alternative along the entire I-5 project corridor. These features are intended to enhance the local community and negate any potential community impacts from the proposed project.
	04 Regarding potential project-related noise concerns: Although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear, as described in EIR/EIS *Section 3.15, Noise*. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for

MAIL – COMMENTS	RESPONSES
	04 cont. noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. For concerns related to pollution (air and water quality), EIR/EIS *Section 3.14, Air Quality*, describes the fact that the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for the discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation. For potential water quality pollution, EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, identifies and evaluates potential water quality impacts associated with implementation of the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and

MAIL – COMMENTS	RESPONSES
	04 cont. design, construction, and operational phases, and concludes that Caltrans is committed to prevent or minimize impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. With regard to potential visual blight associated with the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway-level visual impacts of the project. Refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views. Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. 05 Please refer to the response to your Comment 01 with regard to use of funds for the proposed project.

MAIL – COMMENTS

Mr Paul C Hefferlin
311 Fowles St
Oceanside CA 92054-4522

Caltrans
c/o Shay Lynn Harrison
4050 Taylor St. MS-242
San Diego, CA 92110

October 21, 2010

Dear Sir or Madam,

01 I'm writing regarding arguments against the I5 expansion and favoring rapid transit.

Rapid transit is a transportation option that deserves consideration - However, we've learned, I hope, that the only thing that make it viable is strong financial incentive for potential users.

One needs only to look at the cost/benefit lesson the Sprinter taught us. The only time rider ship came even marginally close to profitability was in July and August of 2008 when 87 octane gas was priced in excess of $4.50.

It's imperative we expedite I5 expansion.

Sincerely,

Paul Hefferlin

RESPONSES

Response to Paul Hefferlin

01 Thank you for your comments regarding the necessity to expedite I-5 expansion. Your comments are part of the public record. Caltrans agrees that transit is an important part of the solution to the transportation solution for the North Coast Corridor and also agrees that improvement to I-5 is imperative to make the overall system function.

MAIL – COMMENTS

Citizen Comments, CalTrans Draft Environmental Impact Report, Proposed I-5 Widening Project

Submitted by: Paul Henkart, 918 Santa Hidalga, Solana Beach, CA. 92075

01

I. Options not considered
1) Why wasn't the DAR and transit center at Manchester disclosed to the public before the DEIR?
2) Why wasn't Rubberized Asphalt Concrete (RAC) considered? Why can't I-5 use the same surface as on other freeways such as I-8 in Mission Valley?
3) Why wasn't a western alignment considered for Segment 7 (Lomas Santa Fe to Manchester)? If it was considered, where is the associated study?
4) Why isn't storm water filtration guaranteed rather than "subject to change during design phase"?

02

II. Noise – general
1) What is the noise increment from when the freeway was first built? What is the noise increment from when the residences along Segment 7 were built in 1977/1978?
2) Why wasn't the 2004 noise study updated with new measurements after the Lomas Sante Fe interchange was completed in late 2008 when Segment 7 was widened by adding an HOV lane and moving the auxiliary lane closer to the residential area?
3) Why isn't episodic or intermittent noise (noise in excess of hour averages that lasts a short time), from motorcycles and diesel engine brakes, considered?
4) Does the sound level associated with a traffic flow used in the noise study include episodic noise due to topography?

03

5) Why weren't the residents adjacent to I-5 asked if they wanted a soundwall or not? See Chapter 30 (Project Development), page 30-12. Where is the evidence such meetings were held?

04

6) What homes would have views blocked of the San Elijo Lagoon due to soundwall S622?

05

7) Does the 2004 noise modeling include the Manchester (and other) DARs and the freeway elevation changes due to the DAR?
8) Does the noise modeling include the effects of the Manchester DAR?
9) Why doesn't the noise level increase with the "No Build" option even though the traffic volume increases?
10) Why aren't higher soundwalls recommended for S622 option 2?
11) What is the cost of increasing the "glass" soundwall from 3.7m o 4.9m and obtaining a 2dB sound reduction?
12) What criteria were used in "taking" property due to exceeding noise levels?
13) What traffic flows were used for the 2004 noise study (both for "existing" and "future"? What noise levels were associated with the traffic flows? What traffic mix (trucks and cars) was assumed in the noise study for both "existing" and "future"?
14) Why wasn't the 2003 noise study conducted for the Caltrans/Encinitas Manchester Interchange included?

RESPONSES

Response to Paul Henkart

01 Thank you for your comments, which are part of the public record.

Caltrans has provided various methods for disseminating information about the project to the public, as well as for the public to provide feedback. The environmental review process is designed to provide full disclosure to both the public and governmental decision makers regarding potential, significant environmental effects of a proposed project. A Notice of Intent (NOI) was issued for the draft environmental document on January 5, 2004 (included as *Figure 5-1.1* of the EIR/EIS). The NOI provided a summary of the proposed project, including direct access ramps and interchange improvements. The Draft EIR/EIS was circulated for an extended public review period, between July 8, 2010 and November 22, 2010, during which public meetings were held in each of the cities along the corridor. Input from all of these efforts has been considered in the project planning and design process.

The Manchester Avenue direct access ramp (DAR) was originally designed as a fly-over to provide buses access to the HOV/Managed Lanes without using the general purpose lanes, as presented in the Draft EIR. As part of the ongoing effort to minimize the project's footprint, Caltrans engineers have modified the design of the Manchester Avenue DAR to replace the fly-over with an undercrossing and to reduce the number of spaces in the proposed San Elijo Multi-use Facility, thereby substantially improving visual effects related to the proposed project at this location. This new configuration is shown on *Figure 2-2.5b* of this Final EIR/EIS.

Quieter pavement, such as "rubberized asphalt concrete" (RAC), is currently not listed in 23 CFR 772 as a noise abatement measure that can be applied in accordance with federal policy. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. Asphalt surfacing increases maintenance costs, which is a factor being

MAIL – COMMENTS	RESPONSES
	01 cont. considered in wider applications beyond pilot studies. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures. In some special circumstances, Caltrans may consider using State only funds to pay for quieter pavement to reduce traffic noise. Additional information about the ongoing pavement research can be found on the Caltrans website at: http://www.dot.ca.gov/hq/env/noise/index.htm#2011catnap. A "western alignment" was not considered because the project would improve an existing facility, and thus, proposed improvements are centered on the existing facility. The issue of "storm water filtration," or "treatment," is discussed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*. This section provides an evaluation of potential water quality related pollution in association with the identified build alternatives and the No Build alternative, and identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns based on approved Caltrans standards, manuals, and guidelines including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to project elements and phases including "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, as applicable. The EIR/EIS analysis notes that "Treatment BMPs must be considered for the proposed project, as required under the SWMP to prevent or minimize the long-term potential impacts from Caltrans facilities or activities…the locations of these treatment BMPs would be further evaluated to determine feasibility in relation to right-of-way limitations, environmental constraints or hydraulic capacity." Accordingly, the implementation of "treatment" BMPs for project-related storm water flows is certain, although the site-specific locations, nature, and extent of these BMPs cannot be provided at this time due to the ongoing nature of project design.

MAIL – COMMENTS	RESPONSES
	01 cont. Based on the described considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.
	02 Regarding your questions on "noise increments" at the time I-5 was initially constructed and in 1977/1978, such historical noise data are not known to be available. Even if this information were available, however, it would not be a consideration in the noise analysis conducted for the proposed project. Specifically, as discussed in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable FHWA and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With respect to updating existing noise measurements recorded as part of the project's noise assessment, updating these noise level measurements would not affect the analysis of project-related noise impacts or associated mitigation requirements. Specifically, future No Build and build alternative traffic noise levels are modeled using level of service (LOS) C traffic volumes to obtain the "worst-case" hourly average noise scenario; therefore, measured noise levels in 2004 (or subsequent dates) do not affect the future modeled noise level. That is, because the worst-case hourly average noise levels are associated with free-flowing traffic operating at higher speeds on all lanes, they would not change as a function of time and/or higher daily traffic volumes. As noted above in this response, future noise modeling involves the use of LOS C traffic levels to produce the "worst-case" hourly noise levels. Because this hourly noise level is an average value,

MAIL – COMMENTS	RESPONSES
	02 cont. it does incorporate short-term higher level noise events (as well as lower noise levels) that occur within the assessed time period. It is unclear exactly what this comment is referring to in the question regarding "episodic noise due to topography…," although it should be noted that the project's noise assessment does incorporate applicable changes to the freeway profile and associated surface features; related information is provided in Section 5.0 of the Noise Study Report (NSR) prepared for the project under the heading of Traffic Noise Modeling. The NSR is available for review at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf. 03 As noted in Topical Response "Soundwall Considerations," coordination with property owners regarding whether or not they desire a wall is an important element of the process. Such coordination will occur following the selection of an alternative (if a build alternative is chosen). 04 The design of individual soundwalls has not been finalized at this time, so it is not possible to state which properties would have their views of San Elijo Lagoon blocked by Soundwall S622 Option 1. It should be noted, however, that Option 1 is not recommended for implementation. EIR/EIS *Section 3.7*, *Visual/Aesthetics*, identifies a number of related potential design options to address visual concerns, including the use of transparent materials to retain desirable views (refer to EIR/EIS *Figure 3-7.122*). The specific nature of individual soundwalls would be determined as part of the final project design process. 05 With respect to the consideration of the Manchester Avenue and other DARs in the project's noise assessment, these facilities are specifically included in both the NSR and EIR/EIS *Section 3.15* (refer to Final EIR/EIS *Figures 2-2.3, Sheets 26* and *27,* and *Tables 3.15.13* and *3.15.14*, as well as Sheets 23 and 24 of NSR Appendix C). Please also note, however, that the design of the Manchester Avenue DAR has been modified since the circulation of the Draft EIR/EIS to replace the fly-over bridge with an undercrossing structure, and the associated San Elijo Multi-use Facility has been reduced in size. The DARs at Cannon Road and Oceanside Boulevard have been removed from the project design entirely.

MAIL – COMMENTS	RESPONSES
	05 cont. Noise levels in the vicinity of the subject property (918 Santa Hidalga) associated with the No Build alternative are not projected to increase at a number of nearby noise receptors due to the use of "worst-case" hourly noise levels for future noise modeling as described above in the response to your Comment 02 (refer also to EIR/EIS *Table 3.15.15*). That is, because the worst-case noise levels are associated with free-flowing traffic operating at higher speeds on all lanes, they would not change as a function of time and/or higher daily traffic volumes. As shown in EIR/EIS *Table 3.15.15*, Soundwall S622 (similar to all potential soundwalls) was evaluated at heights ranging from 8 to 16 feet. This range was based on technical criteria including requirements for a reduction of traffic noise levels by a minimum of five dBA, and the ability to block the line-of-sight to heavy truck exhaust stacks. Based on the information provided in *Tables 3.15.15* and *3.15.16*, the noted criteria were met for S622 (Option 2) with a soundwall ranging in height from 8 to 14 feet. While a higher (16-foot) wall would provide additional noise reduction as shown on *Table 3.15.15*, the noted technical criteria were achieved with a shorter wall, and S622 (Option 2) was already determined not to be "reasonable" as the estimated construction cost exceeded the "reasonable" allowance (although Option 2 was preliminarily recommended for construction to provide noise abatement for associated "severely impacted" noise receptors, refer to *Table 3.15.16*). Constructing S622 (Option 2) at a greater height would exacerbate this situation by further increasing the already "unreasonable" costs. While the specific additional cost associated with increasing the height of Soundwall S622 (Option 2) from 14 to 16 feet was not calculated as part of the project noise analysis, the cost for S622 at a maximum height of 14 feet already exceeded the "reasonable" allowance as previously noted, with this situation to be exacerbated by a higher wall. Increasing sound levels are not considered to result in a "taking" of property. As described in Section 6.0 of the NSR and *Section 3.15* of the EIR/EIS, existing noise levels used for the project's noise analysis were derived from measured readings within the project corridor (with existing average daily traffic volumes for various I-5 segments in the project corridor shown in Final EIR/EIS *Table 3.6.2*). The

MAIL – COMMENTS

Citizen Comments, CalTrans Draft Environmental Impact Report, Proposed I-5 Widening Project

Submitted by: Paul Henkart, 918 Santa Hidalga, Solana Beach, CA. 92075

III. Noise – specific

06
1) How is variable topography accounted for in the modeling program?
2) How are atmospheric conditions dealt with in the modeling program?
3) How is episodic noise (engine brakes and motorcycles) due to segment 7 being on a grade handled?
4) How was table 7-22 of the Noise Study Report calculated? Why are the "no build" noise levels the same as the existing levels even though the traffic volume increases?
5) Why wasn't measured noise receptor 7.21 (short term site 7.3 at 757 Santa Rosita) conducted in line-of-sight of the existing freeway?
6) Why wasn't measured noise receptor 7.29 (short term site 7.4 at 717 Santa Florencia) conducted in line-of-sight of the existing freeway?
7) Why was the long term noise measurement LT7.1 sampled at a 30 minute intervals which excludes short duration noise such as motorcycle acceleration?
8) Why aren't properties greater than 100ft included in the noise study if they are below the grade of the freeway?
9) Why can't RAC be used when soundwalls are not feasible or reasonable (e.g. S622 option 1))

07
10) How many, and which, properties will have lagoon views blocked by soundwall 622, option 1?
11) What is the physics of view blockage caused by soundwall 622 option 1? Is there any proof that views would be blocked?

IV. Manchester DAR and transit center

08
1) Where is the biological study for the Manchester DAR and transit center?
2) What will be the impact of the DAR and transit center on the San Elijo Lagoon Ecological Reserve?

09
3) Where is the noise study for the Manchester DAR?
4) Where is the noise study for the Manchester transit center?

10
5) How much lighting will be associated with the DAR
6) How much lighting will be associated with the Manchester transit center?

11
7) What group (who) will maintain the transit center? Who will fund the maintenance? Who will do garbage pickup? How often? Street sweeping?

12
8) How will the DAR and transit center handle storm water?

V. Errors

13
1) Air Quality Study, page 7, Table D, lists the "Principle Land Use" of Segment 7 (Lomas Santa Fe to Manchester) as "Commercial and Industrial". This area is primarily residential with a small amount of commercial.
2) Page 3.15-17, table 3.15.15 should list R7.15 through R7.32 as being on the Northbound side of Lomas Santa Fe to Manchester. Page 3.15-18 repeats the error.

RESPONSES

05 cont. projected future noise levels generated in the project analysis, as discussed above in the response to your Comment 02, were based on the use of LOS C traffic levels to produce the "worst-case" hourly noise levels. The specific traffic mixes (including cars, medium trucks, and heavy trucks) used for applicable freeway segments in the project's future traffic model are provided in Table 6-3 of the NSR. As noted above, existing noise levels were derived from measured readings, with associated traffic data (including mixes) not applicable. Based on the information described above in this response and in the response to your Comment 02, due to the nature of existing noise level data (measured), as well projected future noise modeling (LOS C traffic "worst-case" hourly noise levels), the use of additional noise data (including the referenced 2003 Manchester Avenue Noise Study) are not applicable to the project analysis.

06 Regarding the consideration of topography in the project's future noise model, please refer to the response to your Comment 02 above. As noted therein, the project noise assessment considers applicable changes to the freeway profile and associated surface features for effects such as noise shielding and propagation, with related information provided in Section 5.0 of the NSR prepared for the project under the heading of Traffic Noise Modeling. Specifically, this discussion notes that:

> SOUND2000 input is based on a three-dimensional grid…and receiver points are defined by their x, y, and z Coordinates...The propagation path between source and receiver is modeled in SOUND2000 through the use of shielding factors and propagation constants…Shielding factors are useful for modeling the shielding effect of rows of houses or building structures, special terrain features, and even barriers. Propagation constants are used to model the varying propagation rates between the source and the receiver. Generally, two basic propagation rates are used in SOUND2000: hard ground and soft ground. Hard ground propagation is used when either the source or the receiver is elevated or when the propagation path is over a hard surface such as asphalt, and it produces a 3-dB drop-off per doubling of distance. Soft ground propagation

MAIL – COMMENTS | RESPONSES

06 cont. is used to model the greater propagation loss over grass or soft earth, and it produces a 4.5 dB drop-off per doubling of distance.

Atmospheric conditions are incorporated into the future noise model by assuming “normal” conditions, such as temperature, wind direction and speed, and humidity levels, for the area being evaluated. For a discussion of “episodic” noise in the future noise model, please refer to the response to your Comment 02 above. As indicated therein, future noise levels are modeled using LOS C traffic volumes to obtain the “worst-case” hourly average noise levels for free-flowing traffic operating at higher speeds. Accordingly, the worst-case noise levels incorporate both high and low level noise events that occur within the assessed time period.

Table 7-22 from the NSR, along with the corresponding EIR/EIS *Table 3.15.15*, include existing noise levels, projected future build and no build noise levels, and associated soundwall analyses for Segment 7 of the project corridor, extending between Lomas Santa Fe Drive and Manchester Avenue. The existing noise levels shown in these tables reflect short- and long-term noise measurements taken at sensitive locations within the project limits, while the future noise levels were derived from modeling (as discussed above in this response and in the responses to your Comments 02 and 05 above). Detailed descriptions of the terminology in the noted tables, as well as the associated methodologies used to generate existing and future noise data and related soundwall assessments, are provided in Sections 5.0 through 8.0 of the NSR. As discussed above in the responses to your Comments 02 and 05, noise levels associated with the No Build alternative are not projected to increase from existing conditions at a number of nearby noise receptors due to the use of “worst-case” hourly noise levels for future noise modeling. That is, because the worst-case noise levels are associated with free-flowing traffic operating at higher speeds on all lanes, noise levels would not change as a function of time and/or higher daily traffic volumes.

Both of the referenced short-term noise measurement sites (ST 7.3 and ST 7.4) are located at residences with intervening slopes to or

MAIL – COMMENTS	RESPONSES
	06 cont. from the freeway. Specifically, the residence associated with ST 7.3 (757 Santa Rosita) is set back approximately 90 feet from the top of a steep slope that descends to the freeway, while the residence at ST 7.4 (717 Santa Florencia) is located approximately 35 feet from the base of a slope extending down from the freeway corridor (refer to the short-term noise measurements forms and related photos included in Appendices A and B of the NSR, respectively). Accordingly, because neither of the two described residential structures has a direct line-of-sight to the freeway, the associated noise measurement locations were positioned to provide the most accurate readings at those sites. Long-term noise measurement LT 7.1, similar to all project long-term noise measurements, encompassed continuous noise measurements over a 24-hour (or other applicable) period, thus, included any short-term noise events that occurred during that period. Specifically, the “30-minute interval” identified for LT 7.1 in the project NSR refers to the intervals at which the continuous noise measurements are compiled and logarithmically averaged to provide the maximum equivalent noise level readings (L_{eq}), with these data displayed as an hourly average noise level, L_{eq}(h) in the NSR. Accordingly, the L_{eq} readings provide a logarithmically derived average of all noise occurring during the 24-hour measurement period, including noise “spikes” (e.g., motorcycle noise as indicated in this comment), as well as lower noise levels typically associated with, for example, nighttime readings. Specific information regarding 30-minute interval noise readings and associated hourly L_{eq} levels for LT 7.1 (as well as other project long-term noise measurements) are provided on the associated noise measurements forms included in Appendix A of the NSR. There is no exclusion in the project noise analysis for properties located more than 100 feet from I-5 and below the grade of the freeway, as indicated in this comment. For example, noise receptor site R7.32, for example (825 Santa Inez), located in the general vicinity of the subject property, is situated approximately 300 feet from I-5 and below the freeway grade (refer to Final EIR/EIS *Figures 2-2.3, Sheet 25,* and *Table 3.15.15*).

MAIL – COMMENTS	RESPONSES
	06 cont. With respect to the potential use of alternative roadway surfaces such as RAC for noise reduction, please refer to the response to your Comment 01 above.
	07 With respect to view blockage, please refer to the response to your Comment 04 above.
	08 The biological impacts associated with the Manchester DAR and San Elijo Multi-use Facility are incorporated into the analysis presented in the Natural Environment Study prepared for the project as a whole.
	09 With respect to project noise analysis for the Manchester Avenue DAR, please refer to the response to your Comment 05 above.
	10 The lighting that would be provided for the Manchester Avenue DAR and the multi-use facility would be limited to the amount necessary for public safety and would be directed and shielded away from adjacent residential and open space areas.
	11 The North County Transit District (NCTD) has jurisdiction over transit in the North Coast Corridor. Because of this, the NCTD would be responsible for maintenance (and funding of the maintenance) of the Manchester Avenue Transit Center.
	12 Regarding your concerns on storm water management at the Manchester Avenue DAR and multi-use facility, please refer to the response to your Comment 01 above. As discussed therein, potential project-related runoff and associated water quality impacts are evaluated in EIR/EIS *Section 3.10* for the identified build alternatives and the No Build alternative, which would include potential effects to the noted DAR and transit center facilities and the adjacent San Elijo Lagoon. *Section 3.10* also identifies appropriate related best management practices (BMPs) from sources such as the SWMP for the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Preliminary BMPs identified in the vicinity of the Manchester Avenue DAR and transit center include a number of bioswales, as depicted on Final EIR/EIS *Figures 2-2.3, Sheet 26*. Runoff from the noted DAR and transit center site would be subject

MAIL – COMMENTS

Citizen Comments, CalTrans Draft Environmental Impact Report, Proposed I-5 Widening Project

Submitted by: Paul Henkart, 918 Santa Hidalga, Solana Beach, CA. 92075

13 cont.

3) Page 2-41, Figure 2-2.14o mislabels soundwall S622 as being option 2, The label should read option 1 (not recommended). Will the public be made aware of this error since it was presented on a large map at the Caltrans "information meetings"?
4) Page 2-42, Figure 2-214p mislocates Soundwall S622 option 2. The label at the center of the figure should be labeled option 1 (not recommended). Will the public be made aware of this error since it was presented on a large map at the Caltrans "information meetings"?
5) Page 2-26, figure 2-2.13 shows a car in a lane labeled "shoulder". Is the car misplaced or the label incorrect?

VI. Miscellaneous

14

1) Will the storm water drains from the freeway dump directly into the lagoons as is Caltrans' current "Best Practice"? Why does section 3.7-48 omit storm water treatment over the lagoons?

15

2) Who will maintain (and fund) the proposed pedestrian bridge over the San Elijo Lagoon (pg2-42)?
3) Who will maintain (and fund) the proposed information and picnic area on Solana Hills Rd (pg2-43)?
4) Why wasn't a dog park considered rather than a information kiosk on Solana Hills?

RESPONSES

12 cont. to "treatment" in the identified BMPs prior to off-site discharge and may also be addressed through efforts such as the use of DPP BMPs prior to "treatment" (e.g., to reduce flow rates and/or amounts).

13 With regard to potential errors in the Draft EIR/EIS, concerns numbered 2, 3, 4, and 5 were corrected and updated into the Final EIR/EIS, which is available to the public. Please note that with respect to concern number 1, the referenced "Table D" is in the June 2008 Mobile Source Air Toxics (MSAT) Analysis. While the existing land use between Lomas Santa Fe Drive and Manchester Avenue does appear to be primarily residential with some commercial, these land uses are correctly identified on *Figure 3-1.5* in the EIR/EIS, and are discussed correctly in EIR/EIS *Section 3.1.1.1, Affected Environment*. Accordingly, the specific abutting land uses identified in the MSAT Report do not affect the associated analyses or conclusions in the EIR/EIS. Also, with respect to concern number 5, while *Figure 2-2.13* in the Draft EIR/EIS did depict cars in the shoulder lanes, this figure has been removed from the Final EIR/EIS based on the fact that the Cannon Road DAR has been eliminated from the project design.

14 Regarding the discharge of storm water flows from the freeway corridor, please refer to the response to your Comment 12 above. As noted therein for the Manchester DAR and multi-use facility, all storm water runoff from the project corridor would be subject to appropriate regulation and "treatment," pursuant to associated regulatory requirements, prior to off-site discharge.

With respect to the reference to "section 3.7-48" in this comment, it is assumed that this citation actually refers to Page 3.7-48 of the Draft EIR/EIS, which includes a description of storm water "treatment" facilities from an aesthetics perspective. Based on this context, the described text on Page 3.7-48 is focused on "treatment" BMPs "…located at freeway interchanges or in areas of high visibility…," and identifies a number of associated design

MAIL – COMMENTS	RESPONSES
	14 cont. efforts intended to avoid or minimize related potential visual effects. Accordingly, this discussion is not intended to provide technical water quality-related BMP features and locations, or to identify all potential "treatment" BMPs (including a number of those located near coastal lagoons). As noted above in the responses to your Comments 01 and 12, preliminary project-specific BMPs, along with existing "treatment" BMPs constructed as part of the Caltrans BMP Retrofit Pilot Program, are identified on Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable.
	15 Long-term maintenance of the community enhancements would be the responsibility of the City in which the project is located, in conformance with future maintenance agreements with Caltrans. Funds for the installation of the community enhancements for the North Coast Corridor have been set aside by SANDAG. These funds are part of a Federal Highway Administration Grant for District 11 enhancement projects and would be supplemented by additional grants and funding acquired by each City. The Manchester Avenue Pedestrian Bridge and Trail would be maintained by the City of Encinitas. The Trailhead at Solana Hills Drive would be maintained by the City of Solana Beach. The proposed community enhancements were identified as the most beneficial to the community by the I-5 NCC Project Development Team, along with input from the various communities.

MAIL – COMMENTS

01

October 4, 2010

Dear Sharyl Lynn Harrison,

My neighbors & I are not favorable toward the multi-lane expansion of Interstate 5 in North County for health and environmental reasons.

Please consider better and more frequent rapid transit availability for our citizens.

Thank you and I hope you support my views.

Sincerely,

Sara Hoff

PETA

Ms. Sara Hoff
1089 Evergreen Dr.
Encinitas, CA 92024

RESPONSES

Response to Sara Hoff

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. With regard to health, please note that, as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality, and associated health impacts, compared with existing conditions.

Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation—rail, bus, highway, pedestrian routes, and bikeways—are expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding mass transit options. Please also refer to Topical Response “Transportation Funding” for information on issues related to the use of public highway funding for alternative transportation modes.

MAIL – COMMENTS

FROM:
C. IRVINE
810 SANTA INEZ
SOLANA BEACH
CA. 92075

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Please - Do NOT EXPAND THE FREEWAY: IT IS TOO CLOS
02 TO OUR HOMES ALREADY! NOISE AS TRUCKS PASS
(1a) "ROARING" NOISE FROM "BLOWBACK" GOING NORTH. AFFECTS MY HEARING.
03 2. SMELL OF DIESEL WHICH SETTLES ON TABLES + CHAIRS WINDOWS &
04 3. VIBRATION - SHAKES OUR HOUSE, + BED AT NIGHT SOME TIM
4. AFTER 3:30 PM SEPTEMBER ON - SUN LIGHT + SHAD
05 FLASH BY WINDOWS IN LIVING ROOM, KITCHEN + BED ROOM
AS TALL TRUCKS ROLL BY - READ & WRITING IMPOSSIB
06 5. WE CAN'T TALK OUTSIDE WITHOUT YELLING!
QUESTION 6. WOULD YOU CONSIDER TRAIN TRACKS IN
07 REMOTE AREAS OF SAN DIEGO COUNTY TO JOIN WITH TRACKS FROM RIVERSIDE & SAN BERN TO LOS ANGELES + POINTS NORTH TO CARRY FREIGHT? - THE LARGE CONTAINER TRUCKS TAKE UP LANE SPACE & SLOW TRAFFIC WHEN THERE ARE MANY AT ONE TIME.

RESPONSES

Response to C. Irvine

01 Thank you for your comments, which are part of the public record.

02 Regarding potential noise concerns, and as outlined in EIR/EIS *Section 3.15, Noise*, although project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations, refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise and would provide noise abatement for a number of associated noise receptors in accordance with FHWA and Caltrans requirements. In the area of the subject property (810 Santa Inez), a soundwall (S622) was identified, with two potential options evaluated. Specifically, as described in *Section 3.15*, Option 1 of this structure extends between stations 616+45 and 626+00 and would provide noise abatement for residences represented by noise receptors R7.18 and R7.20 to R7.32 (refer to *Figures 2-2.3, Sheets 24* and *25*). This option would not be "reasonable" and would not be recommended. A second iteration of S622 has been proposed. Option 2 for S622 would extend between stations 619+20 and 622+00 and would provide noise abatement for residences represented by noise receptors R7.23 through R7.26 (refer to *Figures 2-2.3, Sheets 24*

MAIL – COMMENTS	RESPONSES
	02 cont. and *25*). Option 2 would not be "reasonable" due to exceedance of the projected construction cost allowance but would be recommended for "severely impacted" noise receptors. The final decision regarding construction of this soundwall would be made based on final project design parameters, the coastal permitting process, and input from affected homeowners. As shown in EIR/EIS *Table 3.15.15*, the subject property (noise receptor R7.30) exhibits a noise level of 67 dBA for existing (measured) conditions, as well as and for projected future (modeled) conditions with project implementation but no soundwall. Accordingly, there should be no perceptible difference in noise levels at this site with project implementation. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	03 The proposed project is not anticipated to result in a perceptible increase in existing odors. As described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation.
	04 Substantial vibration impacts are not anticipated. As stated in Appendix G of the EIR/EIS, potential impacts due to vibration caused by the project in comparison with existing conditions were assessed as less than significant.
	05 Regarding your comment concerning tall trucks affecting the lighting in your home as they pass by, the proposed project is not anticipated to have a substantial increase in the number of trucks using this highway and, therefore, would not noticeably increase this affect.
	06 Regarding potential noise concerns, please refer to the response to your Comment 02.

MAIL – COMMENTS	RESPONSES
	07 Regarding the expansion of freight rail operations to reduce truck traffic on the I-5, the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation, including expansion of the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail line. Refer to Topical Response "Rail Preference" for additional information regarding the planned upgrades. Truck traffic comprises approximately five to seven percent of I-5 traffic in the existing condition. This is also the projected future condition. Given the relatively small percentage of trucks on I-5 and proposed improvements to the LOSSAN rail line, the potential traffic benefits of constructing new rail lines in the remote portions of San Diego County are unlikely to outweigh the benefits. Please also refer to the Regional Transportation Plan as described in Topical Response "Multimodal System" regarding planning for rail upgrades in the region.

MAIL – COMMENTS

H.G. FENTON COMPANY

TRUST, SERVICE AND TRADITION SINCE 1906

September 14, 2010

Shay Lynn Harrison, Environmental Analysis Branch Chief
California Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Re: Interstate 5 North Coast Corridor Project EIR-EIS

Dear Ms. Harrison:

I am writing to comment on the draft EIR-EIS for the Interstate 5 North Coast Corridor Project. I believe a portion of the Noise analysis is incorrect, as detailed in my comments below.

The EIR-EIS, on page 3.15-9, states:

"Soundwall S561 would be located along the southbound side of I-5, north of Del Mar Heights Road. This soundwall would provide a feasible reduction in highway traffic noise for six multi-family residences represented by Receptors R5.1 and R5.2 (Table 3.15.11). Soundwall S561 would not be reasonable due to the estimated construction cost exceeding the reasonable cost allowance (Table 3.15.12). Therefore, construction of soundwall S561 would not be recommended (Table 3.15.11)."

01 The EIR-EIS errs in describing the impact at Receptors R5.1 and R5.2 as being to "six multi-family residences". Figure 1, attached, illustrates the site plan to the Bella Del Mar apartment homes, location of the affected residences. This figure identifies twelve multi-family residences, rather than six, as being impacted. That is, there are twelve separate apartment units with a direct line-of-sight to the travel lanes on Interstate 5. The relationship of these units to Interstate 5 is more clearly illustrated in the attached Figure 2.

It is possible the noise analysts who prepared this section of the EIR-EIS were unaware that the units at Bella Del Mar are flats: the first floor is a single residence and directly above, on the second floor, is a separate residence. Thus, all of the units on the east side of the property, highlighted in red on Figure 1 and in yellow on Figure 2, are directly affected by noise from Interstate 5.

Table 3.15.11 concludes that Soundwall S561 would be "Feasible". However, Table 3.15.12 states that this soundwall is "Not Reasonable" because its "Estimated Construction Cost" of $407,215 exceeds the "Reasonable Total Allowance" of $240,000. Determination of reasonableness is based upon an allocation of $40,000 per residence (6 residences X $40,000/residence = $240,000).

7577 Mission Valley Road, Suite 200 San Diego, CA 92108 | 619.400.0120 | 619.400.0111 www.hgfenton.com

RESPONSES

Response to Allen M. Jones, vice president, H.G. Fenton Company

01 Thank you for your provision of detailed information regarding potential noise concerns north of Del Mar Heights Road. This location (as 12 units) will be revisited for the final design and the final noise-abatement decision report. Consideration of second-story units may require a taller wall, which would factor into the overall cost of the wall. For more information on general soundwall evaluation and location analysis in accordance with the Caltrans Traffic Noise Analysis Protocol, please refer to Topical Response "Soundwall Considerations."

MAIL – COMMENTS

RESPONSES

Shay Lynn Harrison
September 14, 2010
Page 2

01 cont.

The allocation of $40,000 should instead have been multiplied by twelve residences, yielding: 12 residences X $40,000/residence = $480,000. Because the $407,215 "Estimated Construction Cost" of the wall is less than $480,000, the EIR/EIS should instead conclude that Soundwall SS61 is both feasible and reasonable and its construction should be recommended.

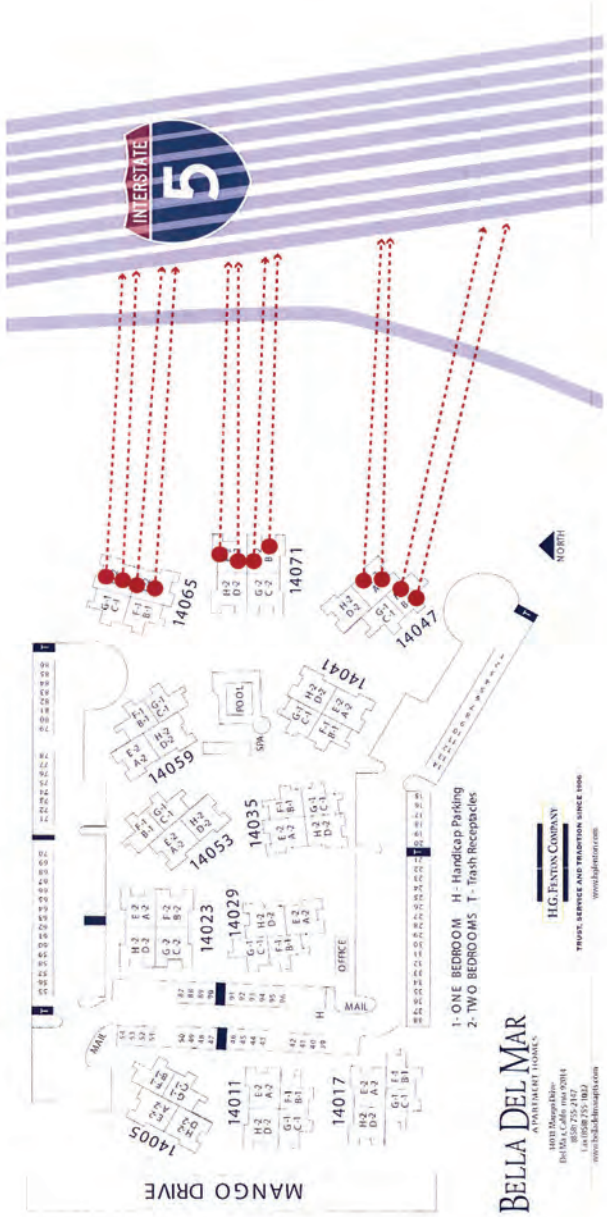
I wish to note that the determination of twelve affected residences is very conservative. A visit to the property would immediately illustrate that significant portions of units H-2 and D-2 in Building 14047 and units G-1 and C-1 in Building 14065 (see Figure 1) are substantially affected by highway noise as well. It would thus be easy to conclude that sixteen, rather than twelve, residences are affected. Whether twelve or sixteen units are being considered the reasonableness of constructing the soundwall is clear.

Thank you very much for considering these comments during preparation of the Final EIR-EIS.

Sincerely,

Allen M. Jones
Vice President
H.G. Fenton Company
7577 Mission Valley Road #200
San Diego, CA 92108

(619) 400-0134
(619) 400-0111 (fax)

MAIL – COMMENTS	RESPONSES
 Figure 1	

MAIL – COMMENTS	RESPONSES
Figure 2	

MAIL – COMMENTS

Caltrans District Office
4050 Taylor St.
San Diego, Ca. 92110

November 4, 2010

Dear Caltrans District Officers and Engineers
I am taking this opportunity to respond to your request for public input on the I 5 congestion problem.

01 *We built our house in 1956 which now overlooks the I 5 corridor on eastside of the freeway. We lost 1/8 of an acre in this job. However, it has given us lots of opportunity to see what a freeway can bring to a luscious area and the dreams of many people.*

It has brought us tragedy, also. Our sons' asthmas attacks and my husband's emphysema.

I am now 80 years old and have lived through the building of the HOV lane below my house. Believe me when I tell you that the backup notice on bulldozers running at night sure destroys your sleep but that left me time at night to think about our congestion problem.

California is a great "think tank" and our state has the ability to get things going and going right.

What is this congestion? Where is it all coming from? What are the main causes?
02 *To answer the first question, Trucks. I began watching the parade of trucks going by my window day and night There are too many of them to add it all up. Why is this so? Because ships coming in from other countries unload at the San Pedro docks and then goods are dispersed throughout the country. Why are the railroads not getting in on this unending capital resource? We have a railroad in working order from the dock to San Diego. Sure, it carries some of these goods, but it does have right-of-way to build more tracks which could remove many trucks.*

03 *Secondly, could Caltrans reduce it's outrageous 14 lane addition to the freeway and dedicate two lanes in each direction strictly to trucks?*

RESPONSES

Responses to Helen E. Klich

01 Thank you for your comments, which are part of the public record.

Comments on the Draft EIR/EIS are intended to focus on the environmental adequacy of the studies completed for the proposed project. Although your comments regarding the original construction of the I-5 freeway are now part of the public record, no response to this comment is provided as it does not address the *I-5 NCC Project* EIR/EIS.

Project-related air quality impacts and potential long-term health effects from living in proximity to a freeway are specifically discussed in *Section 3.14.3, Air Quality* of the EIR/EIS. As indicated, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor, which would result in lower overall air emissions and related improvements to air quality compared with existing conditions. While some inherent adverse health effects may be associated with proximity to larger roadways, it is anticipated that health effects associated with traffic congestion and related air quality emissions would be improved over existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on air pollutants and related potential health effects.

Regarding potential project construction at night and associated noise concerns, while specific construction schedules are not known at this time, some nighttime construction would likely occur as indicated in EIR/EIS *Section 3.15, Noise*. Construction-related noise generation would be intermittent and would vary in intensity. Specifically, the degree of construction noise may vary for different areas of the project site as well as with the nature of individual construction activities. Information on noise

MAIL – COMMENTS	RESPONSES
	01 cont. levels for typical construction activities that can be expected in the project area can be found at the following website: http://www.fhwa.dot.gov/environment/noise/handbook/09.htm. *Section 3.15.4* of the EIR/EIS identifies a number of related equipment and administrative noise control measures under the discussion of *Measures to Minimize Construction Noise*, as outlined below: Equipment Noise Control • Ensure that all equipment items have manufacturers' recommended noise-abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. All construction equipment would be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices. • Turn off idling equipment. Administrative Measures • Implement a construction noise-monitoring program to limit impacts. • Plan noisier operations during times least sensitive to noise receptors. • Keep noise levels relatively uniform and minimize impulsive noises. • Plan rests between construction activities so that noisy activities are followed by more quiet activities. • Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. Provide frequent activity updates of all construction activities. During the construction period, contractors would have to comply with the above requirements. These standards have been included in text within this Final EIR/EIS in *Section 3.15,* under the discussion of "Measures to Minimize Construction Noise*."*

MAIL – COMMENTS

In the months I've observed the freeway and absorbed newscasts, it is amazing how many freeway accidents causing congestion can be laid at the feet of truck drivers who lose control of their vehicle mostly due to the nuttiness of auto drivers.

Can you give me answers to any of the above questions? Any thinking going on in that direction?

03 cont.

I have observed several interesting situations on my freeway now. When do I use it? When does the traffic let up;, when is that? By 9:00 A.M. Monday through Saturday. When is the afternoon crawl? By 4:30 P.M.every day and more on Saturday. Other times of the day and week, this freeway is wonderful-open, inviting,beautiful back-country vista, sparkling lagoons gorgeous ocean views in short a great ride.

I hope CalTrans and some nervous drivers will slow down and start thinking of other ways to help I 5. I do reject the knee-jerk reaction to the congestion and hope saner minds will find other answers than building lanes.

Sincerely,
Helen E. Klich Helen E. Klich
1005 Highland Dr.
Del Mar, CA. 92014
Tele;858-755-4031
helenklich@HOTMAIL.COM

RESPONSES

02 The San Diego Association of Governments' (SANDAG) Regional Growth Forecast estimates a 40-percent increase in the region's population between 2008 and 2050, which results in additional transportation demand and, without necessary transportation improvements, congestion. In terms of the movement of goods through the region, both highways and railways are used to move goods through the North County region into and out of San Diego. Truck traffic only comprises approximately five to seven percent of I-5 traffic in the existing condition, and this proportion is also the projected future condition. As described in the EIR/EIS, double-tracking of the entire coastal rail line is planned in order to accommodate trains every 20 minutes during commute hours and provide expanded all-day, seven days a week service by 2030. Double-tracking the corridor will allow trains to run in both directions at the same time, improving rail transit times and reliability. This effort is being pursued by SANDAG in cooperation with the Federal Transit Administration and/or Federal Railroad Administration and is a separate improvement from the *I-5 NCC Project*. Please refer to Topical Response "Rail Preference" for additional discussion on this topic. Please also refer to Topical Response "Projected Growth" with regard to the accommodation of anticipated regional growth.

03 Please note that none of the build alternatives under consideration would result in a 14-lane addition to the freeway. The largest of the build alternatives, the 10+4 alternatives, would add two High Occupancy Vehicle (HOV)/Managed Lanes and one general purpose lane in each direction. Additionally, please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS; it would add two HOV/Managed Lanes in each direction. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Given the relatively small percentage of trucks on I-5 as noted above in response to Comment 02, the

MAIL – COMMENTS	RESPONSES
	03 cont. potential benefits to traffic flow would not justify the potential added costs of adding truck-only lanes to I-5 and would not adequately address the demand from passenger vehicles. The region must balance the needs of the entire multimodal transportation network envisioned in the 2050 Regional Transportation Plan (RTP), which is the adopted long-range blueprint for the San Diego regional transportation system for the next 40 years. With regard to hours of congestion, EIR/EIS *Tables 1.3.4* and *1.3.5* show that a.m. peak hour morning northbound congestion, which does not currently occur, would occur for 3.5 hours by 2030, and p.m. peak hour northbound congestion would be increased by one hour. Similarly, southbound a.m. congestion would increase by one hour and p.m. congestion, which does not currently occur, would occur for seven hours. As noted in Topical Response “Corridor Alternatives,” the current EIR/EIS is only one step in an environmental process that began approximately 20 years ago and has addressed a variety of options to relieve congestion within this busy corridor. Topical Response “Multimodal System” describes the preparation of the RTP, which was an important recent phase in this alternatives evaluation process. The *I-5 NCC Project* is only one part of a larger transportation upgrade being developed for the corridor, including expansion to the adjacent Los Angeles-San Diego-San Luis Obispo heavy rail line, new Bus Rapid Transit lanes, improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. Based on projected levels of traffic demand, improvements to all of these transportation modes are necessary for the system to function at peak efficiency.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: C. HINZ & J. KOLLMAN Date: 9/24/10
(Print Clearly)
Address: 651 POINSETTIA PARK CT.
(Print Clearly) ENCINITAS, CA 92024
Contact Phone: 760-487-1127
Email (Optional): CHAZHINZ@GMAIL.COM

Do you wish to be added to the mailing list? ☒ Yes ☐ No

I would like the following comments included in the public record for this project:

01 Our community needs a sound wall – It would be great to have a 15-18' double insulated wall constructed w/ graffiti resisant surfaces + landscaping including 121 mature trees. This would allow our community to enjoy our park with the expansion of the I-5 freeway.

Should you have questions please feel free to contact us.

Sincerely,
C. Hinz & Justin Kollman

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet N·O·R·T·H C·O·A·S·T 5 INTERSTATE 5 CORRIDOR

RESPONSES

Response to Chinz and J. Kollman

01 Thank you for your comments regarding noise concerns and the request for a soundwall in the area east of the I-5 corridor and south of Leucadia Boulevard. Your comments are part of the public record. As outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S692 along the noted freeway segment. While S692 was determined not to be "reasonable" due to the fact that the estimated cost exceeds the "reasonable" cost allowance, it is recommended for construction to

MAIL – COMMENTS	RESPONSES
	01 cont. provide noise abatement for "severely impacted" noise receptors (including R11.31 and R11.32, refer to EIR/EIS *Figures 2-2.3, Sheet 36,* and *Table 3.15.24*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise and would provide noise abatement for associated noise receptors in accordance with applicable FHWA and Caltrans requirements. Refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. The construction of S692 may not provide a discernible noise-abatement benefit for the subject property (651 Poinsettia Park Court), due to its location approximately 450 to 600 feet east of the listed noise receptors (from review of Google Maps) and the presence of intervening structures that can provide noise shielding. S692 would, however, provide noise abatement in the open space area associated with the noted noise receptors (refer to *Table 3.15.23*). Regarding the recommended use of landscaping (including "12-foot mature trees") at proposed soundwalls, and as described in EIR/EIS *Section 3.7, Visual/Aesthetics*, because the project has not yet been designed, specific landscape plans have not yet been proposed. A number of conceptual landscape elements are identified in *Section 3.7*, however, including potential designs associated with soundwalls, earthen berms, and berm/wall combinations (refer to *Figures 3-7.113* through *3-7.119*, and *3-7.122*). As described, a variety of vegetation types and sizes could potentially be used, depending on the site-specific circumstances. It should also be noted, however, that while vegetation can exhibit some noise-absorption benefits in situations where substantial vegetation "depth" is present (e.g., extensive planted orchards or wooded areas), the use of vegetation within the generally confined I-5 corridor would not provide notable noise abatement. With regard to a "graffiti-resistant" soundwall design, in an effort to mitigate project-related visual impacts, several measures have been identified as stated in the above response to your comments. Please refer to Topical Response "Visual/Community Effects" for more information regarding efforts to minimize local visual effects of the proposed improvement.

MAIL – COMMENTS

Stephanie Krzyzopolski
2106 Cottage Way
Vista, CA 92081

October 25, 2010

CALTRANS
SHAY LYNN HARRISON
4050 Taylor St.
MS-242
San Diego, CA 92110

01 NO NO NO TO THE CONCRETE JUNGLE PROJECT !!!!

02 THE INTERSTATE 5 CORRIDOR PROPOSAL IS A MONSTER EXPANDING LANES THREATENS EVERY ASPECT OF THE NATURAL WORLD ARROUND US. THE LAGOONS, NATURAL HABITATS, OCEAN VIEWS... HOMES OF THOUSANDS ARE AFFECTED BY NOISE POLLUCTION.

03 THERE IS NOT ONE PART OF MY BEING IN NEED OF MORE FREEWAY LANES. DO NOT REPEAT THE SAME MISTAKES EXPECTING DIFFERENT RESULTS.

04 WE WILL NEVER SOLVE GRIDLOCK WITH OUT ALTERNATIVE RAIL TRANSPORTATION.

YOUR PLAN WILL FAIL .YOU MAY NOT FRAGMENT AND DESTROY MY NEIGHBORHOOD.

05 OUR QUALITY OF LIFE MATTERS. OUR HARD WORK MADE THE NEIGHBORHOODS WHAT THEY ARE – YOU HAVE NO RIGHTS TO EXPLOIT AND DEMOLISH WHAT HAS BEEN ESTABLISHED.

NO NO NO TO THE CONCRETE JUNGLE PROJECT !!!
No. County Carlsbad Resident
Voter Reg. / S. Krzyzpolski

You can achieve better! This is no type of solution.

RESPONSES

Responses to S. Krzyzopolski

01 Thank you for your comments, which are part of the public record.

02 Potential impacts to biological resources at the six coastal lagoons and/or associated waterways within the I-5 corridor are evaluated under the *Biological Environment* heading of the EIR/EIS. Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Please also refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since the circulation of the Draft EIR/EIS in 2010. Based on those studies, the existing portions of I-5 that cross Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons were determined to be appropriate lengths, while crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. Topical Response "Lagoon Evaluations" also addresses the importance of the Transportation Resource and Enhancement Program. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale.

Please note that specific to loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys, would be avoided or minimized as matter of project design. These

MAIL – COMMENTS	RESPONSES
	02 cont. resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. Please refer to Topical Response "Visual/Community Effects" for more information regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the anticipated less than substantial nature of project effects as the viewer leaves the I-5 corridor. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS). With respect to noise, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners (per applicable Federal Highway Administration [FHWA] and Caltrans guidelines). Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). Although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer dBA over no build conditions. As described in the project's Noise Study Report, changes of three dBA or less generally are not detectable by the average healthy human ear. The use of the proposed noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	03 Refer to the response to your Comment 01 regarding your opposition of expanding I-5.
	04 Rail is a critical element of the solution to North Coast Corridor transportation issues. I-5 improvements would be part of a multimodal system, which would include improvements to rail transportation. Please refer to Topical Responses "Multimodal

MAIL – COMMENTS	RESPONSES
	04 cont. System" for discussion of the history of public outreach and the many components of this transportation solution, as well as "Rail Preference" for a summary of ongoing rail improvements.
	05 The I-5 improvements would not result in new fragmentation of neighborhoods. Additional build area would be immediately adjacent to the existing I-5 facility. Regarding potential project impacts to the local "quality of life," please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County. Caltrans agrees that quality of life matters. One of the important factors regarding quality of life is the number of hours that County residents spend on congested roadways rather than at their destination. The multimodal solution to North Coast transportation issues discussed in response to Comment 04 of this letter is designed to help alleviate both congestion and the existing shortfall in transportation options. Please also note that an element of this project would be the implementation of bicycle and pedestrian enhanced trails at Batiquitos and Agua Hedionda Lagoons in the City of Carlsbad, as well as enhancements north of the I-5 North Coast Bike Trail interface with Avenida Encinas. These contributions to non-motorized transportation are part of the reason project effects are not expected to result in a substantial adverse impact on the overall quality of life in the communities and neighborhoods near the highway. The reference to "demolish" may refer to the purchase and demolition of abutting property. Please note that it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system during improvements to that highway wherever practicable; however, avoidance is not always possible when an existing facility is being improved. The proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. As such, the number of property acquisitions and relocations resulting from the project would be minimized to the extent practicable through design efforts. Following circulation of the Draft EIR/EIS and

MAIL – COMMENTS	RESPONSES
	05 cont. receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. If the Preferred Alternative is approved, the potential for 60 residences to be acquired in Carlsbad (noted in the Draft EIR/EIS for the 10+4 Barrier alternative) would be reduced to 1 residence. The assessor's parcel numbers associated with these anticipated relocations are provided in Topical Response "Property Acquisition" and in Final EIR/EIS *Section 3.4.2.3, Environmental Consequences.* Where such impacts cannot be avoided, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. Please refer to Topical Response "Property Acquisition."

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 My name is Clemens Kwee and I have 2 young children. I live in the Santa Fe Hills community in Solana Beach and I'am very concern about the environmental pollution impact on our family and neighborhood due to the I-5 expansion -

02 Please consider cancelling the project or adopt mass transit alternative instead.

Sincerely,
Clemens Kwee 10-8-2010

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Clemens Kwee

01 Thank you for your comments regarding potential project-related environmental pollution (air and water quality) concerns. Your comments are part of the public record. As described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Potential health risk impacts associated with traffic congestion would also be improved over existing conditions. As described in EIR/EIS *Section 3.14.3*, the mobile source air toxics (MSAT) analysis conducted for the proposed alternatives indicated that there would be an approximately 49 percent decrease in 2030 MSAT emissions over base year conditions (2006). Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation.

EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, identifies and evaluates potential water quality impacts associated with implementation of the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with

MAIL – COMMENTS	RESPONSES
	01 cont. the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases, and concludes that Caltrans is committed to prevent or minimize impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.
	02 Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 I oppose the widening of Ht 1-5. and ask you to respond to the following PROBLEMS & impacts & explain how you will mitigate these factors:

02 ① increased run-off of water which is CONTAMINATED/polluted.

03 ② increased particulate matter in area + greater distribution

04 ③ destruction of wildlife habitat + impact on threatened wildlife (egrets, cranes, frogs etc)

05 ④ increased greenhouse gases

06 ⑤ Reduction in lagoon(s) area by increasing concrete roadway(s) more lanes, + Retaining walls etc

07 ⑥ increased noise pollution

08 ⑦ less monies for mass transit

09 ⑧ expenditure of monies - debt incurred to pay for expansion

10 ⑨ taking of property to expand highways + interchange

11 ⑩ cost of bridges + including connection to Hiway 56

12 ⑪ promotion of individual vehicle/bus usage rather than promotion of trolleys, coaster, and other alternative transportation and mass transit

13 ⑫ making us California citizens more dependent on fossil fuels - a national security concern

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Alexandra Kwoka
alex@alexkwoka.com
14080 CONDESA DR
DEL MAR, CA 92014
800 The Mark Lane #307
San Diego, CA 92101

RESPONSES

Responses to Alexandra Kwoka

01 Thank you for your comments, which are part of the public record.

02 With respect to water quality, and as described in EIR/EIS *3.10, Water Quality and Storm Water Runoff*, potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative. Specifically, this includes direct impacts from short-term construction activities, such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related pollutants (e.g., fuels and lubricants), as well as long-term operational impacts, such as the generation of vehicle-related pollutants (e.g., particulates and metals from break pad wear, and exhaust-generated pollutants such as nitrite). This analysis provides quantified assessments of potential impacts related to existing and proposed impervious (paved) surfaces as well as identification of associated potential pollutant generation and related effects. The analysis also addresses associated indirect impacts, such as downstream sediment/pollutant transport (i.e., sedimentation) and the potential discharge of pollutants related to long-term facility operation and maintenance activities such as landscaping (e.g., green waste and pesticides and herbicides).

Section 3.10 also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of

MAIL – COMMENTS	RESPONSES
	02 cont. existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.
	03 Regarding air quality and particulate matter (PM) concerns, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing and projected future no build conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. For PM such as dust and diesel exhaust particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards and is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency PM guidance (as described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against a no build condition. A number of measures are also identified in the EIR/EIS to control construction-related particulate generation (e.g., dust), with additional information provided in *Section 3.14.4* and Topical Response "Air Pollutants."
	04 The EIR/EIS states that the project would impact sensitive biological resources. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be

MAIL – COMMENTS	RESPONSES
	04 cont. the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. As summarized in *Table ES.14* of the EIR/EIS, the Preferred Alternative would impact wetlands and the wildlife that use this habitat. It would also impact these sensitive bird species: Belding's savannah sparrow, and coastal California gnatcatcher and associated critical habitat. The Preferred Alternative would also impact critical habitat for the southwestern willow flycatcher and the tidewater goby. Proposed project avoidance, minimization, and mitigation or enhancement measures are described in the EIR/EIS. These mitigation and enhancement features (the project Resource Enhancement and Mitigation Program, or REMP) comprise a substantial part of the Transportation and Resource Enhancement Program (TREP) presented with the Project Works Plan (PWP) and developed to support future permitting by the California Coastal Commission if the project is approved. The PWP/TREP addresses all impacts and proposed mitigation for the *I-5 NCC Project*, the Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line projects, and local agency projects listed in that document. Addressing impacts on this corridor-wide basis would provide greater regional benefit than mitigating on an individual project basis as these projects independently move forward over the next few decades. Please refer to Topical Response "Lagoon Evaluations" and EIR/EIS *Sections 3.17.3* and *3.21.4* for additional information.
	05 With respect to potential project-related greenhouse gas (GHG) generation, an analysis of project GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives, is provided in EIR/EIS *Section 4.6, Climate Change*. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout carbon dioxide emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the drop in congestion and improved travel times along the corridor. Please refer to Topical Response "Climate Change" for additional information on GHG-related issues.
	06 EIR/EIS *Section 3.18, Wetlands and Other Waters,* states that impacts to the lagoons over which I-5 crosses would be unavoidable

MAIL – COMMENTS	RESPONSES
	06 cont. with each of the build alternatives. According to *Table 3.17.1,* the Preferred Alternative would impact fewer total acres of wetland habitat than the other build alternatives. The impact estimates contained in this table are based on preliminary design completed for purposes of evaluating the project alternatives. The ultimate impact of the on each vegetation type would be determined when final design has been completed. While the build alternatives would result in impacts to wetlands, they also would lengthen several of the bridges over the lagoons to improve their tidal circulation and associated ecological functions (refer to Topical Response "Lagoon Evaluations" for additional details). In addition, as noted in the response to your Comment 04, a comprehensive mitigation program has been developed to address the impacts.
	07 Regarding potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans *Traffic* Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	08 Regarding funding for mass transit, please note that funding for Caltrans highway improvement projects is allocated separately from several other funding sources allocated specifically for various other types of transportation projects. Caltrans has no authority

MAIL – COMMENTS	RESPONSES
	08 cont. to independently require or authorize bus rapid transit or light rail programs. Staff agrees that alternative transportation methods are critical to keeping San Diegans moving and that mass transit options provide critical elements of the regional transportation network. Please refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.
	09 In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available through their home page at www.sandag.org.
	10 With respect to property acquisitions, it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system during improvements to that highway wherever practicable; however, avoidance is not always possible when an existing facility is being improved. The proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. As such, the number of property acquisitions and relocations resulting from the project would be minimized to the extent practicable through design efforts. Where such impacts cannot be avoided, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available through measures such as the State Relocation and Last Resort Housing programs. Please also refer to Topical Responses "Property Acquisition" and "Acquisition

MAIL – COMMENTS	RESPONSES
	10 cont. Valuation" for additional information regarding property acquisition and property valuation, respectively.
	11 In regards to the cost of replacement and modified structures, Final EIR/EIS *Table 2.3* identifies the specific structures that are proposed to be replaced or widened under each of the build alternatives evaluated in the EIR/EIS. No improvements or connectors to the I-5 / State Route (SR-) 56 Interchange are proposed as part of this project. New eastbound SR-56 to northbound I-5 and southbound I-5 to eastbound SR-56 connectors are currently proposed as a separate project called the *I-5 / SR-56 Interchange Project*. The Draft EIR/EIS for that project was released in May 2012, with a final document anticipated for release in late 2013. Please also refer to the response to your Comment 09 with regard to project cost.
	12 In regard to promotion of trolley, coaster, and other mass transit options, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," Rail Preference," and "Mass Transit" for additional discussion

MAIL – COMMENTS	RESPONSES
	12 cont. regarding ongoing plans and improvements to public transportation. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening.
	13 As the agency responsible for constructing and maintaining state highway facilities, Caltrans is responsible for responding to the needs of California drivers and the number of vehicles to be accommodated but cannot control the number of vehicles on the road overall. With regard to dependence on fossil fuels, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-direction travel.

MAIL – COMMENTS

Oct. 1, 2010

Dear Ms Shay Lynn Harrison,

01 I e-mailed a request for information about our property & I-5 widening, about a week ago. However I've never rec'd a response.

We have 16 units, apts, @ Chestnut & the I-5 (west side). The address is 945 Chestnut Carlsbad, Ca. 92008. The parcel # is 204-191-22-00.

02 We would like to know if our property is in any way involved in the I-5 widening. I can't find any detailed map on-line & what was in the paper appeared to be very close.

Our apts are called 'Chestnut Villas.' And we are Andy & Carolyn Lanaja

E-mail: Andorl@AOL.com

We live in O'side. 1629 Calle Las Casas
Oceanside, CA
92056

Thanks,
Carolyn Lanaja

P.S. We would appreciate a response.

RESPONSES

Responses to Carolyn Lanaja

01 Thank you for your comments, which are part of the public record. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative would not directly impact the referenced structure located at 945 Chestnut Avenue in the City of Carlsbad. A temporary construction easement (TCE), however, would be required within the driveway adjacent to the noted building, to accommodate the construction of a proposed retaining wall within Caltrans' right-of-way.

02 Regarding your concerns about the Chestnut Villas 16-unit complex at 945 Chestnut Avenue in Carlsbad, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. As described in *Section 3.4.2, Relocations and Real Property Acquisition*, of the EIR/EIS, no multi-residential units (apartments or condos) in the City of Carlsbad would be affected by the 8+4 Buffer alternative (refer to Final EIR/EIS *Tables 3.4.4a* and *3.4.4b*). State and federal constitutions and the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (as amended) authorize the purchase of private property for public use and assure full protection of the rights of each citizen. While it is not currently anticipated that the referenced property would be directly impacted or require acquisition under the Preferred Alternative, if that situation is subsequently changed, an appraisal would be performed to determine the fair market value and an offer of just compensation would be made.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 DEAR ENVIRONMENTAL ANALSIS BRANCH

I AM A HOMEOWNER WITHIN SANTA FE HILLS NEIGHBORHOOD AND AM STRONGLY AGAINST ANY ALTERATIONS TO I-5 IN SOLANA BEACH. MY HOME

02 IS WITHIN A FEW HUNDRED YARDS OF THE HOMES THAT HAVE BEEN PROPOSED WHICH WILL NEED TO BE REMOVED TO WIDEN I-5. THIS WILL OBVIOUSLY

03 INCREASE BOTH AIR AND NOISE POLLUTION AT MY HOME. FURTHERMORE, THIS WILL FURTHER

04 DECREASE PROPERTY VALUES AS A RESULT.

FUNDS CAN BE BETTER SPENT – I.E. MY TAX

05 DOLLARS ON TRANSPORTION METHODS THAT ARE GEARED TO BETTER ADDRESS THE FUTURE NEEDS OF OUR GROWING COUNTY SUCH AS HIGH SPEED RAIL AT THE RATE SD COUNTY IS EXPANDING

SINCERELY

DON LANDLINA
– 774 SANTA FLORA
– 734 SANTA PAULA
SOLANA BEACH
CA 92075

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Dan Landlina

01 Thank you for your comments, which are part of the public record.

02 Regarding potential property acquisitions and related effects to air and noise pollution for the remaining properties in the area east of I-5 and north of Lomas Santa Fe in the City of Solana Beach, it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system. To this end, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. While it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion, and the project design process is ongoing, EIR/EIS *Section 3.4.2, Relocations and Real Property Acquisition* (refer to Final EIR/EIS *Tables 3.4.4a* and *3.4.4b*), notes that no relocations would occur in Solana Beach under the 8+4 Buffer alternative. Accordingly, such relocation impacts would also not be expected for the Preferred Alternative.

03 Project-related air pollution (air quality) concerns are addressed in EIR/EIS *Section 3.14, Air Quality*. As discussed therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please refer to Topical Response "Air Pollutants" for additional discussion on potential air quality effects.

For noise, and as outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when

MAIL – COMMENTS	RESPONSES
	03 cont. conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is “feasible,” “reasonable,” and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of “reasonable and feasible” criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations, including S614 and S622 (Option 2) in the subject area (refer to EIR/EIS *Figures 2-2.3, Sheets 23* through *25*). Neither of these soundwalls encompasses the subject properties, however, and would not provide any associated noise-abatement benefits. Option 1 of S622 extends along the I-5 right-of-way between the freeway and both subject properties (974 Santa Florencia and 734 Santa Paula); but this structure was determined not to be “reasonable” to construct under the FHWA and Caltrans guidelines due to the fact that the estimated construction cost exceeds the “reasonable” cost allowance (with S622 Option 2 recommended for construction, refer to EIR/EIS *Tables 3.15.16* and *3.15.16*). It should also be noted, however, that Option 1 of S622 would not provide noise abatement at the subject properties due to elevation differences between these sites and the freeway corridor, the intervening distances, and the presence of existing structures that can provide noise screening. As shown in EIR/EIS *Table 3.15.15*, the closest noise receptors to the subject properties, R7.27 and R7.28 (755 and 733 Santa Florencia, respectively), would experience noise level increases of three dBA (i.e., 67 to 70 dBA at 755 Santa Florencia) and two dBA (i.e. 68 to 70 dBA at 733 Santa Florencia) over existing conditions under the “project without soundwall” scenario. Noise level increases at the subject properties are expected to be similar or less, based on their relative location (i.e., approximately 550 to 1900 feet east of the noted noise receptor sites) and the noted presence of intervening structures. Accordingly, the proposed project would be expected to result in a noise level increase of three dBA or less at the subject properties. Changes of three dBA or less generally are not detectable by the average healthy human ear. Please also refer to Topical Response “Soundwall Considerations” for additional information on noise and soundwall analysis.

MAIL – COMMENTS	RESPONSES
	04 Please refer to Topical Response “Property Valuation” for information regarding factors affecting residential property value based on potential transportation project effects. Based solely on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated.
	05 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response “Transportation Funding” for information on issues related to use of public highway funding for alternative transportation modes.

MAIL – COMMENTS

Mr. Richard Lantz
2844 Wilson Street
Carlsbad, CA 92008-1531

American Red Cross

October 21,2010

Richard C. Lantz
2844 Wilson St.
Carlsbad, CA 92008
Lantzfam@roadrunner.com

Shay Lynn Harrison
4050 Taylor St., MS-242
San Diego, CA 92110

RE: I-5 Widening

Dear Shay,

01 I am writing in opposition of the proposed widening of I-5 from Oceanside south. I am a weekly commuter who endures the morning and evening congestion but do not believe widening the freeway will provide long term relief. The other consequence of widening this structure will contribute to the
02 erosion of our beautiful coastline corridor, as demonstrated in Orange and LA Counties.

03 Please look at other alternatives, (Coaster expansion/dual tracking, stand alone bike trails, carpool/shared ride incentives), to address congestion relief but do not sacrifice what is left of our coastal corridor in a near sighted effort to temporarily relieve what we have **managed** to live and work with for the last twenty years. Thank you.

Sincerely,

Richard C. Lantz, Capt
Southwest Airlines

RESPONSES

Responses to Richard C. Lantz

01 Thank you for your comments, which are part of the public record.

Regarding potential concerns associated with ongoing congestion along I-5, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The use of High Occupancy Vehicle (HOV)/ Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. The proposed project would not completely eliminate congestion. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the no build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to Topical Response "Project Lifespan" with respect to the anticipated lifespan of project improvements.

MAIL – COMMENTS	RESPONSES
	02 If this comment refers to topographic erosion, project-related effects would be negligible. The I-5 facility is not located directly adjacent to the shoreline within the North Coast Corridor. The Coast Highway is the closest transportation facility adjacent to the coastline, and that road is often supported by berming that restricts water (and sediment flow) to the ocean. As required by law, I-5 construction and operation would be designed to avoid substantial hydrological changes and to control both flooding and sedimentation potential related to I-5 design. I-5 is not anticipated to result in erosion. If the comment refers to local community character or "quality of life," please refer to the Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those effects are not expected to result in a substantial adverse effect on the overall community character or quality of life in the communities and neighborhoods near the highway.
	03 Several alternatives were considered before the build alternatives were chosen as the most viable options. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the I-5 corridor, including transit-based alternatives. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The project would include HOV/Managed Lanes, which would provide an incentive for carpooling or ridesharing by providing such users a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. As described in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*, community enhancements including bicycle paths have been identified. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options.

MAIL – COMMENTS	RESPONSES
	03 cont. Regarding your comments about not sacrificing what is left of our coastal corridor, please refer to the response to Comment 02 of your letter. Please also note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Why make I-5 into two freeways (on top of or beside each other)? I suggest including an

02 obvious alternative — Re-align and extend I-805 from Mira Mesa Blvd, approximately midway between I-5 and I-15, to a northerly juncture with SR 76 northeast of Vista.

Charles D. Leighton
462 Santa Alicia
Solana Beach, CA 92075

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Charles D. Leighton

01 Thank you for your comments regarding the project design, which are part of the public record. The project would not result in construction of an additional freeway; rather, it would add lanes to the existing facility.

02 Regarding the potential to extend I-805 between Mira Mesa Boulevard and State Route (SR) 76 as a new north-south freeway corridor, the regional transportation network that is anticipated over the next 40 years is identified in the 2050 Regional Transportation Plan (RTP). The RTP outlines projects for highways, local streets, rail and bus services, and bicycle and pedestrian facilities. There are no plans in the 2050 RTP to extend I-805 as a new north-south freeway corridor between I-5 and I-15. The land between I-5 and I-15 has been mostly developed with uses consistent with local land use plans, which also do not identify a new freeway alignment. The focus of the 2050 RTP is to provide a variety of travel choices and multimodal facilities by improving the existing transportation system.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 I attended the meeting in Solana Beach August 19, 2010 concerning the Cal-Trans proposal for the I-5 freeway expansion. I do not understand in our changing work society and in these economic times why such a gigantic plan is being considered.
02 The noise from this expansion will be terrible. The exhaust from construction then
03 followed by the increase in traffic will be detrimental to people and environment. Gas emissions will increase at a time we are to be working to lessen them. A few
04 years ago I attended a presentation by Cal-Trans on the expansion for the I-5 freeway which would have had added fewer traffic lanes and no private property would be taken. What has happened to those more sensible plans?

05 Who would want to be a tourist in an area where you will see more concrete than the local environment? If construction is to be over 40 years, who will want to live in the coastal communities? The effect of this project will affect a very large part of the greater San Diego area not just those living near it. Do we need another freeway in the Eastern part of San Diego to help with the North-South movement of traffic? Why should the I-5 and I-15 freeway corridors be expected to carry all the North-South traffic for all this large metropolitan area?

06 It will be a sad situation for Southern California if this project is built as planned. In the future, we could become nothing but concrete and walls from the border to North of Los Angeles. What kind of a life style would this be?

Marianne Leighton
462 Santa Alicia
Solana Beach, CA 92075

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Marianne Leighton

01 Thank you for your comments, which are part of the public record. With regard to spending money for project improvements, upgrades to this segment of the National Strategic Highway Network are important. Regional population is expected to continue to increase, resulting in increased demand for transportation along the I-5 corridor. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route.

02 With respect to potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is “feasible,” “reasonable,” and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of “reasonable and feasible” criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to be effective in reducing traffic-generated noise.

MAIL – COMMENTS	RESPONSES
	02 cont. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	03 Regarding potential project-related air quality concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor (as described in EIR/EIS *Section 3.14, Air Quality).* This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation. For your comment regarding the potential to increase "gas emissions" (which is assumed to refer to greenhouse gas [GHG] emissions), EIR/EIS *Section 4.6, Climate Change*, provides an analysis of associated GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. To the extent that a project relieves congestion by enhancing operations and improving travel times in high-congestion travel corridors, GHG emissions (particularly carbon dioxide [CO_2]) may be reduced. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the decreased congestion and improved travel times along the corridor. Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues.
	04 Regarding your comment on additional I-5 widening alternatives presented at a previous public meeting, after the review of applicable files and related information, no alternative that would add fewer lanes and eliminate all property acquisitions was identified. The EIR/EIS, however, fully evaluates the four build alternatives, as well as the No Build alternative, which were outlined at the public meetings are described in EIR/EIS *Section 2.2, Alternatives*. EIR/EIS *Section 2.6, Alternatives Considered but Eliminated From Further Discussion Prior to Draft EIR/EIS*, also provides

MAIL – COMMENTS	RESPONSES
	04 cont. descriptions of eight additional alternatives that were eliminated from detailed environmental review due to their inability to provide adequate highway capacity to meet the year 2020 travel demands within the project limits. It is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system during improvements to that highway, to the extent practicable; however, avoidance is not always possible when an existing facility is being improved. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Please also refer to Topical Response "Property Acquisition" for additional information regarding anticipated impacts to private property.
	05 While the proposed improvements would increase the paved area and number of walls along the I-5 corridor, the increase would not be expected to substantially affect tourists in the region. I-5 is not considered, in and of itself, a tourist attraction but, rather, a means of allowing tourists to move between tourist attractions in the region. As with residents, reducing travel times and congestion would have a positive impact on tourists in the region. Given the fact that I-5 has already changed the visual character of the immediate area, it is unlikely that tourists would perceive the improvements as a substantial visual change. Project construction would not occur continuously over a 40-year period; please refer to EIR/EIS *Section 2.4, Phased Construction*, for additional information. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County lifestyle and why those impacts are not expected to result in a substantial adverse effect in the communities already crossed by this highway. I-5 carries traffic both between the various coastal communities, as well as serving as a regional corridor between San Diego and Los Angeles. Construction of an additional freeway farther east would not address these transportation needs.

MAIL – COMMENTS	RESPONSES
	06 Your preference for the No Build alternative is part of the public record. Please refer to the response to your Comment 05 with regard to project effects on visual character and lifestyle.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: September 9, 2010
Place: Oceanside High School, Multipurpose Room
1 Pirates Cove, Oceanside, CA 92054

Name: Mike Lewis Date: 9/21/2010
(Print Clearly)

Address: 1771 Hillcrest Scenic Lane
(Print Clearly) Encinitas, Ca. 92024

Contact Phone: 760 802-6639

Email (Optional): mlewis500@gmail.com

Do you wish to be added to the mailing list? ☑ Yes ☐ No

I would like the following comments included in the public record for this project:

01 1) How was it determined that noise pollution mitigation was "unreasonable for the area between Poinsettia and Leucadia Blvd?
2) Given that the current decibal level exceeds the mitigation levels today, how is it reasonable to not mitigate noise pollution at the higher future levels?

02 3) Why were ~~the~~ nearly all of the noise receptors in this area on the westside of the freeway, knowing that the prevailing wind pushes the noise to the east? Why would the placement of these receptors on the WEST of the freeway NOT provide a distorted or inaccurate reading of the actual or normalized noise pollution.

03 4). What were the dates and wind condition on the dates conditions were measured?
5. What was the duration of the measurements?

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Mike Lewis

01 Thank you for your comments regarding noise-related concerns, including the determination of whether identified soundwalls in the area between Leucadia Boulevard and Poinsettia Lane are "reasonable" to construct under applicable regulatory guidelines. Your comments are part of the public record. As discussed in EIR/EIS *Section 3.15*, *Noise*, and per the Caltrans Traffic Noise Analysis Protocol, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners. Based on the noted protocol, the following criteria are used to determine when an abatement measure is "reasonable and feasible." The "reasonable" determination is basically a cost-benefit analysis, with associated factors including resident acceptance, absolute noise level, build versus existing noise levels, environmental impacts of abatement, public and local agency input, newly constructed development versus development pre-dating 1978, and the cost per benefited residence, which

MAIL – COMMENTS	RESPONSES
	01 cont. entails calculating an allowance considered to be a "reasonable" amount of money to spend on abatement per benefited residence. The "feasibility" of noise abatement is basically an engineering concern, with a minimum five dBA reduction in the future noise level required for an abatement measure to be considered "feasible." Other considerations in the determination of "feasibility" include topography, access requirements, other noise sources, and safety considerations. The determination of "feasibility" is made first, with soundwalls identified as "feasible," then evaluated under the described "reasonable" criteria. For the described area between Leucadia Boulevard and Poinsettia Lane, the following conclusions are provided in *Section 3.15* regarding potential noise abatement (refer to EIR/EIS *Figures 2-2.3, Sheets 37* through *43*; and *Tables 3.15.25* through *3.15.28*): • Abatement at the following noise receptors was determined not to be "feasible" based on the fact that an adequate (five dBA) noise level reduction could not be achieved: R12.1 through R12.3, R12.8 through R12.13 (not including R12.12), R12.15, R12.18, R12.20, R12.23, R12.25 through R12.28 (not including R12.26A), R12.30 through R12.33, R12.35 through R12.38, R12.40 through R12.42, R13.10, and R13.17. • A "feasible" noise reduction was identified for the following noise receptors: (1) R12.29 with Soundwall S719; (2) R12.34 with Soundwall S702; (3) R12.39 with Soundwall S706; (4) R13.13 through R13.16 with Soundwall S737; (6) R13.18 through R13.20 (including R13.20A) with Soundwall S730; and (7) R13.21 through R13.26 (including R13.21A and R13.24A) with Soundwall S736;. All of these soundwalls were determined not to be "reasonable," however, as the estimated costs exceeded the associated "reasonable" allowances and they are not recommended. • A "feasible" noise reduction was identified for the following noise receptors: (1) R12.5, R12.2, R12.14, R12.14A, R12.16, R12.16A, R12.17, R12.19, R12.22, R12.24, and

MAIL – COMMENTS | RESPONSES

01 cont. R12.26A with Soundwall S790; and (2) R13.1, R13.2, and R13.2A with Soundwall S723. Both of these soundwalls were determined not to be "reasonable," however, and they are not recommended. Individual abatement would, however, be provided for the following "severely impacted" receptors: R12.4 through R12.7, R12.14, R12.16, R12.19, and R12.21.

- A "feasible" noise reduction was identified for the following noise receptors: R13.3 through R13.5 with Soundwall S729. This soundwall was determined to be "reasonable" and is recommended for construction.

02 Regarding the location of noise receptor sites in the area between Leucadia Boulevard and Poinsettia Lane, and as described in *Section 3.15*, a number of site visits were conducted to identify representative noise-sensitive noise receptor locations. These noise receptors were chosen as being representative of similar sensitive sites in the area and typically include locations expected to receive the greatest noise impacts (e.g., the first row of houses from the noise source). As listed on *Tables 3.15.25* through *3.15.28*, numerous noise receptor sites are located on both the east and west sides of the freeway in the subject area. Not all of the noise receptors considered for the project were depicted on Draft EIR/EIS *Figures 2-2.14w* through *2-2.14aa*. All identified noise receptors are depicted on the corresponding graphics in this Final EIR/EIS (*Figures 2-2.3, Sheets 37* through *43*).

03 With respect to site-specific noise measurement data, noise measurements were conducted in areas including frequent outdoor human-use areas and indoor classroom locations. Measurement sites were selected so that there would be no unusual noises from sources such as dogs, pool pumps, or children that could affect the measured levels. Noise measurements are also conducted in conformance with Caltrans and Federal Highway Administration (FHWA) standards and guidance, which includes restrictions on measurements during high wind conditions (i.e., wind speeds that can affect noise level measurements). It should also be noted that, while wind can affect noise measurements, this phenomenon is most applicable to longer distance measurements. That is, in

MAIL – COMMENTS	RESPONSES
	03 cont. a relatively narrow corridor such as I-5 where the principal noise source is close to the noise receptors, the influence of "normal" wind (i.e., within the noted FHWA and Caltrans criteria) on noise measurements is negligible. Information such as measurement dates, locations, wind conditions and durations are provided in the project's Noise Study Report (refer to Appendix A – Noise Measurement Data), which can be accessed at the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf.

MAIL – COMMENTS

TO:
Shay Lynn Harrison
Environmental Branch Chief, District 11
CalTrans
MS 242
4050 Taylor St.
San Diego, Ca. 92110

November 21, 2010

FROM:
Robert Lewis
13713 Recuerdo Dr.
Del Mar, Ca. 92014

RE: I-5 NCCP DEIR/S

Dear Ms. Harrison

I am particularly concerned over the omission of a public transportation alternative in the DEIR/S.

01 Why wasn't a public transportation alternative included? Why is the emphasis on the accommodation of more cars? Is it possible that a public transportation alternative will be less costly, and less environmentally degrading, and in the long term more effective and efficient? Please explain your answer.

02 Cost is a major concern. The project will result in the need to widen local roads and improve intersections. What is the estimated cost to cities that will have to undertake these improvements? What is the estimated cost for the need to provide parking facilities for the additional vehicles that will be accommodated?

03 Some properties will have to be taken or partially taken. What is the estimated cost to pay for these properties?

04 Real estate values will depreciate along the corridor of the project. What is the estimate of the depreciation and what is the estimate of property tax loss?

05 There is concern that once the proposed project is completed that within 5 or 10 years gridlock will once again be a major concern. As a result it is assumed that public transportation will be constructed. What is the estimated cost difference between building transit now or in forty years? Isn't it prudent to build transit now?

06 Recent plans for urban growth include multi-modal transportation plans. What multi-modal plans have been studied for the region? Are they included in the DEIR/S?

07 Based on scoping meetings and work shops it appears that most citizens who will be adversely impacted are opposed to the project. What influence do these citizens have and

RESPONSES

Responses to Robert Lewis

01 Thank you for your comments, which are part of the public record. Regarding public transportation, please note that the *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Multimodal planning for the region and for the North Coast Corridor has been undertaken, as described in Topical Responses "Multimodal System" and "Corridor Alternatives," respectively. Each of the applicable lead agencies is now moving forward with a project-specific analysis of the transportation mode for which it is responsible, and Caltrans has been actively involved in this regional multimodal planning effort. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement,* of the EIR/EIS for more details regarding these features. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors; connections between pedestrian

MAIL – COMMENTS	RESPONSES
	01 cont. and bicycle routes and public transit centers; and park and ride facilities. Please refer to Topical Responses "Rail Preference" and "Mass Transit" for additional discussions regarding mass transit options. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening.
	02 With regard to the project's effects on local roadways, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips (refer to Topical Response "Projected Growth"). As a result, implementation of the *I-5 NCC Project* is not anticipated to result in a need to widen local roadways nor require additional parking.
	03 Although the number of property acquisitions and relocations resulting from the project would be minimized to the greatest extent practicable through design efforts, where such impacts cannot be avoided, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available under the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970. The project's Draft Relocation Impact Report contains a full study on the number of properties subject to a possible acquisition per build alternative, as well as economic considerations and available relocation resources. The final precise numbers, dimensions, and cost of property required will not be known until just prior to the acquisition of individual properties. Please also refer to Topical Responses "Property Acquisition" and "Acquisition Valuation" for additional information.
	04 Substantial adverse impacts to property values are not anticipated from project implementation. Please refer to Topical Response "Property Acquisition" for information regarding factors affecting residential property value. Because local property values are not

MAIL – COMMENTS	RESPONSES
	04 cont. anticipated to be substantially affected, project implementation would also not be expected to result in substantial adverse effects to associated property tax revenues.
	05 Regarding potential concerns associated with ongoing congestion along I-5, as noted in the response to your Comment 01, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The proposed project would not completely eliminate congestion. Nonetheless, the project would result in less congestion than what would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. The response to your Comment 01 also addresses the mass transit improvements that are being planned and anticipated to be implemented concurrently with the proposed *I-5 NCC Project*.
	06 As discussed in response to your Comment 01, the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. While supportive of the public transit improvements being planned by other agencies, Caltrans is only responsible for implementing the I-5 improvements that were identified as necessary through the comprehensive regional transportation planning process. Description of the regional planning process that led to the identification of the proposed I-5 improvements is provided in EIR/EIS *Section 1.4, History and Background*.

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07 cont. who can they petition? Is there a possibility that in the future a series of public meetings will be held to assist with the plan to improve mobility in the project area? If so, which agency would conduct these public meetings?

08 Are the traffic forecast findings in the DEIR/S in agreement with SANDAG statistics ?

09 What part of the DEIR/S addresses the problems associated with the mix of cars and trucks on wider freeways? Is it reasonable to assume that wider freeways with trucks and cars are more stressful for the driver and more dangerous? Please explain your answer.

10 There is a trend toward concepts called "smart growth" and transit oriented development. This includes living closer to jobs, transit centers, and densification. How does the DEIR/S consider these trends in their traffic forecasts ?

11 For forty or so years the project will require construction. This will result in construction lights at night, more pollution from gridlock and construction equipment and will necessitate detours, road closures, and a noticeable reduction in the quality of life along the impacted coastal region. It will also require staging areas for construction materials and equipment. Please explain how these conditions will be mitigated or addressed?

12 There is a call for more energy saving measures. An efficient public transportation system is part of that program. How does the accommodation of more cars and more vehicle miles traveled (VMT) support that effort?

13 Access to the beach has been more difficult since freeways have been widened to accommodate more vehicles. Please explain this condition? If you don't agree that access to the beach gets more difficult every year, please explain.

14 Citizens and cities have been able to stop or modify CalTrans projects in the past. The City of Poway stopped SR-56 from going east of I-15, the City of Escondido stopped SR-78 from going east of I-15, citizens and communities stopped CalTrans from using the coast highway (HWY- 101) corridor for I-5, and San Francisco stopped the freeway at the west end of the Golden Gate Bridge—to name a few. Has CalTrans analyzed these projects, as well as other similar ones, to determine whether the final results were in the best interest of mobility and quality of life?

15 In the past 10 or so years, major freeway projects in the Carmel Valley-Solana Beach area that have been completed include SR-56, I-5 Widening (bypass), and the addition of HOV lanes. Why is there no mention of these in the DEIR/S? Should the results of these projects be analyzed? Please explain your answer.

Thank you for your consideration,

Robert Lewis

RESPONSES

07 Regarding input from local residents concerning the project, Caltrans has provided various methods for disseminating information about the project to the public, as well as for the public to provide feedback. As discussed in EIR/EIS *Chapter 5, Comments and Coordination*, there has been continual coordination with the public throughout the environmental process to help determine areas of concern, the scope of environmental documentation, the level of analysis, potential impacts, mitigation measures, and related environmental requirements. The environmental review process is designed to provide full disclosure to both the public and governmental decision makers regarding the environmental effects of a proposed project. Additionally, there have been many opportunities for public comment, including local outreach that occurred over several years. Outreach efforts to solicit input from the public and critical resource agencies started early in the process. Specifically, in early 2004, preliminary scoping meetings were held in the Cities of Carlsbad, Encinitas, Oceanside, San Diego, and Solana Beach before circulating the Notice of Preparation of an EIR and Notice of Intent regarding the EIS. Two separate newsletters were sent and made available to addresses within one mile (east or west) of I-5 between the northern and southern ends of the project. Also since 2004, and in an effort to update interested parties and the public as a whole on the project status, Caltrans staff have attended meetings, conducted surveys, and presented handouts and mailers. Presentations have been made to local communities and planning groups, homeowners associations, chambers of commerce, city councils, and local politician-sponsored meetings. The Draft EIR/EIS was circulated for an extended public review period between July 8, 2010 and November 22, 2010, during which public meetings were held in each of the cities along the corridor. Following the circulation of the Draft EIR/EIS, a public meeting was held on the Supplemental Draft EIR/EIS in September 2012. Consistent with State and federal law, this Final EIR/EIS contains responses to all comments received during the public review period, and input from all of these efforts has been considered in the project planning and design process. Additional improvements (beyond project community enhancements) to rail, bus transit,

MAIL – COMMENTS	RESPONSES
	07 cont. bikeway, and pedestrian or trail systems are also being pursued by other transportation and land use planning agencies responsible for these facilities within the North Coast Corridor. These agencies may include the San Diego Association of Governments (SANDAG) and the North County Transit District (NCTD).
	08 Project-related traffic and growth projections are derived from established sources such as SANDAG Series forecasts, as well as project-specific technical analyses. Year 2030 traffic projections, for example, are outlined in Draft EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*, with forecast methodology provided in the related I-5 North Coast Corridor Project Technical Report #5 Traffic Demand Forecasting Report (August 2007). This report notes that initial forecast modeling was conducted by Caltrans using the SANDAG Regional Travel Demand Model Series 10, Year 2030 and 2015 forecast, with verification and adjustments provided based on considerations including growth rate forecasts and anomalies, average daily traffic (ADT) forecasts and adjustments, and peak hour traffic forecasts. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. An additional description of traffic forecast methodology is provided in Section 2.0 of the referenced technical report, and additional information on growth forecasts is included in the Projected Growth Topical Response. Based on the described considerations, the noted data sources and analyses are based on accepted industry standards and methods and are considered the most appropriate and accurate approach for the proposed project.
	09 Truck traffic comprises approximately five to seven percent of I-5 traffic in the existing condition. This is also the projected future condition; the proposed project improvements would not alter the mix of cars and trucks on freeways, and associated adverse impacts would not occur.

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	10 A comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. With consideration of the land use changes recommended in the SCS, the RTP still identified the need for improvements to I-5. Because changes in land use patterns and smart growth can take extended time to implement, the proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 and would allow the time necessary for the region to work toward complex solutions, such as smart growth.
	11 Details of project construction phasing are provided in EIR/EIS *Section 2.4, Phased Construction*. Project construction is anticipated to begin as early as 2015. While the Draft EIR/EIS identified construction through 2050, it is now anticipated that all construction would be completed by 2035. Construction would occur in segments and would not occur continuously throughout the corridor for the entire period. Construction lighting along the corridor would be shielded away from Environmentally Sensitive Areas. Construction-related activities would generally be focused during non-peak hours to minimize traffic delays and associated pollution, to the greatest extent practicable. The project Traffic Management Plan (TMP), as outlined in EIR/EIS *Section 3.6.4.1*, *Traffic and Transportation*, would take into consideration the needs and safety of all anticipated users during construction activities. The TMP would include a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. These mitigation strategies would be designed in coordination with the local communities. *Section 3.14.14* of the EIR/EIS provides a number of measures to reduce project air quality impacts during construction, including the

MAIL – COMMENTS	RESPONSES
	11 cont. requirement that staging and maintenance areas for construction equipment be located as far as practical from residential and park users. As a result of these measures, project construction is not anticipated to result in a noticeable reduction in quality of life.
	12 As described in the response to your Comment 01, the improvements included in the proposed *I-5 NCC Project* are part of an overall program to improve transportation in the region, which is guided by SANDAG's RTP for 2050. The coordinated implementation of improvements to all forms of transportation in the North Coast Corridor would achieve the energy-saving measures identified in this comment by reducing vehicle miles traveled (VMT) and the corresponding amount of energy consumed in transporting people and goods through the corridor. The projected increase of VMT for the *I-5 NCC Project* build alternatives is incorporated into project traffic modeling. It is relatively small as a result of regional and project strategies, such as HOV/Managed Lanes, bicycle and pedestrian improvements, designed to reduce the growth of VMT and to encourage alternatives to the use of single-occupant vehicles (refer to *Chapter 2* and *Section 3.6* of the EIR/EIS for details). Also, please note, with regard to energy-saving measures, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-direction travel.
	13 The project is not located adjacent to beaches and, therefore, would not directly affect beach access or accessibility. Regarding potential indirect effects on regional accessibility due to I-5 construction activities, mitigation for traffic construction impacts would be addressed through the preparation of a TMP as described in the response to your Comment 11. As a result, potential indirect impacts on beach access and accessibility are anticipated to be minimal. Over the long term, improvement of vehicular movement on I-5 would be expected to result in improved accessibility to the coast for travelers using the State route as a result of decreased congestion. In addition, as described in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*, and illustrated on *Figures 2-3.1a* and *2-3.1b*, several community enhancement features have been identified that would improve east-west connectivity across I-5, further enhancing beach access.

MAIL – COMMENTS	RESPONSES
	14 Comments on the Draft EIR/EIS are intended to focus on the environmental adequacy of the studies completed for the proposed project. Although your comments about past transportation projects are now part of the public record as noted above, no response to this comment is provided. Caltrans has, however, analyzed the proposed project with respect to mobility and quality of life, as discussed below. As described in the response to your Comments 01, 05, 06, and 07, the *I-5 NCC Project* is only one element of a multimodal system planned for the North Coast Corridor. Following the completion of a Corridor System Management Plan (CSMP) to address all planned transportation modes, each Lead Agency is moving forward with more detailed review of the portion of the system improvements for which it is responsible. As discussed in Topical Response "Multimodal System," regional traffic projections show that improvements to I-5 are a necessary part to better transportation in the North Coast Corridor overall. The proposed improvements would provide a more efficient transportation system, improved travel times, and greater mobility relative to the No Build alternative. With regard to quality of life: The changes to the I-5 right-of-way are focused and linear in nature, and although substantial change is discussed for specific locations in *Section 3.7*, *Visual/ Aesthetics*, of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. The North Coast Corridor is located in a highly urbanized part of northern San Diego County, generally characterized by its coastal location, ethnic diversity, established neighborhoods, commercial centers and activities, and preserves associated with coastal lagoons. As stated in EIR/EIS *Section 3.4*, *Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/ EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified

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	14 cont. in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative has been identified to reduce the project's extent and related impacts to local neighborhood characteristics. Overall, the project generally would improve, rather than adversely impact, recreational facilities and would enhance access within the community. Please also refer to Topical Response "Visual/ Community Effects" regarding potential effects of proposed I-5 modifications on North County way of life and why the implementation of new project features is not expected to have an adverse effect on regional community character or change residents' quality of life.
	15 The EIR/EIS presents a description of existing conditions, including traffic conditions, which are the result of prior projects in or near the North Coast Corridor. Further discussion of these past projects is not necessary in the project-specific EIR/EIS.

MAIL – COMMENTS

November 19, 2010

Dear Ms Harrison,

01 I wish to express my concerns over the proposed expansion of the 5 freeway. I I Live in Ocean Pointe, which sits right on the Lagoon in Carlsbad. This expansion would have a great effect on the quality of life for me as far as noise and pollution is concerned. I sweep black freeway partials off my deck weekly. My husband is on heavy medication for asthma and we have other residents who have the need for oxygen.

02 These personal concerns aside, what is the need for this project? I have commuted From Carlsbad to San Diego for six years. I allow fifty minuets for the drive including stopping to pick up the person I car pool with in Encinitas. Most of the cities along this route are developed. So again what is the need. I drove to San Diego yesterday and on the way south as Far as I could see there was one car in the car pool lane. On the way back there were three the whole distance. Basically one unused lane. Also how would expansion encourage car-pooling, reduce emissions and green gasses, or help develop mass transit?

I feel our money can be better spent developing transportation that will help our environment and lessen our need for petroleum.

Thank you,
Roxy Linfesty
809 Kalpati Cr#325
Carlsbad, CA 92008

RESPONSES

Responses to Roxy Linfesty

01 Thank you for your comments, which are part of the public record. Regarding your concerns on project-related noise generation, this issue is addressed in EIR/EIS *Section 3.15, Noise*. As described therein, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S799 in the vicinity of the subject property (809 Kalpati Circle, Unit 325). This soundwall was determined to be "feasible" under the noted guidelines for three associated noise receptors (R16.14, R16.17, and R16.19), and not "feasible" for two additional noise receptors due to noise shielding by intervening structures (R16.16) or topographic conditions (R16.18). S799 was concluded not to be "reasonable" under the guidelines, as the estimated construction cost exceeded the "reasonable" allowance, and this soundwall is not recommended for construction (refer to EIR/EIS *Tables 3.15.33* and *3.15.34*). Because two of the listed noise receptors (R16.14 and R16.17) would be "severely impacted" by the project—they would experience project-related noise levels at or above 75 dBA—individual noise abatement must be considered per FHWA and Caltrans guidelines and is recommended for those two noise receptors.

Based on the location of the subject property approximately 400 to 500 feet from the freeway corridor, as well as the presence of intervening structures, associated project-generated noise levels

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	01 cont. would not be expected to approach or exceed the noted criterion of 67 dBA. Specifically, the closest noise receptors to the subject site (R16.16 and R16.18) are located approximately 175 feet from the freeway, and would exhibit projected future noise levels (with the project and no soundwall) of 67 and 71 dBA, respectively. With the standard attenuation of roadway noise over distance (i.e., a three dBA reduction for every doubling of distance), as well as the presence of additional intervening structures, associated noise levels at the subject site are expected to be less than those described for the nearest noise receptors and below the noted noise-abatement criterion. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With respect to your comments on project-related air quality effects and related potential health concerns, these issues are addressed in EIR/EIS Section *3.14, Air Quality*. For general air quality, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Project implementation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. For particulate matter (PM) from sources such as dust and diesel exhaust, screening using U.S. Environmental Protection Agency (USEPA) PM guidance (as described in EIR/EIS *Section 3.14*) determined that the proposed project is not a Project of Air Quality Concern, due to relatively low truck volumes and the percentage of traffic when comparing the build alternatives against a no build condition. The build alternatives would improve traffic operations by smoothing traffic flow as previously described and would contribute to lower PM emissions. The proposed project, therefore, would comply with federal PM_{10} and $PM_{2.5}$ standards and would be unlikely to increase the frequency or severity of any existing nonattainment of those standards. A number of measures are also identified in *Section 3.14* to control construction-related PM generation, including proper vehicle maintenance and required conformance with applicable San Diego Air Pollution Control District and Caltrans dust control standards.

MAIL – COMMENTS	RESPONSES
	01 cont. For potential air quality related health effects, the analysis in *Section 3.14* indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. The potential for long-term health effects from living in proximity to a freeway are addressed in EIR/EIS *Section 3.14.3*. The proposed project, as previously indicated, would reduce emissions and improve overall air quality relative to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality issues and related health concerns.
	02 The need for the *I-5 NCC Project* is outlined in *Section 1.3, Need for the Project* of the EIR/EIS. Congestion along this corridor is projected to increase in the future as a result of regional growth. Historical trends in traffic volumes summarized in *Table 1.3.1, Annual Average Daily Traffic (ADT)*, would continue to increase along the I-5 corridor as a result of regional population growth. The inclusion of High Occupancy Vehicle (HOV)/Managed Lanes within the I-5 corridor is identified in a number of related planning documents, including the San Diego Association of Governments' (SANDAG) Regional Transportation Plans (RTPs) and the North Coast Transportation Study. The proposed use of HOV/Managed Lanes, which are the only lanes proposed under the preferred (refined 8+4 Buffer) alternative, has been shown to provide an important commuting option, encourage ridesharing and, as stated in *Section 1.3.5* of the EIR/EIS, provide additional highway capacity in a constrained corridor while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Within the project corridor, approximately 13 percent of weekday peak period vehicles are HOVs (anticipated to increase to roughly 10 to 20 percent by 2030), while approximately 60 percent of vehicles within the project limits during weekend peak periods are HOVs (refer to *Section 3.6.3.1*, *Traffic and Transportation*).

MAIL – COMMENTS	RESPONSES
	02 cont. Please refer to the response to your Comment 01 regarding project reductions in air pollutants through reductions in traffic congestion. Similarly, the project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day compared with the No Build alternative (refer to Final EIR/EIS *Table 4.2*). Please also refer to Topical Response "Climate Change" for additional information on project-related greenhouse gas (GHG) emissions and associated climate change issues. The *I-5 NCC Project* is only one part of a larger transportation upgrade being developed for the corridor, including expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. In addition to the provision of HOV/ Managed Lanes as described above in this response, a number of community enhancement features are identified within the project corridor. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement,* of the EIR/EIS for details regarding these features. If implemented, these features would create and/ or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to mass transit that will complement the freeway improvements proposed for I-5. Please also refer to Topical Response "Transportation Funding" regarding the use of highway improvement funds for alternative modes of transportation. With regard to need for petroleum, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-way travel.

MAIL – COMMENTS

Gmail - CalTrans Prposed I-5 Widening Project Page 1 of 2

Gmail

Richard Loth <rloth1937@gmail.com>

CalTrans Prposed I-5 Widening Project
2 messages

Richard Loth <rloth1937@gmail.com> **Fri, Aug 20, 2010 at 1:40 PM**
To: i-5ncceireis@dot.ca.gov

Attention Shay Lynn
Environmental Analysis Branch Chief

01 Can you produce any reliable, up-to-date research that indicates that the people of San Diego County, and, in particular the north coastal area, are in favor of widening I-5?

02 Assuming a "no build" decision on the project, what would CalTrans recommend, if it had a $1 billion to spend, as an alternative solution(s)?

03 What justification backs Caltrans interest in widening I-5, which means more one-person/one-car traffic, as opposed to mass/public transit solutions?

The rest of the world, and in particular our neighbors in Los Angeles, are moving away from more "cars and highways" transit plans to mass transit ideas, so why is Caltrans going in the other direction?

04 Does Caltran recognize the significant, and in the minds of many north coastal residents, overwhelming, evidence of negative environmental and health impacts associated with the I-5 widening project? What are the trade-offs?

05 The undersigned view the Caltrans I-5 widening project as misguided and completely at odds with efforts, both nationally and internationally, for dealing with global warming, pollution, and geo-political consequences of our current fossil-fuel dependency.

Richard and Nancy Loth
143 Mexicali Court
Solana Beach, CA 92075

Mail Delivery Subsystem <mailer-daemon@googlemail.com> **Fri, Aug 20, 2010 at 1:40 PM**
To: rloth1937@gmail.com

Delivery to the following recipient failed permanently:

i-5ncceireis@dot.ca.gov

Technical details of permanent failure:
Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550 cuda_nsu i-5ncceireis@dot.ca.gov... No such user (state 14).

---- Original message ----

MIME-Version: 1.0
Received: by 10.220.62.72 with SMTP id w8mr1171143vch.200.1282336834613; Fri, 20 Aug 2010 13:40:34 -0700 (PDT)

https://mail.google.com/mail/?ui=2&ik=dac76d581d&view=pt&search=sent&th=12a913b... 8/20/2010

RESPONSES

Response to Richard and Nancy Loth

01 Thank you for your comments, which are part of the public record. TransNet funding was approved by San Diego region voters in 1987, and obtained through a half-cent local sales tax increase. This funding is allocated by the San Diego Association of Governments (SANDAG) according to their Regional Transportation Plan (RTP) to improve highways, transit, and local roadways, in roughly equal thirds. The I-5 NCC Project is listed in this plan. Caltrans and the FHWA held preliminary public scoping meetings before circulating a Notice of Preparation (NOP) on October 20, 2004 and a Notice of Intent (NOI) on January 12, 2004, respectively. Since 2004, Caltrans staff (also serving on behalf of the FHWA) have attended meetings; conducted surveys; presented handouts and mailers; and given presentations at meetings of local community and planning groups, homeowners associations, chambers of commerce, city councils, and local politician-sponsored gatherings, in an effort to update interested parties and the public on the status of the project. These meetings have facilitated public input into the development and design of the proposed project. Please refer to Topical Responses "Multimodal System" for discussion of the history of public outreach and the many components of this transportation solution, as well as *Chapter 5, Comments and Coordination*, of this EIR/EIS for discussion of the extensive outreach program completed specifically for the I-5 project.

02 Caltrans is actively involved in the regional multimodal planning effort in San Diego County, and is responsible for implementing the portion of the 2050 Regional Transportation Plan on the State Highway System (SHS). Caltrans does have a type of alternative,

MAIL – COMMENTS	RESPONSES
	02 cont. called a Transportation System Management (TSM) alternative, which proposes a collection of improvements other than adding lanes to the freeway to solve transportation issues. However, the TSM alternative would not meet the "purpose and need" for this project, as it focuses on improvements, such as metering of freeway ramps and signal-timing on local streets that, by themselves, would not effectively address the needs identified on the I-5 freeway. Many studies have been conducted in the I-5 corridor that identify the proposed alternatives as the best alternatives to address the transportation issues on the I-5 freeway in north San Diego County. It should be noted that the decision to spend one billion dollars is not a Caltrans decision but a regional decision by SANDAG. The regional agency proposes to spend over two billion dollars in double-tracking the rail corridor to increase the number and frequency of trains (passenger and freight) along the North Coast Corridor.
	03 Regarding Caltrans interest in widening I-5, please note that *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), mass transit improvements would not substitute for freeway widening. The project is intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options.
	04 The EIR/EIS prepared by Caltrans identifies potential environmental impacts to lagoons, traffic noise, visual quality, community character,

MAIL – COMMENTS	RESPONSES
	04 cont. cultural resources, and water quality. Caltrans has also worked closely with local communities and technical specialists to design the improvements in a manner that avoids and/or reduces potential impacts, as well as proposing substantial mitigation measures and enhancements to provide benefits to the communities and the lagoons in the corridor. Please refer to *Chapter 3*, *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures* of this Final EIR/EIS.
	05 Your preference for the No Build alternative is part of the public record. Regarding potential project-related air quality pollution, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower air pollution emissions, as compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation. For potential global warming (climate change) issues and related project-generated greenhouse gas (GHG) emissions, EIR/EIS *Section 4.6, Climate Change*, provides an analysis of associated GHG/global warming effects, including a quantified evaluation of potential impacts from the project build alternatives. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be the result of decreased congestion and improved travel times along the corridor. The San Diego Association of Governments (SANDAG) 2050 Regional Transportation Plan (RTP) includes the project along with other multimodal solutions and forecasts countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and California Senate Bill 375. Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues. Similarly, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy (fossil fuel) consumption by relieving congestion and reducing travelling out of one's way to reach a desired destination.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: Julie Mater (Print Clearly) Date: 9-30-2010

Address: 657 Poinsettia PK South (Print Clearly)
Encinitas, CA 92024

Contact Phone: 760 633 4866

Email (Optional):

Do you wish to be added to the mailing list? ☑ Yes ☐ No

I would like the following comments included in the public record for this project:

01 I am most concerned about noise. I am requesting a study using noise receptors to measure existing noise levels be done in lieu of the planned noise remodeling projection.

02 I also request: a 15 to 18 foot double insulated wall using graffiti resistant surfaces,

03 landscaping including 12 foot mature trees.

04 My neighborhood has a lovely greenbelt area that is already quite insulted with heavy noise. We really need a good sound barrier!

Thank you. Julie Mater

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet NORTH COAST 5 INTERSTATE 5 CORRIDOR

RESPONSES

Response to Julie Mater

01 Thank you for your comments regarding potential project-related noise concerns, the requested use of "noise receptors to measure existing noise levels" as part of the project noise analysis, and the request to include a soundwall in the area located east of the I-5 corridor and south of Leucadia Boulevard. Your comments are part of the public record. As outlined in EIR/EIS Section 3.15, Noise, a number of site visits were conducted to identify representative sensitive noise receptor locations and noise measurement sites. Noise measurements are also conducted in conformance with Caltrans and Federal Highway Administration (FHWA) standards and guidance. Noise measurement sites are locations where noise measurements are taken in order to determine existing noise levels and to verify or calibrate computer noise models. These sites were chosen as being representative of similar sensitive sites in the area, and typically include locations expected to receive the greatest noise impacts (e.g., the first row of houses from the noise source). Please note that current highway traffic noise prediction models are generally considered to be inaccurate at distances

MAIL – COMMENTS	RESPONSES
	01 cont. of more than 500 feet from the highway. The subject property (657 Poinsettia Park South) is located approximately 600 to 1,000 feet from I-5, and therefore was not included in the project noise analysis. Information such as measurement dates, locations, wind conditions and durations are provided in the project's Noise Study Report (refer to Appendix A – Noise Measurement Data), which can be accessed at the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf.
	02 Your request is understood, but soundwall height, type, and material are determined through Caltrans Noise Analysis Protocol to meet specific levels of attenuation and cost effectiveness. Landscaping must meet Caltrans I-5 NCC Project Design Guidelines and must consist of native species in accordance with resource agency requirements. The project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S692 along the noted freeway segment. While S692 was determined not to be "reasonable" due to the fact that the estimated cost exceeds the "reasonable" cost allowance, it is recommended for construction at a height of 12 feet to provide noise abatement for "severely impacted" noise receptors (including R11.31 and R11.32, refer to Final EIR/EIS *Figures 2-2.3, Sheets 36* and *37,* and *Table 3.15.24*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise and would provide noise abatement for associated noise receptors in accordance with applicable FHWA and Caltrans requirements. Refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. The construction of S692 may not provide a discernible noise-abatement benefit for the subject property (657 Poinsettia Park South), due to its location of approximately 600 to 1,000 feet east of the listed noise receptors (from review of Google Maps)

MAIL – COMMENTS	RESPONSES
	02 cont. and the presence of intervening structures that can provide noise shielding. S692 would, however, provide noise abatement in the open space (or "greenbelt") area associated with the noted noise receptors (refer to *Table 3.15.23)*. The project noise analysis evaluated potential soundwalls ranging in height from 8 to 16 feet; taller walls are not generally considered because of cost factors (which would affect the "reasonableness" determination), engineering feasibility issues, and the potential for greater visual impacts. Where walls are preliminarily recommended, graffiti-resistant surfaces would be considered in the final design.
	03 A number of conceptual elements to mitigate project-related visual impacts are identified in *Section 3.7, Visual/Aesthetics*, including potential designs associated with soundwalls, earthen berms, and berm/wall combinations (refer to *Figures 3-7.113* through *3 7.119*, and *3-7.122*). Please refer to Topical Response "Visual/Community Effects" for more information regarding efforts to minimize local visual effects of the proposed improvement. As described in *Section 3.7, Visual/Aesthetics,* of the Draft EIR/EIS, because the project has not yet been approved, specific landscape plans have not been developed. Project landscaping plans would be developed during the design process and would reflect input from sources including Caltrans design standards and comments received during public outreach. It should also be noted that, while vegetation can exhibit some noise-absorption benefits in situations where substantial vegetation "depth" is present (e.g., extensive planted orchards or wooded areas), the use of vegetation within the generally confined I-5 corridor would not provide notable noise abatement.
	04 With respect to potential noise concerns in the community "greenbelt" or open space area, and the related request for a soundwall, please refer to your Comment 02. As noted in the response to Comment 02, proposed soundwall S692 would provide noise abatement in the referenced greenbelt/open space area (refer to *Table 3.15.23*).

MAIL – COMMENTS

November 29, 2010

Ms. Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation District 11
Division of Environmental Analysis MS 242
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Harrison:

01 Please accept my comments on the proposed widening of Interstate 5 in San Diego County. I am a semi-retired California Professional Engineer and I have worked on public transportation projects in San Diego County since 1991. I travel to San Diego several times a year, sometimes by auto and sometimes by rail.

I recognize that highway transportation is very flexible, and when not congested, very convenient to many users. However it is not available to several groups of California citizens included the young, the old, the poor, and persons with some medical conditions. Highway travel is becoming increasingly expensive due to higher fuel costs and is recognized as a significant contributor to local, regional, and global environmental impacts. Highway construction is becoming increasingly expensive due to construction and real estate cost escalation and due to mitigation measures. My four comments below are not meant to halt the project, but rather to expand the scope to include rail transportation infrastructure in this corridor; both to mitigate construction traffic impacts, to minimize local impacts and cost, and to build a sustainable transportation system for the region and the State.

02 First, the highway project should include, as a first stage, the complete build-out of the Coaster/LOSSAN rail line. Providing infrastructure to operate additional passenger trains in this corridor will be a very valuable traffic mitigation measure for the impacts of the highway construction. This build-out could be accomplished for about 25% ($ 1 billion) of the projected $ 4+ billion highway construction forecast. Work to be included would be to build a second track at the remaining single-track segments, build parking structures at the five northern passenger stations, acquire additional trains, and build a storage and maintenance site for these new trains. Investing in this infrastructure will enable four to six passenger train round trips each hour, providing a passenger capacity of 2000 to 3000 hourly trips in each direction, roughly comparable to the utility of two added lanes on the highway.

RESPONSES

Responses to Michael E. McGinley, P.E.

01 Thank you for your comments, which are part of the public record. The *I-5 NCC Project* is only one part of a larger transportation upgrade being developed for the corridor, including expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Please refer to Topical Responses "Rail Preference" and "Mass Transit" for additional discussion on the issue of rail.

02 As described in EIR/EIS *Section 2.2.4, No Build Alternative*, the double-tracking of the LOSSAN rail line was assumed to occur regardless of whether the project is implemented. Even with the proposed double-tracking of the rail line and increasing the number and capacity of the trains, the daily 2030 projection of riders is less than 30,000 (refer to EIR/EIS *Section 1.4, History and Background*). With regard to the timing of improvements, California Senate Bill (CA SB) 468 requires concurrent completion of rail and highway improvements where crossing lagoons, unless phasing would result in an environmentally superior outcome.

MAIL – COMMENTS

03 Second, my examination of the concept plans for the highway project suggests that economies in design details have been overlooked. Designing to traditional standards is comfortable, but increasingly expensive. In particular, retaining walls can be constructed following contemporary practices that are far less expensive that Caltrans' traditional gravity wall design. I suggest that the highway design undergo a "peer review" and/or a "value engineering" process in order to reduce costs, and that the construction process continue this concept by offering either a "design-build" process or a cost sharing structure with the contractor.

04 Third, I think that some form of tolls is needed to generate additional highway capacity. Tolls should apply to all users except buses and should be adjusted according to demand.

05 Fourth, regional and statewide transportation should look forward, not backward, and should be very cautious about investing significant money in what is becoming a very expensive and potentially obsolete transportation infrastructure. The cost of fuel is under worldwide pressure due both to increasing demand and to ever more challenging supply sources. Impacts to the environment caused by inefficient transportation are being challenged by the environmental community. Enabling more automotive commute travel by investing billions of dollars may be counter to these changes in transportation economics and the public's toleration of environmental impacts.

Yours truly,

Michael E. McGinley P.E.
3340 Santa Carlotta St.
La Crescenta, CA 91214

RESPONSES

03 As indicated in the comment, the plans prepared for the environmental review process are preliminary in nature. The height and design of retaining walls will continue to be refined as design proceeds, if a build alternative is selected. Retaining walls are proposed in an effort to minimize impacts to adjacent residences and open space. Specific details such as the exact type, location, extent, and height of proposed walls and landscaping might vary with design factors, including grading parameters (e.g., manufactured slope dimensions), the nature and extent of proposed facilities, the nature and quality of associated visual resources, number of affected viewers, physical planting limitations, and irrigation requirements. Caltrans employs a value engineering process to reduce costs, as appropriate. A design-build process also could be employed for project construction; specifics of such arrangements are not germane to the environmental review process and would be determined during later phases of the project development process.

04 CA SB 468 authorizes the San Diego Association of Governments to conduct, administer, and operate a value pricing high-occupancy toll lane program on I-5, which is part of the proposed project. It should also be noted that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The only through lanes proposed as part of the Preferred Alternative are High Occupancy Vehicle (HOV)/Managed Lanes, which would accommodate mass transit bus use and other HOV users. The Value Pricing program would allow for a "toll" based on congestion levels to be paid by single-occupant vehicles using those HOV/Managed Lanes.

05 As noted in response to Comment 01, the *I-5 NCC Project* is only one element of a multimodal transportation improvement program for this corridor. Based on transportation demand projections, upgrades to all of these modes are anticipated to be necessary.

MAIL – COMMENTS

Dear Ms Harrison,

01 I am a citizen of Solana Beach and I'm writing to express my strong opposition to the expansion of Interstate 5 as it has been proposed by Caltrans. I do not refute the fact that traffic congestion is a major concern and deserves our attention. I object to the fact that Catran's solution seems to rely generally on the outdated approach of "adding more lanes" rather than offering a true plan for the future that is based more heavily on mass transit and high-speed rail.

02 Much of my concern is based upon health issues that involve neighboring populations---the human population that lives near and commutes on I-5 and also the plant, animal, bird and fish populations that are ***supposed*** to be protected in our system of coastal wetlands and lagoons. I am NOT convinced that Catrans has researched thoroughly the effects of ultrafine particulates or pollution on any of these forms of life.

A recent study reported by USC indicates that children who live near high-traffic areas are 45% more likely to develop asthma. It would follow that consideration should then be given to improving the health of our children by providing new modes of transportation that emit less pollution. What about fish and animals that have even ***smaller*** respiratory systems? Has Catrans done any research on the effects of pollution, especially ***ultrafine particulates***, on wildlife in the vicinity of freeways? If so, who did this research and was the institution neutral of any bias or preference?

03 Our nation has been fairly successful in the attempt to protect its citizens from the dangers of smoking. Our awareness of this health hazard evolved over many years and overcame strong opposition presented by the cigarette industry. We must now evolve further and turn our attention to another health hazard that affects tens of thousands of commuters every day. Now is the time to grow beyond our dependence on autos and busses and the pollution that they create---and to use this opportunity to create a healthier future based upon mass transit and/or high-speed rail. I propose that Caltrans and Sandag go "back to the drawing board" and construct a new proposal that not only reduces our traffic congestion but also protects the health of our populations and our environment.

Thank you for your consideration,

Marilee McLean

Marilee McLean
639 Santa Rosita
Solana Beach, California 92075

RESPONSES

Responses to Marilee McLean

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as one element of the multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies, and Caltrans has been actively involved in this regional multimodal planning effort. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement,* of the EIR/EIS for details regarding these features. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections from pedestrian and bicycle routes to public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

Additionally, with respect to high-speed rail, the high-speed rail and I-5 projects do not overlap. The northern-most San Diego County stop is projected to be Escondido, followed by downtown San Diego. The coastal cities would be bypassed by this rail line. This travel mode would be expected to divert longer-range travelers from I-5 but would not divert a major amount of the peak

MAIL – COMMENTS	RESPONSES
	01 cont. hour commuters from I-5, and, therefore, would not be expected to improve the peak hour freeway level of service in the North Coast Corridor.
	02 The issues of project-related air pollution and associated potential health effects are addressed in EIR/EIS *Section 3.14*, *Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in overall lower air emissions and related improvements to air quality compared with existing conditions. Potential air quality related health effects are also addressed in *Section 3.14*, which indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. The potential for long-term health effects from living in proximity to a freeway are addressed in EIR/EIS *Section 3.14.3*. The proposed project, as previously indicated, would reduce emissions and improve overall air quality relative to existing conditions. In addition, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. Given the described requirements and the nature of the project to maintain or reduce travel time, congestion, and related emissions along the I-5 corridor, it is anticipated that associated health effects would also be improved over existing conditions. For potential effects to wildlife from project-generated air pollutants, the project, as previously noted, would result in lower overall air emissions and related improvements to air quality compared with existing conditions. As a result, no adverse project-related air quality impacts to wildlife are anticipated. Please also note that ultrafine particulates, as referenced in this comment, are defined as particles with a diameter of less than 100 nanometers (one nanometer is equal to one billionth of a meter) and are not regulated under existing air quality criteria. The analysis in EIR/EIS *Section 3.14*, however, addresses regulated particulate matter (PM), including inhalable PM (PM_{10}) and fine

MAIL – COMMENTS	RESPONSES
	02 cont. PM ($PM_{2.5}$). This analysis notes that, based on screening using USEPA PM guidance, the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing the build alternatives against the No Build alternative. The proposed project would improve traffic operations by smoothing traffic flow as described above, and would contribute to lower PM emissions when compared with the No Build alternative. The proposed project, therefore, would comply with federal PM_{10} and $PM_{2.5}$ standards and would be unlikely to increase the frequency or severity of any existing nonattainment of those standards. A number of measures are also identified in *Section 3.14* to control construction-related particulate generation (e.g., from dust and diesel exhaust), including proper vehicle maintenance and required conformance with applicable San Diego Air Pollution Control District and Caltrans dust control standards. Please also refer to Topical Response "Air Pollutants" for additional information on air pollutants and related potential health effects. 03 Please refer to the response to your Comment 01 regarding planning for the future, mass transit, and high-speed rail; as well as the response to your Comment 02 regarding the health of the population. Several alternatives were considered before the build alternatives were chosen as the most viable options. Topical Response "Multimodal System" describes the regional transportation planning process, which included an extensive evaluation of alternatives. Please also refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the North Coast Corridor, including transit-based alternatives, as well as EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS,* regarding other highway improvement alternatives evaluated. Please note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the

MAIL – COMMENTS	RESPONSES
	03 cont. smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative would have the least amount of environmental impacts while providing congestion relief.

MAIL – COMMENTS

Catherine L Miller
640 Poinsettia Park N
Encinitas, CA 92024
(760) 815-7371

September 29, 2010

Shay Lynn Harrison
Caltrans District 11, MS#242
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Harrison,

01 I am writing this letter as my formal request for inclusion of noise abatement for Poinsettia Park community with the pending freeway expansion.

02 There where greenhouses that lined the back property between Poinsettia Park and the freeway when I moved in May 2008. These structures were removed sometime last year and now all of the residences can see the freeway from the greenbelt area and the noise level has increased considerably. I very recently had 2 different appraisals in accordance with refinancing my property in which $15,000 was deducted from the value due to the freeway noise. In fact, I was forced this month to put in $15,000 worth of dual-paned replacement windows so my 9 year old son could sleep at night!

03 I understand the freeway expansion is finally moving forward and that greenhouse property will become part of the freeway expansion. My property will no longer have a space nor structure buffer from freeway noise. I want to formally state that it is my right as a tax-paying citizen to have structural noise abatement from the incredible increase in noise this will create. I have researched and found that other cities include a 18' double insulated wall and 12' mature trees to maintain property values that fall within the affected expansion perimeter, as Poinsettia Park community does. They also include a noise receptor study to measure existing noise levels Our community is hoping Caltrans does include this as part of the expansion without legal demand through litigation.

04 My home is my retirement nest egg and the freeway expansion will threaten the long-term value of the property without proper noise abatement. I ask your assistance in directing me through the proper procedures to insure our community is included.

Best Regards,

Catherine Miller

RESPONSES

Responses to Catherine L. Miller

01 Thank you for your comments, which are part of the public record. As outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA) or greater, and where abatement is "feasible," "reasonable," and approved by property owners, per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations, including S692 along the noted freeway segment. While S692 was determined not to be "reasonable" because the estimated cost exceeds the "reasonable" cost allowance, it is still recommended for construction in order to provide noise abatement for "severely impacted" noise receptors, including R11.31 and R11.32 (refer to Final EIR/EIS *Figures 2-2.3, Sheets 36* and *37,* and *Table 3.15.24*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. The construction of S692, however, might not provide a discernible noise-abatement benefit for the subject property (640 Poinsettia Park North) due to its location approximately 600 feet east of the listed noise receptors (from review of Google Maps) and the presence of intervening structures, which can provide noise shielding. S692 would, however, provide noise abatement in the open space area associated with the noted noise receptors (refer to *Table 3.15.23*). Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

MAIL – COMMENTS	RESPONSES
	02 With respect to potential noise concerns, soundwalls, and a "noise receptor study," a summary description of the noise analysis conducted for the proposed project is provided above in the response to your Comment 01. As noted there and in *Section 3.15*, this analysis included the identification of noise receptors, the completion of related noise measurement and modeling analyses, and the identification and evaluation of noise-abatement measures under FHWA and Caltrans "feasible" and "reasonable" criteria. As a result of this process, Soundwall S692 is proposed to be constructed at a height of 12 feet in the subject area, although as previously described, this structure may not provide a discernible noise-abatement benefit for the subject property, but would provide noise abatement in the community open space area.
	03 Noise levels at noise receptor R11.31A, which is located between your residence and the freeway, would experience future sound levels of 66 dBA with the implementation of the proposed project and Soundwall S692, compared with an existing level of 67 dBA and an anticipated level of 70 dBA in the future under the No Build alternative. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. Regarding the requested use of landscaping (including "12-foot mature trees") at proposed soundwalls, and as described in EIR/EIS *Section 3.7, Visual/Aesthetics*, because the project has not yet been designed, specific landscape plans have not yet been proposed. A number of conceptual landscape elements are identified in *Section 3.7,* including potential designs associated with soundwalls, earthen berms, and berm and wall combinations (refer to *Figures 3-7.113* through *3-7.119*, and *3-7.122*). As described, a variety of vegetation types and sizes potentially could be used, depending on the site-specific circumstances. It should also be noted, however, that while vegetation can exhibit some noise-absorption benefits in situations where substantial vegetation "depth" is present (e.g., extensive orchards or wooded areas), vegetation use at soundwalls within the generally confined I-5 corridor would not notably enhance the effectiveness of noise-abatement structures.

MAIL – COMMENTS	RESPONSES
	04 Based on the information provided above in response to your Comment 03, dBA level changes at noise receptor R11.31A would vary from a reduction of one dBA (with project implementation and Soundwall S692) to an increase of three dBA (under the No Build alternative). Because changes of three dBA or less are generally not detectable by the human average healthy human ear, it is not anticipated that the change in future noise levels would affect your property value. Please also refer to Topical Response "Property Valuation" regarding factors affecting residential property value based on potential transportation project effects.

MAIL – COMMENTS

Email:

Dear Ms. Harrison,

01 I write to express my opposition to the I-5 widening. This study is flawed; does not meet the needs of our community and should be abandoned.

Key areas of concern which directly impact San Diego County as a whole follow:

02 1. The current cities impacted (San Diego, Del Mar, Solana Beach, Encinitas, Carlsbad, and Oceanside) are currently at or near residential capacity. Therefore, widening the I-5 will not serve the cities or citizens of San Diego County. Rather, they will convenience and service illegal aliens (and foreign goods) travelling between Tijuana Mexico and Los Angeles Ca.

03 2. It appears that no noise, and fine particulate pollution, studies have been done to consider the impact of a DAR (direct access ramp) at the Cannon Road exit. Said ramp will directly affect the Aqua Hedonia Lagoon

04 3. In the current environmental climate (US dependency on foreign oil) it is politically incorrect, and, economically imprudent to encourage the use of private vehicles (a 20th Century mentality) instead of going green (a 21st Century alternative) by developing mass transit alternatives.

4. The current EIR does not consider a mass transit – public education alternative. Studies show that expanding the current Coaster service to permit Service 7 days a week with 15 minute peak intervals will triple ridership!!

05 Key area's of concern (which directly impact the Ocean Pointe community) follow:

1. It appears that the noise impact on 823 Kalpati Circle (a multi family dwelling directly adjacent to the North bound I-5 just south of Tamarack Ave) has not been considered.
2. It appears that noise impact on the pool area of the Windsong Papagallos Apartments has been studied. However, the noise impact on the pool area of the Ocean Pointe Condo community (which is directly exposed to the I-5) has not been studied. Therefore, the study is flawed and incomplete.
3. It appears that noise barriers (type S-799) are recommended for the land bridge spanning the Aqua Hedonia Lagoon, and, 817 Kalpati Circle. However, (per the EIR) the cost is not reasonable (reasonable is defined as $480,000 per barrier versus a projected cost of approximately $1.25 million per barrier), and, therefore not included as part of the current cost of the project.

Please be so kind as to respond to the following questions:

06 • Is it true that noise mitigation barriers are considered a property improvement which will raise the assessed tax value of residential and commercial properties impacted by the I-5 widening?

07 • Is it true that a public opinion poll conducted on 9/14/2010 substantially (68% either in favor of mass transit, or, no opinion) opposed widening the I-5?

08 I look forward to your response, and, ask that you properly record my resistance to this project.

Thank you.

S. Miner

Stephani Miner
300 Carlsbad Village Dr
108A58
Carlsbad, CA 92008

RESPONSES

Responses to Stephani Miner

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Regarding the study being flawed, please note that the *I-5 NCC Project* EIR/EIS has been prepared in accordance with Caltrans and Federal Highway Administration (FHWA) standards and protocols for environmental documentation. The level of detail in the description, graphics, and specific technical analysis is sufficient to adequately evaluate the project components in the 27-mile corridor.

Specific responses to your key areas of concern are provided below.

02 A comprehensive regional planning process has been undertaken for regional growth patterns and to determine the multimodal transportation system that would best address the anticipated growth. The San Diego Association of Governments (SANDAG) is responsible for population tallies and projections for San Diego County. As shown in EIR/EIS *Section 3.2, Growth*, the most recent forecasts show a steady increase in population between 2010 and 2050. While substantial portions of the noted coastal cities are built out, it should be noted that their populations are projected to increase between now and 2030, as shown in Draft EIR/EIS *Table 3.2.2*. The population of Carlsbad, for example, is projected to increase from 109,611 in 2010 to 127,046 in 2030, approximately 16 percent. Caltrans has considered this projected growth and the size of improvements needed to accommodate such growth. Regardless of projected population growth within the six cities crossed by or near the *I-5 NCC Project*, proposed improvements would result in a number of benefits related to conditions experienced by residents and motorists within the project corridor as well as the regional population, not just persons traveling between Mexico and Los Angeles. Specifically,

MAIL – COMMENTS	RESPONSES
	02 cont. the proposed project would increase the capacity of this portion of I-5 to relieve both existing and reasonably anticipated future congestion through the design year of 2050, which would also reduce emissions of air pollutants and greenhouse gases (GHG) and would reduce fuel consumption. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic. It is true that I-5 is a conduit for trucks traveling from Mexico to Los Angeles and points north, as it is an important link in the National Strategic Highway Network. As stated in EIR/EIS *Section 1.2, Purpose for the Project*, an overall project purpose is to maintain or improve existing and future traffic operations in the North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year. Although an ancillary benefit of the project would be to move additional goods from Mexico into northern coastal San Diego County, it is not an objective of the project. As discussed in the EIR/EIS, approximately six percent of the vehicular traffic along the project corridor is comprised of trucks, and only a limited portion of those trucks would be driving from Mexico. With regard to your comment concerning I-5 servicing "illegal aliens," although your comments are now part of the public record, no response to this comment is provided as it does not address the environmental adequacy of the studies completed for the *I-5 NCC Project*. 03 The noise and air quality analyses presented in the Draft EIR/EIS did include the Cannon Road direct access ramps (DAR). Please note, however, that this facility was eliminated from the project design after the circulation of the Draft EIR/EIS and is no longer proposed as part of the *I-5 North Coast Corridor* project. 04 With regard to dependence on foreign oil, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-direction travel. With regard to increasing the use of private vehicles, the proposed project is intended to accommodate transportation demand through 2050 as

MAIL – COMMENTS	RESPONSES
	04 cont. a result of regional growth and is not itself anticipated to result in a substantial number of additional trips. The use of High Occupancy Vehicle (HOV)/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement,* of the EIR/EIS for details regarding these features. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation, and Caltrans has been actively involved in this planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. As a State agency with responsibility for the highway system, public education is beyond the purview of Caltrans. Similarly, comments regarding Coaster schedules would be better addressed to the North County Transit District, which is responsible for Coaster operations. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.
	05 With respect to your concerns on project-related noise generation, this issue is addressed in EIR/EIS *Section 3.15, Noise*, and the associated Noise Study Report (NSR) prepared for the project.

MAIL – COMMENTS	RESPONSES
	05 cont. As described therein, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S799 in the vicinity of the subject property (823 Kalpati Circle). Specifically, S799 would provide noise abatement for the subject property and adjacent areas, including the associated swimming pool and adjacent open space referenced in this comment. Please refer to Sheets 46 and 47 in Appendix A of the NSR, available for review at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf for more details. This soundwall was determined to be "feasible" under the noted guidelines for three associated noise receptors (R16.14, R16.17, and R16.19), and not "feasible" for two additional noise receptors due to noise shielding by intervening structures (R16.16) or topographic conditions (R16.18). S799 was concluded not to be "reasonable" under the guidelines, as the estimated construction cost exceeded the "reasonable" allowance; therefore, this soundwall is not recommended for construction (refer to EIR/EIS *Tables 3.15.33* and *3.15.34*). Because two of the listed noise receptors (R16.14 and R16.17) would be "severely impacted"—they would experience project-related noise levels at or above 75 dBA—by the project, individual noise abatement must be considered per FHWA and Caltrans guidelines and is recommended for those two noise receptors. From the described information, the project noise analysis in EIR/EIS *Section 3.15* (and the associated NSR) provides an accurate and complete evaluation in compliance with all applicable FHWA and Caltrans guidelines. Based on the location of the subject property adjacent to noise receptor R16.19 (817 Kalpati Circle) associated existing and

MAIL – COMMENTS	RESPONSES
	05 cont. projected future (with the project and no soundwall) noise levels are expected to be similar. Per the information in EIR/EIS *Table 3.15.33,* existing and future noise levels at R16.19 are 68 and 71 dBA, respectively, an increase of three dBA. As previously noted, increases of three dBA or less are generally not detectable. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	06 As described in the response to your Comment 05, construction of a soundwall in the vicinity of your residence is not proposed. Regardless, property owners can deny the construction of a proposed soundwall on their property. Rights of access to private property or the need to provide an easement to Caltrans may be negotiated with property owners prior to soundwall implementation. Ultimate conclusions regarding soundwall installation would be based on the final design, completion of the property owner coordination as documented in the final Noise Abatement Decision Report, and approval by review agencies. Regarding the potential for an increase in property taxes resulting from the construction of a soundwall on your property, the County of San Diego would be responsible for property assessment and determination of any associated fluctuation in property taxes owed.
	07 The referenced poll is assumed to refer to the September 14, 2010 report to The San Diego Foundation reporting the results of a poll conducted between August 10 and 18, 2010. The poll was not specific to the I-5 project. Rather, when asked which should be the *highest priority* for future investments in transportation in San Diego County, 55 percent indicated that it should be for public transit and 13 percent indicated that it should be both transit and roadways, neither of the options, or didn't know. It also should be noted that TransNet, which provides local funding for transportation infrastructure improvements, was approved by San Diego region voters in 2004, and the *I-5 NCC Project* is listed in this plan. Regarding input from local residents specifically concerning the project, Caltrans has provided various methods for disseminating information about the project to the public, as well as for the public to provide feedback. As discussed in EIR/EIS *Chapter 5, Comments and Coordination*, there has been continual coordination with the public throughout the environmental process

MAIL – COMMENTS	RESPONSES
	07 cont. to help determine areas of concern, the scope of environmental documentation, the level of analysis, potential impacts, mitigation measures, and related environmental requirements. Please also refer to the response to your Comment 04 regarding a preference for mass transit and the project's role in a multimodal transportation system.
	08 As noted in response to your Comment 01, your preference for the No Build alternative is noted and included in the public record for the *I-5 NCC Project*. This Final EIR/EIS contains a copy of your letter, as well as the responses to your comments.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: Diane Mochizuki Date: 8/25/10
(Print Clearly)

Address: 450 Santa Domingo
(Print Clearly) Solana Beach, CA 92075

Contact Phone:

Email (Optional): moch259@gmail.com

Do you wish to be added to the mailing list? [X] Yes [ ] No

I would like the following comments included in the public record for this project:

01 I am opposed to any I-5 expansion.
02 I support pursuing mass transit solutions to traffic problems
03 I support movement to comply with AB 32 + SB 375. This project is counter to the goals of these ordinances.

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Diane Mochizuki

01 Thank you for your comments, which are part of the public record.

02 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options.

03 With respect to project conformance to California Assembly Bill (CA AB) 32 and California Senate Bill (CA SB) 375, and related greenhouse gas (GHG) emission concerns, EIR/EIS *Section 4.6,*

MAIL – COMMENTS	RESPONSES
	03 cont. *Climate Change*, provides an analysis of associated GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the drop congestion and improved travel times along the corridor. The San Diego Association of Governments 2050 Regional Transportation Plan includes the project, along with other multimodal solutions, and forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by CA AB 32 and CA SB 375. Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues.

MAIL – COMMENTS

Elaine Monaco
930 Via Mil Cumbres Unit 133
Solana Beach CA 92075

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Public Safety - cyclist, pedestrians must cross 2 freeway entrances from Lomas Santa Fe West on Lomas Santa Fe 5 South entrance, motorists turn on w/out looking. School children going to Skyline school

02 Noise - 5 East @ 5am traffic noise is currently significant additional lanes will only increase the noise and sound walls for that area have been considered non-feasible. What determines feasibility?

03 Health issues - older homes in Solana beach specifically condos do not have modern heating/air - what has impact on health of elderly and children - low income.

04 Current HOV Lanes and additional lanes (HOV) will not eliminate traffic backup. Has Caltrans reviewed community growth? How much additional traffic and will the expansion be out dated before it is complete?

05 Public transportation - add additional rail ~~to~~ Commuter ~~train~~ trains are not competing with Amtrak. Additional parking which now is only being considered in some communities

06 Park and ride - people still have to drive to park and ride what is the impact to smaller side streets - such as Manchester?

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

07 Completion 2050? When does it start? Impact to traffic

08 (far right) Inability to exit canyons, people to drive other roads then turn around, either get back on the freeway (more traffic) or take surface roads! This results

public transportation availability during the hours

Increase

RESPONSES

Responses to Elaine Monaco

01 Thank you for your comments regarding public safety at freeway ramps, particularly at Lomas Santa Fe Drive. Your comments are part of the public record. As you point out, there are freeway ramps along Lomas Santa Fe Drive where pedestrians and bicyclists cross. These crossings include features to protect pedestrians and bicyclists from conflicts with automobiles, including sidewalks with curb and gutter, a pedestrian crossing phase at signalized intersections, striped crosswalks, pedestrian crossing signage for motorists, and striped bike lanes with signage. The proposed project would not alter the configuration of this interchange.

02 Regarding potential noise concerns in the area east of I-5 and north of Lomas Santa Fe Drive (930 Via Mil Cumbres, Unit 133), and as described in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. As indicated in this comment, noise analysis at the two closest noise receptors, R7.12 (307 Santa Helena) and R7.13 (325 Santa Helena) concluded that the use of soundwalls at these locations would not be "feasible" per FHWA and Caltrans guidelines (refer to EIR/EIS *Table 3.15.15*). Specifically, the

MAIL – COMMENTS	RESPONSES
	02 cont. maximum considered soundwall height (16 feet) would provide a future noise reduction, or insertion loss (I.L.), of three decibels (dBA) at R7.12 and two dBA at R7.13. As discussed in EIR/EIS *Section 3.15.1*, and per the Caltrans Traffic Noise Analysis Protocol, a minimum 5 dBA reduction in the future noise level must be achieved for an abatement measure to be considered "feasible." Accordingly, because future noise reduction at the noted noise receptors was less than five dBA, associated soundwalls were determined not to be "feasible. It should also be noted, however, that even if soundwalls were constructed at noise receptors R7.12 and R7.13, little or no noise-abatement benefit would occur at the subject property due to the intervening distance (approximately 1000 feet per review of Google Maps) and elevation difference. Furthermore, existing and future noise levels with the project and no soundwalls at R7.12 and R7.13 would be 68/70 dBA and 65/68 dBA, respectively (refer to EIR/EIS *Table 3.15.15*). With the standard attenuation of roadway noise over distance (i.e., a three dBA reduction for every doubling of distance), associated existing and future noise levels at the subject property are expected to be substantially less than those described for the nearest noise receptors (and below the noted noise abatement level). 03 With respect to air quality and related potential health effects, and as described in EIR/EIS *Section 3.14, Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. In addition, all projects involving a federal action must comply with Executive Order 12898: Environmental Justice in Minority Populations and Low-Income Populations (please refer to EIR/EIS *Section 3.4.3*). Given the described project-related reduction of traffic congestion and related emissions along the I-5 corridor, associated health risk impacts would be improved over existing conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation.

MAIL – COMMENTS	RESPONSES
	04 Regarding potential concerns associated with ongoing congestion along I-5 and the use of High Occupancy Vehicle (HOV) lanes, the inclusion of HOV/Managed Lanes within the I-5 corridor is identified in a number of related planning documents, including the San Diego Association of Governments (SANDAG) Regional Transportation Plans (RTPs) and the North Coast Transportation Study. The use of HOV/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. Regarding potential concerns associated with community growth and the lifespan of the project, the project is designed to accommodate projected traffic increases through 2050, based on regional population and traffic projections. The proposed project would not completely eliminate traffic backup. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to Topical Response “Projected Growth” for additional discussion regarding community growth. 05 Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Response “Rail Preference” for additional discussion regarding ongoing plans and improvements to rail transportation. Regarding additional parking, a number of community enhancement features, including new and enhanced park and ride facilities, are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS).

MAIL – COMMENTS	RESPONSES
	06 Scenarios with and without Direct Access Ramps (DARs) are evaluated in the *I-5 NCC Project* Technical Report No. 7, Direct Access Ramps/Local Circulation System Operations Report (August 2007). Specifically, Tables 3.1 and 3.3 provide information on the reported delay, Levels of Service (LOS), and Roadway Segment Capacity analysis. As summarized in those tables, no impacts to roadway segments or intersections were identified in association with the Manchester Avenue DAR and the proposed San Elijo Multi-use Facility. This Technical Report was prepared in support of the EIR/EIS, and is incorporated by reference.
	07 Details of project construction phasing are provided in EIR/EIS *Section 2.4, Phased Construction*. Project construction is anticipated to begin as early as 2015. While the Draft EIR/EIS identified construction through 2050, it is now anticipated that all construction would be complete by 2035. The project Traffic Management Plan (TMP), as outlined in *Section 3.6.4.1*, *Traffic and Transportation*, would take into consideration the needs and safety of all anticipated users during construction activities. The TMP would encompass a Public Awareness Program to distribute information, such as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please refer to Topical Response "Construction Traffic."
	08 Public transportation would continue to be available during construction of the proposed improvements.

MAIL – COMMENTS

Page 1 of 1

sdmonfort@sbcglobal.net

From: <sdmonfort@sbcglobal.net>
To: <: I-5_NCC_EIR_EIS@dot.ca.gov>
Sent: Sunday, August 22, 2010 3:50 PM
Subject: Widening I-5

01 As property owners 113 Linares Ct. Solana Beach CA 92075 - WE want to go on record that we oppose the I-5 Widening Project!!!!!

02 Why is this needed?????? It will ruin the beauty of our wonderful beach communities. Why aren't you looking into a high speed transit
03 system????? By the time you finish the widening project of I 5 - it will be out dated!!!!!! Then we are left with the mess!!!! When the traffic gets bad
04 enough people will choose other means of transportion, live closer to their work or just stay in their own neighborhoods.

05 Why are you not looking to the future and thinking of other means of transportation. We DON'T want to be another LA - especially along the beach corridor.

Thank you for your consideration. Donna and Stephen Montfort

I tried to e-mail this but it came back that it Couldn't be delivered at this e-mail address

Donna Montfort 8/22/10

08/22/2010

RESPONSES

Responses to Donna and Stephen Montfort

01 Thank you for your comments, which are part of the public record.

02 The *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation, which also includes significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, and improvements to bicycle and pedestrian access. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Please refer to Topical Response "Projected Growth" regarding how the proposed project addresses anticipated future growth.

Regarding potential impacts to the beauty of the beach communities, as described in *Section 3.7, Visual/Aesthetics*, the project would involve extensive efforts to address potential visual concerns. Please note that view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained, including Los Peñasquitos Lagoon and Torrey Pines State Reserve. Some soundwalls or sections of soundwalls have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. As depicted on *Figures 3-7.113* through *3-7.119*, and *3-7.122*, other measures may include the use of landscaping, articulated facades, and/or earthen berms (or berm/

MAIL – COMMENTS	RESPONSES
	02 cont. wall combinations). Please refer to Topical Response "Visual/ Community Effects" for more information regarding potentially substantial local visual effects of the proposed improvements relative to viewers along I-5 and the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. The Topical Response also addresses how implementation of new project features is not expected to have an adverse effect on regional quality of life or community character.
	03 As noted in response to your Comment 01, the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation, as well as Topical Response "Corridor Alternatives" regarding other transportation options considered for the North Coast Corridor, including elevated monorail.
	04 Transportation demand has a dynamic nature and improvement to I-5 is not the only solution to meeting future transportation needs in the corridor. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions, such as changes in land use patterns that take extended time to implement. The role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. Caltrans will continue to work with the other agencies responsible for meeting the transportation needs of the region, including the San Diego Association of Governments (SANDAG), North County Transit District, and the Metropolitan Transit System.
	05 Please refer to the response to your Comment 03 with regard to other means of transportation previously considered or in the planning process for the North Coast Corridor. Please also refer to the response to your Comment 02 with regard to the character of the communities along the corridor.

MAIL – COMMENTS

Erin Morin
1241 Chambord Ct
Oceanside Ca 92054

Mr. Kosup
Cal Trans
I-5 Corridor Director
4050 Taylor Street
San Diego CA 92110

October 13, 2010

Re: EIR and EIS I-5 expansion

Dear Mr. Kosup,

01 I am a homeowner who is currently living at the address above. My back yard is located next to the I-5 off ramp onto Cassidy St and across from the south bound on ramp to I-5. I
02 am concerned about what land the proposed expansion will take and what will be done about the noise that it will create. Also of concern is what the impact the expansion will
03 have on Stewart St. (the cross street in front of my house) and my neighborhood such as; traffic and congestion.

Thank you for replying to my questions

Erin Morin

RESPONSES

Responses to Erin Morin

01 Thank you for your comments about property acquisitions and noise effects, which are part of the public record. It is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system during improvements to the highway, wherever practicable; however, avoidance is not always possible when an existing facility is being improved. The proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. As such, the number of property acquisitions and relocations resulting from the project would be minimized to the extent practicable through design efforts. Based on a review of Google Maps, your property would not be directly impacted by the project build alternatives. Please also refer to Topical Response "Property Acquisition" for additional information regarding property acquisition.

02 Regarding potential noise concerns near the I-5 / Cassidy Street Interchange, and as outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when

MAIL – COMMENTS	RESPONSES
	02 cont. conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S841 adjacent to the subject property (1241 Chambord Court). Specifically, as shown in EIR/EIS *Tables 3.15.19* and *3.15.40*, S841 is proposed as a 14-foot-tall structure in the subject area and was determined to be both "feasible" and "reasonable" under the noted FHWA and Caltrans guidelines. With the proposed construction of S841, future noise levels at the subject property would increase by one dBA over the existing measured level of 65 dBA (refer to R19.40 in *Table 3.15.39*). As described in the project's Noise Study Report, changes of three dBA or less generally are not detectable by the average healthy human ear.
	03 It is not anticipated that future changes to traffic and congestion on Stewart Street would primarily result from the proposed I-5 improvements. Rather, most of these changes would occur as a result of general changes in population throughout the community. It is true that a growth in vehicular use of approximately four percent would be related to "latent demand." Latent demand reflects potential users of the freeway who would not use it without the improvements—but with improvements would find I-5 a more convenient or time-certain route than local streets. Because Stewart Street leads to on-ramps to I-5, this small, additional, percentage of "latent demand" traffic, may access I-5 via Stewart Street, but future increases in traffic and congestion on Stewart Street would be primarily due to population growth unrelated to the project.

MAIL – COMMENTS

November 23, 2010

City Council
Carlsbad, California

Dear Carlsbad Council Members:

01 Over the past several months, we have attended a number of seminars, presentations, and workshops on the projected expansion of Interstate Highway – 5 from La Jolla to Oceanside.

In addition to our continuing serious questions on the wisdom of the expansion, as proposed by CalTrans, we have been displeased by the inadequate level of public discourse available at these various meetings. The professionally produced CalTrans materials and single-minded presentations suggest a fait accompli. We hope that is not the case.

We were pleased to observe the recent workshop presented by Carlsbad planning staff to the City Council, and to learn that the staff has many important questions still unanswered about the multiple impacts of the highway expansion on Carlsbad.

02 Our considered opinion is that the expansion will significantly detract from Carlsbad's charm and community sense, will exacerbate rather than relieve traffic and environmental problems, and will result in the kind of concrete landscape and social fragmentation that identifies Los Angeles, to its detriment.

Thus, we hope that the Carlsbad Council will show the leadership and tenacity to visibly oppose the I-5 expansion as currently proposed. We know your courage in the face of strong forces, and hope you will approach this in the same way the Council has shown thoughtful opposition to the plans to build a new power plant close to the beach while retaining the old power tower and unsightly plant. Surely, the CalTrans I-5 proposal is more threatening to life, social cohesion, community ambience, and natural beauty in Carlsbad than the NRG/Encina Power Plant proposal.

Sincerely,

Jack Nelson Gwen Nelson

Gwen and Jack Nelson
1360 Las Flores Dr
Carlsbad, CA 92008

CC: San Diego Union-Tribune
North County Times
✓CalTrans
Sandag

RESPONSES

Responses to Gwen and Jack Nelson

01 Thank you for your comments, which are part of the public record. The open meeting format has been adopted by Caltrans to provide better opportunities for public input than traditional formal presentation-style meetings. Attendees are given the opportunity to discuss concerns with and ask questions of Caltrans staff, or provide written or verbal comments to the court reporter if comments are desired to be entered into the formal record. Please also refer to Topical Response "Hearing Format" with regard to Caltrans public meeting format.

The Draft EIR/EIS addressed the No Build alternative and four build alternatives. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative and has been identified in the Final EIR/EIS as the Preferred Alternative.

Caltrans received letters from the City of Carlsbad, which are included in the public record. Responses to the letters are provided in this Final EIR/EIS.

02 With respect to Carlsbad's "charm and community sense," as discussed in *Section 3.4, Community Impacts*, the proposed project is not anticipated to impact community character or cohesion. Overall, the project is anticipated to improve existing community character by incorporating various design features and by improving connectivity between communities east and west of the

MAIL – COMMENTS	RESPONSES
	02 cont. I-5 that were originally divided when the freeway was built. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those impacts are not expected to result in a substantial adverse effect on the overall quality of life in the communities and neighborhoods near the highway. Please also refer to this Topical Response regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of the project's effects anticipated as the viewer leaves the I-5 corridor. Visual impacts are discussed further below. The proposed project is intended to accommodate projected increases in traffic resulting from regional population growth. The potential for increased traffic levels to result from the freeway expansion is anticipated to be minimal as a result of a number of regional and project strategies and improvements designed to reduce the growth in the number of vehicle miles traveled and to encourage options to the use of single-occupant vehicles. Please refer to Topical Response "Projected Growth" for additional discussion. The *I-5 NCC Project* is only one aspect of multi-agency, multimodal improvements planned for the North Coast Corridor. Please also refer to Topical Responses Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding public transportation, as well as Topical Response "Corridor Alternatives" regarding alternatives previously considered for the North Coast Corridor. The EIR/EIS presents information regarding adverse impacts anticipated to result from the implementation of project alternatives. Visual impacts are discussed in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS. In this discussion, the EIR/EIS states that noise barriers would block ocean and other views in some locations. The EIR/EIS also discusses the fact that noise walls may give a sense of enclosure. To reduce the visual impacts of noise barriers, the EIR/EIS identifies landscaping, wall articulation, and the potential use of transparent materials, which would be incorporated into noise walls to reduce their visual impact (refer to *Figures 3-7.113* through *3-7.122*). No response is provided for comments addressed to the City of Carlsbad Council.

MAIL – COMMENTS

Jim Nelson
619 Solana Hills Court
Solana Beach, CA 92075

October 14, 2010

Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Dear Ms. Harrison:

SUMMARY.

I believe new technology permits consideration of a method to reduce overall traffic on the freeways, alleviate the crunch experienced during rush hours and obviate the need for any expansion of the system.

I advocate working with the State and Federal legislatures to establish all the freeways in San Diego County as toll roads. Fast Track passes could be issued to every vehicle in the County with scanners installed on every on-ramp and on freeway entrances into the county. Every vehicle would be given a free monthly allowance and a rebate issued at year's end for unused travel allowances. As the initial reaction to the proposal will be very negative, the monthly allowance should be structured so that the majority of motorists will not be assessed a fee with many receiving a windfall rebate.

DETAILS.

01 Fast Track Passes. Would be issued to all cars with an option for a special toll for single drivers using the car pool lanes. Trucks would be assessed by weight and/or number of axles.

Scanners. Would be installed in one lane of the onramp. There would be high powered flash lamps and four (front, rear and both side) cameras for scofflaws entering without a Fast Track Pass or not having paid a toll. There would be a column holding a message board whose default setting is for one passenger. If a car holds two or more, they would press the additional passenger button. Periodically a warning would say that a random check is being made and the driver should be sure the additional passenger(s) are readily visible. Pictures then would be taken.

Toll Collection Devices. In the second lane of the on ramp there would be a cash collection device and a retractable credit card scanner. As noted above there would be high powered flash lamps and four cameras for scofflaws entering without having paid a toll.

RESPONSES

Responses to Jim Nelson

01 Thank you for your comments, which are part of the public record.

With respect to your suggestion to convert the freeways into toll roads via legislation and to construct the infrastructure and implement the system you describe, this approach is not part of the region's multimodal transportation network envisioned in the 2050 Regional Transportation Plan (RTP), which is the adopted long-range blueprint for the San Diego regional transportation system for the next 40 years. The focus of the 2050 RTP is to provide more modal choices for the movement of people and goods. Converting an existing free highway to a toll-only facility is not within Caltrans' existing authority and could have unforeseen consequences such as diversion of highway traffic onto local streets and generation of economic hardships for businesses and workers that rely on the highway. Please note, however, that California Senate Bill (CA SB) 468 authorizes the San Diego Association of Governments (SANDAG) to conduct, administer, and operate a value-pricing high-occupancy toll lane program on I-5, which is part of the proposed project. The bill also mandated concurrent rail and highway improvements. It should also be noted that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of

MAIL – COMMENTS

01 cont.

Fee Schedules. A sign would post the fee schedule that includes little or no tolls for non-rush hours, and significant tolls for passenger cars and stiff tolls for trucks during rush hours.

CONCLUSION.

I believe tolls would prompt drivers to ask themselves "Is this trip necessary?" Commuters would ask themselves "Can I join a carpool or a van pool" and "Can't I save money by using public transportation?"

Through the application of toll free hours and by flexing tolls in peak periods, traffic could be smoothed out obviating the need for expansion of the system.

Respectfully submitted by

Jim Nelson

Cc:
Dave Roberts, Councilman, City of Solana Beach
Jack Hegenauer, CAFÉ (Citizens Against Freeway Expansion)
Steve Goetsch, CAFÉ (Citizens Against Freeway Expansion)

RESPONSES

01 cont. the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The only through lanes proposed as part of the Preferred Alternative are High Occupancy Vehicle (HOV)/ Managed Lanes, which would accommodate mass transit bus use and allow for a "toll" paid by single-occupancy vehicles using those HOV/Managed Lanes. Refer to Topical Response "Multimodal System" for information on the multimodal nature of the planned transportation network.

MAIL – COMMENTS

619 Solana Hills Court
Solana Beach, CA 92075

October 21, 2010

Gary Gallegos, Executive Director
SANDAG
401 B Street, #800
San Diego, CA 92101-4231

Dear Mr. Gallegos:

02 In order to understand my proposal to increase public transit ridership and reduce traffic on the freeways, please read the attached letter to Shay Lynn Harrison, California Department of Transportation – District 11, before proceeding with this letter.

I maintain that a properly managed toll district for all San Diego County Interstate Highways would provide a substantial additional source of income that could be used to subsidize public transportation. At the same time stiff tolls during rush hour periods will greatly reduce single driver vehicles and trucks during those crucial hours. Rather than building additional HOV lanes **in hopes** that carpooling and public transportation will be increased, the greatly reduced fares for public transportation and the significant expense in tolls for single driver cars would result in a significant reduction in traffic allowing you to convert existing HOV lanes to Express High Occupancy Vehicle lanes for buses and cars with three or more passengers with a special speed limit. Thus public transportation would become the cheapest and fastest mode of travel. The reduction in cars and trucks during rush hours should permit you to postpone if not cancel plans for roadway expansions. Significant increases in Coaster ridership stemming from reduced fares and more expensive automobile alternatives will increase pressure to completely double track the Coaster which could be accomplished with toll revenue.

I understand that some will say that SANDAG's 2050 Regional Transportation Public Opinion Poll shows there is little support for this concept as only 21% favored a new fee on miles driven per vehicle and 27% definitely opposed to expanding the ability of solo drivers to pay a fee to use carpool lanes and using the money to improve the transportation system. I maintain it is a matter of how the question is phrased. I believe if you were to ask do you favor establishing a county wide toll zone for Interstate Highways where car owners who infrequently drive during rush hours would receive a substantial monetary reward, where tolls of moderate users would be offset by their allowances, where only frequent rush hour users and trucks would be assessed significant tolls, where toll revenues would subsidize public transportation with fares greatly reduced and where proposed freeway expansions would be postponed or cancelled, you would receive an entirely different reception and find strong support for this concept.

I urge you to present this concept to the SANDAG Board.

Sincerely,

Jim Nelson

RESPONSES

02 Please refer to the response to your Comment 01, which notes that creating a toll-only facility (such as in a district) could have unforeseen consequences such as diversion of highway traffic onto local streets and generation of economic hardships for businesses and workers that rely on the highway. The proposed toll program of HOV/Managed Lanes, which would accommodate mass transit bus use and allow for a "toll" paid by single-occupancy vehicles using those HOV/Managed Lanes, would be administered by SANDAG, which is beyond Caltrans' jurisdiction, with revenues used to offset the costs of implementing the program as well as for improvement of transit services, and for HOV facilities.

MAIL – COMMENTS

RESPONSES

cc:
Shay Lynn Harrison, California Department of Transportation – District 11
Lesa Heebner, Solana Beach Council Member & SANDAG Representative
Dave Roberts, Solana Beach Council Member
David Ott, Solana Beach City Manager
Jack Hegenauer, CAFE (Citizens Against Freeway Expansion)
Steve Goetsch, CAFE (Citizens Against Freeway Expansion)

MAIL – COMMENTS

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego , CA 92110

Dear Ms. Harrison,

01 Lane augmentation on the I-5 through this North San Diego County Zone is unnecessary, expensive, and an environmental disaster.

The increase in commercial (large truck traffic) should continue to be routed to Interstate-15.
The largest impediment to traffic flow on Interstate-5 is the degree (steepness) of the freeway grade-not a lack of through-traffic lanes.

There is no need for increased lane capacity through this Zone.

Thank you,

Todd Neyer
393 Orpheus Avenue
Encinitas, CA 92024

RESPONSES

Response to Todd Neyer

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

With regard to the need for and expense of project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion, delay, and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, the proposed project is partially funded through the TransNet program. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.

The EIR/EIS discloses that the proposed project would result in environmental impacts. Caltrans has worked closely with local communities and technical specialists to design the improvements to avoid, minimize, and/or mitigate project-related community impacts to the maximum extent practicable. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid impacts for projects such as the proposed I-5 expansion. The EIR/EIS includes an extensive evaluation of potential project-related impacts and

MAIL – COMMENTS	RESPONSES
	01 cont. related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. Truck traffic comprises approximately five to seven percent of I-5 traffic in the existing condition. This is also the projected future condition. As a result, truck traffic is not considered to be a major contributor to congestion in this corridor. Changing the topography over which I-5 extends would result in environmental impacts. The steepness causes a slow-down for all vehicles, not just truck traffic. Diversion of trucks to I-15 is not considered a viable or practical alternative for improving traffic flow on I-5 through the North Coast Corridor. While eliminating trucks transporting goods through the corridor would reduce traffic volume and congestion, it would result in increased environmental impacts related to increased energy consumption and related air quality emissions. Forcing trucks with destinations along the coast of California to I-15 would require these trucks to travel longer distances, resulting in higher vehicle miles traveled (VMT). Furthermore, prohibiting trucks from using this segment of the nation's Interstate highway system is not within the purview of Caltrans.

MAIL – COMMENTS

Helen and Richard Nielsen-Eckfield
Savvy Seniors, Frugal and Active©
Savvy Seniors at the Track©
908 J Caminito Madrigal
Carlsbad, CA 92011
(760) 602-9906 ecknielsen@att.net
See our Blog at http://www.voiceofsandiego.org/peoplespost/savvyseniors/

MS. Shay Lynn Harrison October 23, 2010
Environmental Analysis Branch Chief
Calif. Dept. of Transportation, District 11
Div. of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Dear MS. Harrison:

Re: Public Comment and Questions Regarding I-5 NCC HOV/Managed Lanes Project.

01 It has been our pleasure these past four years to be advocates, along with many other persons, for the installation of a Permanent Train Stop on the LOSSAN rail corridor to be located north of the San Dieguito River at the rear of the Del Mar Fairgrounds, currently managed by the 22nd District Agricultural Association.

While there has been much both said and written about the value of such a train stop with regard to its ability to relieve traffic on I-5 and other surface streets and highways, associated with events taking place at the fairgrounds, little contemporary attention has been paid to the ultimate routing of the rail line with regarding the most desirable ultimate rail-route south of the San Dieguito River, or the potential to also use such a fairground stop – with the ample parking available there most of the year – as an additional park-and-ride location for commuters using Coaster train services from that location.

This latter potential was brought to our attention by Maria McEneany in her statement to the North County Transit District Board at a September 16, 2010 meeting regarding the precise location(s) being considered for the train stop at the fairgrounds.

A copy of her September 16, 2010 statement is attached and is incorporated into this Comment/Question letter by reference.

As you can see, Maria McEneany is pointing to the need to take actions with regard to any I-5 lane expansion plans which will help break the cycle of one-rider-per-car, and will encourage rail mass transit ridership. This possibly could be enhanced by the availability of convenient parking at the fairgrounds for Coaster train access.

This leads to our question regarding the south of the rail routing.

1

RESPONSES

Responses to Helen Nielsen-Eckfield and Richard Nielsen-Eckfield

01 Thank you for your comments regarding rail improvements, which are part of the public record. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation, including expansion of the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail line. Your questions and comments regarding the LOSSAN rail corridor would be part of the LOSSAN Rail Improvements project. Rail improvements within the North Coast Corridor have separate utility in terms of transportation function and users served. This document only addresses the I-5 facility and is focused on highway improvements. Please also refer to Topical Responses "Multimodal System" and "Rail Preference."

MAIL – COMMENTS | RESPONSES

We were surprised when your Draft EIR came out and did not show the potential to co-locate the south of the San Dieguito River rail routing into your expansion plan.

As you can see from the attached page (page 118) of the Los Angeles to San Diego Proposed Rail Corridor Improvement Studies – LOSSAN Corridor Strategic Plan October 2003, it shows (in orange) a potential alignment which would swing inland from the current rail alignment south of Via de la Valle to skirt across the south western edge of the Del Mar Fairgrounds and along the San Dieguito River and Lagoon either at grade or in an elevated profile joining the I-5 alignment in a tunnel under the Del Mar Heights Road area, emerging on the south side of that small mountain in direct alignment with the Sorrento Valley Station.

It should be noted that we believe the LOSSAN study has misnamed the lagoon on their aerial map, as we believe this is called the San Dieguito River / Lagoon, with the Panasquitos Canyon Creek emptying into the wetland behind the Torrey Pines State Reserve being much further to the south.

Nonetheless, such an alignment would have many benefits as it would provide for the eventual removal of the current rail line off the ocean bluff through Del Mar, and would have a positive impact on the Beach Colony Community of Del Mar who currently has the rail line running along its western edge. They likely will not be receptive to future plans to raise that rail line to an elevation to match proposed new trestles crossing the San Dieguito River to a height above the 100 year flood plain level. The current trestle is at a 50 year flood plain level.

01 cont.

Further such an inland path would free up potential wetland now occupied by the current rail embankment near the north side of the river. Such new wetland could be used to mitigate any wetland taking needed for the addition of the new second rail just south of Via de la Valle connecting to the "double tracks" to the north coming from the Solana Beach station.

The construction of these new trestles would begin their turn inland midway between Via de la Valle and the northern edge of the San Dieguito River (at a spot which is above the 100 year flood plain height). Such an alignment would not negatively impact on any major current uses on the fairground property, crossing the river to the southern side and would not dislocate any major developments there now as it proceeded over Jimmy Durante to join the I-5 alignment – presumably entering into a tunnel under any expansions - as the rail-tunnel alignment heads south toward the Sorrento Valley Station.

The only "dislocations" of current uses in that alignment would be the current City of Del Mar Public Works Department yard and three small low density businesses east of Jimmy Durante which currently back up to the San Dieguito River. Suitable relocation of these business and uses should be relatively easy.

From the point of view of our train stop project, we have been advocating for the immediate installation of the first 600 feet of the Permanent stop just north of where such a new routing would begin to swing inland (east) thus such a future south of the river alignment would not disrupt either the proposed installation at this time of the Permanent

2

MAIL – COMMENTS

Train Stop at the fairgrounds – at this location. Nor would such a development impede the continued use during its construction of the existing on-the-bluff rail alignment and the use of the existing, soon to be refurnished existing trestle over the San Dieguito River.

01 cont. Accordingly we are asking you to give this south of the river routing alternative your fullest consideration, and would appreciate hearing back from you with regard to both this and the potential to incorporate Maria McEneany's suggestion of adding the park-and-ride feature to the proposed fairground train stop with regard to your analysis of what added impact that would have in getting additional traffic off I-5 – with the intent to reducing the need for added lane expansions.

02 We would also like to know of your reaction to the desirability of incorporating a double tracked tunnel into your plans for that segment of I-5 which goes through the Del Mar Heights Road segment, as the train tracks enter the tunnel in the San Dieguito River lagoon area and exist on the south side of that small mountain as they approach the Sorrento Valley Station.

We look forward to your response.

Respectfully submitted,

Helen Nielsen-Eckfield Richard Eckfield

Attachments:

Statement to North County Transit District Board of Directors Sept. 16, 2010
by Maria McEnenay

Page 118 from LOSSAN Corridor Strategic Plan.

3

RESPONSES

02 Tunneling under I-5 and through the hill which Del Mar Heights Road surmounts was evaluated in the programmatic LOSSAN EIR/EIS and recommended for further study. That design scenario continues to be evaluated by the San Diego Association of Governments (SANDAG). As a project undergoing independent evaluation with separate utility and function, Caltrans would not pursue adding that link in the LOSSAN corridor to I-5 improvements in this area.

MAIL – COMMENTS

Statement to North County Transit District Board of Directors
Thursday Sept. 16, 2010 By Maria McEneany

03 My name is Maria McEneany, and I live on the border between Rancho Santa Fe and the City of Solana Beach.

I am here to speak on behalf of the installation of a Permanent Train Stop on the Fairground property at the western edge of the grounds – North of the San Dieguito River.

04 I have to tell you that first and foremost in my thoughts are ...my displeasure with the idea of widening I-5 to multiple lanes….knowing that in a few years that so-called "Freeway" will be clogged again with cars.. just like it is now.

Unless we shift the one-person-per-car behavior to increased carpooling, and dramatically increase the use of rail transit – we are dooming ourselves to car clogged transportation arteries forever.

Today, however, you have a chance to take a HUGE step in the proper directions toward **a sound transit future** --- with the installation of the Permanent stop north of the River behind the Stretch Run Turn of the race track at the Fairgrounds.

Not only will that spot be the most effective with regard to bringing fairground workers, …the race and fair patrons, and the post-concert party goers to the track, **but it could also service regular Coaster commuters like me**, who now have a tough time finding a parking space at either the Solana Beach Station or the Sorrento Valley station.

Other speakers can get into the motives of why this so called "Temporary stop" is even being offered up in the first place.

05 But from my point of view, good transit planning should go with the stop **which offers the greatest potential** for all future fairground bound riders – **and all commuters** – and that is **only the stop NORTH of the river** at the rear of the track.

The location of that stop there **now** – next week…**next year** will still leave open the potentials to consider other south of the river route options.

Perhaps I-5 will be widened **to include more car-pool lanes**. If so, then the option to swing the rail line east to join I-5 and go through that I-5 gap on its way to Sorrento Valley might be the ultimate best rail alignment. With the Permanent stop…. all alignment options are open.

The race track and fair goers win….the commuters win….and the community wins with less traffic.

If you go with the so called "Temporary stop" everyone loses.

I urge you to endorse SANDAG beginning with the detailed designs and the environmental permitting today for the Permanent stop.
Thank you.

4

RESPONSES

03 Please refer to the response to your Comment 01.

04 Regarding potential concerns associated with future congestion along I-5, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The use of High Occupancy Vehicle (HOV)/ Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. The proposed project would not completely eliminate congestion. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives.

05 Regarding rail transit, please note that the proposed project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options.

MAIL – COMMENTS

RESPONSES

05 cont. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. No general purpose lanes designed to accommodate single-occupancy vehicles are proposed as part of the Preferred Alternative.

Please refer to the response to your Comment 01 regarding the potential LOSSAN train stop at the Del Mar Fairgrounds.

MAIL – COMMENTS

Problems with Proposed I-5 Freeway Expansion

Citizen Comments Form

Citizens Against Freeway Expansion
PLAGUE-I5

- ~~Project would last **40 years**, not completed until **target date of 2050**~~ MASS TRANSIT
- 01 ~~Project would cost **$3 to 4.3 billion (how much is funded so far?)**~~ MASS TRANSIT!
- Total length of project: **27 miles** from La Jolla Village Drive to Camp Pendleton MASS TRANSIT!
- 02 NEVER! ~~Up to **110 homes** may be completely or partially "Taken" for this project~~
- 03 NOT SO! ~~Up to **13 businesses** may also be "Taken"~~
- 04 ARE YOU? Kidding! ~~**Miles of sound walls** to be erected (9 to 12 feet high) cutting off ocean views~~
- 05 NO WAY! ~~**Gigantic Park and Ride** lots with huge "Direct Access Lanes" will be built including one at Manchester above San Elijo Lagoon~~
- 06 **Noise levels** will be vastly ~~increased anyway~~ DECREASED!
- 07 **Air pollution** will ~~increase~~ DECREASE markedly!
- 08 **Greenhouse gas** emissions will ~~skyrocket~~ be held DOWN!
- 09 NO! **Traffic volume** expected to increase by as much as 50% USE MASS TRANSIT!
- 10 NOT SO! Seven ecologically **sensitive lagoons** will be crossed, disturbing endangered species
- 11 Character of North San Diego County forever ~~changed~~ IMPROVED with an excellent TRANSIT SYSTEM!
- 12 1950's "pour more concrete" solution squeezes out 21st Century transportation alternatives

Key contacts:

Comment on **CalTrans** report: Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Tell **SANDAG** your opinion about transportation options:

https://www.surveymonkey.com/s/TMGQQFZ

RESPONSES

Responses to Citizens Against Freeway Expansion; PLAGUE-I5

01 Thank you for your comments regarding the proposed project. Your comments are part of the public record. Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation.

02 Your concern regarding avoiding or minimizing the number of homes that must be purchased to accommodate the proposed improvements is noted. It is Caltrans' intention to avoid and/or, minimize impacts to properties that abut an existing highway system. Please refer to Topical Response "Property Acquisition" regarding specifics of property acquisition. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative, and would result in the least impacts to existing residences. If the refined 8+4 Buffer alternative (Preferred Alternative) is approved for construction, it is currently anticipated that a total of 20 residential uses would

MAIL – COMMENTS	RESPONSES
	02 cont. require relocation (8 single family homes, 2 duplex units, and 10 multi-family units). The assessor's parcel numbers associated with these anticipated relocations are provided in Topical Response "Property Acquisition" and in Final EIR/EIS *Section 3.4.2.3, Environmental Consequences*.
	03 Your concern regarding avoiding or minimizing the number of businesses that must be purchased to accommodate the proposed improvements is noted. The Preferred Alternative would reduce the number of businesses impacted, from 13 with the 10+4 Barrier alternative, to 7 (please see Final EIR/EIS *Table 3.4.4b*).
	04 Regarding the proposed construction of soundwalls and associated potential impacts to ocean views, this issue is addressed in EIR/EIS *Section 3.7, Visual/Aesthetics,* and *Section 3.15, Noise*. Specifically, as described in *Section 3.7*, the project site is within the Coastal Zone, and is therefore subject to applicable requirements of the California Coastal Act. *Section 3.7* also notes that the scenic qualities that give coastal communities their unique sense of place are highly valued by north coast residents, and similar viewpoints as cited from the Coastal Act are expressed in a number of local planning documents and ordinances. Accordingly, and per applicable regulatory requirements, a number of soundwalls identified in *Section 3.15* have design options to accommodate visual/aesthetic considerations through efforts such as reducing wall lengths and/or heights (e.g., Soundwalls S602, S622, and S811), identifying the wall(s) as not "reasonable" under Federal Highway Administration (FHWA) and Caltrans criteria and not recommending construction (e.g., S573), providing abatement on private property for "severely impacted" noise receptors only to reduce the scale and/or extent of soundwalls (e.g., S689), and incorporating transparent materials into proposed soundwalls to retain desirable views. Refer to Topical Response "Visual/Community Effects" for additional information.
	05 The proposed Direct Access Ramp (DAR) and San Elijo Multi-use Facility at Manchester Avenue have been redesigned to minimize their environmental impact. Specifically, the DAR facility would be constructed underneath the freeway to reduce visual impacts, and

MAIL – COMMENTS	RESPONSES
	05 cont. the multi-use facility would be reduced in size. An updated diagram of the proposed facility is included as EIR/EIS *Figure 2-2.5b*.
	06 Regarding potential project-related noise levels, this comment is correct in that the use of mass transit could potentially reduce noise generation associated with the I-5 corridor. As described in EIR/EIS *Section 3.15, Noise*, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, however, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable FHWA and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans' Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). The use of such noise abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise and would provide noise abatement for a number of associated noise receptors in accordance with applicable FHWA and Caltrans requirements. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	07 With respect to potential air pollution (air quality) concerns, this comment is correct in that the use of mass transit could potentially reduce air quality emissions associated with the I-5 freeway. As discussed in EIR/EIS *Section 3.14, Air Quality*, however, the proposed project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of

MAIL – COMMENTS	RESPONSES
	07 cont. project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation.
	08 Regarding project-related greenhouse gas (GHG) generation, this comment is correct in that the use of mass transit could potentially reduce GHG emissions associated with the I-5 corridor. EIR/EIS *Section 4.6, Climate Change*, however, includes an analysis of project GHG emissions, including a quantified evaluation of potential carbon dioxide (CO_2) impacts from the project build alternatives (refer to Final EIR/EIS *Table 4.2*). Specifically, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative, due to decreased congestion and improved travel times along the corridor. The San Diego Association of Governments (SANDAG) 2050 Regional Transportation Plan (RTP) includes the project along with other multimodal solutions and forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and California Senate Bill 375. Please also refer to Topical Response “Global Warming” for additional information on climate change issues.
	09 With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Response “Projected Growth” for additional information regarding the project’s accommodation of anticipated and latent traffic.

MAIL – COMMENTS	RESPONSES
	10 As proposed, improvements associated with the *I-5 NCC Project* would impact the lagoons over which I-5 crosses, as discussed in the EIR/EIS under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Additional information is provided in Topical Response "Lagoon Evaluations." Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. The project would include a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) that would enhance and protect lagoon habitat. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale.
	11 Caltrans agrees that planned improvements to mass transit service within the North Coast Corridor are likely to enhance the quality of life in the surrounding communities by providing a greater flexibility in the modes of transportation available. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County community character and why those effects are not expected to result in a substantial adverse overall effect in the communities already crossed by this highway. In addition, please note that Caltrans has worked with the adjacent cities to develop a number of potential community enhancement projects. Because the project generally would improve recreational facilities and would enhance access within the community, implementation of new project features is not expected to have an adverse effect on the overall community character of the North Coast Corridor.
	12 Please refer to the response to your Comment 01.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip
Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: Katharine Nowlan Date: 9/9/2010
(Print Clearly)

Address: 1635 MacKinnon Avenue Cardiff CA 92007
(Print Clearly)

Contact Phone: 774-454-8710

Email (Optional): katharine.nowlan@gmail.com

Do you wish to be added to the mailing list? ☑ Yes ☐ No

I would like the following comments included in the public record for this project:

01 I find it very important that a Soundwall be constructed. Without the Soundwall, my home will feel like I live on the highway. As it is already, the highway noise is extremely loud and noticable. I can't imagine with the expansion that it will only increase that noise to an unbearable amount. Thank you for considering my opinion and taking into consideration the community of Cardiff as being a nice, quiet beach community.

-- Katharine Nowlan

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Response to Katharine Nowlan

01 Thank you for your comments regarding potential noise concerns in the vicinity of the Birmingham Drive Interchange (i.e., 1635 MacKinnon Avenue, north of the interchange and west of I-5). Your comments are part of the public record. As discussed in EIR/EIS *Section 3.15, Noise*, Soundwall S653 was evaluated in that area. Based on the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol, however, S653 was determined not to be "reasonable" due to the estimated construction cost exceeding the "reasonable" allowance and, therefore, is not recommended for construction (refer to *Table 3.15.20*). Please also note that the EIR/EIS analysis recommends individual abatement for the "severely impacted" noise receptor located at 1633 MacKinnon Avenue (R9.4, refer to *Tables 3.15.19* and *3.15.20*). Based on the proximity of the subject property to this noise receptor, individual abatement could potentially be recommended at this site as well. An ultimate conclusion regarding whether or not this property would

MAIL – COMMENTS	RESPONSES
	01 cont. be "severely impacted" will be based upon final project design and completion of the final Noise Abatement Decision Report. At that time, if this property is identified as "severely impacted," the property owner of record will be contacted. For more information on general soundwall evaluation and location analysis in accordance with the Caltrans *Traffic* Noise Analysis Protocol, please refer to the Soundwall Considerations Topical Response.

MAIL – COMMENTS

September 26, 2010

Shay Lynn Harrison
California Dept. of Transportation District 11
Div. of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA. 92101

Dear Ms. Harrison,

In the past I was very active in my community, first in Mission Hills, as a member of the first elected Uptown Planning Group in San Diego, then elected to the first San Dieguito Planning group after moving to Solana Beach. I also served on the first City Council after incorporation. Since I am now 85 years young, I no longer am so involved, which makes some people very happy. But now I'm back on the freeway widening issue.

I have two concerns that I hope you can try to solve by mitigation. One issue is the extreme noise and pollution coming from 1-5 even before the recent access ramp work done in Solana Beach. The noise has deprived me and my neighbors the use and enjoyment of our property. Walls below our homes high above the freeway, seem to direct the noise up to us. Perhaps a wall at the top edge of our properties would block the noise, but it would also block the priceless view. A wall like the one installed on the North/West side of Solana Hills Drive, at the Solana Mar apartments, would work as a mitigation measure. I cannot afford such a wall. Was the apartment house wall mitigation for the ramp re-design, who paid for it?

01 I have also lost the ability to open windows at the back of my house and get the delightful cross breeze I used to enjoy, because of the noise. In hot weather I really suffer from the heat, having lost the option of open windows and doors for air circulation. I am legally blind in one eye and must confess that I have not read all of the EIR, but I have a better excuse than the California Legislature and the US Congress who enact laws before reading. Are migration measures for individual's situation already proposed, if so count me in?

Thank you for your time and attention and I will look forward for any help you can provide to me and my neighbors, who have suffered the loss of enjoyment in the homes they love.

Sincerely yours,

Celine A. Olson
638 Canyon Drive
Solana Beach, CA. 92075
Tel: 858-481-0194

cc: City of /Solana Beach
[Mayor Thomas M. Campbell]
SANDAG [Gary Gallegos]

RESPONSES

Response to Celine A. Olson

01 Thank you for your comments regarding potential project-related noise concerns and associated mitigation options in the area west of I-5 and north of Lomas Santa Fe Drive. Your comments are part of the public record. As outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS and Topical Response "Soundwall Considerations," numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). As part of the project noise analysis, noise measurements were taken at appropriate noise receptor sites within the I-5 corridor and vicinity, including R7.10 (674 Canyon Drive) and R7.11 (656 Canyon Drive) in the vicinity of the subject property (638 Canyon Drive). As shown in EIR/EIS *Table 3.15.15*, the existing and future (with project implementation and no soundwall) noise levels at R7.10 and R7.11 are 61/64 dBA and 62/65 dBA, respectively. Because these noise levels do not meet the stated FHWA and Caltrans

MAIL – COMMENTS	RESPONSES
	01 cont. criteria, no associated noise abatement is proposed. Based on the location of the subject property relative to R7.10 and R7.11 (i.e., farther from the I-5 corridor), it is anticipated that associated existing and future noise levels therein would be similar to or lower than those measured or modeled at the noted noise receptors sites. In an effort to avoid impacts to properties similar to yours, use of transparent materials in the soundwall design are being considered (refer to *Figure 3-7.122).* Because no soundwalls are proposed for the noted location, however, views would be retained regardless. The soundwall at the Solana Mar Apartments was constructed as part of the Lomas Santa Fe Interchange project, as it was found to be “reasonable and feasible” through the process described above. The referenced soundwall was paid for with federal funds.

MAIL – COMMENTS

Jeff Palmer
845 Del Riego Avenue
Encinitas, CA 92024

September 25th, 2010

Shay Lynn M. Harrison
Caltrans District 11, MS#242
4050 Taylor St
San Diego, CA 92110

Dear Ms. Harrison,

I'd like to comment on the proposed Interstate 5 expansion project, from La Jolla to Oceanside.

01 I do not agree with the Interstate 5 expansion project from La Jolla to Oceanside. Any plan that does not get people out of their cars, into public transportation or onto bicycles is not a good plan. I for one, would take public transportation *every day* if there was an option that allowed flexibility and efficiency.

What about design changes such that the Coaster frequency can increase substantially to at least every half-hour and better coordinating it with Amtrack for those that want to travel further North? The best of all options would be a light rail, or monorail, line running right down the middle of the freeway, fed by the Park and Ride lots, viable bike paths, and efficient local bus service. Alternately, existing trains could be modernized (made electric-powered, faster, and more frequent).

02 The thought of expanding our already mega I-5 even larger seems an option more out of habit, than of creativity. This option will create more particulate matter (my daughter already has asthma), more noise, not to mention the 40 foot walls and massive amounts of lanes contributing to the 'L.A-ism' of San Diego.

03 Now is the time to implement a sustainable vision for future transportation - not add any lanes to Interstate 5 but use the resources for trains and bike paths.

Caltrans engineers are creative - surely they can formulate a better option.

Sincerely,

Jeff Palmer
(760) 942-2780 home
(760) 994-6799 cell

RESPONSES

Responses to Jeff Palmer

01 Thank you for your comments, which are part of the public record.

Regarding alternative transportation, please note that *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take an extended period to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order

MAIL – COMMENTS	RESPONSES
	01 cont. for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. Please also refer to Topical Response "Corridor Alternatives" regarding the suite of other transportation alternatives considered for the North Coast Corridor, including light rail and monorail.
	02 Regarding potential project-related air quality (particulate matter [PM]), noise, and related visual (i.e., from soundwall construction) concerns, these issues are addressed in EIR/EIS *Sections 3.14, Air Quality, 3.15, Noise*, and *3.7, Visual/Aesthetics*. With respect to general air quality concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing and projected future no build conditions. For PM such as dust and diesel exhaust particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards, and is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency PM guidance (described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against a no build condition. A number of measures are also identified in *Section 3.14.4* to control construction-related particulate generation (e.g., dust), including required conformance with Caltrans Standard Specifications which also require conformance to applicable San Diego Air Pollution Control District regulations. Please also refer to Topical Response "Air Pollutants" for additional information on air quality concerns (including PM) and associated potential health effects.

MAIL – COMMENTS	RESPONSES
	02 cont. With respect to noise, as discussed in EIR/EIS *Section 3.15, Noise,* although project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of the proposed noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With regard to "40 foot walls and massive amounts of lanes," the 40-foot walls you referenced are the proposed retaining walls, which would be utilized to minimize property acquisition and biological impacts, to stabilize slopes, and to accommodate engineering structures. As discussed in *Section 3.7, Visual/ Aesthetics,* these walls could range up to 46 feet and visual impacts are identified as potentially substantial. It is Caltrans' intention to avoid and/or minimize impacts. As such, *Section 3.7* of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, as depicted on Final EIR/EIS *Figures 3-7.125* through *3-7.134,* this may include such efforts as the use of landscaping; planting buffers and pockets; as well as architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would provide relief from monolithic appearance and reduce the apparent scale of the retaining wall. For more information regarding potentially substantial visual effects of the proposed improvement, please refer to Topical Response "Visual/Community Effects."

MAIL – COMMENTS	RESPONSES
	02 cont. Please also note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. It would consist of two additional through lanes on each side of the highway.
	03 Please refer to the response to your Comment 01 regarding the multimodal nature of the system, as well as Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

MAIL – COMMENTS

Joseph PARLAS
1005 Santa QUETA
Solana Beach, CA
92075

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

I understand the need for greater traffic volume lanes however, I think you need to explore more MASS TRANSIT opportunities throughout the SOUTH COAST MEAT FAST

01 The only thing we have to date is an expensive non affordable Coaster which cost $10.00 per day - more affordable mass transit would most likely reduce the car volume - my needs are getting to/from the airport like most businessmen but there is no option for that -

02 ALSO the cost to the environment would be greater and I am totally against that!

03 Look for other ways please - not expanding a road!

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIP [illegible] ov

Mr Joe Parlas, III
1005 Santa Queta
Solana Beach CA 92075-1528

RESPONSES

Responses to Joe Parlas III

01 Thank you for your comments regarding mass transit and affordability of mass transit, which are part of the public record.

Regarding the need for more mass transit opportunities, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding ongoing plans and improvements to mass transit.

02 Your concern for the impacts of the project to the environment is part of the public record. Please note that, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. Accordingly, the EIR/EIS includes an extensive evaluation of potential project-related impacts and

MAIL – COMMENTS	RESPONSES
	02 cont. related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*.
	03 As discussed in Topical Response "Multimodal Systems," improvements to I-5 are not the sole means of improving transportation within the corridor, and Caltrans is working closely with agencies responsible for other forms of transportation in the area. Based on regional population and traffic demand forecasts, improvements to all these modes of transportation are needed for the system to work at peak efficiency.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: September 9, 2010
Place: Oceanside High School, Multipurpose Room
1 Pirates Cove, Oceanside, CA 92054

Name: Pete Penseyres Date: 9-11-10
(Print Clearly)

Address: 6535 Indian Trail Way
(Print Clearly) Fallbrook, CA 92028

Contact Phone:

Email (Optional): Avofarmer2000@yahoo.com

Do you wish to be added to the mailing list? ☒ Yes ☐ No

I would like the following comments included in the public record for this project:

01 1. The entire Coaster train corridor should be double tracked and tunnels completed before any work is started on I-5 expansion

02 2. The Park and Ride prepared for I-5 & 76 should be completed now (before any work is started on I-5 expansion)

03 3. Eliminate the "free right" merger onto ~~I-5~~ 76 from I-5.

04 4. Eliminate the "free right" turns on the west side of I-5 to & from Cassidy and replace them with a single lane roundabout.

05 5. Every effort feasible should be made to reduce VMT in accordance with AB 32 using high speed express trains on the Coaster corridor and ~~for~~ a double tracked monorail within the existing I-5 corridor

06 6. No work should begin on any lane expansion before the above items are completed and a re-evaluation for need is conducted by an agency completely independent of CalTrans

Comments must be received by October 7, 2010

Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

Responses to Pete Penseyres

01 Thank you for your comments regarding rail improvements, which are part of the public record. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation, which includes expansion of the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail line as well as new Bus Rapid Transit (BRT) lanes and improvements to bicycle and pedestrian access. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort, and it is Caltrans' responsibility to use transportation monies provided for upgrade of the State highway system in the most beneficial way (considering a combination of driver need, environmental effects, and project cost) on those highway facilities. California Senate Bill (CA SB) 468 requires concurrent completion of rail and highway improvements where crossing lagoons (unless phasing would

MAIL – COMMENTS	RESPONSES
	01 cont. result in an environmentally superior outcome). Please also refer to Topical Response "Rail Preference" for additional discussion information regarding planned rail improvements.
	02 Regarding the timing of construction of the parking lot at I-5 and State Route (SR-) 76, this facility is identified in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*, as a staging or parking area for the San Luis Rey bike path and would not function as a park and ride lot. This facility and other identified enhancement facilities within the project corridor, if implemented, would foster community improvement through the creation and/or enhancement of pedestrian or bicycle access, connection of pedestrian or bicycle routes with public transit centers, enhancement of non-vehicular connectivity across I-5, and creation of trailheads and other recreational opportunities within local communities throughout the I-5 project area (refer to EIR/EIS *Section 2.3*). Note that implementation of the identified community enhancement projects would require a cooperative agreement with the local agency.
	03 With respect to your recommendation to remove the I-5 / SR-76 connectors, eliminating these structures and the "free right" merges onto SR-76 from I-5 would not improve traffic flows, due to heavy existing volumes that range from 180 to 1,400 vehicles during peak hours (I-5 North Coast Freeway Operations Report, http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficNov08.pdf). Under this scenario, the off-ramps would also require controls (e.g., with signals), which could potentially create long ramp queues that could extend onto the freeway lanes. In addition, there are no existing or anticipated future pedestrian or bicycle conflicts with the proposed traffic movements that would necessitate eliminating the noted connectors.
	04 With respect to your suggested improvements at the Cassidy Street Interchange, roundabouts typically cover more area than regular intersections to be effective. In the case of the Cassidy Street Interchange, a single lane roundabout would not be cost-effective due to wider associated right-of-way requirements.

MAIL – COMMENTS	RESPONSES
	05 Regarding project conformance to California Assembly Bill (CA AB) 32 and related greenhouse gas (GHG) generation, EIR/EIS *Section 4.6, Climate Change*, provides an analysis of projected GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the decreased congestion and improved travel times along the corridor. The San Diego Association of Governments (SANDAG) 2050 Regional Transportation Plan (RTP) includes the project along with other multimodal solutions, the planning for which is also under way, as noted in the response to your Comment 01. The RTP forecasts countywide reduction in GHG emissions to 1990 levels by 2020, as required by CA AB 32 and CA SB 375. Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues. Please also refer to Topical Response "Corridor Alternatives" with regard to alternatives previously considered for the North Coast Corridor, including monorail service.
	06 Please refer to the response to your Comment 01 regarding timing of the proposed rail improvements, as well as the responses to your Comments 02 through 05 regarding your other suggestions. As noted in Topical Response "Corridor Alternatives," the current EIR/EIS is only one step in an environmental process that began approximately 20 years ago and has addressed a variety of options to relieve congestion within this busy corridor. Topical Response "Multimodal System" describes preparation of the Regional Transportation Plan, which was an important recent phase in this alternatives evaluation process. SANDAG has been leading the efforts to evaluate the range of transportation alternatives needed in the North Coast Corridor.

MAIL – COMMENTS

I-5 North Coast Corridor

Comment Slip

Date: July 27, 2010 (presentation attendance date)
Place: Encinitas Community & Senior Center, Rm 142
1140 Oakcrest Park, Dr., Encinitas, CA 92024

Name:	Dadla Ponizil
Date:	August 16, 2010
Address:	1145 Stratford Drive, Encinitas, CA 92024
Contact Phone:	760-487-1776
E-mail:	dadla@cox.net

Please do not add me to a mailing list.

I would like the following comments included in the public record for this project. I also hope the designers will read them.

01

I. The big picture.

a. I asked several of your presenters the following question:

"What means of transit is most efficient, provides highest service and results in lowest GHG emissions, a bus/rail vehicle (assuming 40 passengers/car) or a fully occupied automobile?"

Only the environmental representative had an answer. "My sense is it would be the bus/mass transit system vehicle."

b. We currently don't have a well integrated mass transit system, one that gets people from North County to metro SD efficiently, practically, and joyfully. So the premise that mass transit does not work in this area (or could not work) is invalid. To claim, as the North County Times editors did recently, that mass transit for this area is not realistic lacks vision and underestimates your ingenuity. One only needs to visit other large cities—New York, Chicago, Boston, San Francisco, Tokyo, London…to see proof

Letter to Caltrans—Comments on I-5 Expansion ver 2 | 1

RESPONSES

Response to Dadla Ponizil

01 Thank you for your comments, which are part of the public record.

In regard to transit efficiency and greenhouse gas (GHG) emissions, fully loaded bus or rail would provide fewer GHG emissions per passenger than a typical fully loaded automobile. Caltrans does not assert that mass transit could not work in San Diego County. Staff agrees that alternative transportation methods are critical to keeping San Diegans moving and that mass transit options provide critical elements of the regional transportation network. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing

MAIL – COMMENTS

01 cont. of what human creativity can accomplish. If Curitiba, Brazil can build a quality transit system, why can't we?[1]

c. The assumption that the region will inevitably grow and so must have bigger freeways to accommodate the growing need is a circular argument. Build more houses, more people come, requiring more freeways, which in turn enables more construction. It is the "I'm gaining weight so the only solution is a bigger belt" solution. I suggest an informed discussion about growth and the limits of growth. Some valid questions:
   i. Should this area be allowed to grow without bounds?
   ii. Will unbridled growth in a region of limited resources be sustainable?
   iii. How will quality of life be affected?

02 d. City and regional planning should come first and answer these fundamental questions, rather than proposing this freeway expansion solution. We need a smart growth plan developed with jobs, work and home all proximate. Once that is in place, the problem of moving people around changes, indeed may solve itself. SANDAG was formed to facilitate regional planning—creating integrated solutions--across member city boundaries. This appears not to have taken place since we are being offered only expansion and no plan for transportation optimization. As long as homes, jobs, and shops are spread apart, our transportation challenges grow without bound. Let's think toward a human-centric design rather than a car-centric reactionary solution.

II. We need a comprehensive solution for an array of challenges

03 a. In view of the foregoing, I'd love to see SANDAG use this rare opportunity at the drawn of a new century to lay out a smart, human-centric, sustainable, regional growth plan first, and only then solve the transportation problem. Adding freeway lanes will result in more suburbia, sprawl, higher distances between home and office, school, and stores.

04 And let's not forget the elephant in this room. More cars = higher emissions. We already know transportation is this region's number one GHG emission source. The San Diego Foundation commissioned a study one this by Scott Anders two years ago.[2]

b. Keep in mind the external cost of automobiles:
   i. Emissions, oil extraction, oil industry subsidies including security, etc.

05 ii. Urban, tributary, and ocean pollution due to runoff, brake dust, oil, gasoline spills, tire dust, etc.

[1] http://www.urbanhabitat.org/node/344
[2] http://www.sdfoundation.org/LinkClick.aspx?fileticket=x5-SNqyTPxU%3d&tabid=372

Letter to Caltrans—Comments on I-5 Expansion ver 2 | 2

RESPONSES

01 cont. only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation.

02 With respect to your comment regarding growth in the project area, it is not Caltrans' role to restrict or cause future growth, but rather, to ensure the provision of a safe, efficient, reliable highway system that accommodates growth anticipated by the local and regional planning agencies. The San Diego Association of Governments (SANDAG) is responsible for population tallies and projections for San Diego County. As shown in EIR/EIS *Section 3.2, Growth*, the most recent forecasts show a steady increase in population between 2010 and 2050. Caltrans has considered this projected growth and the size of improvements needed to accommodate such growth. The proposed improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic.

Potential impacts to quality of life for North County residents near the I-5 have been evaluated in the EIR/EIS. Project-related effects are not expected to result in a substantial adverse impact on the overall quality of life in the communities and neighborhoods near the highway. For more information regarding this matter, please refer to Topical Response "Visual/Community Effects."

A comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan and Sustainable Communities Strategy

MAIL – COMMENTS	RESPONSES
	02 cont. (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. These improvements would allow the time necessary for the region to work toward complex solutions, such as smart growth. Please also refer to Topical Response "Corridor Alternatives" with regard to the planning process for transportation in the North Coast Corridor.
	03 With regard to your preference for a comprehensive solution, please refer to the response to your Comment 02 regarding regional planning. Additionally, with regard to effects of added freeway lanes, this project is not anticipated to increase development in San Diego County. The proposed project would run through several highly urbanized cities and would accommodate anticipated growth in the area, based on local and regional planning efforts. Because the North Coast Corridor is already highly urbanized, it is not anticipated to become more so or have increased development based solely on the proposed improvements. Other constraints are involved, such as land use controls within local and regional plans and policies, as well as the limited space available for further development. Also, this project is not designed with excess capacity that could induce substantial unplanned growth during the design period.
	04 Regarding potential project-related air quality emissions, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor (as described in EIR/EIS *Section 3.14, Air Quality*). This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation.

MAIL – COMMENTS	RESPONSES
	04 cont. For GHG emissions, EIR/EIS *Section 4.6, Climate Change*, provides an analysis of associated project GHG/climate change effects, including a quantified evaluation of potential impacts from the project build alternatives. To the extent that a project relieves congestion by enhancing operations and improving travel times in high-congestion travel corridors, GHG emissions (particularly carbon dioxide [CO_2]) may be reduced. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the drop in congestion and improved travel times along the corridor. Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues. Similarly, with regard to oil, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out of direction travel, as described in EIR/EIS *Section 3.16, Energy*. 05 With respect to potential "urban, tributary and ocean pollution" (water quality) concerns, EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, identifies and evaluates potential water quality impacts associated with implementation of the identified build alternatives and the No Build alternative. Specifically, this includes direct impacts associated with short-term construction activities, such as erosion within disturbed soil areas (DSA) and accidental discharge of construction-related pollutants (e.g., fuels and lubricants), as well as long-term operational impacts, such as the generation of vehicle-related pollutants (e.g., particulates and metals from break pad wear and exhaust-generated pollutants such as nitrite). This analysis provides quantified assessments of potential impacts related to existing and proposed impervious (paved) surfaces as well as identification of associated potential pollutant generation and related effects. The analysis also addresses associated indirect impacts such as downstream sediment and pollutant transport (i.e., sedimentation) and the potential discharge of pollutants related to long-term facility operation and maintenance activities such as landscaping (e.g., green waste and pesticides and herbicides).

MAIL – COMMENTS

06 iii. Parking lots, emissions due to cement manufacture, heat island effect, reduced carbon sinks, etc.

c. Once we've designed a growth plan for the 21st century, we can apply some of your good ideas to greater benefit:

i. Bus rapid transit (BRT)—a very efficient system when running on dedicated lanes—NOT MIXED WITH PASSENGER VEHICLES!!! For busses to work, they should be "cool", run frequently, go where people need, and cost less than cars/parking.

ii. As much as I like trains, busses are really the most efficient, long term and cost effective solution.

iii. Direct access ramps (DARs) allowing busses or rail systems to get on and off the system efficiently. Great idea!

iv. Biking/hiking lanes—What a great time to complete the Coastal Rail Trail, sections of which now serve north-south bicyclists. This promotes healthy, emission-free transport and should be expanded. Please complete the sections now missing so a person can ride a
07 bike and integrate that trip with trains and busses. The coastal route is particularly pleasant when one is not riding next to fast moving cars or breathing car exhaust.

v. Connections, feeder branches, Park&Rides and lateral routes should be integrated into the design. We should build a BRT or rail spur on each major city artery, such as down El Camino Real, Encinitas Blvd, etc.

vi. The coastal train/rail system, now coming very close to fragile bluffs such as in Del Mar will inevitably become dangerous. With ocean levels due to rise, we know this is a matter of decades. Seems to me, we should be moving the rail system inland, ideally running the rail system along the existing I-5 right-of-way. I have not seen engineering verification of the supposition, often quoted, that a train cannot climb the Del Mar Heights grade. Please consider that trains can be designed to do this or tunnels can be built for sections unmanageable by other means.

vii. The new transportation system as well as the regional growth plan must reduce GHGs. I don't see how any of these proposals, even the *No Build* option does this. We not only need to move people
08 with ease and joy, but must cut our fossil fuel emissions drastically. This element is lacking in your proposal. I saw one note which claimed this plan "will reduce Greenhouse gasses". Please provide data. Numbers such as **Tons of C02 per mile travelled per car** vs. **Tons of C02 per mile travelled per rail car/bus**—such metrics

Letter to Caltrans—Comments on I-5 Expansion ver 2 | 3

RESPONSES

05 cont. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as appropriate). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

06 Caltrans understands your concern regarding emissions associated with cement manufacture, including emissions of airborne pollution in the form of dust, and GHG. These are point source emitters, however, and are specially controlled by both the U.S. and California Environmental Protection Agencies. Equipment to reduce dust emissions during quarrying and manufacture of cement is widely used, and equipment to trap and separate exhaust gases are coming into increased use. Environmental protection also includes the re-integration of quarries into the countryside after they have been closed by returning them to nature or recultivating them. The controls over emissions at these specific locales address GHG contributions for the industry.

It is assumed that the reference to parking lots, which is a built element, is related to the issue of heat islands. Heat island effect is a temperature phenomenon in which heat-absorbing built elements, especially those with dark roofs and non-reflective

MAIL – COMMENTS	RESPONSES
	06 cont. surfaces, release heat absorbed from sunlight into the surrounding atmosphere. The resulting effect is an increase in outdoor air temperature in a specific area, or "island." Increases in local air temperature caused by the heat island effect generally occur in urban areas and centers where many buildings with dark roofs are concentrated in a small area. Some ways to combat the heat island effect include installing green roofs, using light-colored roofing and paving materials that do not absorb heat, and planting trees and vegetation. The *I-5 NCC Project* does not propose any buildings but does propose use of light-colored paving materials (e.g., the above-cited concrete) as well as substantial installation of vegetation. Please refer to *Section 3.7* of the EIR/EIS for pictures of roadway and the description of planned project landscaping. A carbon sink is a natural or artificial reservoir that accumulates and stores some carbon-containing chemical compound (as is produced by fossil fuel use) for an indefinite period. The process by which carbon sinks remove CO_2 from the atmosphere is known as carbon sequestration. Primary natural sinks include absorption of carbon dioxide by the oceans via physicochemical and biological processes, and photosynthesis by terrestrial plants. In this instance, because the project would be reducing CO_2 emissions when compared with no build conditions, effects associated with I-5 implementation would be expected to be positive, or beneficial, rather than adverse.
	07 As discussed above in response to your Comment 01, the *I-5 NCC Project* is only one part of a larger transportation upgrade being developed for the corridor, including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. One of the key project objectives (refer to EIR/EIS *Section 1.2, Purpose for the Project*) is to provide a facility that is compatible with future bus rapid transit and other modal options. The proposed

MAIL – COMMENTS

08 cont. should be included in this plan so people understand what is being proposed. Seems to me your planners are ignoring the requirements of AB32 and our common climate disruption problem.

III. Conclusion

a. I applaud you for a well-executed engineering solution to the given problem: how to move more people along the coastal corridor. But we should solve the larger problem first: the challenge of un-bridled growth, suburban sprawl, and environmental degradation.

09 b. I'm grateful for the opportunity to voice my concerns on this vital issue—indeed this is the issue of our day. By solving these larger problems, we will not only create a wonderful transportation system but provide thousands of high quality local jobs.

c. And we will begin rolling back the heat trapping gas concentration—now peaking at 390ppm—wreaking havoc on many parts of the world as I write.

Letter to Caltrans—Comments on I-5 Expansion ver 2 | 4

RESPONSES

07 cont. High Occupancy Vehicle (HOV)/Managed Lanes are intended to give bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Response "Multimodal System" for additional discussion of the 2050 Regional Transportation Plan (RTP) and other applicable plans that have considered the transportation-related needs regionally and along the project corridor based on projected land use and population growth patterns. Refer to Topical Response "Projected Growth."

The project proposes a number of community enhancement features within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve such amenities as pedestrian or bicycle corridors (including the I-5 North Coast Bike Trail), connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities.

With respect to the threats to the current rail line along Del Mar Bluffs, this issue is outside the purview of the *I-5 NCC Project*. Such comments would be better directed to SANDAG, which is responsible for planning of the rail system in that area.

08 Please refer to the response to your Comment 04 with regard to GHG emissions. The SANDAG 2050 Regional Transportation Plan (RTP) includes the project along with other multimodal solutions; it forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and California Senate Bill 375. As the build alternatives would reduce GHG emissions, comparison of emissions between various modes of transportation is not necessary to evaluate impacts.

09 Please refer to the response to your Comment 02 with regard to regional planning and the response to your Comment 04 with regard to GHG emissions.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 If CalTrans would develop an easy way for airline passengers to get to and from airport, this would take many cars off I-5 and eliminate the need to expand so dramatically. An example of great mass transit to an airport is MARTA in Atlanta, GA. Any ideas? for San Diego?

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Cathy Powell
7405 Neptune Dr.
Carlsbad 92011

RESPONSES

Response to Cathy Powell

01 Thank you for your comments regarding alternative transportation modes to serve the airport. Your comments are part of the public record. The *I-5 NCC Project* is only one part of a larger transportation upgrade that the San Diego Association of Governments (SANDAG) is developing for the corridor to accommodate forecasted growth, including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. These transit projects, when combined with the *I-5 NCC Project*, will provide a balanced transportation system for people to travel within and through the North Coast Corridor. The *I-5 NCC Project*, however, focuses on the highway and not mass transit measures to improve airport access. Please see Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for more information relative to overall transportation planning within the corridor.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 I totally protest any more expansion of the I-5 Freeway!

02 Funds should be put into better commuter transportation —

Susie Riccio
825 Santa Hidalga
Solana Beach, CA 92075

Santa Fe Hills Homeowner

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Susie Riccio

01 Thank you for your comment, which is part of the public record.

02 In regard to your comment on the use of public funding for better commuter transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding ongoing plans and improvements to public transportation. Please also refer to Topical Response “Transportation Funding” for information on issues related to use of public highway funding for alternative transportation modes.

MAIL – COMMENTS

My name is Elizabeth Rudee and I live at 1345 Caminito Acento, La Jolla, 92037. I would like to make a statement on behalf of San Diego Audubon Society, as a volunteer member of the Society's Conservation Committee.

01 San Diego Audubon Society does not support the CalTrans plan to expand I5 by multiple lanes. Why do we support the "no build" alternative? I would call your attention to four points:

02 1) In order to meet AB 32 goals of reduced carbon emissions to 1990 levels by 2020, we in San Diego County need to reduce vehicle miles. However, the CalTrans plans just make it more convenient to drive more.

03 2) The mass transit lanes are a very good step in the right direction, but existing lanes should be used for this mass transit purpose. When we can reduce personal vehicle use, we will not need the additional lanes that are proposed.

04 3) San Diego Audubon Society strongly urges that the billions of dollars that this project would cost, be spent, instead, on mass transit and on other infrastructure that would reduce our dependency on personal carbon-emitting vehicles.

05 4) There will be needless impacts to the lagoons in the areas of the proposed lane expansions along I5, not the least of which will be the greenhouse gasses that would be discharged in the construction process.

06 In conclusion, San Diego Audubon asks this question: How are the CalTrans proposals helping us support AB32 and fight global climate change?

Thank you.

RESPONSES

Responses to Elizabeth Rudee, on behalf of the San Diego Audubon Society

01 Thank you for your comments, which are part of the public record. Responses to each of the four points upon which your opposition to the build alternatives is based are provided below.

02 Regarding potential project-related greenhouse gas (GHG) generation, an analysis of project GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives, is provided in EIR/EIS *Section 4.6, Climate Change*. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout carbon dioxide emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the drop in congestion and improved travel times along the corridor. The San Diego Association of Governments (SANDAG) 2050 Regional Transportation Plan (RTP) includes the project along with other multimodal solutions and forecasts countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and California Senate Bill 375. Please refer to Topical Response "Climate Change" for additional information on GHG-related issues. The role of Caltrans is to ensure provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies.

03 Regarding use of existing lanes for mass transit, please note that *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take an extended period of time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak

MAIL – COMMENTS	RESPONSES
	03 cont. efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Similarly, conversion of existing general purpose lanes to High Occupancy Vehicle (HOV)/Managed Lanes would not adequately accommodate projected traffic levels.
	04 Regarding funding for mass transit and other infrastructure, please note that funding for Caltrans highway improvement projects is allocated separately from several other funding sources allocated specifically for other types of transportation projects. The *I-5 NCC Project* is part of the larger transportation upgrade that SANDAG is developing for the corridor, including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lines, and improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system. Caltrans has no authority to independently require or authorize bus rapid transit or light rail programs. Staff agrees that alternative transportation methods are critical to keeping San Diegans moving and that mass transit options provide critical elements of the regional transportation network. Please refer to Topical Responses "Multimodal System," "Mass Transit" and "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.
	05 In Section *3.18.3, Wetlands and Other Waters*, the EIR/EIS explains that impacts to the lagoons over which I-5 crosses would be unavoidable with all of the improvement alternatives. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The specific amount of impact on the lagoons is presented in *Table 3.18.1* of the

MAIL – COMMENTS	RESPONSES
	05 cont. Final EIR/EIS. *Table 3.18-2* provides a summary of impacts on each lagoon. While the build alternatives would result in impacts to wetlands, they also would lengthen several of the bridges over the lagoons to improve their tidal circulation and associated ecological functions. Project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. The project would include a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) that would enhance and protect lagoon habitat. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale. Please refer to Topical Response "Lagoon Evaluations" for additional information. Regarding GHG generation during project construction, please refer to the response to your Comment 02 for information on the evaluation of GHG and climate change issues in *Section 4.6, Climate Change*, of the EIR/EIS. This evaluation also includes an analysis of construction-related GHG effects (refer to *Section 4.6.4*), including potential emission sources such as material processing, construction vehicles and equipment, and construction-related traffic delays. A number of measures are identified in this discussion to reduce construction-generated emissions, including use of low-emission equipment where practicable, proper operation and maintenance of construction vehicles and equipment, and implementation of traffic and transportation control efforts, such as appropriate phasing and implementation of a Traffic Management Plan (TMP) to ease minimize traffic delays during construction and ease congestion. Please refer to Topical Response "Construction Traffic." While there would be an increase in GHG emissions during construction, these would be outweighed over time by the decreases in operational emissions. 06 Regarding conformance with CA AB 32 and global climate change issues, please refer to the responses to your Comment 02 and 05 above.

MAIL – COMMENTS

Oct. 13, 2010

I-5 North Coast Corridor Team
Cal Trans Dist. 11:

Re: Expansion and Widening of I-5.

01 I have lived in the Carlsbad area for 17 years – near the I-5. Im very concerned about the widening of I-5. It will create further noise, additional traffic, disturbance of the environment (the lagoons, etc.).

02 Many homes in our area will be affected, Probably more than other cities on the I-5 corridor.

03 Addition of two (2) commuter lanes would be more acceptable.

Thank you for your consideration,

Alice Ruiz

1-760-438-0227

RESPONSES

Responses to Alice Ruiz

01 Thank you for your comments regarding potential project-related noise, traffic, and biological concerns (including effects to coastal lagoons) in the area east of I-5 and north of Poinsettia Lane in the City of Carlsbad. Your comments are part of the public record.

For noise issues, although project-related decibel (dBA) increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer dBA over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear, as outlined in EIR/EIS *Section 3.15, Noise*. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S750 in the subject area (refer to Final EIR/EIS *Figures 2-2.3, Sheets 43* through *45*). As described in *Section 3.15*, while S750 was determined to not be "reasonable" under FHWA and Caltrans guidelines because the estimated construction cost exceeded the "reasonable" cost allowance, it is recommended for construction to address several "severely impacted" noise receptors (refer to *Tables 3.15.29* and *3.15.30*). It should be noted, however, that S750 may not provide noise abatement at the subject property (6817 Shearwaters Drive, outside of the project limits) due to the intervening distance and the presence of existing structures that can provide noise screening. As shown in EIR/EIS

MAIL – COMMENTS	RESPONSES
	01 cont. *Table 3.15.29*, the closest noise receptors to the subject property, R14.17 and R14.18 (802 Windcrest Drive and 804 Windward Lane, respectively), are located approximately 690 and 650 feet southwest of the subject property. Associated future noise level increases at the noted noise receptors would be three dBA (i.e., 74 to 77 dBA) at R14.17 and three dBA (70 to 73 dBA) at R14.18 under the "project without soundwall" scenario. Noise level increases at the subject property are expected to be somewhat less, based on its relative location (i.e., approximately 650 to 690 feet northeast of the noted noise receptor sites) and the presence of intervening structures. Accordingly, the proposed project would be expected to result in a future noise level increase of three dBA or less at the subject property. Changes of three dBA or less generally are not detectable by the average healthy human ear. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the

MAIL – COMMENTS	RESPONSES
	01 cont. road is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. Potential impacts to biological resources at the six coastal lagoons and/or associated waterways within the I-5 corridor are evaluated under the *Biological Environment* heading of the EIR/EIS. Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Please also refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since the circulation of the Draft EIR/EIS in 2010. Based on those studies, the existing portions of I-5 that cross Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons were determined to be appropriate lengths, while crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. Topical Response "Lagoon Evaluations" also addresses the importance of the Transportation Resource and Enhancement Program. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale. 02 Regarding your concern related to homes being affected in your community, the proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative. It would have a substantial decrease in property acquisitions in Carlsbad relative to the 10+4 Barrier alternative; the number of residential relocations anticipated in the Draft EIR/EIS would drop from 60 to 1.

MAIL – COMMENTS	RESPONSES
	03 With respect to your preference for two additional commuter lanes to provide congestion relief, such an alternative was initially considered during the early planning stages of the project. EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, discusses the Freeway/HOV (8+2) Alternative, which consisted of adding one HOV lane in each direction, and the reasons it was eliminated as a project build alternative to be fully evaluated. In summary, this alternative would not provide adequate freeway capacity to meet projected future travel demands on the I-5 NCC. The Preferred Alternative would involve the addition of two HOV/Managed Lanes in each direction.

MAIL – COMMENTS

PAULA & TIM RYAN

612 Santa Helena Solana Beach 92075
858 755 6212

November 18, 2010

To: Shay Lynn Harrison

Re: I-5 NCC EIR

My wife and I are asking the state to choose Plan 1--No Build for the following reasons.

01 1.You have not pushed ahead with any of the ideas contained in the SANDAG questionaire. Where is the push to have people move closer to where they work? Has the state pressured colleges to start classes at 5am or 6am which would remove these cars from rush hour traffic. Has the state pressured businesses to alter hours of manufacturing to remove rush hour vehicles form the road?

02 2. Has the state taken into account the effects of the state cap and trade law on the price of gasoline coupled with the current devaluation of the US dollar? When gasoline reaches 5-6 dollars a gallon in the next few years, how will this increase the demand for public transportation?

03 Our current residence hears the freeway traffic now night and day. The freeway I-5 just completed a widening at Lomas Santa Fe Drive in Solana Beach and your idea is to increase the size by another 4 to 6 lanes. How high will the sound walls be? Are they going to be 12 to 16 feet high like in Irvine on the 405 freeway? Or are they going to be only 6 feet high and let all the noise and extra pollution come up the canyon? Your current plans do not address this. Will we be compensated for the decrease in property
04 values that increasing the size of the freeway will bring? Did Caltrans ever complete the sound walls along
05 the I-15 freeway in Rancho Bernardo? We remember reading an article in the San Diego Union Tribune that Caltrans had run out of money and did not complete the promised sound walls. Regarding our local HOA
06 that our house is part of, will you compensate the HOA for the yearly loss of property tax money from the homes you will remove for this expansion? Those homes pay to maintain the slopes and greenbelts in our ass.ociation

07 When one takes into account the economic changes coming in the next few years, it appears foolish to cement over more of an area so close to the ocean and lagoons. Why increase state and federal debt, why harm the quality of life along miles of this ocean coast corridor, why take so much commercial and residential property away? Please select Plan 1-No Build and push public transportation along this coast corridor.

Sincerely

Tim & Paula Ryan

RESPONSES

Responses to Paula and Tim Ryan

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Caltrans can only implement transportation ideas that fall within its purview as the State agency responsible for improvements to the State highway system. Alternatives considered by a Lead Agency in an Environmental Impact Report must satisfy project purpose and need and be able to be implemented by that agency. For example, decisions regarding the location of housing and employment are highly individual and influence over them is beyond the purview of Caltrans. Caltrans also has no ability to impose requirements regarding work or operational hours of non-Caltrans employees. Such comments would be better addressed to the San Diego Association of Governments (SANDAG) and/or the State Legislature.

02 With regard to the effects of gasoline price increases, traffic volumes on I-5 have historically increased despite continued increases in gasoline prices. The 2050 RTP indicates that the increased demand will occur due to regional population growth, increased goods movement, increased economic growth, and greater recreational and tourist activity. As such, without improvements to I-5, traffic conditions and the effective movement of people and goods will continue to deteriorate. Refer to EIR/EIS *Section 1.3, Need for the Project*, and Topical Response "Projected Growth" for additional discussion of the need for the project.

MAIL – COMMENTS	RESPONSES
	02 cont. Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All of the modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies and Caltrans has been actively involved in this regional multimodal planning. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to public transportation.
	03 With respect to your concerns on project-related noise generation and soundwalls in the area east of I-5 and north of Lomas Santa Fe Drive (612 Santa Helena), these issues are addressed in EIR/EIS *Section 3.15, Noise*. As described therein, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans guidelines. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S614 in the vicinity of the subject property (refer to Final EIR/EIS *Figures 2-2.3, Sheets 23* and *24,* and *Section 3.15.4*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. However, based on the location of the subject property approximately 2200 feet east of the freeway and the presence of intervening structures, (per review of Google Maps), S614 would not be expected to provide an associated discernible noise-abatement benefit. For similar reasons, project-related noise effects at this site would not be expected to meet or approach the noted guideline level of 67 dBA. Projected noise levels at the closest noise receptors (R7.12

MAIL – COMMENTS	RESPONSES
	03 cont. through R7.18) would range from 64 to 74 dBA with construction of the project and no soundwalls (refer to Final EIR/EIS *Figures 2-2.3, Sheets 23* and *24,* and *Table 3.15.15*). With the standard attenuation of a three dBA roadway noise reduction for every doubling of distance, associated existing and future noise levels are expected to be substantially less than those described for the nearest noise receptors. Additionally, these noise levels are expected to be below the noted noise-abatement criterion. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. Soundwall S614 has been preliminarily recommended for construction and would range in height from 8 to 10 feet (refer to EIR/EIS *Table 3.15.16*). Portions of an existing 12-foot-tall soundwall in the described area would be removed to accommodate a realigned access ramp at Lomas Santa Fe Drive. This wall would be rebuilt at the same height, and S614 would be coupled to this rebuilt structure by a 10-foot connecting wall. An additional description of S614 and the existing wall to be removed and rebuilt is provided in EIR/EIS *Section 3.15*, as well as the Noise Study Report (NSR) prepared for the project. Please refer to Sheet 21 in Appendix A of the NSR, available for review at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSNoise07.pdf. Please also note that soundwalls (and similar structures) do not represent effective barriers for air quality pollutants, as suggested in this comment. Specifically, this conclusion is based on the small scale of soundwalls compared with the relatively broad dispersal pattern of most air quality pollutants. 04 Regarding potential project impacts to property values, please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value. Based on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated. 05 Comments on the Draft EIR/EIS are intended to focus on the environmental adequacy of the studies completed for the proposed *I-5 NCC Project*. Although your comments are now part of the public record as noted above, no response to this comment is necessary for the *I-5 NCC Project* EIR/EIS. Please contact

MAIL – COMMENTS	RESPONSES
	05 cont. Caltrans District 11 at (619) 688-6699 and your call will be directed to appropriate staff who can answer your question regarding soundwalls on I-15 in Rancho Bernardo.
	06 Although Caltrans is flexible with mitigation, the selection of the Preferred Alternative would not require compensation for this issue. With regard to property acquisitions, while all four build alternatives would require some partial property acquisitions in Solana Beach, only one of the build alternatives (10+4 Barrier) would affect structures at the referenced condominium complex. Specifically, the 10+4 Barrier alternative would entail the acquisition of three buildings on the west side of I-5 at the noted site. Please also note that, following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative would not require the removal of any structures in the subject condominium complex. The preliminary design of the Preferred Alternative includes temporary construction easements and footing easements from a number of the properties adjacent to the freeway; again, no associated structure acquisitions would be required. It is Caltrans' intent to avoid and/or minimize impacts to properties that abut an existing highway system through efforts such as adopting the Preferred Alternative. As described in *Section 3.4, Community Impacts*, of the EIR/EIS, the proposed project has been designed to minimize impacts to existing structures, where possible, by acquiring reduced amounts of right-of-way and limiting the grading footprint. An ultimate conclusion regarding property acquisitions, however, will be based on the alternative selection of decision makers and final project design. Please also note that property taxes are distributed to State and local governments and are not allocated to private homeowners associations.
	07 Although funding sources are constrained due to larger economic issues, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional

MAIL – COMMENTS	RESPONSES
	07 cont. economy through reductions in projected congestion, delay, and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, the proposed project is funded in part through the TransNet program. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org. Based on the results of the analysis contained in the EIR/EIS, the proposed project would result in a number of community and environmental impacts. Caltrans has worked closely with local communities and technical specialists to design the improvements to avoid and/or minimize project-related community impacts to the maximum extent practicable. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. The EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. Regarding proximity to the ocean and lagoons, the I-5 freeway serves as the commuter link for the coastal communities of San Diego County and as the regional link with the Los Angeles metropolitan area. While it is clear that there are geographic and social constraints to the expansion of the freeway, corridor-level transportation studies and regional growth projections indicate that upgrades to I-5 within the North Coast Corridor are needed to accommodate future transportation needs. Additionally, both Caltrans and SANDAG have worked in coordination with the California Coastal Commission staff to prepare the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), which contains recommended measures to achieve

MAIL – COMMENTS	RESPONSES
	07 cont. consistency with the Coastal Zone Management Act, California Coastal Act, and local coastal programs. With regard to harming the quality of life along the corridor, please note that the changes to the I-5 right-of-way are focused and linear in nature, and although substantial change is discussed for specific locations in *Section 3.7*, *Visual/Aesthetics*, of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. The North Coast Corridor is located in a highly urbanized part of northern San Diego County, generally characterized by its coastal location, ethnic diversity, established neighborhoods, commercial centers and activities, and preserves associated with coastal lagoons. As stated in EIR/EIS *Section 3.4*, *Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area. The Preferred Alternative described above has been identified to reduce the project's extent and related impacts to local neighborhood characteristics. Overall, the project generally would improve recreational facilities and would enhance access within the community. Please also refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County way of life and why implementation of new project features is not expected to have an adverse effect on regional community character or change residents' way of life. With regard to commercial and residential property acquisitions, as noted in the response to your Comment 06, it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system. In every instance, however, avoidance and minimization are the first steps. For the I-5 improvements, selection of the Preferred Alternative would eliminate approximately 82 percent of projected possible residential removals, and 54 percent of the business removals, relative to the largest of the build alternatives. No removals are projected for Solana Beach. Continued refinement during final design may result in even greater minimization of these impacts. Please refer to the response to your Comment 02 regarding public transportation.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 Planners know [SANDAAG admits] that "we can`t build our way out of traffic congestion". We CAN build healthier safer communities with the dollars [billion plus] if put to growing the existing Public Transit System. Besides the issues of increased
02 pollution from noise, air particulates, view destroyers called
03 mitigation, the plan for I-5`s growth is a HORROR awaiting a population that is aging.
04 At both ends of the life cycle and for all ages in between effective public transit will transform and enhance all our lives positively.

05 Please, NO MORE lanes on I-5 between La Jolla and Oceaside!

USE ALL THINKING SKILLS AND CONSULTANTS ON CATCHING UP TO OTHER GREAT CITIES .

Lynn Salsberg,RN.,
264 La Barranca Drive,
Solana Beach, CA 92075

Al Salsberg
264 La Barranca Drive,
Solana Beach, CA 92075

RESPONSES

Responses to Lynn and Al Salsberg

01 Thank you for your comments, which are part of the public record. With regard to the use of funding to grow the existing public transit system, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation. Please also refer to Topical Response "Projected Growth" for information regarding accommodation of anticipated regional transportation demand.

02 Regarding potential project-related noise concerns, and as described in EIR/EIS *Section 3.15, Noise*, although project-related decibel (dBA) increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines) Based on noise levels and the assessment of "reasonable and feasible" criteria for

MAIL – COMMENTS | RESPONSES

02 cont. noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to be effective in reducing traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

For air quality and particulate matter (PM) concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor, as described in EIR/EIS *Section 3.14, Air Quality*. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing and projected future no build conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. For PM such as dust and diesel exhaust particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards and is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency PM guidance (as described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against a no build condition. A number of measures also are identified in EIR/EIS *Section 3.14.4* to control construction-related particulate generation (e.g., dust), with additional information provided in Topical Response "Air Pollutants."

It is assumed that by "view destroyers called mitigation," you are referring to the use of soundwalls. Please note that view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be

MAIL – COMMENTS	RESPONSES
	02 cont. maintained, including Los Peñasquitos Lagoon and Torrey Pines State Reserve. Some soundwalls or sections of soundwalls have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed, *Section 3.7, Visual/Aesthetics*, of the EIR/EIS identifies a number of measures to address potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, this may include such efforts as the use of landscaping, articulated facades, and/or earthen berms (or berm and wall combinations). Please refer to Topical Response "Visual/Community Effects" for more information regarding potentially substantial local visual effects of the proposed improvement.
	03 With regard to your comment referencing an aging population, the current San Diego Association of Governments (SANDAG) growth forecast anticipates a 40-percent increase in the region's population between 2008 and 2050. Natural population increase (births minus deaths) accounts for approximately two-thirds of projected growth. For more information on growth forecasts and the associated need for the project, please refer to Topical Response "Projected Growth."
	04 Public transit has positive effects for all ages. Please refer to the response to your Comment 01 with regard to planning for public transit in the North Coast Corridor.
	05 Your preference for the No Build alternative is part of the public record.

MAIL – COMMENTS

November 18, 2010

Dear Shay Lynn Harrison,

A friend once said that in his next life, he wanted to come back as a termite inspector because it's good pay, continuous work and not too strenuous. I think I'd like to come back as a CalTrans worker for the very same reasons. Unlike much of the workforce in our state, it appears that CalTrans has money to burn.

After attending two informational hearings and listening to CalTrans directors as well as citizens of San Diego County, it's obvious that the proposed I-5 widening project is being shoved at us, but it's a project that the majority of us DO NOT WANT! CalTrans wants to build this monstrosity so badly that we're being tossed carrots—money to beautify our communities will be spent only if CalTrans gets its way. Our communities are already beautiful and we don't want some of the most scenic areas in California spoiled by a gigantic concrete/blacktop jungle complete with more vehicles than we have now. Please go back to the drawing board! 01

Will you please tell me why alternative solutions voiced by so many citizens have not been considered? I've heard of hundreds of solutions and ideas that make more sense than widening the freeway—a freeway that will be obsolete by the time it's even finished. Talk about a waste of money.

Please consider mass transit, successfully used by many other countries as well as many large cities in the U.S. Even LA has made some progress. We are far behind. Build a bridge over San Dieguito Lagoon to connect El Camino Real as an alternative to driving the freeway. If the 7-mile San Mateo Bridge can be built over the bay, certainly, a bridge over the lagoon is feasible. Move goods by building a rail system and/or truck route east of I-15 and get the huge trucks off I-5! Truck traffic is a major problem. The trucks change lanes and drive in lanes I didn't think they were allowed to be in. Could they be required to stay off I-5 during commute times? Just today, a truck was in the right hand lane and started to pull into my lane next to it. I had to slam on my brakes to keep from getting hit. The trucks seem to own the freeway. 02

This is my 3rd year of retirement. When I was working, I travelled on I-5 each day and left home by 6:45 AM. I was never stuck in commute traffic. Now, when I drive during the day, I-5 flows smoothly. We do not need 10+4 lanes! I do agree that one HOV lane should be extended in both directions between Lomas Santa Fe in Solana Beach and Oceanside so the freeway doesn't bottleneck when the HOV lane ends. 03

Will you please let me know if the minds of the CalTrans directors are closed? I certainly hope they will change direction and focus on alternative plans after hearing from San Diego County citizens, many of them scientific experts, who want greener, safer, more efficient and longer lasting solutions to our commute time freeway congestion. Thank you for your attention.

Sincerely,

Lana Saner

Lana Saner
704 Stratford Drive
Encinitas, CA 92024
(760) 943-1219 lanasaner@att.net

RESPONSES

Responses to Lana Saner

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Federal, State, and local funding sources for the I-5 NCC Project have been identified, and monies are being tracked. Project funding would come, in part, from the State Transportation Improvement Program (STIP) – Regional Improvement Program (RIP) for Capital Outlay, as described in *Section 2.1, Project Description*, of the EIR/EIS. The proposed project also is funded through the TransNet program, a voter-approved half-cent sales tax for regional transportation projects in San Diego County. The $17 billion generated during the 60-year life of TransNet is distributed to transportation projects in general by the San Diego Association of Governments (SANDAG). Approximately one-third of TransNet monies each goes to highways, transit, and local roadways. Caltrans' responsibility is to use transportation monies provided for the upgrade of the State highway system in the most beneficial way, considering a combination of driver need, environmental effects, and project cost on those highway facilities. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about SANDAG is available at its home page at www.sandag.org.

It is Caltrans' intention to avoid or minimize project-related impacts to the maximum extent practicable, including impacts to the local communities. As such, Caltrans routinely conducts extensive public outreach programs, as has occurred with the *I-5 NCC Project*, to solicit public input and allow the highway improvements to reflect that input to the extent practicable. The Community Enhancement Projects reflect input given by the local jurisdictions along the project corridor. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement*, for details. If implemented, these features would create and/or improve

MAIL – COMMENTS	RESPONSES
	01 cont. amenities such as pedestrian or bicycle corridors, connections from pedestrian and bicycle routes to public transit centers, and park and ride facilities. The project purpose is described in *Section 1.2*, *Purpose for the Project*, and the regional need for the proposed improvements is described in *Section 1.3*, *Need for the Project*. The proposed project is the result of extensive planning carried out over a period of approximately 20 years. Please also see Topical Responses "Multimodal System" and "Corridor Alternatives" for information regarding the types of transportation scenarios evaluated and the types of public input received. Timelines for project completion have been refined subsequent to circulation of the Draft EIR/EIS. The Preferred Alternative, which is the refined 8+4 Buffer alternative, is anticipated to be finished in 2035. *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. Please also refer to Topical Response "Project Lifespan" regarding the anticipated lifespan of project improvements. 02 Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. TransNet funding approved by San Diego region voters, and obtained through half-cent local sales tax, is allocated by SANDAG to highways, transit, and local roadways, in roughly equal thirds. Following completion of a Corridor System Management Plan (CSMP) to address all planned transportation modes, each Lead Agency is moving forward with a more detailed review of the portion of the system improvements for which it is responsible. While it has been actively involved in the regional multimodal planning effort and is supportive of the public transit improvements being planned by other agencies, Caltrans is only responsible for implementing the I-5 improvements that were identified as necessary through the comprehensive regional transportation planning process. Please refer to Topical

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	02 cont. Responses "Multimodal System," "Rail Preference," and "Mass Transit" regarding the improvements planned for the mass transit system. El Camino Real currently crosses the San Dieguito River on a bridge. Realignment of the roadway to cross the San Dieguito Lagoon instead is not necessary from a traffic operations standpoint and would result in substantial environmental impacts. Furthermore, the local roadway circulation system is beyond the purview of Caltrans, unless assistance is requested from the applicable local agency. With regard to truck traffic, as discussed in *Section 3.14.3, Air Quality* of the EIR/EIS, please also note that the current (and anticipated future) percentage of truck traffic on I-5 during peak hours is approximately six percent of all traffic. This percentage is anticipated to remain approximately the same in the future. The Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail corridor is planned to be double-tracked concurrently with I-5 improvements, which would improve its capacity for freight movement. Construction of an additional transportation corridor east of I-15 is not anticipated in regional transportation or land use plans and would result in substantial impacts to existing land uses in that area. Given the relatively small percentage of trucks on I-5, the potential benefits to traffic flow would not justify the potential impacts on routes, users, businesses, and delivery actions by placing timing restrictions on trucks in the general purpose lanes. Furthermore, Caltrans has no statutory authority to interfere with interstate commerce, especially that involving trucks coming from Mexico and going to Los Angeles, nor may it dictate the times of day trucks travel on the freeway routes. The California Highway Patrol is responsible for enforcement of traffic laws and safety on state facilities.
	03 As shown in *Table 1.3.4* of the EIR/EIS, for existing conditions, there is no congestion during a.m. peak hours going northbound, and as shown in *Table 1.3.5* southbound a.m. peak hour congestion lasts from 6:30 a.m. to 11:30 a.m. By 2030, and without the project, northbound congestion is anticipated to

MAIL – COMMENTS	RESPONSES
	03 cont. last from 7:30 a.m. to 11:00 a.m. and southbound congestion is anticipated to last from 6:00 a.m. to noon. Furthermore, while there is currently no p.m. peak hour congestion going southbound, such congestion is anticipated to last from noon until 7:00 p.m. by 2030 without I-5 improvements. The proposed I-5 improvements would result in necessary upgrades that would work in conjunction with similar improvements to rail, bus, local streets, and bicycle and pedestrian facilities, in order to accommodate the breadth of future transportation needs and related growth. The project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The project would result in less congestion than what would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. As described in EIR/EIS *Section 2.6.1, Rejected Build Alternatives*, an alternative adding one HOV/Managed Lane in each direction was initially considered as a project alternative. After being studied, this alternative was rejected because it would not maintain or improve traffic operations in the project corridor by 2030. During project analyses, it was determined that four HOV/Managed Lanes would be the minimum number of additional lanes that would adequately address projected growth. HOV/Managed Lanes have been shown to provide an important commuting option, encourage ridesharing and, as stated in EIR/EIS *Section 1.3.5*, *Managed Lanes*, provide additional highway capacity within a constrained corridor while minimizing impacts to the environment and surrounding communities. Please also note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative and has been identified in the Final EIR/EIS as the Preferred Alternative. It would only include the addition of HOV/Managed Lanes.

MAIL – COMMENTS

Nov 8, Monday

Mr. Neville E. Saner
704 Stratford Dr.
Encinitas, CA 92024

Dear Shay Lynn Harrison,

01 When it comes to public transportation please take a look at what successful cities do – over and underground mass transportation systems. Freeways are a huge asset and they're essential, but, in addition, a network of rail transportation throughout a city is necessary. Look at cities like San Francisco, Chicago, Boston, New York and Washington D.C.; they all have a network of over and underground rail transportation. I'm well aware that San Diego would be starting late, but with the coaster and trolly systems in place we do have a beginning point. Many of the rail lines would extend high above the middle portions of freeways much like BART does in the suburban areas of San Francisco. Widening freeways like interstate 5 is not

RESPONSES

Response to Neville Saner

01 Thank you for your comments regarding your preference for rail over freeway improvements, which are part of the public record. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies, and Caltrans has been actively involved in the regional multimodal planning effort. Improvements to the Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail corridor are being planned and evaluated by the San Diego Association of Governments (SANDAG) concurrently with Caltrans' evaluation of I-5 improvements, as described in Topical Response "Rail Preference." Please also refer to Topical Response "Corridor Alternatives" regarding the array of modal alternatives, including light rail transit, previously evaluated for the North Coast Corridor.

MAIL – COMMENTS | RESPONSES

01 cont.

the answer, but a comprehensive rail system is what best suits San Diego. Please send me your thoughts on my proposal.

Respectfully,

Neville Saner

Phone: 760 943 1219
Nevillesaner@att.net

MAIL – COMMENTS

September 3,2010

I-5 Project Manager
Arturo Jacobo
Dept. of Transportation
4050 Taylor St
San Diego, CA 92110

Mr. Jacobo,

01 We do not need any more roads in Southern California. The millions of dollars could be far better spend by improving light rail between San Diego and LA, with more frequent trains, lower fares and better connections. In this time when the focus has finally shifted to the extreme environmental and economic costs of drilling for oil to refine into gas, why on Earth would you even consider widening roads which will only encourage more use of automobiles. Put a light rail down the middle of the north and south bound lanes with 30 minute stops at each of the coastal communities and points in between with large park and ride lots that is what you should be doing.

Please include this letter in the public comment portion of your file.

Sincerely,

Mrs. David Sherwood
1526 Hunsaker St.
Oceanside, Ca 92054

RESPONSES

Response to Mrs. David Sherwood

01 Thank you for your comments regarding your preference for light rail over freeway improvements, which are part of the public record. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies, and Caltrans has been actively involved in the regional multimodal planning effort. Improvements to the Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail corridor are being planned and evaluated by the San Diego Association of Governments (SANDAG) concurrently with Caltrans' evaluation of I-5 improvements, as described in Topical Response "Rail Preference." Please also refer to Topical Response "Corridor Alternatives" regarding the array of modal alternatives, including light rail, previously evaluated for the North Coast Corridor. Regarding railway schedules, fares, and connections, please note that because potential modifications to Coaster services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District, which has jurisdiction over Coaster service.

With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in more use of automobiles. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic.

MAIL – COMMENTS

Cynthia Sheya Palmer
845 Del Riego Avenue
Encinitas, CA 92024

September 25th, 2010

Shay Lynn M. Harrison
Caltrans District 11, MS#242
4050 Taylor St
San Diego, CA 92110

Dear Ms. Harrison,

I'd like to comment on the proposed Interstate 5 expansion project, from La Jolla to Oceanside.

First, a little background - I've been a resident of Encinitas for almost 20 years and during that time have commuted daily downtown to work. Sometimes, I take the Coaster - which is lovely. However, because the Coaster runs infrequently, every hour-and-a-half at times, I am often unable to take the train as my schedule varies from day-to-day. At hour-and-a-half increments, the Coaster clearly lacks flexibility. My preference is to take the Coaster daily if I could, but in reality I most often drive the I-5 corridor.

01 That said, I do not agree with the Interstate 5 expansion project from La Jolla to Oceanside Any plan that does not get people out of their cars, into public transportation or onto bicycles is not a good plan. I for one, would take public transportation *every day* if there was an option that allowed flexibility and efficiency.

What about design changes such that the Coaster frequency can increase substantially to at least every half-hour and better coordinating it with Amtrack for those that want to travel further North? The best of all options would be a light rail, or monorail, line running right down the middle of the freeway, fed by the Park and Ride lots, viable bike paths, and efficient local bus service. Alternately, existing trains could be modernized (made electric-powered, faster, and more frequent).

02 The thought of expanding our already mega I-5 even larger seems an option more out of habit, than of creativity. This option will create more particulate matter (my daughter already has asthma), more noise, not to mention the 40 foot walls and massive amounts of lanes contributing to the 'L.A-ism' of San Diego. Now is the time to implement a sustainable vision for future transportation - not add any lanes to Interstate 5 but use the resources for trains and bike paths.

Caltrans engineers are creative - surely they can formulate a better option.

Sincerely,

Cynthia Sheya-Palmer

Cynthia Sheya-Palmer
(760) 942-2780 home
(760) 815-7034 cell

RESPONSES

Responses to Cynthia Sheya-Palmer

01 Thank you for your comments, which are part of the public record.

Regarding alternative transportation, please note that *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take an extended period to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways)

MAIL – COMMENTS	RESPONSES
	01 cont. are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. Please also refer to Topical Response "Corridor Alternatives" regarding the suite of other transportation alternatives considered for the North Coast Corridor, including light rail and monorail.
	02 Regarding potential project-related air quality (particulate matter [PM]), noise, and related visual (i.e., from soundwall construction) concerns, these issues are addressed in EIR/EIS *Sections 3.14, Air Quality, 3.15, Noise*, and *3.7, Visual/Aesthetics*. With respect to general air quality concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing and projected future no build conditions. For PM such as dust and diesel exhaust particulates, the project improvements to traffic operations would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards, and is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency PM guidance (described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against a no build condition. A number of measures are also identified in *Section 3.14.4* to control construction-related particulate generation (e.g., dust), including required conformance with Caltrans Standard Specifications which also require conformance to applicable San Diego Air Pollution Control District regulations. Please also refer to Topical Response "Air Pollutants" for additional information on air quality concerns (including PM) and associated potential health effects.

MAIL – COMMENTS	RESPONSES
	02 cont. With respect to noise, as discussed in EIR/EIS *Section 3.15, Noise,* although project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of the proposed noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With regard to "40 foot walls and massive amounts of lanes," the 40-foot walls you referenced are the proposed retaining walls, which would be utilized to minimize property acquisition and biological impacts, to stabilize slopes, and to accommodate engineering structures. As discussed in *Section 3.7, Visual/Aesthetics,* these walls could range up to 46 feet and visual impacts are identified as potentially substantial. It is Caltrans' intention to avoid and/or minimize impacts. As such, *Section 3.7* of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, as depicted on *Figures 3-7.125* through *3-7.134,* this may include efforts such as the use of landscaping; planting buffers and pockets; and architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would provide relief from monolithic appearance and reduce the apparent scale of the retaining wall. For more information regarding potentially substantial visual effects of the proposed improvement, please refer to Topical Response "Visual/ Community Effects."

MAIL – COMMENTS	RESPONSES
	02 cont. Please also note that following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. It would consist of two additional through lanes on each side of the highway. Please refer to the response to your Comment 01 regarding the multimodal nature of the system, as well as Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

MAIL – COMMENTS

November 19, 2010

Shay Lynn M. Harrison
Caltrans District 11, MS 242
4050 Taylor St.
San Diego, CA 92110

Dear Ms. Harrison,

In regards to the proposed widening of I-5, HOV/Managed Lanes Project, please add the following comments to be included in the public record for this project:

01 The addition of a HOV lane for transit buses only on each side makes sense as would having the carpool lane extend the length of the freeway. However, little of the rest of the plan is forward thinking, but rather the same old build a bigger freeway and continue to encourage drivers to use cars instead of public transit to get to and from San Diego.

What is the purpose of widening the freeway on the North Coastal corridor when it will continue to bog down through Sorrento Valley and La Jolla? Why encourage more single car traffic to and from San Diego? Cal Trans and Sandag should be doing more to encourage public transit – better and larger (upward not necessarily outwards) parking lots for the Coaster, extend the times of the coaster operation, etc. I have ridden the Coaster to go downtown from Sorrento Valley, it is a viable option and would be used more by others once they try it.

There are two things that could result if the freeway is expanded in the way that CalTrans seems to want it (doubling the size):

02 If oil prices go up, unemployment increases – fewer cars on the freeway – not more and the project is a massive waste of money that would have been better used applied to mass transit. When oil prices and the cost of gas increases, less people will be driving – public transit will be more appealing.

If traffic does increase because of increased populations in North County who work in San Diego and increased traffic between San Diego and Los Angeles. The traffic will bog down at Camp Pendleton to the north and immediately after the widening to the south. Building more lanes has been shown time and time again to only temporarily decrease traffic congestion. More people will have been encouraged to use the freeway due to the widening – more air pollution, more noise pollution and still more traffic.

Sensitive habitat along the coast and the beauty of the coastal drive will disappear, just because CalTrans seems stuck in old freeway thinking instead of looking at viable options to widening.

RESPONSES

Responses to Elizabeth Shopes

01 Thank you for your comments, which are part of the public record. At this time, the number of buses running North County routes in this area do not support construction of lanes restricted solely to buses. Lanes accommodating buses as needed, as well as addressing carpooling needs or paying single-occupant vehicles, would provide the greatest transit support at the least environmental cost. With respect to extending one carpool lane on both sides of the I-5, as described in EIR/EIS *Section 2.6.1, Rejected Build Alternatives*, an alternative adding one High Occupancy Vehicle (HOV)/Managed Lane in each direction was initially considered as a project alternative. After being studied, this alternative was rejected because it would not maintain or improve traffic operations in the project corridor by 2030. During project analyses, it was determined that four HOV/Managed Lanes would be the minimum number of additional lanes that would adequately address projected growth. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative and has been identified in the Final EIR/EIS as the Preferred Alternative. Please also refer to Topical Response "Corridor Alternatives" for additional discussion of alternatives evaluated as part of the transportation planning process for the North Coast Corridor.

The various agencies in charge of transportation within the corridor are exploring long-term solutions while, at the same time,

MAIL – COMMENTS	RESPONSES
	01 cont. responding to the immediate needs of the region. One example of this forward thinking is reflected in the San Diego Association of Government's (SANDAG's) Regional Transportation Plan (RTP) for the year 2050. Building on the current transportation system with funding anticipated over the next 40 years, the 2050 RTP outlines projects for rail and bus services, highways, local streets, bicycle, and pedestrian facilities, as well as systems and demand management. Caltrans has been actively involved in this regional multimodal planning effort. The proposed HOV/Managed Lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods, thus providing an incentive for these modes of travel. A number of community enhancement features are identified within the project corridor. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement,* of the EIR/EIS for details regarding these features. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections from pedestrian and bicycle routes to public transit centers, and park and ride facilities. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options.
	02 As stated in Section 1.2, *Purpose for the Project,* of the EIR/EIS, the primary purpose of the *I-5 NCC Project* is to improve the safe and efficient regional movement of people and goods through the North Coast Corridor. The project area has recurrent traffic congestion affected by population growth, increased goods movement, and economic growth in the region that are expected to increase the length of time required to travel through the corridor. The existing average southbound duration of travel through the project area during peak travel time is between 31-44 minutes in the peak a.m. and 27-32 minutes in peak p.m.; northbound peak time duration is between 24-25 minutes in the peak a.m. and 33-39 minutes in peak p.m.. If no improvements are made, the projected year 2030 average southbound peak time duration would be 53-54 minutes in the peak a.m. and 40-48 minutes in the peak p.m.; the northbound peak time duration would be 29-37 minutes in the peak a.m. and 67-69 minutes in the peak p.m.

MAIL – COMMENTS	RESPONSES
	02 cont. Another important objective of the proposed improvements is to provide a facility that is compatible with future bus rapid transit and other modal options that would serve to reduce the single-occupant vehicles traveling through the corridor. Regarding the current Coaster schedule and services, please note that because potential modifications to Coaster services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District (NCTD), which has jurisdiction over Coaster service. With regard to the effects of gasoline price increases, traffic volumes on I-5 have historically increased despite continued increases in gasoline prices. The 2050 RTP indicates that the increased demand will occur as a result of regional population growth, increased goods movement, increased economic growth, and greater recreational and tourist activity. As such, without improvements to I-5, traffic conditions and the effective movement of people and goods will continue to deteriorate. Refer to EIR/EIS *Section 1.3, Need for the Project,* for additional discussion of the need for the project. Please also refer to Topical Response "Transportation Funding" regarding the use of highway funds for alternative transportation modes. The traffic volumes leaving San Diego County and traveling through Camp Pendleton would not be changed substantially by the proposed project. Although traffic volumes within the corridor would increase slightly over the No Build alternative, this increase is due to the increased attractiveness of I-5 for local trips as a result of reduced congestion. However, the increase from local trips using I-5 would not affect traffic volumes through Camp Pendleton due to the general lack of local trips generated by land use along this stretch of I-5. The potential for induced demand has been included in the project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, as a result of a number of regional

MAIL – COMMENTS	RESPONSES
	02 cont. and project strategies and improvements designed to reduce the growth in the number of VMT and to encourage options to the use of single-occupant vehicles (refer to *Section 2.3* of the EIR/EIS). Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic, as well as Topical Response "Project Lifespan" regarding limited lifespan of transportation improvements. Please also refer to the response to your Comment 01 regarding the multimodal improvement effort for the North Coast Corridor. Regarding project-related concerns on air quality and noise, these issues are addressed in EIR/EIS *Sections 3.14, Air Quality,* and *3.15, Noise*. For air quality concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Project implementation would result in lower overall air emissions and related improvements to air quality compared with existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project air quality considerations. For noise, although project-related noise level increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners, per applicable Federal Highway Administration and Caltrans Guidelines. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures as required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15, Noise,* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. Project-related effects to sensitive habitats are addressed in the EIR/EIS under the *Biological Environment* heading of *Chapter 3,*

MAIL – COMMENTS	RESPONSES
	02 cont. *Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*; this includes *Sections 3.17, Natural Communities*, and *3.21, Threatened and Endangered Species*. As described therein, project-related impacts to sensitive habitats would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project's design, and an extensive mitigation package for unavoidable impacts to habitats and related plant and animal species has been developed in concert with wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources and ecosystems that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. It should also be noted that since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor, with important, new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. This evaluation incorporates the results of associated technical analyses including biological assessments, hydrologic and hydraulic studies, and Caltrans' interaction with lagoon scientists; it was intended to meet the project's objectives while maximizing the health and function of the lagoons through efforts such as improved bridge and channel designs to improve tidal flushing (water exchange). As a result of the described design measures and related efforts, project implementation would contribute to the improved health of the lagoons and associated ecosystems. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons. With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. There would be some loss of views

MAIL – COMMENTS

03 Also, in the current plan, there is a pedestrian bridge linking Del Mar Hills Academy to a suburb that is part of another school district. This pedestrian bridge should not be built into a school's parking lot – especially when it won't be used by students. It will create a large security issue. However, there is value to a pedestrian bridge connected the Von's parking lot and the housing section on the other side or ran along Del Mar Heights Road.

04 Why in this plan, which supposedly does address some bus transit issues, is there still no busline running east and west on Del Mar Hts road? This could connect the bus route running north and south on the coast highway with Carmel Valley and the eastern area of Del Mar. Carmel Valley has grown immensely and continues to grow. The bus route on Del Mar Hts could serve the 5 high schools off of Del Mar Hts road and the shopping centers and soon to be built multi-use project on Del Mar Hts. What about protected bike lanes to encourage bike use?

05 I object to the current plan – it is expensive, takes too many homes away, will pollute our coast and is very "old school" in thinking. We need creative solutions not expansive, expensive programs that will ruin our county. Mass transit can work in San Diego County. It can be efficient, better for the environment and better for the lives of the people who use it. It is time for CalTrans to start thinking more out of the box (or out of the freeway lane) for answers to solve the problem of increasing population, increasing traffic, increased oil prices and the threat of global warming.

Sincerely,

Elizabeth Shopes
14104 Bahama Cove
Del Mar, CA 92014

RESPONSES

02 cont. to scenic resources and there are modifications to current views of the highway right-of-way. View impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. For more information regarding potentially substantial visual effects of the proposed improvement, please refer to Topical Response "Visual/Community Effects."

03 The proposed pedestrian overpass near Del Mar Heights Road is identified as one of the community enhancement features within the project corridor (refer to *Section 2.3* of the EIR/EIS). Following public comments received on the Draft EIR/EIS, as well as continued agency and city coordination on community enhancement particulars, some changes were made to enhancements previously proposed, including the Del Mar Heights pedestrian overpass. The current proposal includes the pedestrian bridge connecting Lower Ridge Road on the east through an existing maintenance easement to the proposed I-5 North Coast Bike Trail on the west (refer to Final EIR/EIS *Figures 2-2.3*, *Sheet 16*).

04 Regarding an east-west bus line along Del Mar Heights Road, please note that because potential modifications to bus services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the NCTD and SANDAG, which are responsible for planning and operating the bus lines.

With respect to bike lanes, subsequent to the circulation of the Draft EIR/EIS, Caltrans engineers worked with the cities crossed by I-5 within the North Coast Corridor to design the I-5 North Coast Bike Trail Concept, which would link existing bike lanes with new lanes stretching for the entire 27-mile length of the I-5 improvements. The proposed bike trail is illustrated on Final EIR/EIS *Figures 2-3.4a* through *2-3.4j*.

MAIL – COMMENTS	RESPONSES
	05 Your preference for the No Build alternative is noted. With regard to the project being expensive, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes, including transit. Although the number of property acquisitions and relocations resulting from the project would be minimized to the greatest extent possible through design efforts, where such impacts cannot be avoided, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. Please also refer to Topical Responses "Property Acquisition" and "Acquisition Valuation" for additional information. Please refer to the response to your Comment 02 regarding project-related pollution and potential impacts to traffic based on oil prices. Please also refer to the response to your Comment 01 regarding long-term solutions for the North Coast Corridor's transportation network, mass transit, corridor alternatives previously considered, as well as projected population and traffic growth. With respect to "the threat of global warming," as described in EIR/EIS *Section 4.6, Climate Change*, the project build alternatives are estimated to reduce buildout carbon dioxide emissions in the San Diego region by hundreds of tons per day compared with the No Build alternative. These decreases would be due to the noted decrease in congestion and improved travel times along the corridor. Please also refer to Topical Response "Climate Change" for additional information on global warming and climate change issues.

MAIL – COMMENTS

Ms. Joan Stabenau
7426 Lantana Ter
Carlsbad, CA 92011

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 1. Why is there no "option" for moving people which is based upon a Master Transit Plan? Why not spend $4 billion designing a future based plan rather than one based on past solutions which ultimately fail?

02 2. Why is there no "option" which includes the managing of truck traffic times? Why not an east-west rail line through the desert to move goods?

03 3. How will people, animals, birds, water and air be protected from the increase in green-house gasses produced by your plans? How measured? Where and when measured?

DEADLINE EXTENDED TO: November 22, 2010

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Joan Stabenau

01 Thank you for your comments, which are part of the public record. Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Following the completion of a Corridor System Management Plan (CSMP) to address all planned transportation modes, each Lead Agency is moving forward with more detailed review of the portion of the system improvements for which it is responsible. A comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns and smart growth can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of this multimodal system and would allow the time necessary for the region to work toward complex sustainable solutions, such as smart growth. Caltrans has been actively involved in this regional multimodal planning effort. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor. Please refer to *Section 2.3, I-5 North Coast*

MAIL – COMMENTS	RESPONSES
	01 cont. *Regional and Community Enhancement,* of the EIR/EIS for details regarding these features. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections from pedestrian and bicycle routes to public transit centers, and park and ride facilities. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options, as well as Topical Response "Corridor Alternatives" regarding modal alternatives evaluated for the North Coast Corridor. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes. 02 With regard to managing when trucks utilize I-5, truck traffic comprises approximately five to seven percent of I-5 traffic in the existing condition. Given the relatively small percentage of trucks on I-5, the potential benefits to traffic flow would not justify the potential impacts on routes, users, businesses, and delivery actions that would be caused by placing timing restrictions on trucks in the general purpose lanes. Furthermore, Caltrans has no statutory authority to interfere with interstate commerce or the times of day that trucks travel on the freeway routes. Construction of an east-west rail line would not address the north-south movement, primarily of commuters, that is served by I-5. 03 With respect to your concerns on project-related greenhouse gas (GHG) emissions, these issues are addressed in EIR/EIS *Section 4.6, Climate Change*. This section provides an analysis of project-related GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. As discussed therein, the project build alternatives are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day compared with the No Build alternative (refer to Final EIR/EIS *Table 4.2*). Specifically, as described in EIR/EIS *Section 4.6.3, Quantitative Analysis*, this evaluation utilized the California Air Resources Board (CARB) EMFAC 2007 vehicle emissions model for the San Diego Air Basin to calculate CO_2 emissions for the San Diego metropolitan area with and without

MAIL – COMMENTS	RESPONSES
	03 cont. the proposed project. The results of this modeling effort, including regional fuel consumption/savings and related CO_2 emissions with and without the build scenarios for each respective time horizon, are shown in Final EIR/EIS *Table 4.2*. Please also refer to Topical Response "Global Warming" for additional information on GHG and related global warming and climate change issues.

MAIL – COMMENTS

Keep San Diego Moving
TransNet

I-5 North Coast Corridor

HOV/Managed Lanes Project: Public Hearing

Comment Slip

Date: August 24, 2010
Place: Skyline Elementary School, Activity Room
606 Lomas Santa Fe Dr., Solana Beach, CA 92075

Name: Betty Stolwijk Date: 8/24/2010
(Print Clearly)

Address: 13555 Mira Montana Dr.
(Print Clearly) Del Mar, CA 92014

Contact Phone: 858 ~~755~~-3414 7979

Email (Optional): stolwijk.betty@gmail.com

Do you wish to be added to the mailing list? ☑ Yes ☐ No

I would like the following comments included in the public record for this project:

01 please see attached comments

Comments must be received by October 7, 2010
Mail to: Attn: Shay Lynn M. Harrison, Caltrans District 11, MS# 242, 4050 Taylor Street, San Diego, CA 92110

Caltrans SANDAG TransNet INTERSTATE 5 CORRIDOR

RESPONSES

The attached comment is on the following page.

MAIL – COMMENTS

August 24, 2010

Dear Shay Lynn Harrison,

Following please find my commentary about the I-5 North Coast Corridor HOV/Managed Lanes Project:

01 cont. With our limited water and natural resources, decaying and inadequate existing infrastructure, growing elderly population, potential for oil prices increasing and the likelihood of a very slow economic recovery, I don't see that the expansion of the I-5 is necessary.

02 In fact, I think it will benefit San Diego to keep the current configuration of the I-5. Our beaches are suffering from severe erosion and additional traffic will only create more congestion during school

03 vacations and the warm months. Most of the off streets and beach neighborhoods already endure overcrowded conditions. If we are at capacity with our beaches and parks, adding transit will not help.

04 The additional noise and particle pollution, speak for themselves.

05 The bridge from the east side of the 5 to the Del Mar Hills Elementary School is a questionable idea. The neighborhood to the east of the 5 has a different school district and there has been talk about a closure of the Del Mar Hills Elementary School. Del Mar Heights Road already has sidewalks for people who walk over the freeway. The bridge could become a magnet for vandalism and crimes.

06 In regards to the proposed I-5 south to the 56 connector, the schematics should not be exclusive if each other. Which is proposed to come first, the expansion or the 56 connector?

Thank you for your kind attention,

Betty Stolwijk

858-344-7979

RESPONSES

Responses to Betty Stolwijk

01 Thank you for your comments, which are part of the public record. With regard to spending money for project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Traffic volumes on I-5 have historically increased despite continued increases in gasoline prices. The 2050 Regional Transportation Plan indicates that the increased demand will occur due to regional population growth, increased goods movement, increased economic growth, and greater recreational and tourist activity. As such, without improvements to I-5, traffic conditions and the effective movement of people and goods will continue to deteriorate. Refer to EIR/EIS *Section 1.3, Need for the Project*, and Topical Response "Projected Growth" for additional discussion of the need for the project.

02 Beach erosion is a function of complex coastal processes, including tides. The proposed project is inland from the beach and would not directly affect beach erosion. Effects on beach erosion from projects occurring east of the Pacific Coast Highway generally would have little effect on beach erosion, as flows from such areas are largely controlled by that highway's inlets. As a result, the proposed project is not anticipated to have a meaningful effect on beach erosion.

03 The project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. In fact, it would remove trips from the Pacific Coast Highway. Please also refer to Topical Response "Projected Growth" with regard to accommodation of planned regional growth.

MAIL – COMMENTS	RESPONSES
	04 Regarding potential project-related noise concerns: Although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear, as described in EIR/EIS *Section 3.15, Noise*. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. For concerns related to air quality and particle pollution (particulate matter [PM]), the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor, as described in EIR/EIS *Section 3.14, Air Quality*. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing and projected future no build conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. For PM such as dust and diesel exhaust particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards and is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency PM guidance (as described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and

MAIL – COMMENTS	RESPONSES
	04 cont. percentage of traffic when comparing build alternatives against a no build condition. A number of measures are also identified in the EIR/EIS to control construction-related particulate generation (e.g., dust); additional information is provided in *Section 3.14.4* and Topical Response "Air Pollutants."
	05 The trail and pedestrian overcrossing just north of the I-5 / Del Mar Heights Road interchange was proposed as a community enhancement project to connect adjacent neighborhoods currently divided by the freeway. The bridge is proposed to include pedestrian lighting and safety fencing. Following circulation of the Draft EIR/EIS and receipt of comments, the connection to/from the neighborhood to the west was refined so the overcrossing now connects with the north-south I-5 North Coast Bike Trail.
	06 With respect to your comment on the SR-56 connector, the I-5 / SR-56 Interchange Project is a separate stand-alone project that is not dependent on *the I-5 NCC Project*. Either project could be constructed without the other; however, if a build alternative is selected for both projects, both would accommodate a connection to one another. The Draft EIR/EIS for the I-5 / SR-56 Interchange Project was released in May 2012, with a final document anticipated for release in late 2013. As discussed in EIR/EIS *Section 2.4, Phased Construction*, the *I-5 NCC Project* would be constructed in phases, with construction anticipated to begin as early as 2015. If a build alternative is selected for the I-5 / SR-56 Interchange, its construction is anticipated to begin between 2020 and 2030.

MAIL – COMMENTS

01 P.S. Solana Beach should not spend any money ($85,000.00!) please — the impact of this planned expansion is only too obvious —

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

02 My home (Solana Beach) is on Santa Florencia (777) I have double paned windows (which keeps the noise from the freeway I-5 down to a low enough level NOW — With a possible 18 lanes in the near future — It would be hard to tolerate the noise level. Also, the areas of La Jolla, Del Mar, Solana Beach, Carlsbad, and north of these areas have very little space

03 for parking of tourists from the North or the South. Is it really worth all the

04 law suits — court action etc. think of all

05 the children who will be harmed (my thickness lens)

06 AND THE Real Estate value that will plunge unnecessarily — or does Cal Trans care ??

Sincerely, Colleen "Casey" Stoll

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

RESPONSES

Responses to Colleen "Casey" Stoll

01 Thank you for your comments, which are part of the public record. Funding for project implementation is not anticipated to be provided by the City of Solana Beach.

02 Regarding noise concerns in the area east of the I-5 corridor and south of Manchester Avenue in the City of Solana Beach (777 Santa Florencia), as outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations, including S622 (Option 2) recommended for construction in the subject area (refer to EIR/EIS *Figures 2-2.3, Sheets 24* and *25,* and *Table 3.15.16*). The use of such noise-abatement facilities has been shown to be effective in reducing traffic-generated noise. Specifically, the subject property is located directly between two noise receptors associated with Soundwall S622, Option 2, including R7.25 (783 Santa Florencia) and R7.26 (771 Santa Florencia). As shown in EIR/EIS *Table 3.15.15*, S622 (Option 2) is recommended to be built 12 feet high at the noted noise receptors and would result in noise reduction (insertion loss, or I.L.) of five dBA at R7.25, and seven dBA at R7.26. Based on the described location of the subject property, existing and future noise levels would be similar to those described for R7.25 and R7.26, and equivalent noise reduction would be expected from proposed soundwall construction. Please refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. Also please note that the Preferred Alternative generally would consist of the existing 8 main lanes and add 4 managed lanes for a total of 12, not 18 lanes. At the referenced location, an auxiliary lane also would be added on the eastern side of I-5.

MAIL – COMMENTS	RESPONSES
	03 Your comments regarding parking for tourists are part of the public record. Provision of parking (other than park and ride facilities) is not within the responsibility of Caltrans.
	04 Litigation over major projects, such as the *I-5 NCC Project,* is often difficult to avoid due to the number of people affected by such projects, the diversity of public concerns, and the common practice of filing lawsuits as a means to delay or stop large projects. Thus, the cost of lawsuits is often unavoidable. Nonetheless, Caltrans has a responsibility to provide a safe, efficient, reliable highway system; it cannot avoid proposing needed improvements due to the possibility of lawsuits.
	05 Regarding potential adverse effects to children from project-related noise generation, as discussed in *Section 3.15, Noise* of the EIR/EIS, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Please also refer to the response to your Comment 01 regarding measures to reduce project noise levels.
	06 Based solely on the effects of the proposed I-5 modifications, substantial adverse impacts to real estate values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects.

MAIL – COMMENTS

Citizen Comment Form
CalTrans Draft Environmental Impact Report
Proposed I-5 Widening Project

01 I do NOT support the expansion of I-5 because there are major

02 impacts on environment, greenhouse effects with the emissions, noise pollution, the health impact it will have on US, the people. There will be impact on our water quality and the value of our residential property. For us to spend the

03 billions on a project like this that hurts our environment and people, is ridiculous... ESPECIALLY in the economic times that we are in today. This proposed must be stopped for the good of all.

—Submitted by a resident and property owner in Del Mar.

Send to: Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Electronic Mail: I-5_NCC_EIR_EIS@dot.ca.gov

Ms. Kerry Tepedino
13742 Ruette Le Parc Unit D
Del Mar, CA 92014

RESPONSES

Response to Kerry Tepedino

01 Thank you for your comments, which are part of the public record.

02 Regarding potential project-related greenhouse gas (GHG) emissions, EIR/EIS *Section 4.6, Climate Change*, provides an analysis of associated GHG/climate change effects, including a quantified evaluation of potential impacts from the project build alternatives. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout carbon dioxide emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the decreased congestion and improved travel times along the corridor. Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues.

As discussed in *Section 3.15, Noise*, of the EIR/EIS, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1*, numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise analysis and soundwall determinations.

MAIL – COMMENTS	RESPONSES
	02 cont. Regarding potential air-quality-related health effects, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor, as described in EIR/EIS *Section 3.14, Air Quality*. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Accordingly, potential health risk impacts associated with traffic congestion also would be improved over existing conditions. As described in EIR/EIS *Section 3.14.3*, the mobile source air toxics (MSAT) analysis conducted for the proposed alternatives indicated that there would be an approximately 49 percent decrease in 2030 MSAT emissions over base year conditions (2006). Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation. Regarding water quality, EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*, identifies and evaluates potential water quality impacts associated with implementation of the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as appropriate). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases, and concludes that Caltrans is committed to prevent or minimize impacts to water quality. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

MAIL – COMMENTS	RESPONSES
	02 cont. Based solely on the effects of the proposed I-5 modifications, substantial adverse impacts to residential property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects.
	03 With regard to spending money for project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Please refer to the responses to your above comments regarding project impacts on the environment and people.

MAIL – COMMENTS

To: whomever it may concern August 19, 2010

Re: proposed expansion of I-5

01 For the past 2 years we have been aware that, "the powers that be", have been discussing a major expansion to I-5. The expansion, I understand is to deal with an anticipated increase in traffic along the route from La Jolla north to Oceanside. Ashamedly, we have not paid the proper attention to "progress" that we should have been paying. We highlight the word, progress, as a jest, in that we do not perceive as resolving the failure of early city planners by destroying the lifestyles and home values of current long term homeowners, as, "progress".

02 Our worry is that the voices of the few thousand homeowners along the corridor who will be directly affected, will not be sufficient in order to grab the attention of elected officials who might speak up against what we view as an abomination. The fact is, there are many thousands more who will be impacted by the increased traffic and its concomitant increased noise and pollution.

03 We have lived on Santa Rosita in Santa Fe Hills in Solana Beach since April 1994. At the time of purchase we were, obviously, aware of our property's proximity to I-5. There was noise, and, I'm certain a degree of pollution that was more in evidence than only several hundred yards further east. We decided that we could live side by side with the freeway's proximity. Now, we have a plan that could as much as double the amount of traffic lanes and thereby double the amount of noise and pollution than exists today. We are baffled.

04 It is common knowledge here in San Diego that we have been victimized by developers and elected officials who have supported the out of control growth that long ago has outstripped existing infrastructure. Underground rapid transit never entered the minds of early planners. Additional highways that would have alleviated congestion were not given much thought. In the meantime, building permits were passed around like sticks of candy. So now, we must pay the price of out of control population growth.

05 We are late activists to all of the above, however, we do plan to become more involved. We understand that there may be legal barriers to the above expansion that are currently being discussed and investigated. Hopefully our elected representatives become involved and begin to speak up on behalf of the many people of North San Diego County who will be either directly or indirectly negatively impacted by the proposed expansion. In the meantime we will encourage interested and involved citizen groups to hire legal representation.

Please add this letter to others you have received in opposition to the proposed expansion of I-5. Our sincere hope is that the snowball of opposition will grow to boulder size and that sanity and good sense will prevail.

John Reed Thompson
825 Santa Rosita
Solana Beach, Ca. 92075

Solange Thompson

RESPONSES

Response to John Reed Thompson and Solange Thompson

01 Thank you for your comment, which is part of the public record. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County lifestyles and why those effects are not expected to result in a substantial adverse overall effect in the communities already crossed by this highway. Caltrans has also worked with local jurisdictions along the project corridor to develop a number of potential community enhancement projects. Specifically with regard to Solana Beach, potential enhancement projects include: (1) Streetscape Enhancements on Ida Avenue; (2) Pedestrian Trailhead at Solana Hills Drive; and (3) I-5 North Coast Bike Trail in the City of Solana Beach, intended to provide a non-vehicular alternative along the entire I-5 project corridor. These and other identified enhancement facilities within the project corridor, if implemented, would foster community improvement through creation and/or enhancement of pedestrian or bicycle access, connection of pedestrian or bicycle routes with public transit centers, enhancement of non-vehicular connectivity across I-5, and creation of trailheads and other recreational opportunities within local communities throughout the I-5 project area (refer to EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*). Because the project generally would improve recreational facilities and enhance access within the community, implementation of new project features is not expected to have an overall adverse effect on lifestyles of Solana Beach residents. Similarly, substantial adverse impacts to property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value.

MAIL – COMMENTS	RESPONSES
	02 With regard to increased traffic, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. Regarding potential project noise and pollution (air and water quality) concerns, these issues are addressed in EIR/EIS *Sections 3.15, Noise*; *3.14, Air Quality*; and *3.10, Water Quality and Storm Water Runoff*. For noise, although project-related decibel increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 decibels (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol and described in *Section 3.15.1* of the EIR/EIS, numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). The use of such noise abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise, and would provide noise abatement for a number of associated noise receptors in accordance with applicable FHWA and Caltrans requirements. Refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With respect to air quality related pollution, and as described in EIR/EIS *Section 3.14,* the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Refer to EIR/EIS *Section 3.14.3* for specific information on existing and projected air quality conditions. Please also refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations

MAIL – COMMENTS	RESPONSES
	02 cont. and the anticipated decrease in emitted pollutants with project implementation. Regarding water quality, EIR/EIS *Section 3.10* identifies and evaluates potential water quality impacts associated with implementation of the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, as appropriate). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. 03 With respect to potential noise concerns east of the I-5 corridor and north of Lomas Santa Fe Drive (825 Santa Rosita), the project would address existing and future noise levels pursuant to applicable FHWA and Caltrans guidelines, as described above in the response to your Comment 02. Based on these efforts, numerous soundwalls have been identified for the project, including S614 and S622 (Option 2) in the subject area (refer to Final EIR/EIS *Figures 2-2.3, Sheets 23* through *25*). Neither of these soundwalls encompasses the subject property, and therefore would not provide associated noise abatement benefits. Option 1 of S622 extends along the I-5 right-of-way adjacent to the subject property, although this structure was determined not to be "reasonable" to construct under the noted FHWA and Caltrans guidelines because the estimated construction cost exceeded the

MAIL – COMMENTS	RESPONSES
	03 cont. "reasonable" cost allowance (with S622 Option 2 recommended for construction; refer to the response to your Comment 02 and EIR/EIS *Tables 3.15.16* and *3.15.16*). It should also be noted, however, that Option 1 of S622 would not provide noise abatement at the subject property due to elevation differences between this site and the freeway corridor (refer to EIR/EIS *Section 3.15.4*). As shown in EIR/EIS *Table 3.15.15*, the closest noise receptors to the subject property, R7.18 and R7.19 (831 and 819 Santa Rosita, respectively), would experience noise level increases of three decibels (i.e., [dBA] 65 to 68 dBA at 831 Santa Rosita) and two dBA (i.e., 64 to 66 dBA at 819 Santa Rosita) over existing conditions under the "project without soundwall" scenario. Noise level increases at the subject property are expected to be similar, based on its location directly between 831 and 819 Santa Rosita). Accordingly, the proposed project would not "[d]ouble the amount of noise…that exists today" as stated in this comment, but rather would result in a noise level increase of approximately two to three dBA at the subject property. Changes of three dBA or less generally are not detectable by the average healthy human ear. Please refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. Also please note that the Preferred Alternative generally would consist of the existing 8 main lanes and add 4 managed lanes for a total of 12 lanes; therefore the number of lanes would not be doubled. At the referenced location, an auxiliary lane also would be added on the eastern side of I-5. Regarding potential project effects to air and water quality related pollution levels, please refer to the response to your Comment 02 above. 04 The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. Caltrans and local governments have traditionally conducted long-range planning efforts to help infrastructure keep up with anticipated demand. The current and past iterations of SANDAG's Regional Comprehensive Plan and

MAIL – COMMENTS	RESPONSES
	04 cont. Regional Transportation Plan are examples of proactive regional transportation planning that have been occurring in the area. Underground transit may not be practicable in light of the region's geotechnical (including seismic) considerations and would be very expensive to implement; however, refer to Topical Response "Transportation Planning" regarding other alternatives considered for the North Coast Corridor. Additional highways in the region also would result in associated environmental and community impacts.
	05 Caltrans understands that there is both opposition to and support for this project. Caltrans is committed to working with the public, resource agencies, and any entity interested in effective communication, collaboration, and partnership to improve traffic operations in the North Coast Corridor.

MAIL – COMMENTS

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I have several question re: the proposed freeway expansion.

01
1. Would You consider the following proposal rather than the current proposals? Proposal: Exend existing HOV lane to 78 in both NB and SB directions, add an additional regular lane on the outside (Lane 5) up to 78 and auxiliary lanes along the same route, which would total a reasonable and effective 12 lanes and provide for mass transit in the form of BRT at the same time?

02
2. If none of the current proposals are acceptable to the public, will other proposals be consisered and/or implemented? If not, why not?

03
3. What will the state and Caltrans and SANDAG and any other entities that benefit do when they are sued for double taxation in the from of colletining fees for lanes that are already paid for by Transnet tax dollars?

04
4. If the lagoon reparation, train tracks and bike/walk ways are already funded, why not just implement those things now?

05
5. How many homes exactly will be taken by eminent domain?
6. How many businesse exactly will be taken by eminent domain?
7. How much land exactly will be annexed by eminent domain?
8. How much land exactly will need to be mitigated because of environmental damage caused by expanding the I-5 corridor as currently planned?

06
9. Is level four Bus Rapid Transit (BRT) being implemented?
10. If Level four BRT is not being implemented, why not?
11. How can we ensure that Level four BRT is implemented?
12. Has the study conducted in North County regarding mass transit, reported on by the North County Times stating that more than fifty percent of North County residents will use effective public transit been read and considered in this current proposal? If not, why not?
13. How is the current plan going to provide effective mass transit for over fifty percent of North County residents who say they will use it when it becomes available?

RESPONSES

Response to Sarah Turitto

01 Thank you for your comments regarding an alternative to add one High Occupancy Vehicle (HOV)/Managed Lane and one additional general purpose lane along the I-5 North Coast Corridor. Your comment is part of the public record. Your suggested alternative was initially considered during the early planning stages of the project. EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, discusses the Freeway/ High Occupancy Vehicle (HOV) (10+2) Alternative, which consisted of adding one HOV/Managed Lane and one general purpose lane in each direction, and the reasons it was eliminated as a project build alternative to be fully evaluated. Basically, this alternative would not provide adequate freeway capacity to meet projected future travel demands on the I-5 North Coast Corridor.

02 Regarding the public's input on the build alternatives, public opinion and concerns do play a factor when the project is considered for approval or denial by decision makers. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. If one of the build alternatives or the No Build alternative is not selected, it is up to Caltrans whether to identify, evaluate, and consider other build alternatives.

MAIL – COMMENTS	RESPONSES
	03 Litigation over major projects, such as the *I-5 NCC Project,* is often difficult to avoid due to the number of people affected by such projects, the diversity of public concerns, and the common practice of filing lawsuits as a means to delay or stop large projects. Thus, the cost of lawsuits is often unavoidable. Nonetheless, Caltrans has a responsibility to provide a safe, efficient, reliable highway system; it cannot avoid proposing needed improvements due to the possibility of lawsuits.
	04 Funding may be identified for future projects prior to completion of planning and/or environmental evaluation of the project. For example, several of the lagoons along the North Coast Corridor have plans that identify various options for restoration, but the final option has not been chosen. With regard to train tracks and bike or walk ways, necessary environmental clearance may be under way or still slated for the future. In other instances, double-tracking is under way, and/or improvements without environmental effect can be implemented. A last reason an apparently "funded" project might not be implemented immediately is if funding is identified but not yet available. For example, it might be known that regional or State tax dollars will pay for a project and therefore can be identified as the source of payment, but the anticipated date of fund accumulation is in the future.
	05 In regards to property acquisition, it is Caltrans' intention to avoid and/or minimize impacts to properties that abut an existing highway system during improvements to that highway wherever practicable; however, avoidance is not always possible when an existing facility is being improved. The proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. As such, the number of property acquisitions and relocations resulting from the project would be minimized to the extent practicable through design efforts. As noted above, the identified Preferred Alternative is a refined 8+4 Buffer alternative, which is the smallest of the build alternatives proposed in the EIR/EIS. Please also refer to Topical Response "Property Acquisition" for additional information regarding property acquisition.

MAIL – COMMENTS	RESPONSES
	05 cont. *Table 3.17.1* provides a summary of upland and wetland habitats potentially impacted by the proposed project. The impact estimates contained in this table are based on the preliminary design completed for purposes of evaluating project alternatives. The ultimate impact of the on each vegetation type would be determined when the final design has been completed.
	06 The proposed project is intended to be compatible with any mass transit options being considered by the San Diego Association of Governments (SANDAG) and North County Transit District (NCTD). This project, however, is focused on I-5 and would not be directly implementing Bus Rapid Transit (BRT) or other mass transit improvements. Comments regarding Level 4 BRT would be better addressed to SANDAG and NCTD. Increased use of transit is incorporated into the overall improvements proposed for the North Coast Corridor, including rail and bus. Please refer to Topical Response “Multimodal System” for discussion of the public input process related to development of the multimodal plan guiding the North Coast Corridor transportation improvement. See also Topical Responses “Rail Preference” and “Mass Transit” for summaries of ongoing efforts relative to those transportation modes.

MAIL – COMMENTS

14. How will the sound barriers affect the atmosphere of the drivers on the freeway?
15. Will the psychological effects of these sound barrriers lead to more incidents of road rage?
16. How does the current plan address the psychological effects of eradicating beautiful ocean and topographical views? If it does not address them now? How will it address them in the future?
17. How will the aforementioned entities respond to law suits demanding punitive damages resulting from the effects of #'s 14-16?

07

18. Who gains financially –not just drivers saving a few bucks in gas – precisely which entities make a profit from the current expansion proposal?
19. How would the answer from #18 differ if the proposal laid out in #1 were implamented?

08

20. How does the current proposal build and support the notion of walkable communities, other than the walk/bike trails?

09

21. What will we tell our children if traffic is worse when they are driving?

10

22. Will there be a bus within fifteen minutes from most any point if the community to take us where we want to go within that community within an hour? If not, why not?
23. When will there be public transit system that provides a level of service that works effectively enough to get anyone in North County downtown within an hour?
24. When will we see buses taking gobs of people ON THE FREEWAY to various places throughout the county?
25. Why don't we currently see buses taking gobs of people ON THE FREEWAY to various places throughout the county?
26. If the question to #25 involves waiting until more lanes are built, why is that so?
27. Why are all the buses that I ever see on a freeway "Out of service"?
28. Why is it that buses seem to avoid the most economical, efficient route to take the most people to the most places?
29. Exactly how much will ridership on public transit increase as a result of the current I-5 expansion plans?

11

30. What will it take to get the aforementioned entities to work *together* so that each knows what the other is doing?

12

31. Exactly what percentage of residents made comments or asked questions regarding these plans?
32. Will the aforementioned entities send out comment and question cards, informing the public that only questions require response to each and every person that received the postcards that they sent regarding the public meetings on the subject? If not, why not?

13

RESPONSES

07 As discussed in Topical Response "Visual/Community Effects," additional retaining walls and soundwalls along I-5 would be notable and would affect the visual experience for travelers along this roadway. It should be noted that in many instances, project walls would be located only on one side of I-5. In addition, walls are linear facilities, with views shifting as the viewer moves along or adjacent to the freeway corridor. Views along the corridor would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development. These views would be similar to the existing view conditions.

Retaining walls and noise barriers are common features along I-5 and other freeways within the State. Please note that specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls or sections of soundwalls have not been recommended in part because of impacts to coastal views. *Section 3.7, Visual/Aesthetics*, of the EIR/EIS identifies design measures to reduce visual impacts from soundwalls and retaining walls, including efforts such as the use of landscaping, articulated facades, and earthen berms (or berm and wall combinations). Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS). It is not expected that the additional walls and barriers required to construct the proposed improvements and attenuate traffic noise would have a substantial psychological impact on motorists traveling through the corridor after completion of the proposed improvements. Thus, no corresponding increased incidence of "road rage" is anticipated.

With respect to the concern expressed over the fiscal implications of lawsuits related to adverse impacts on freeway motorists due to the increased amount of walls and barriers resulting from the proposed project, no punitive damages would be expected because no substantial psychological impacts are anticipated.

MAIL – COMMENTS	RESPONSES
	08 In general, the region would benefit from the reduction or maintenance of travel time and the congestion level that would result from implementation of the proposed project. Maintaining or reducing travel times would save labor and fuel required to transport goods through the corridor. In turn, this would avoid the increased cost of consumer goods that might otherwise result from increases in labor and fuel costs related to increased travel time. Reduced and more reliable travel time through the corridor would also benefit local employers by reducing the number of times employees are late to work and the related impacts of unreliable employee arrival times on their ability to meet the needs of their clientele. As discussed in response to your Comment 01, your suggested alternative was initially considered during the early planning stages of the project but determined not to be practicable. However, if your suggestion was implemented and resulted in reduced travel time and congestion, it would also have benefits related to the cost of consumer goods and increased reliability of employee arrival times to local employers.
	09 With regard to how the project would support the notion of walkable communities, a comprehensive regional planning process has been undertaken to plan for regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns and smart growth can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. These improvements would allow the time necessary for the region to work toward complex solutions that would yield an increase in walkable communities. As noted in your comment, community enhancement features identified in association with the project (refer to EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement*) include improvements to bicycle and pedestrian connections.

MAIL – COMMENTS	RESPONSES
	10 Caltrans has considered projected growth and the size of improvements needed to accommodate such growth. The proposed improvements are intended to accommodate anticipated traffic increases through 2050 as part of a multimodal transportation system. With improvements made to all modes of transportation (rail, bus, highway, pedestrian routes, and bikeways), congestion within this planning period would be substantially lessened over conditions without the project. Please also refer to Topical Response "Projected Growth" regarding the accommodation of projected growth in traffic over time and Topical Response "Project Lifespan" regarding the fluid nature of transportation improvements, which change over time and can be iterative.
	11 The proposed project includes elements supportive of bus rapid transit (BRT), including HOV/Managed Lanes, which would give bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods, thus encouraging bus usage. Although the proposed project is intended to be compatible with any mass transit options being considered by SANDAG and the NCTD, Caltrans is only responsible for the highway improvements associated with the multimodal improvement effort for the North Coast Corridor. SANDAG revised the timing of BRT in the North Coast Corridor following the publication of the Draft EIR/EIS (see the Final 2050 RTP of October 2011). These comments would be better addressed to SANDAG and NCTD and/or Metropolitan Transit Service (MTS). Although specific BRT facilities would not be constructed as part of this project, future use of the HOV/ Managed Lanes by BRT would not be precluded.
	12 With regard to transportation entities working together, Caltrans has been actively involved in the regional multimodal planning effort. In fact, one of the key project objectives (refer to EIR/EIS *Section 1.2, Purpose for the Project*) is to provide a facility that is compatible with future BRT and other modal options. Please also refer to Topical Response "Multimodal System" for additional information regarding the regional transportation planning process.
	13 The number of residents who have made comments or asked questions regarding all regional transportation planning efforts is not known; however, comments received on the *I-5 NCC Project*

MAIL – COMMENTS

14 33. Why was NCTD not at the public comment meeting?
15 34. What will it take to stop the current I-5 expansion from moving forward?
16 35. Will roundtables open to the public be available to strategize on planning methods in North San Diego county? If not, why not?
36. Will the roundtables referred to in question #25 be just that, discussions by and for the public to generate ideas for better transit options on this corridor? If not, why not?
37. Would it not best serve North County's residents to conduct said rountables in #s 35 and 36?
17 38. How can I be 100% assured my property is absolutely not going to be taken by eminent domain for this projects?
39. Where is the information sought in #38 located?
40. Is said information I #'s 38 and 39 easily and readily available to the public? If not, why not?
18 41. With so much opposition to the current proposal, why go forward with it, instead of a more thorough, transportation transformation?
42. Are we a metropolis that deserves public transit that provides *effective* service to its residents, just like Washington, D.C., New York, NY, and most of our nation's cities?
43. If the answer to question #42 is yes (which in my opinion is true and I anyone reading these questions disagrees, they should not be working on this project), then why do we not have top quality, effective public transit?
44. Why is it that the lack of public transit is so obvious in this yer, 2010 that questions such as #42 and 43 must be asked?
45. Why is it that the lack of public transit is so obvious in this yer, 2010 that questions such as #42 and 43 must be answered?
19 46. Why are we only looking twenty years ahead?
47. Why are we only looking twenty years ahead when we are also looking at 40 years ahead?
48. Re: questions #46 and 47, would it not be wiser to plan fifty years ahead?
20 49. Re: question #'s 46, 47, 48, it seems likely that commuting will elevate with flight sometime during this span of time, has this been accounted for in the current plan?
50. What about piers and ferries that move people along the ocean, other than the Oceanside – Downtown debacle that invested in a piece of junk boat and sent people on it without verifying its craftsmanship?

Please respond
Sarah Twitt

RESPONSES

13 cont. and the responses to those comments are available to the public within this Final EIR/EIS. Caltrans publicized the availability of the document in newspapers of local circulation and on the Internet and invited verbal, written, or emailed comments.

Please also refer to Topical Response "Multimodal System" regarding the type of public outreach made during completion of the SANDAG Urban Area Transit Strategy, as well as *Chapter 5, Comments and Coordination*, of this EIR/EIS for discussion of the extensive outreach program completed specifically for the I-5 project.

14 As noted in the response to your Comment 13, Caltrans has been actively involved in the regional multimodal transportation planning effort, which has also included NCTD. As a result, NCTD is aware of Caltrans' plans, and its attendance at the public comment meeting was not necessary.

15 Action taken by decision makers to select the No Build alternative would stop the project from moving forward.

16 The focus of the roundtable meetings suggested in this comment is unclear. If the intent was to foster discussions relative to the proposed project, the series of public outreach meetings held during the planning stages for the proposed project, combined with public meetings held during the review of the Draft EIR/EIS and Supplemental Draft EIR/EIS, were adequate to obtain topics of interest to the public, as well as comments on the adequacy of the draft environmental documents. If the suggestion is related to land use planning within the North County, land use planning is outside the purview of Caltrans and would have to be conducted by the cities that have jurisdiction over land use within the I-5 North Coast Corridor. Please also refer to the response to your Comment 14 with regard to public outreach conducted for the SANDAG Urban Area Transit Strategy and for the *I-5 NCC Project*.

MAIL – COMMENTS	RESPONSES
	17 Based on review of the location of the Old Creek Court address in Cardiff on Google Earth, the property is at least 0.4 mile (1,000 feet) east of I-5. Right-of-way for I-5 improvements would be taken from areas directly abutting the freeway. You can be 100 percent assured that property location would not be acquired by eminent domain for this project because the property is very far from I-5.
	18 Public works projects are not pursued simply because they are popular. Often, safety, health, or economic issues may drive project consideration. That is the case here, where projected levels of congestion would be related to increased commute times, affecting many residents' lives and commercial interests; causing a potential increase in response times of emergency fire and police services; and diminishing air quality due to increases in idling vehicles, etc. Regarding your reference to New York, New York and Washington D.C.'s public transit service, no one answer is appropriate for all cities or transportation systems. The dense development patterns of the two referenced cities allow for heavier use of mass transit. Although San Diego is actively working toward increasing use of such facilities, the change is expected to take extended time; this is because of the required extensive efforts from all cities and communities involved, as well as changes in land use patterns and changes in the way of life for local commuters. With regard to project need in the overall scope of transportation transformation, a comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit (similar to those seen in the referenced cities above). Because changes in land use patterns and smart growth can take extended time to implement, as discussed above, the proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 and would allow the time necessary for the region to work toward complex solutions, such as smart growth.

MAIL – COMMENTS	RESPONSES
	19 Regarding the planning horizon for this project, the project does not only look 20 years ahead. It is important that the project is consistent with the current Regional Transportation Plan (RTP). Therefore, there was discussion in the Draft EIR/EIS confirming that the project would be consistent with the (then-current) 2030 RTP. Since completion of the Draft EIR/EIS, however, the current (2011) 2050 RTP has been completed and adopted. The 2050 RTP addresses a roughly 40-year planning horizon. Analysis is included in this Final EIR/EIS confirming consistency with the 2050 RTP. This RTP looks at all transportation modes through 2050 for the County as a whole, including the North Coast Corridor. Please also refer to Topical Response "Project Lifespan" for additional information about the project planning time frame.
	20 The statement that "commuting will elevate with flight during this time span" is unclear. Thus, no specific response can be offered. However, the regional transportation planning with which the proposed project is consistent incorporates projected changes in future commute patterns. With regard to ferries, that transportation option was evaluated in the SANDAG North Coast Transportation Study; please refer to Topical Response "Corridor Alternatives."

MAIL – COMMENTS

JWW

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November 17, 2010

Shay Lynn Harrison
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Re: I-5 North County Corridor
HOV/Managed Lanes Project

Dear Ms. Harrison:

01 CalTrans' plans to significantly widen the I-5 Freeway from Sorrento Valley to Oceanside is mostly unnecessary. Other than a new car pool lane, no further widening should be undertaken in the near future.

In the past years, CalTrans has done a good job of designing bottlenecks. First the bottleneck stopped at Via de la Valle. The freeway went from 6 lanes to 4 lanes. Now the bottleneck is at Manchester Avenue, 5 lanes to 4 lanes.

The proposed freeway widening is now planned to end in North Oceanside. The freeway will transition from 6 or 8 lanes to the current 4 lanes. CalTrans has designed another bottleneck.

I would like to see a car pool lane being extended from Manchester Avenue to mid-way into Camp Pendleton. Additional freeway widening is unnecessary until the traffic flow from a new car pool lane is reviewed.

02 When we attended the meeting you held in Encinitas, neighbors and ourselves received two different answers to the same question. The question was regarding the La Costa interchange at the Batiquitos Lagoon.

RESPONSES

Responses to James W. Waldorf

01 Thank you for your comments, which are part of the public record. As described in EIR/EIS *Section 2.6.1, Rejected Build Alternatives*, an alternative adding one High Occupancy Vehicle (HOV)/Managed Lane in each direction ("Freeway/HOV [8+2 Alternative]") was initially considered as a project alternative. After being studied, this alternative was rejected because it would not maintain or improve traffic operations in the project corridor by 2030. During project analyses, it was determined that four HOV/Managed Lanes would be the minimum number of additional lanes that would adequately address projected growth. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative and has been identified in the Final EIR/EIS as the Preferred Alternative.

Bottlenecks were described in EIR/EIS *Section 1.3.2, Traffic Demand*, and analyzed in *Section 3.6, Traffic and Transportation/ Pedestrian and Bicycle Facilities*, as well as in Section 3.2.2, Bottlenecks, of the I-5 North Coast Freeway Operations Report (http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf). Although the proposed project would

MAIL – COMMENTS

JWW

CalTrans
November 17, 2010
Page 2

02 cont. We asked about the retaining wall that would be installed where the traffic enters to go south on I-5. My wife was told that there would be an eight-foot solid sound deadening retaining wall and it would take the place of the chain link fence. Our neighbor was told there would be no change and the existing chain link fence would continue to be the barrier. What is the correct answer?

We all have a view of Batiquitos Lagoon from our home and want to retain this view. If a barrier wall were necessary, a see thru wall, similar to the see thru walls along I-5 near Del Mar Heights Road would be preferable. Also are you going to compensate us for loss value to our home if a solid wall is constructed?

03 My wife also asked about the landscaping that would go in at the on and off ramps. She was hoping for Palm Trees like you planted near the Buena Vista lagoon at the 78 interchange. She was told they were not native and would not be planted. She mentioned that most pine trees aren't native, so she hoped you would not plant them. Since CalTrans never seems to trim their trees unless they break in a storm. We would prefer trees that do not block our view of the lagoon. At the meeting your CalTrans representative said you do not have the La Costa exit listed as a view corridor. However, the homeowners that have this view do and the value of the home reflect this when the homes are sold.

04 I have a few questions:

When did the widening of Interstate 15 begin?

When do you expect the widening of Interstate 15 to be completed?

What was the original timetable of the I-15 Freeway widening?

James W. Waldorf, MAI

RESPONSES

01 cont. not eliminate bottlenecks, the build alternatives evaluated in the EIR/EIS propose a uniform number of general purpose and HOV/Managed Lanes along the length of the project corridor, as well as auxiliary lanes as necessary to keep traffic moving more smoothly. While the proposed project would not eliminate bottlenecks, the build alternatives evaluated in the EIR/EIS propose a uniform number of general purpose and HOV/Managed Lanes along the length of the project corridor, along with auxiliary lanes where necessary to smooth traffic flows. Traffic studies show that Annual Average Daily Traffic (ADT) for the Oceanside area has steadily increased over the years, as summarized in *Table 1.3.1* of the Draft EIR/EIS. Specifically, these data indicate that the 2030 ADT along I-5 in the Oceanside area is projected to increase by over 50 percent from existing ADT under the No Build scenario. This signifies that any existing bottlenecks, such as one identified for the southbound direction at Oceanside Boulevard during p.m. peak hours, would not improve under No Build alternatives. Traffic studies also indicate that the No Build option would result in an additional bottleneck along northbound Oceanside Boulevard during p.m. peak hours, with this situation summarized in *Section 1.3.2, Traffic Demand,* of the EIR/EIS. The build alternatives, therefore, would therefore help to alleviate existing bottlenecks and reduce associated delays for any additional bottlenecks. It should also be noted that the San Diego Association of Governments (SANDAG) is proposing to extend the *I-5 NCC Project's* 8+4 freeway lane configuration from north of the City of Oceanside to Orange County (refer to Table A.1 and Figure A.2 of Appendix A in the 2050 SANDAG Regional Transportation Plan, available at: http://www.sandag.org/uploads/2050RTP/F2050rtpA.pdf).

The project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. The use of HOV/Managed Lanes—the only lanes proposed as part of the Preferred Alternative—would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing

Chapter 4.7.2

EMAIL

COMMENTS — EMAIL

Faeren Adams
11/20/2010 11:40 AM
Subject: I object

01 I object to the planned expansion of I-5. Please consider other alternatives.

Faeren Adams
4584 Georgia St #4
San Diego, CA 92116

RESPONSES

Response to Faeren Adams

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Please refer to Topical Response "Corridor Alternatives" with regard to system and design alternatives screened for the North Coast Corridor during the early planning phase of the project. Please also see Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for information on ongoing mass transit improvements.

EMAILS — COMMENTS

Gerry Akin
Monday, September 13, 2010 7:11 PM
Subject: Question inquiring about I-5 Corridor

01 Build as many lanes as you can - no HOV lanes. We need the jobs and we need to expand Interstate 5.

Thanks

RESPONSES

Response to Gerry Akin

01 Thank you for your comments, which are noted and are part of the public record. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative would add two High Occupancy Vehicle/Managed Lanes in each direction, providing flexibility in the overall highway facility. These lanes would accommodate carpoolers and single-occupant vehicles paying to use those lanes when extra capacity exists in order to provide more certain travel times on I-5. Although the footprint of the project would be smaller if the Preferred Alternative is ultimately chosen over a larger build alternative, construction crews and related workers such as graders, pavers, bridge contractors, and environmental monitors would be similar regardless of the number of lanes.

EMAILS – COMMENTS

Bruce Allen
10/12/2010 09:19 PM
Subject I-5 Widening Project

01 I am strongly opposed to the widening of the I-5 as currently proposed for North San Diego County. Why would Cal-Trans want to do such a huge, expensive, ugly and un-needed project at this time of economic hardship and budget shortfalls? It makes no sense and is not needed.

02 We need to use (only some of) that money to build mass rapid transit so that LESS cars are on the freeways and to reduce our consumption of oil (gasoline) and reduce our atmospheric pollution.

03 Global warming is a huge threat to our future well-being; this project would 1) burn a HUGE amount of hydrocarbons in its construction;

04 2) damage primitive areas such as the San Elijo lagoon and Bataquitos Lagoon;

05 3) and provide incentive for consumers to purchase more cars which will further increase our national dependence upon oil, our generation of CO2 and nitrous oxide and other airborne pollutants. I urge you to suspend this proposal and start looking at mass rapid transit, which is what we really need to reduce our dependence on cars and foreign oil and to reduce air pollution.

06 The San Diego coaster ridership is growing more rapidly than the freeway usage. Let's invest more in rapid transit like the coaster, etc. to make San Diego a people-moving region rather than a car-driving region. I also have heard that there is a serious proposal to build a bullet train from San Diego to San Francisco.

Thank you,
Bruce Allen
660 N. Granados Ave
Solana Beach, CA 92075
bruceallen@roadrunner.com
858-692-9726

RESPONSES

Responses to Bruce Allen

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

The changes to the I-5 right-of-way are focused and linear in nature, and although substantial visual change is discussed for specific locations in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall visual experience in the communities already crossed by this highway. Please also refer to Topical Response "Visual/Community Effects" for additional discussion regarding the visual effects of the proposed project.

Transportation planning agencies agree that the current and projected delays on I-5 do merit improvement. Federal, state, and local funding sources for the *I-5 NCC Project* have already been identified, and monies are being tracked. Although all funding sources are constrained due to larger economic issues, upgrades to this segment of the National Strategic Highway Network are supportive of the general health and welfare. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route.

02 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to the Topical Response "Transportation

EMAILS — COMMENTS	RESPONSES
	02 cont. Funding" for information on issues related to use of public highway funding for alternative transportation modes. With regard to oil consumption and atmospheric pollution, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall oil consumption and air emissions, with related improvements to air quality compared with existing conditions. Please refer to EIR/EIS *Sections 3.14, Air Quality* and *3.16, Energy*, for additional information.
	03 With respect to global warming concerns and related project-generated construction emissions, this issue is addressed in EIR/EIS *Section 4.6*, *Climate Change*. In addition to innovations such as longer pavement lives and changes in materials, the greenhouse gas (GHG) emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout operational CO_2 emissions in the San Diego region by hundreds of tons per day (refer to Final EIR/EIS *Table 4.2*). These decreases would be due to the decreased congestion and improved travel times along the corridor. Over the life of the project, this decrease in operational emissions would more than offset the emissions that would occur during construction. Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues.
	04 Regarding potential project-related effects to "primitive areas" such as San Elijo and Batiquitos lagoons, these issues are addressed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff,* and under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative, including potential effects to San Elijo and Batiquitos lagoons. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality impacts,

EMAILS – COMMENTS	RESPONSES
	04 cont. based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. As described in the listed *Biological Environment* sections, project-related impacts to biological resources in the six coastal lagoons (including San Elijo and Batiquitos) and related waterways would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed in concert with the wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. It should also be noted that, since circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into the Final EIR/EIS, as appropriate. This evaluation incorporates the results of associated technical analyses, including hydrologic/hydraulic studies and Caltrans interaction with lagoon scientists, to determine the appropriate bridge lengths and channel dimensions that would reduce the level to which levees or other man-made features restrict tidal flushing

EMAILS — COMMENTS	RESPONSES
	04 cont. (water movement and exchange). These studies were used to determine the appropriate I-5 bridge lengths to meet the project objectives and maximize the health and function of the lagoons, with the San Elijo and Batiquitos lagoon bridges proposed to be lengthened and widened. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons.
	05 The *I-5 NCC Project* in and of itself would not provide incentive for consumers to purchase more cars or increase our national dependence on oil. As noted in the response to your Comment 02, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out of direction travel, as described in EIR/EIS *Section 3.16, Energy*. Moreover, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips (i.e., more cars). With respect to the potential for the project to increase the generation of airborne pollutants including CO_2 and "nitrous oxide" (assumed to mean nitrogen dioxide [NO_2]), this issue is addressed in EIR/EIS *Sections 3.14*, *Air Quality* and *4.6*, *Climate Change*. As described in *Section 3.14* for general air quality concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project-related air quality issues. It should also be noted that the U.S. Environmental Protection Agency (USEPA) issued new minimum requirements for NO_2 and related monitoring on February 9, 2010 (75 FR 6474). These requirements include a new one-hour standard National Ambient Air Quality Standard (NAAQS) for NO_2 of 100 parts per billion (ppb), while retaining the existing annual standard of 53 ppb. The new one-hour standard was based on observations by USEPA that

EMAILS – COMMENTS	RESPONSES
	05 cont. roadway-associated exposures account for a majority of ambient exposures to peak NO_2 concentrations. Associated monitoring is required to be implemented and operational by January 1, 2013. After three years of monitoring are completed, the USEPA will evaluate the associated data and redesignate individual areas as appropriate for NAAQS attainment or nonattainment status. As described in the response to your Comment 03, the project would reduce operational GHG emissions. 06 Please refer to the response to your Comment 02 regarding mass transit funding and the multimodal nature of improvements to San Diego's transportation system. With regard to the "proposal to build a bullet train from San Diego to San Francisco," the high-speed rail and I-5 projects do not precisely intersect. The northern-most San Diego County stop is projected to be Escondido, followed by downtown San Diego. The coastal cities would be by-passed by this rail line. This travel mode would be expected to divert longer-range travelers from I-5, but would not divert a significant amount of the peak hour commuters from I-5, and therefore would not be expected to improve the peak hour freeway level of service in the North Coast Corridor.

EMAILS – COMMENTS

Debra Ambrose
11/05/2010 09:02 AM
Subject: no widening of I-5

I agree wholly with the sentiments expressed in the letter below and oppose more freeway construction and implore more ecological creative solutions.

Re: I-5 HOV/Managed Lanes Project

October 20, 2010

Dear Caltrans,
I'm writing in response to your request for citizen input on the proposed I-5 HOV/Managed Lanes Project between La Jolla and Oceanside. The questions I hope you'll answer are in italics.

After just returning from living in Europe for the last twelve years, it's hard not feel that we Americans are in the dark ages of transportation planning. Remember when people use to call California "the place where the future happens first"? Well, none of the proposed options of the I-5 expansion project would get us anywhere near the future first. On the contrary, they'd keep us mired in an old-fashioned transportation system. Any project undertaken at this 21st century juncture needs to yield environmental benefits. And while it's true that the current proposals attempt to make environmental headway via the use of HOV managed lanes, the construction and expense required to complete them far outweigh the meager benefits they would yield. 01

While I agree that the concept of a "multi-modal" system is sound, the specific options proposed all lack the vision necessary to prevent us from slipping further and further behind the rest of the world on transportation planning. The problem is that one of the modes in this multi-modal system overshadows all of the others. That mode is the automobile. Any plan that does not get people out of their cars and into public transportation is simply retrogressive.

- Question: How can you call the proposed system "multi-modal" when it's primarily centered around the automobile?
- Question: Isn't it obvious that the internal combustion powered automobile is an outmoded form of transportation, on its way towards obsolescence, and that its place in the "multi-modal" concept needs to be attenuated?

The goals of any 21st century transportation project should be to encourage citizens to use public transportation and make cycling a real option as a way of "feeding" the public transportation options. The existing Coaster, Sprinter, and Breeze service is satisfactory in 02 many ways (I rode the Coaster on its first day of service and every day for two years after that), except that the trains should be electric-powered, as opposed to the ancient diesel technology currently in use. They also need to be faster and more frequent. Remember: like entrenched drug addicts, we Californians are addicted to the automobile, and we will not change our habits unless we are compelled to do so. As an example, recall how we all ran out to buy gas-guzzlers as soon as the price of gas fell. What I mean is, that as long as Caltrans builds more lanes, we 03 Californians will fill them up without thinking of the consequences. That's why governmental vision is essential: automobile use must be brought into a more sustainable balance with the other modes in Caltran's multi-modal model.

RESPONSES

Responses to Debra Ambrose

01 Thank you for your comments. Your preference for the No Build Alternative is noted and is part of the public record.

As you note, the proposed project is only one element of a multi-agency, multimodal planning process for the North Coast Corridor. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding public transportation, including multimodal, mass transit, and rail, as well as Topical Response “Corridor Alternatives” with regard to design and system alternatives considered for the North Coast Corridor.

Caltrans has been actively involved in this regional multimodal planning effort. The San Diego Association of Governments (SANDAG) plans for the region to trend toward more transportation options, with development concentrated around transit stations. The changes that are contemplated in land use planning and alternate transportation modes will take many years to come to fruition. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take an extended time period to implement. Based on current planning and modeling projections, roadway improvements are a necessary element of the transportation network in this time frame.

Although mass transit and non-transportation alternatives to vehicles (e.g., telecommuting) are increasingly available, it is not obvious that the automobile is on its way to obsolescence within the current planning period. The transportation planning agencies, including those responsible for rail, trolley, or bus rapid

EMAILS – COMMENTS	RESPONSES
	01 cont. transit, agree that automobile travel will comprise a substantial percentage of travel modes through 2050 at a minimum. Please refer to previously cited Topical Response "Multimodal System."
	02 In addition to the High Occupancy Vehicle (HOV)/Managed Lanes, please note that the project also incorporates a number of community enhancements that would improve bicycling and pedestrian options and benefit the adjacent communities. For example, Caltrans has worked with the City of Encinitas to develop a number of potential enhancement projects, including: (1) Bicycle/ Pedestrian Enhanced Trail on Both Sides of I-5 at San Elijo Lagoon with Bridge Connection to Manchester Avenue; (2) Park and Ride Enhancements at Birmingham Drive; (3) Villa Cardiff Drive Improvements and MacKinnon Bridge Enhancements; (4) Hall Park Trail Connecting to Santa Fe Drive; (5) Trail Connecting Santa Fe Drive to Requeza Street with Wetland Revegetation; (6) Trail Connecting Requeza Street to Encinitas Boulevard; (7) Union Street Pedestrian Overpass; (8) Cottonwood Creek Park to Union Street Trail Connection with Wetland Revegetation; and (9) I-5 North Coast (NC) Bike Trail in the City of Encinitas. Each of these enhancements would improve current pedestrian and bicycle circulation options.
	03 With regard to Coaster, Sprinter, and Breeze service, please note that because potential modifications to such services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District (NCTD), which is responsible for the provision of these services. With regard to future transportation demand, improvements are intended to accommodate projected traffic increases associated with planned regional growth through 2050 as part of a multimodal system. The role of Caltrans is to ensure provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. Concurrently, as noted in the response to your Comment 01, other modes of transportation are undergoing upgrades by the applicable responsible agencies.

EMAILS — COMMENTS

04

• Question: has an analysis been done that compares the projected cost of the freeway expansion and the cost of a light rail system, perhaps running down the middle of the freeway? If so, and the cost is comparable, what could possibly be the justifications for more freeway over light rail?

With the above goals in mind, I suggest not adding any lanes at all to Interstate 5 but instead using the resources at our disposal to modernize and improve it. We don't need bigger; we just need better. This would yield the results of spending the money more wisely, avoiding the ecological catastrophe that the current plans would engender, and planning for a future in which the automobile plays a less prominent role.

If it does turn out to be true, after an unbiased cost analysis, that we cannot afford light rail, the high-speed gas buses are the next-best alternative. However, this should only be done using the existing right-of-way, perhaps lane number one of the freeway, and perhaps only during high-volume hours. There's no need to build extra lanes for this service if we get people out of their cars and onto trains, buses, and bikes, which must be the goal! The current plans, with the

05

incredibly complicated fly-over on-ramps for these buses are not viable. They might be nice if they did not cost so much and were not such an eyesore. As currently planned, however, they look like an antiquated, Jules Verne-style vision of the future: extremely complicated and simultaneously retrogressive. There must be other ways of getting those buses into the fast lane.

06

• How about not adding any lanes to I-5. Instead, adding the high-speed natural gas bus service to the existing right of way and simultaneously building a light rail line down the middle of the freeway?

Interstate 5 needs to be de-emphasized not expanded. The money would be better spent on rail, bus, and bike options. HOV lanes are not much of an improvement. A V-8 SUV or pick-up truck with just two passengers hurtling along at 65 mph in the diamond lane is hardly an

07

ecological improvement. Such vehicles have no business in an HOV lane at all. So, a modernizing of the HOV lanes and their regulations needs to be addressed. I suggest relegating larger vehicles (SUVs, pick-ups, etc) to the right two lanes. I suggest using existing lane number two as the HOV lane, but with the following upgrades: A) increasing the speed limit to 70 mph for fuel-efficient cars using this lane. B) Not allowing larger vehicles in the lane at all.

• Wouldn't these improvements make the HOV lanes more ecological? Wouldn't these kinds of changes encourage people to buy smaller, more fuel-efficient cars and also to carpool?

08

By not opting for any of the expensive alternatives currently proposed by Caltrans, there would be funds available that could be used for other (more economical, ecological, and modern) purposes. I suggest the following:

A) Making the Coaster and Sprinter trains electrically powered, faster, and more frequent.
B) Using natural gas powered buses for the Breeze service.
C) Improving North County bike lanes, using European models for bike paths and safety.

At present our North County bike paths are an embarrassment. With a relatively small amount of funding (compared with the I-5 expansion options), bike paths could be improved to the extent that people would feel safe using them. (Let's not forget that there are also health benefits in getting people to cycle, the kind of benefits that extend life and also reduce medical bills.) If there were convenient ways for people to cycle to the Coaster, Sprinter, and Breeze

RESPONSES

04 Regarding variation in cost between implementation of light rail and highway expansion, cost comparison between modes of transportation is secondary to transportation efficiency. Transportation agencies initially find the transportation mode (or combination of modes) that is most responsive to need and then compare cost. In this instance, light rail was considered during original evaluation of alternatives for the North Coast Corridor (see Topical Response “Corridor Alternatives”). It was not, however, found to be an adequate alternative relative to volume and location of users and was not carried forward as a primary transportation source for this part of the County (unlike rail, bus, and personal vehicle use).

The proposed project would be supportive of bus use, through provision of HOV/Managed Lanes intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Another important part of the proposed project consists of Direct Access Ramps (DARs) that move HOV/Managed Lanes users directly from on-ramps (often associated with park and ride lots) onto I-5 and directly into the HOV/Managed Lanes.

Although supportive of public transit and bicycle use, Caltrans is a state agency specifically formed for the purpose of addressing state highway system needs and has no authority to independently require or authorize activities related to such alternative transportation modes or encouragement of state highway users to opt for other travel modes. Comments regarding these topics would be better directed to SANDAG and NCTD, which are responsible for such programs. As noted above, Caltrans has actively coordinated with these agencies to the extent that such planned facilities relate to the state highway system.

05 With regard to fly-over ramps, as part of the ongoing effort to minimize project footprint, Caltrans engineers have modified design at the Manchester Avenue DAR to replace the fly-over and use an undercrossing, thereby substantially improving visual effects related to the proposed project at this location. Two other DAR locations that would have required overcrossings, Cannon Road and Oceanside Boulevard, have been removed from the project.

EMAILS — COMMENTS

08 cont.

stations, they would do so. Take it from someone who cycled to work in Sweden every day, even in the snow. Here in Southern California, we have no real excuse not to bike.

In conclusion, the only acceptable of the proposed options is the "no build" option. But is only a temporary solution. You need to get your engineers back to the drawing boards and compel them to be creative. California made a grave mistake after World War II, when it opted for freeways over rail systems. Let's admit we blew it and use our vision to move into the future. If we choose one of the proposed I-5 expansion options, we'll be playing transportation catch-up with the rest of the world for yet another generation. This is our chance to really move forward (not sideways): let's jump on it!

Sincerely, Darius John Dither, 171 Sanford St., Encinitas, CA 92024, darius.degher@gmail.com

Sincerely,
Debbie Ambrose

RESPONSES

06 Please refer to the response to your Comment 04 regarding light-rail, bus, and bicycle transportation options.

07 Interest in changes to regulations for HOV lanes also are beyond the purview of Caltrans. Such comments would be better addressed to the State Legislature. Please note, however, that in the 2050 Regional Transportation Plan (RTP) (Appendix A) SANDAG has identified the need for three passengers in a vehicle in order to use an HOV/Managed Lane without charge by 2035.

08 Please refer to the responses to your Comments 01 and 04 regarding alternative transportation modes and associated funding considerations. Subsequent to circulation of the Draft EIR/EIS, Caltrans engineers worked with the cities crossed by I-5 within the North Coast Corridor to design the I-5 North Coast (NC) Bike Trail Concept, which would link existing bike lanes with new lanes stretching for the entire 27-mile length of the I-5 improvements. This lengthy route should encourage longer distance travel via bicycles. Your preference for the No Build alternative is noted.

EMAILS — COMMENTS

Carolyn Ames
Monday, September 27, 2010 4:39 PM
Subject: I-5

01 you are ruining our coast and I can't believe there is no accommodation for public transportation obviously you don't live in this area or you would know what a travesty this is

02 please put me on your mailing list

Carolyn Ames
2923 Cape Sebastain pl
Cardiff, CA 92007

RESPONSES

Responses to Carolyn Ames

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

With respect to potential project impacts to the coast, namely coastal natural resources, these issues are addressed in EIR/EIS *Section 3.10*, as well as under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Based on the analyses in EIR/EIS *Sections 3.17* through *3.22*, project-related impacts to biological resources in the identified coastal lagoons and related waterways would be avoided, minimized, and/or mitigated through appropriate measures. Please also refer to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons.

With regard to potential impacts to scenic coastal resources, please note that view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. As described in *Section 3.7, Visual/ Aesthetics*, where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. As depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, additional efforts to address potential visual concerns may include the use of landscaping, articulated facades, and earthen berms (or berm and wall combinations). For more information regarding effects of the proposed project relative to viewers along I-5, please refer to Topical Response "Visual/Community Effects."

EMAILS — COMMENTS	RESPONSES
	01 cont. Regarding public transportation, please note that *I-5 NCC Project* is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response "Projected Growth"), these measures are not a substitute for freeway widening. Please also note that each of the Caltrans District 11 staff working on the *I-5 NCC Project* resides and/or works in San Diego County. 02 As a commenter, your name has been added to the project mailing list to assure that you have the opportunity to stay informed, and express your concerns regarding the project.

EMAILS – COMMENTS

Anonymous
09/24/2010 11:06 AM
Subject: I-5 expansion

01 I have attended several meetings regarding the I-5 expansion. The meetings should have been "town hall" types instead of placards of information and tables of information. The result was a feeling that you did not really want to hear what the public had to say. I have not spoken to one person in this area who is for this expansion. It will impact us environmentally as well as completely changing our way of life. Traffic is bad enough now, but it is sure to increase with this expansion. The walls are awful as well. I have suggested numerous times about having an sky way tram over the freeway stopping at various places enroots? If Disneyland can do it, why can't we?

RESPONSES

Response to Anonymous Commenter #1

01 Thank you for your comments, which are part of the public record.

The open meeting format has been adopted by Caltrans to provide better opportunities for public input than traditional "town hall" style meetings with formal presentations. That is, speakers are given the opportunity to informally provide comments directly to a Caltrans employee if discussion is required, or to direct comments to the court reporter for inclusion into the formal record. Please also refer to Topical Response "Hearing Format," as well as *Chapter 5, Comments and Coordination*, of the EIR/EIS, which details the extensive I-5 outreach program.

Regarding potential project-related impacts to the environment, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. Accordingly, the EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, with related summary information provided below.

The changes to the I-5 right-of-way are focused and linear in nature, and although substantial change is discussed for specific locations in *Section 3.7*, *Visual/Aesthetics*, of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. The North Coast Corridor is located in a

EMAILS – COMMENTS	RESPONSES
	01 cont. highly urbanized part of northern San Diego County, generally characterized by its coastal location, ethnic diversity, established neighborhoods, commercial centers and activities, and preserves associated with coastal lagoons. As stated in EIR/EIS *Section 3.4*, *Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area. The Preferred Alternative described above has been identified to reduce the project extent and related impacts to local neighborhood characteristics. Overall, the project generally would improve, rather than adversely impact, recreational facilities and would enhance access within the community. Please also refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County way of life and why implementation of new project features is not expected to have an adverse effect on regional community character or change residents' way of life. The proposed project is proposed to accommodate existing and forecast traffic volumes; its potential to increase I-5 traffic would be minimal as a result of a number of regional and project strategies/ improvements. Please refer to Topical Response "Projected Growth" for additional information. As discussed in *Section 3.7* of the EIR/EIS, there would be some loss of views to scenic resources resulting from soundwall and retaining wall construction. *Section 3.7, Visual/Aesthetics*, of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, earthen berms (or berm and wall combinations), and/or transparent materials to retain desirable views. In many instances, project soundwalls or retaining walls would be located on only one side of I-5. In addition, this is a linear facility, and views shift as the viewer moves along the highway. Views along the project corridor would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development or changed due to implementation of project landscaping. Overall, these views would be similar to the existing view conditions. Please also refer

EMAILS – COMMENTS	RESPONSES
	01 cont. to Topical Response "Soundwall Considerations" for additional information on noise/soundwall analysis, and Topical Response "Visual/Community Effects" for more information regarding local visual effects of the proposed improvement. As the state agency specifically formed for the purpose of addressing state highway system needs, development of a sky way tram is not within Caltrans' purview. In addition, the use of a skyway tram has limited capacity and speed, which are constraints on use of such a transportation mode for I-5 users traveling longer distances. Please refer to Topical Response "Corridor Alternatives" regarding alternatives previously considered for the North Coast Corridor.

EMAILS — COMMENTS

Robert Applegate
11/21/2010 07:55 PM
Subject: I-5 Environmental Impact Report - Public Comment

Dear CalTrans,

01 I am very impressed with the quality of your report, especially since I've heard that it was compiled internally and not shopped out to specialized vendors. However, I am very concerned that this report does not contain any other alternatives to San Diego's transportation issues other than to pour concrete, expand I-5 and thereby encourage more cars to get on the road and cause pollution. And of course all this effort comes at an expense we can ill-afford to squander.

02 I am reminded of all the bridge building that happened in New York in the early part of the 20th century. History shows us that within less than half the expected time, all the lanes all those new bridges were again gridlocked. They kept building bridges and more cars started driving. They could never building bridges or dig tunnels fast enough to keep up with the addiction to convenient car culture. I used to live in NYC and I can attest to this; the only thing that keeps up with such a demand is good public transportation.

Why aren't there any alternatives in this report that consider this?

03 The expected time to complete this project is 30 years. Well before then, as most studies show us, the cost of gasoline will put the brakes on the current wasteful and polluting practice of our car culture. It is this generation's responsibility to act now and not let our past habits cloud our thinking. We need transportation for the health of our region, but we do not need, nor can we afford, to promote more traffic.

04 Please show me where such options like promoting bicycle, bus, coaster and trolley commutes have at least been considered for this project, and why they weren't developed here as possible non-polluting and effective solutions. Also, I would like to see other possibilities explored such as hydrofoil ferries from Oceanside to the Broadway pier and other creative solutions.

Sincerely,
Robert Applegate,
(Weekly commuter from San Diego to Encinitas)
619.681.2626

RESPONSES

Responses to Richard Applegate

01 Thank you for your comments regarding the quality of the EIR/EIS, as well as your concerns on project alternatives, traffic conditions, vehicle-related pollution (air and water quality), and costs. Your comments are part of the public record. Many alternatives were considered to the proposed project prior to the build alternatives being chosen as the most viable options to meet the project's purpose and need. For more information regarding these previously considered alternatives, please refer to Topical Response "Corridor Alternatives." Please also note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to the Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

Caltrans has considered projected growth and the size of improvements needed to accommodate such growth. The proposed improvements are intended to accommodate projected traffic increases through 2050 as part of this multimodal system. The potential for project-related increases in traffic has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, as a result of a number of regional and project strategies/improvements designed to reduce the growth in the number of VMT and to encourage options to

EMAILS — COMMENTS	RESPONSES
	01 cont. the use of single-occupant vehicles (refer to *Section 2.2.3* of the EIR/EIS). Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic, as well as Topical Response "Project Lifespan" regarding limited lifespan of transportation improvements. Regarding potential air and water quality related pollution, these issues are addressed in *Sections 3.14, Air Quality*, and *3.10, Water Quality and Storm Water Runoff*. For air quality, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project-related air quality considerations. Potential project-related water quality impacts are evaluated in *Section 3.10* for the identified build alternatives and the No Build alternative. This analysis also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

EMAILS – COMMENTS	RESPONSES
	01 cont. With regard to project expense, although all funding sources are constrained due to larger economic issues, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.
	02 Please refer to the response to your Comment 01 regarding potential for induced demand and previously considered alternatives.
	03 Traffic volumes on I-5 have historically increased despite continued increases in gasoline prices. The 2050 SANDAG Regional Transportation Plan (RTP) indicates that the increased demand will occur due to regional population growth, increased goods movement, increased economic growth, and greater recreational and tourist activity. As such, without improvements to I-5, traffic conditions and the effective movement of people and goods will continue to deteriorate. Please also refer to EIR/EIS *Section 1.3, Need for the Project*, and Topical Response "Projected Growth" for additional discussion of the need for the project. Regarding "transportation for the health of our region," refer to the response to your Comment 01 regarding the current regional multimodal transportation planning effort, as well as how potential health effects associated with traffic congestion also would be improved over existing conditions. The analysis in *Section 3.14* of the EIR/EIS indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions

EMAILS — COMMENTS	RESPONSES
	03 cont. for the No Build alternative and the build alternatives provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030. Potential long-term health effects from living in proximity to a freeway are addressed in *Section 3.14.3* of the EIR/EIS. Please note that (as described in the response to your Comment 01) the proposed project is specifically designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips, or "promote more traffic." 04 Regarding project contribution to alternative modes of transportation, the proposed use of High Occupancy Vehicle (HOV)/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Another important part of the proposed project consists of Direct Access Ramps (DARs) that move HOV/Managed Lanes users directly from on-ramps that are often associated with park and ride lots, onto I-5 and directly into the HOV/Managed Lanes. A number of community enhancement features also are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. Please also refer to the response to your Comment 01 regarding other ongoing public transportation alternatives that are part of the solution to North Coast Corridor transportation issues, as well as alternatives previously screened for the North Coast Corridor (including ferries).

EMAILS — COMMENTS

Karen Asedo
Tuesday, October 26, 2010, 12:38 PM
Subject: I-5 proposed widening

01 I first heard of this plan several weeks ago when I ran into someone who apparently has a home that will be taken if this plan goes forward. She told me about a meeting that she and her husband went to in Oceanside re same. I was stunned to hear about this as I have lived in the same location for 40 years and not received any notification and I assume if i got the newspaper I would have read about it but I do not subscribe to the paper. She told me that she would let me know when she heard of another meeting; however, unfortunately she had a family emergency and is out of town and another friend gave me a news article from October 21, 2010 regarding this project.

I am wondering how I might be informed of any public hearings coming up as this project most definitely effects me and many of my close friends, not to mention our City. I live at the end of South Horne Street and my best friend lives direclty behind me on Lincoln Street and as you can imagine, it will effect us and the City we love - and the additional coastal landscape that we cherish.

Any assistance you can give would be greatly appreciated as it seems there is a November 22nd deadline to make our voices heard opposes this plan.

Sincerely, Karen Asedo

Monday, November 08, 2010 3:13 PM
Subject: Question inquiring about I-5 Corridor

02 Question: Living in Oceanside since '68 & same house for 40 yrs, I'm concerned how this will effect our lives & environment with so much traffic, ala Los Angeles style, the ultimate inability to see even the ocean from the fwy, which is a huge draw because of the sheer beauty of our coastal towns. I'm aware the towns will still be there but make no mistake, it will have an enormous negative impact on the environment and the citizens for yrs

RESPONSES

Responses to Karen Asedo

01 Thank you for your comments, which are part of the public record. Please also refer to *Chapter 5, Comments and Coordination*, of the EIR/EIS, which details the extensive I-5 outreach program.

Regarding effects to your city, the North Coast Corridor is located in a highly urbanized part of northern San Diego County; generally characterized by its coastal location, ethnic diversity, established neighborhoods, commercial centers and activities, and preserves associated with coastal lagoons. The increased roadway surfaces and landform modification would be within a developed urban area. As discussed in *Section 3.4, Community Impacts*, the proposed project is not anticipated to impact community character or cohesion. Modifications to I-5 are not expected to result in a substantial adverse effect overall on the communities already crossed by this highway. Overall, the project is anticipated to improve existing community character by incorporating various design features and by improving connectivity between communities east and west of I-5 that were originally divided when the freeway was built. Please also refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County communities and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities and neighborhoods near the highway.

With regard to the coastal landscape, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project, with Final EIR/EIS *Figures 3-7.41* through *3-7.110* depicting differences between current and proposed views. View impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part

EMAILS — COMMENTS	RESPONSES
	01 cont. because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers (refer to EIR/EIS *Figure 3-7.122*), so that views would not be obstructed. In addition, this is a linear facility, and views shift as the viewer moves along the highway. Views along the project corridor would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development or changed due to implementation of project landscaping. Overall, these views would be similar to the existing view conditions. Please also refer to the Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. Following circulation of the Draft EIR/EIS, a public meeting was held on the Supplemental Draft EIR/EIS in August 2012. This was the final public meeting to be held for the proposed project; however, as a commenter, your name has been added to the project mailing list to assure that you have the opportunity to stay informed about the project. 02 Caltrans takes the potential impacts of its projects on communities and the environment seriously. Based on the results of the analysis contained in the EIR/EIS, it is understood that the proposed project would result in a number of environmental impacts, including impacts related to lagoons, traffic noise, visual quality, community character, cultural resources, and water quality. In response to this awareness, Caltrans has worked closely with local communities and technical specialists to design the improvements to avoid, minimize, and/or mitigate project-related community impacts to the maximum extent practicable. Specifically, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as

EMAILS — COMMENTS	RESPONSES
	02 cont. the Preferred Alternative. While the Preferred Alternative would result in a corresponding reduction of potential impacts, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. Accordingly, the EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. Regarding your concern about Los Angeles-style traffic in Oceanside, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Please note that no one answer is appropriate for all segments of our state highway system; congested portions of I-5 in Orange County and Los Angeles are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously with other regional efforts to address transportation demand, including changes in land use patterns and improvement of public transportation alternatives. Please also refer to Topical Response “Projected Growth” regarding the accommodation of projected growth in traffic over time and Topical Response “Project Lifespan” regarding the fluid nature of transportation improvements, which change over time and can be iterative. Please refer to the response to your Comment 01 with regard to ocean views.

EMAILS – COMMENTS

Bill Baer
09/30/2010 12:54 PM
Subject: I-5 expansion

01 After reviewing the proposal to widen Interstate 5 in north San Diego County, I am against the most drastic option of adding 6 lanes in each direction, including the HOV lanes.

02 I believe just adding one additional lane in each direction would help relieve traffic conditions, plus it would not affect the environment as much. I still want to be able to see the coast while I drive- it is a great feature of this area.

03 I have seen other expansions- just in some parts of Orange County that have 5 lanes and traffic moves along quite nicely.

Thank you
Bill Baer
Carlsbad

RESPONSES

Responses to Bill Baer

01 Thank you for your comments, which are part of the public record. Consistent with your comment, following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

02 Regarding adding only one lane in each direction to help relieve traffic conditions, please note that during the analysis for the proposed project, it was determined that two High Occupancy Vehicle (HOV)/Managed Lanes in each direction would be the minimum number that would adequately address projected growth. Refer to EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, for additional information. The only through lanes proposed as part of the Preferred Alternative are HOV/Managed Lanes, which are expected to provide additional highway capacity by increasing the number of vehicle occupants while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods.

With regard to views of the coast while driving, as discussed in *Section 3.7, Visual/Aesthetics,* of the EIR/EIS, implementation of the proposed project could block some views due to noise barriers being constructed to reduce traffic noise. Please note, however, that specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to

EMAILS — COMMENTS	RESPONSES
	02 cont. coastal views. Please also refer to the Topical Response "Visual/ Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS).
	03 As indicated in this comment, varied lane numbers work variously well along the State highway system. Each route carries different numbers of users, variable peak use hours, and has different alternative routes or transportation modes available to it. As a result, no one answer is appropriate for all segments of our State highway system.

EMAILS — COMMENTS

Janice Barnard
08/19/2010 11:05 AM
Subject: I-5 Expansion - NO

01 I oppose any more expansion to the I-5 corridor without consideration to other efforts for mass transit. Is there a coordinated effort to move this state forward to a mass transit solution? Does CALTRANS speak with the Hi Speed Rail folks? Why not widen I-5 for true mass transit, just not more HOV lanes. We need a better solution versus more pavement. This is a crazy idea that any person or agency would consider expanding freeways versus using the money to repair and improve what we already have in place. What is wrong with California's government is short sighted, wasteful spending.

Janice Barnard
12777 Via Esperia
Del Mar, CA 92014

RESPONSES

Response to Janice Barnard

01 Thank you for your comments, which are part of the public record. With respect to your preference that mass transit is considered before any expansion of I-5 occurs, it is important to note that mass transit is being considered concurrent with the proposed project. As discussed in Topical Response "Multimodal System," the proposed improvements are part of the Regional Transportation Plan (RTP) prepared by the San Diego Association of Governments (SANDAG) to plan for the transportation needs of the San Diego region by the year 2050. The plan anticipates improvements to rail and bus services as well as freeways. The 2050 RTP places substantial emphasis on transit; the RTP allocates approximately 50 percent of the funding for the next 40 years to transit. Furthermore, the recently approved California Senate Bill 468 requires that multimodal projects occur concurrently with the construction of all or a portion of the capacity-increasing I-5 project, as specified in the Public Works Plan.

Caltrans is an active participant in multi-agency, multimodal planning efforts for the region. Please also refer to Topical Responses "Mass Transit" and "Rail Preference" for additional discussion regarding public transportation, as well as Topical Response "Corridor Alternatives" with regard to alternatives studied for the North Coast Corridor.

With respect to high speed rail, the northern-most San Diego County stop is projected to be Escondido, followed by downtown San Diego. The coastal cities would be by-passed by this rail line. This travel mode would be expected to divert longer-range travelers from I-5 but would not divert a significant number of peak hour commuters from I-5; therefore it would not be expected to improve the peak hour freeway level of service in the North Coast Corridor. Furthermore, according to the California High Speed Rail Authority's Revised 2012 Business Plan, the high speed rail segment from San Francisco to Los Angeles/Anaheim is not anticipated to be completed until 2029, with the segment

EMAILS — COMMENTS | RESPONSES

01 cont. from Los Angeles to San Diego following later. Thus, potential traffic benefits associated with high speed rail would not occur until well into the future. The proposed I-5 improvements are considered necessary to address existing congestion, as well as that projected to occur.

It is important to note that the proposed improvements are designed to promote mass transit. In fact, as noted in EIR/EIS *Section 1.2, Purpose for the Project*, one of the key project objectives is to provide a facility that is compatible with future bus rapid transit and other modal options by including improvements to facilitate bus rapid transit.

Simple maintenance will not address operational efficiency to the necessary level, and the existing I-5 width does not permit for additional lane enhancement without also adding width. With regard to spending money for project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.

EMAILS – COMMENTS

Celia D. Bartholomew
Wednesday, October 13, 2010 1:09 PM
Subject: Question inquiring about I-5 Corridor

01 Question: Regarding the proposed expansion of the I-5 in North County San Diego... 1.Why are you advocating adding toll lanes for cars with single occupants, regardless of their emission profile when you are marketing emphasizing environmental issues? 2.How can you justify
02 encouraging the doubling of vehicular traffic on I-5 when the current levels of micro-particulate pollution in surrounding neighborhoods already reaches or exceeds the recognized levels of safety?

Thank you.

RESPONSES

Responses to Celia D. Bartholomew

01 Thank you for your comments expressing concern over adding toll lanes for cars with single occupants. Under the proposed project, the general purpose lanes would remain available for all motorists, and the proposed High Occupancy Vehicle (HOV)/Managed Lanes would be available to transit vehicles and carpools (HOV) free of charge. Value pricing is also proposed for the HOV/Managed Lanes, which is an option that provides additional highway capacity by allowing single-occupant vehicles to pay to use the HOV/Managed Lanes when extra capacity exists, as approved by California Assembly Bill 574 (2007). California Senate Bill 468 (2011) specifically authorized the establishment of a High Occupancy Toll (HOT) program on I-5 to be administered by the San Diego Association of Governments (SANDAG). In addition to the traffic flow (and associated air quality), benefits of allowing the use of these lanes when capacity exists include revenues from the program that would be used to improve transit services and HOV facilities. Please refer to *Section 1.3.5* in the EIR/EIS for additional information and benefits of value pricing.

02 With regard to your comment concerning "the doubling of vehicular traffic on I-5," please note that the role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. The project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to

EMAILS – COMMENTS	RESPONSES
	02 cont. result in increased traffic, referred to as induced or latent demand, has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road that would result from proposed project improvements is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. With respect to project-related concerns regarding micro-particulate pollution (particulate matter [PM] and air quality), these issues are addressed in EIR/EIS *Section 3.14*, *Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. With respect to PM, and based on screening using U.S. Environmental Protection Agency PM guidance (as described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing the build alternatives against a no build condition. The proposed project would improve traffic operations by smoothing traffic flow as described above, and would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards, and would be unlikely to increase the frequency or severity of any existing nonattainment of those standards. A number of measures are also identified in *Section 3.14.4* to control construction-related particulate generation (e.g., dust), including required conformance with Caltrans Standard Specifications which also require conformance to applicable San Diego Air Pollution Control District regulations. Please also refer to Topical Response "Air Pollutants" for additional information on project air quality considerations.

EMAILS – COMMENTS

Kim/Tony Basile
09/14/2010 07:28 PM
Subject I5 expansion in San Diego County

01 In your environmental impact statement, you claim that the I5 expansion will reduce NOx, GHG, and particulates. How is this possible when you will be increasing traffic by an estimated 50%?

09/14/2010 07:30 PM
Subject: I5 Expansion in San Diego County

02 In your Newsletter 3, you indicate that the coastal communities will be enhanced. How will increasing air and water pollution, noise pollution and traffic as a result of the I5 expansion going to enhance our coastal communities?

09/14/2010 07:34 PM
Subject: I5 corridor expansion in San Diego County

03 The extensive highway network around and through Los Angeles has done little to alleviate congestion and pollution in that city. Given this well studied example, why does Caltrans persist in believing that an expansion of the I5 corridor is the solution to traffic congestion in San Diego county?

09/14/2010 07:40 PM
Subject I5 Corridor expansion in San Diego County

04 The I5 North Coast Corridor Right of Way fact sheet provides a high level summary of the process for acquiring private property in the way of the I5 expansion. What is to happen to the adjacent properties that will be heavily impacted by the noise, air and water pollution, and restriction of access and views with a concomitant reduction in property value? How will these landowners be reimbursed?

09/14/2010 07:51 PM
Subject I5 Expansion, San Diego County

05 The traffic noise basics newsletter outlines typical noise levels, the types of noise that Caltrans can control and how distance reduces noise. Caltrans personnel have measured current street noise in my neighborhood at 63 db, indicated in figure 1 as "Normal Speech" Why is it acceptable to Caltrans that I have traffic noise of the level of "normal speech" in my bedroom at night while Im trying to sleep? Most of the traffic noise I am currently experiencing is generated from the interaction between vehicle tires and the road. The traffic noise basics newsletter indicates that this is noise that Caltrans can control. How will Caltrans work to keep that noise from increasing, or even reduce the noise below the current levels that I am suffering through? The newsletter indicates that free-flowing traffic is the noisiest. Given that congested highways are quieter than free-flowing highways, why is an expanded I5 corridor desirable from a noise perspective?

06 If distance is the most effective way to reduce noise levels, why not put another freeway far to the east of the current I5 corridor? This would reduce my noise levels.

RESPONSES

Responses to Kim and Tony Basile

01 Thank you for your comments regarding potential project-related air quality concerns, including oxides of nitrogen (NO_X) and particulate matter (PM) emissions, greenhouse gas (GHG), and traffic levels associated with the proposed project, which are part of the public record. With respect to general air quality concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. For PM such as dust and diesel exhaust particulates, the noted project improvements to traffic operations would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards and is unlikely to increase the frequency or severity of any existing nonattainment of those standards. Additionally, based on screening using U.S. Environmental Protection Agency PM guidance (as described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing build alternatives against a no build condition. A number of measures are also identified in EIR/EIS *Section 3.14.4* to control construction-related particulate generation (e.g., dust). Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality issues.

Regarding GHG concerns, EIR/EIS *Section 4.6, Climate Change*, provides an analysis of associated GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. As discussed therein and above in this response, the project would be expected to result in lower overall air emissions (including GHG) compared to existing conditions. The project build alternatives, for example, are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative (refer to Final EIR/EIS *Table 4.2*). Please also refer to Topical Response

EMAILS – COMMENTS	RESPONSES
	01 cont. "Climate Change" for additional information on GHG and related global warming and climate change issues. The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. With regard to increasing traffic, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic, referred to as induced or latent demand, has been included in the project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road that would result from the proposed project improvement is anticipated to be relatively small. Please refer to Final EIR/EIS *Table 3.6.2* for more information on the difference of average daily trips for each build alternative as compared to the No Build alternative. Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. 02 A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve

EMAILS – COMMENTS	RESPONSES
	02 cont. amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, connectivity across I-5, and trailheads and other recreational opportunities. As stated in EIR/EIS *Section 3.4, Community Character and Cohesion*, and because the project generally would improve, rather than adversely impact recreational facilities and would enhance access within the community, the implementation of new project features is not expected to have an adverse effect on regional quality of life or community character. Regarding potential project-related air pollution (air quality) concerns, please refer to the response to your Comment 01. With respect to potential water quality related pollution, this issue is addressed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*. As described therein, potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

EMAILS – COMMENTS	RESPONSES
	02 cont. Regarding potential noise concerns, and as discussed in EIR/EIS *Section 3.15, Noise*, although project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration [(FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K, as well as *Section 3.15.4*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. 03 Regarding potential project-related traffic concerns, please refer to the response to your Comment 01. No one answer is appropriate for all segments of our State highway system; congested portions of I-5 in Los Angeles are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously with other regional efforts to address transportation demand, including changes in land use patterns and the improvement of public transportation alternatives. Please also refer to Topical Response "Project Lifespan" regarding the fluid nature of transportation improvements, which change over time and can be iterative.

EMAILS — COMMENTS	RESPONSES
	04 Regarding potential noise and air/water pollution (air and water quality) concerns, please refer to the responses to your Comments 01 and 02 above. Permanent restriction of access via existing driveways and streets is not anticipated for properties adjacent to those where new right-of-way is acquired. Should temporary effects result during active construction, they would be addressed in the Traffic Management Plan developed for use during construction. Emergency access to all abutting properties would be maintained at all times. If residential views are obstructed due to construction of a soundwall, transparent upper panels may be installed if related maintenance agreements are established with the associated property owners. With respect to property value reimbursement, property owners will be reimbursed only for property acquisition. Substantial adverse impacts to property values are not anticipated from the project's implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value. 05 Regarding potential noise levels and project-related concerns, and as noted above in the response to your Comment 02, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable FHWA and Caltrans guidelines. Based on the measured local noise level referenced in this comment (63 dBA), the noted FHWA and Caltrans criterion of 67 dBA would not be approached (i.e., extend to within one dBA of the standard) or exceeded; therefore, abatement would not be applicable. Please also note that the noise levels identified for noise receptors is based on exterior noise; standard residential construction materials result in approximately 20 dBA attenuation from exterior to interior noise levels with windows closed. With respect to the potential for Caltrans to control noise generated "from the interaction between the tire and the road" as indicated

EMAILS – COMMENTS	RESPONSES
	05 cont. in the referenced "Traffic Noise Basics" Newsletter, such potential control is limited to modifications in the roadway surface texture, rather than the roadway materials. Quieter pavement, however, is currently not listed in 23 CFR 772 as a noise abatement measure for which federal funding may be used. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. In some special circumstances, Caltrans may consider using state only funds to pay for quieter pavement to reduce traffic noise. Related information is available at: http://www.dot.ca.gov/hq/env/noise/index.htm#2011catnap. As indicated in this comment and noted in the "Traffic Noise Basics" Newsletter, one of the factors that generally increases roadway traffic noise is higher speeds (i.e., "free-flowing traffic"). As stated in EIR/EIS *Section 1.2, Purpose for the Project*, the overall project purpose is "To maintain or improve the existing and future traffic operations in the I-5 North Coast corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year of 2030." As described in *Section 3.15* of the Draft EIR/EIS, noise impacts from the I-5 widening project were identified and abatement measures are incorporated in the project. The future "with-project" noise levels would be approximately zero to three dBA higher than the future no build noise levels for most residences adjacent to the I-5 freeway. As noted in *Section 3.15* of the Final EIR/EIS and, as stated in the Caltrans Traffic Noise Analysis Protocol, the average healthy ear can barely perceive noise changes of 3 dBA or less. Please also refer to the response to your Comment 02.
	06 With respect to "constructing another freeway far to the east" as a means to reduce noise levels, such an undertaking would likely entail substantially higher costs and greater environmental impacts (including noise) than the current proposal to expand an existing freeway corridor. It also would not serve the same populations served by the I-5 improvements. Accordingly, based on the noted concerns, this scenario is not considered to be a practicable option for the proposed project.

EMAILS — COMMENTS

09/14/2010 07:53 PM
Subject: I5 Corridor expansion, San Diego County

07 How will having elevated concrete retaining walls lining the limits of the proposed I5 expansion control the noise impact to the adjacent neighborhoods?

09/14/2010 07:58 PM
Subject: I5 Corridor Expansion San Diego County

08 Part of the I5 corridor expansion appears to include improvements in the LOSSAN Rail corridor. How much of an expansion in public transportation along this corridor would be required to reduce the vehicular traffic along I5 that is estimated to increase over the next 30 years?

09 What would the expansion of public transportation (both rail and express buses) cost? What is the feasibility of expanding public transportation within the I5 corridor?

09/14/2010 08:07 PM
Subject I5 corridor expansion San Diego County

10 It is proposed that the I5 corridor be expanded in San Diego county to improve access to the North Coast Corridor's unique amenities. How much will the feeder roads to these amenities (eg, Poinsettia Ln, Tamarack Rd, Encinitas Ave, La Costa Ave) have to be expanded to handle the estimated increase in traffic?

11 What structures will have to be built to handle the increased requirement for parking at the State Beaches served by these and other feeder roads?

What impacts will this construction have on the beach and lagoon resources in this area, and what will it cost to ameliorate the impact?

12 Why wouldnt it make more sense to improve public transportation to these resources? Currently, there is little or no service to these state parks from the nearby trainstops. Moreover, service over the weekends is limited. Why cant the number of trains be expanded? Can light rail be run on the existing trackbed?

09/14/2010 08:10 PM
Subject: I5 Corridor Expansion, San Diego County

13 It is claimed that the proposed expansion will preserve vistas of the unique North Coast amenities, including rolling hills, chaparral, lagoons, etc. How can these vistas be preserved when high concrete retaining walls and traffic containment barriers are erected along the path of the expansion?

A. Basile
6944 waters End Drive,
Carlsbad, CA 92011

RESPONSES

07 Regarding the effect of concrete retaining walls on noise control, retaining walls are typically used to reduce grading and excavation requirements by providing structural support for steeper excavated slopes. Specifically, retaining walls are generally intended to reduce the horizontal limits of grading and excavation required to accommodate shallower slopes. As a result, retaining walls are not designed for, and typically do not provide, noise control benefits from such sources as roadways.

08 Regarding improvements to the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor and other public transportation, these facilities, as well as I-5, have been identified as requiring improvements in order to accommodate projected traffic increases through 2050. The North Coast Corridor improvement effort is a multi-agency, multimodal effort. The proposed I-5 improvements constitute only one element of this effort. All transportation modes, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response “Projected Growth”), these measures are not a substitute for freeway widening. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding mass transit options. Please also refer to the Topical Response “Transportation Funding” for information on issues related to use of public highway funding for alternative transportation modes.

09 The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Although SANDAG revised the timing of bus rapid transit service in the North Coast Corridor following the publication of the

EMAILS – COMMENTS	RESPONSES
	09 cont. Draft EIR/EIS (see the Final 2050 RTP of October 2011), the I-5 project would support future implementation of this program. A number of community enhancement features also are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. The project also is specifically intended to be compatible with other modal options. Please also refer to the response to your Comment 08 regarding public transportation, as well as to Topical Response "Corridor Alternatives" regarding other alternatives considered for the corridor, including other public transportation options.
	10 The project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. As further described in Topical Response "Projected Growth," the minimal projected increase in VMT on I-5 resulting from project implementation would be accompanied by a decrease in VMT along regional arterials. The project is, therefore, not anticipated to result in adverse impacts to local feeder roads.
	11 As stated in response to your Comment 10, the project would carry traffic that is anticipated from regional growth. The potential for a slight increase in traffic on I-5 as a result of project improvements would be offset by decreases in other north-south arterials. As a result, project improvements are not expected to result in increased demand for parking at State beaches. Therefore, no additional parking is proposed. The impacts to lagoons and beaches are addressed in the EIR/EIS, and the total environmental mitigation cost is currently estimated to be approximately $100 million, which includes mitigation for impacts to beaches and lagoons. In addition, among the project features are facilities to protect water quality, and these are included in the total estimated project cost of more than $3 billon.
	12 Although supportive of public transportation, Caltrans has no authority to independently require or authorize activities related to such alternative transportation modes. Comments regarding

EMAILS – COMMENTS	RESPONSES
	12 cont. these topics would be better directed to the North County Transit District, which is responsible for public transportation in the North Coast Corridor.
	13 *Section 3.7, Visual/Aesthetics*, of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specific to your concern regarding preserving vistas of the unique North Coast amenities, retaining walls would not result in the blockage of ocean views, as they would either be down slope from the freeway or would replace a hillside that currently blocks views. The barriers proposed for the 10+4 Barrier alternative and 8+4 Barrier alternative would be two feet high (*Figures 2-2.2a* and *2-2.2b*, respectively); these "traffic containment barriers" would not obstruct views. Please refer to Topical Response "Visual/ Community Effects" for more information regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the anticipated less than substantial nature of project effects as the viewer leaves the I-5 corridor.

EMAILS – COMMENTS

Tim Bearden
09/23/2010 10:34 PM
Subject: expansion

01 Just wanted to say that I live in Oceanside and I am all for the I-5 expansion. I think the environmental impact is from not fixing the problems of heavy congestion on this freeway.

Tim Bearden
4216 Thomas St
Oceanside, CA 92056

RESPONSES

Response to Tim Bearden

01 Thank you for your comments, which are noted and are part of the public record. Your opinion is consistent with findings in the EIR/EIS regarding air quality and greenhouse gases. Emissions would be lowered from those of baseline (2006) conditions due in part to lowered congestion, with associated lowered rates of vehicle idling.

EMAILS – COMMENTS

William Beck
11/21/2010 11:01 PM
Subject: Comments to Draft EIR

01 I oppose all expansion options. I have included several questions regarding your report.

02 Chapter 3.19 - Affected Environmental Consequences, and avoidance, Minimization and/or mitigation, Plant species; this section omitted an assessment of the San Elijo Lagoon area. This area which is planned for encroachment with the expansion options currently sustains numerous rare plant types including Del Mar Manzanita, wart stemmed ceanothus, Del Mar San aster among others. This area needs to be assessed with appropriate mitigations offered.

03 Other areas which were evaluated offered only mitigations of re- vegetating disturbed areas but no compensation to the coastal scrub acreage which would be lost to expansion. The limited acreage of coastal scrub is an issue to both the rare plant species currently inexistence, as well as to the endangered species which require coastal sage scrub such as the California Gnat Catcher. Given the limited coastal range of these species, it is imperative to retain or expand suitable areas for habitation. How will compensating acreage be provided to offset sensitive acreage lost to expansion? as currently referenced, (pg 3.21-7), compensatory mitigation is bounded by "To the extent practicable, some compensatory mitigation would be completed in each watershed". What is the definition of "extent practical, and some compensatory".... who makes these determinations and when will they be made? In what way has it been determined that lost sensitive acreage not be mitigated? Assuming that it will be mitigated, what areas are being provided and in what region so as to assure suitability for sustaining Coastal Sage Scrub?

04 In the vicinity of the Manchester exit and expansion adjacent to San Elijo Lagoon area, how will light and noise be addressed as potential impacts to resident species? This needs to be answered for both the temporary construction phase, and most importantly, the eventual reconfiguration. Please also provide the impact and mitigation for additional paved areas as it relates to additional water runoff and the effect on lagoon salinity and general water quality.

William Beck
760 San Mario Drive
Solana Beach CA 92075

RESPONSES

Responses to William Beck

01 Thank you for your comments, which are noted and are part of the public record. Your preference for the No Build alternative is noted.

02 Regarding potential project-related impacts and mitigation for sensitive plant species and related upland habitats at San Elijo Lagoon, the graphic depicting these rare plant locations and corresponding text descriptions regarding populations of Del Mar manzanita and wart-stemmed ceanothus were inadvertently omitted in the Draft EIR/EIS. The information correct at the time was included in Figure 3-3d and Section 3.7 of the Natural Environment Study (NES) and has been updated in this Final EIR/EIS. This Final EIR/EIS has been corrected to reflect the results of the NES. Up to six individual Del Mar manzanita plants could be impacted by each of the build alternatives. Draft EIR/EIS *Table 3.19.1* correctly identified that there would be potential impacts to wart-stemmed ceanothus and Del Mar sand aster from the build alternatives; this table has been updated in the Final EIR/EIS. As described in EIR/EIS *Section 3.19.4*, seed would be collected or plants would be salvaged to the extent practicable in the impact areas. Salvaged plants and seed would be planted in mitigation sites, revegetated new slopes, or in revegetated areas that were temporarily impacted.

03 Specifically, since the circulation of the Draft EIR/EIS, additional avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach.

A number of parcels have been identified and approved for acquisition as potentially appropriate upland mitigation areas, with related efforts potentially including habitat restoration, preservation, and long-term management. Specifically, the

EMAILS – COMMENTS	RESPONSES
	03 cont. following sites have been acquired for mitigation: all or part of the 23.1-acre Dean Mitigation Site adjacent to the San Dieguito Lagoon; the 19.3-acre Hallmark Mitigation Sites adjacent to the Agua Hedionda Lagoon; the 22.2-acre Deer Canyon II Mitigation Site located in the Los Peñasquitos Lagoon watershed east of the I-5 / State Route (SR-) 56 Interchange; the 5.0-acre Laser Mitigation Site located immediately west of southbound I-5 and north of Manchester Avenue; and the 19.8-acre La Costa (Ayub) Mitigation Site located near the Batiquitos Lagoon. The 47.8-acre Batiquitos Bluffs site has been proposed as potential upland mitigation. Specific to San Elijo Lagoon, the described mitigation program would include preservation at the Laser Mitigation Site. Caltrans has been working closely with the wildlife agencies and CCC, RWQCB, and NOAA Fisheries to develop the proposed mitigation package, which will be subject to further refinement during the permitting process.
	04 Regarding potential project-related indirect impacts to wildlife from noise and lighting, these issues are addressed in EIR/EIS *Section 3.21, Threatened and Endangered Species*. For noise impacts, bird species are the focus of the related EIR/EIS analysis because they utilize a variety of vocalizations throughout their daily activities (e.g., mating calls, contact notes, etc.). Specifically, the discussion in *Section 3.21* incorporates modeling of project-generated noise levels at a number of receptor sites, including four locations in San Elijo Lagoon. The results of these efforts indicate that projected future noise levels at the lagoon would increase by one decibel at three receptors, and would decrease by one decibel at the fourth site (refer to Draft EIR/EIS *Table 3.21.2*). While this level of increase (or decrease) would be generally imperceptible to humans, the EIR/EIS notes that the level of noise changes that is perceptible to bird species is unclear and there is no single standard or threshold for determining substantial noise effects on all bird species. Studies conducted through the years for other projects indicate a possible noise effect threshold for certain species of songbirds have not been scientifically shown to be valid for those species addressed in the *I-5 NCC Project* Natural Environment Study (NES). Under existing conditions, however, noise in excess of 70 decibels occurs over various amounts of wetland and upland habitats that either support, or have potential to support, special status bird species at five

EMAILS — COMMENTS	RESPONSES
	04 cont. lagoons within the project area, including San Elijo. As described in Section 4.9 of the NES, while population numbers have undergone natural fluctuations over the years, these species continue to forage, nest, breed, and consistently occur within suitable habitat during the breeding season in areas subjected to a wide range of noise levels. For lighting, as noted in *Section 3.21.3*, indirect impacts to threatened and endangered species can result from increased lighting; each of the build alternatives would have incremental increases to indirect impacts affecting the habitat from the current configuration of I-5. Applicable conservation measures include: • The Biological Monitor and a Caltrans Project Biologist would be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Resident Engineer to ensure that issues relating to biological resources are appropriately and lawfully managed. • If nighttime construction is necessary, all lighting used at night for project construction (e.g., staging areas, equipment storage sites, roadway) would be selectively placed and directed onto the roadway or construction site and away from sensitive habitats. With respect to water quality, this issue is addressed in EIR/EIS *Section 3.10, Water Quality and Storm Water Runoff*. As described therein, potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program

EMAILS — COMMENTS	RESPONSES
	04 cont. (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K). Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Subsequent to circulation of the Draft EIR/EIS, the Water Quality Technical Memorandum for I-5 North Coast Corridor Project (August 2013) was prepared to update and supplement the Water Quality Report (WQR) prepared in 2009 for the *I-5 NCC Project*. The purpose of this technical report is to provide additional information related to the recently adopted Caltrans National Pollutant Discharge Elimination System (NPDES) permit and to describe Caltrans' practices and policies that are implemented by the various divisions to ensure all NPDES Permit mandates are complied with and documented. The limits and description of the project have not changed since the WQR was completed. Information presented in this technical report centers around the work being conducted in support of the Preferred Alternative. This technical memorandum discusses differences between existing and proposed impervious areas as well as existing "treatment" within the corridor. With regard to increased impervious surfaces, approved "treatment" BMPs proposed as part of the project would provide "treatment" of runoff from both existing and proposed pavement areas within the project corridor. As shown in Final EIR/EIS *Table 3.10.8*, the Preferred Alternative (the refined 8+4 Buffer alternative and the smallest of the build alternatives proposed in the EIR/EIS) would result in approximately 214 acres of new paved area, with "treatment" to be provided for approximately 112 percent of the equivalent new impervious area for the Preferred Alternative. Currently seven percent of existing impervious areas is being treated. The Preferred Alternative would result in a total of 27 percent of total impervious areas (existing and new) being treated. Additionally, it should be noted that the I-5 bridge at San Elijo Lagoon would be widened and lengthened as part of the project design to accommodate a wider

EMAILS – COMMENTS	RESPONSES
	04 cont. channel. As part of project design and mitigation, Caltrans would be lengthening the bridge at San Elijo Lagoon to allow for a channel that is twice as wide. The widened bridge is required for two of the three build alternatives for the restoration of San Elijo Lagoon. The result would be a net increase in wetland in San Elijo Lagoon. Funding of the restoration of San Elijo Lagoon has been identified as a probable part of the mitigation package for the *I-5 North Coast Corridor Project* and LOSSAN projects. Overall water quality and hydrodynamics within the lagoon would be much improved by the wider channel and restoration. In addition, bioswales are being proposed to treat highway runoff. Moreover, Caltrans is evaluating the logistics of diverting the detention basin first flush onto the sewer connection that is constructed at Manchester Avenue.

EMAILS – COMMENTS

Amy Bennett
07/24/2010 09:22 PM
Subject comments about I-5 EIR

To whom it may concern, Re: Comments about the widening of Interstate 5 in Encinitas CA. Below please find 1) my new comments and 2) an article I wrote that was published in the North County Times responding to an editorial.
Thank you for your consideration of my concerns.

01 1) Comments about Adding Lanes to I-5:
More lanes, more cars.
Per capita, cities with more major highway capacity have higher levels of air pollution from vehicles.(1) Peer reviewed data that shows adding freeway lanes encourages longer and more frequent travel and adds more CO2 and other pollutants in to the atmosphere and overall does not reduce congestion.(2)
More Lanes, More Health Problems.
The CDC states "Transportation-related air pollutants are one of the largest contributors to unhealthy air quality. Exposure to traffic emissions has been linked to many adverse health effects including: premature mortality, cardiac symptoms, exacerbation of asthma symptoms, diminished lung function, increased hospitalization and others."(3)
More lanes, more greenhouse gases contributing to climate change.
The Clean Air Act requires states to demonstrate that their planned transportation investments will not cause or exacerbate violations of national health-based air quality standards. AB 32 directs California to lower dangerous greenhouse gases that contribute to climate change. Widening Interstate 5 threatens our future well being.
1. http://uspirg.org/uspirg.asp?id2=12484&id3=USPIRG&
2. Transportation Research Board, Expanding Metropolitan Highways: Implications for Air Quality and Energy Use, TRB Special Report 245, Washington, DC: National Academy Press, 1995, p. 162.
3. CDC Recommendations for Improving Health through Transportation Policy Centers for Disease Control and Prevention 4/28/10

02 2) My article published in the North County Times
FORUM: Better options available than cement
By AMY HOYT BENNETT -- Encinitas | Posted: July 21, 2010 12:01 am
Regarding the North County Times editorial "Support plans for wider I-5" (July 8), I disagree with the Times' logic. Polling suggests residents desire a "suburban lifestyle," therefore more lanes and more cars? Instead, it may suggest we want the suburban qualities of a clean, healthy, quiet lifestyle.

03 I live several blocks from I-5. I hear the freeway at all hours. My family breathes a high concentration of pollutants from those cars. The dust in my house is foul. University of Southern California asthma researchers have proven the dangers of freeway exhaust, but Environmental Impact Reports we are asked to review do not consider my child's or my lungs.

04 On a larger scale, we must cut back drastically on CO2 to combat climate change. The National Academies of Sciences recently added its voice to the consensus, stating warming is "caused largely by human activities," and "poses significant risks." It's a local and global problem. The Times' claim that it takes "unbelievable hubris" to ask the public to use mass

05 transit should be turned on its head. No one likes to sit in traffic, but traffic congestion is not a "threat to liberty"; it is a transportation system that simply doesn't work and clearly hurts others.

RESPONSES

Responses to Amy Bennett

01 Thank you for your comments regarding project-related air quality concerns and associated potential health effects. The project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor over the No Build alternative because of anticipated population growth. Specifically, as described in EIR/EIS *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*, this would be accomplished through efforts including the addition of High Occupancy Vehicle (HOV)/Managed Lanes, related accommodation of bus service, interchange improvements, and the provision of enhanced pedestrian and bicycle facilities. Accordingly, as described in EIR/EIS *Section 3.14, Air Quality*, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing conditions, including carbon dioxide (CO_2) as discussed separately below. Please refer to EIR/EIS *Sections 3.14.1* and *3.14.3* for specific information on regulatory requirements and existing and projected air quality conditions, and to Topical Response "Air Pollutants" for additional information on potential project-related air quality issues.

With regard to the potential for the proposed project to result in longer or more frequent travel, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of vehicle miles traveled (VMT). Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable

EMAILS – COMMENTS	RESPONSES
	01 cont. ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of VMT is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. Regarding potential air quality related health effects, the analysis in *Section 3.14* also indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions; MSAT emissions for the No Build alternative and the build alternatives are provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030. The proposed project, as previously indicated, would reduce emissions and improve overall air quality relative to existing conditions. With respect to greenhouse gas (GHG) generation, EIR/EIS *Section 4.6, Climate Change*, includes an analysis of project GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. Compared to the No Build alternative, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day. These decreases would be due to the decreased congestion and improved travel times along the corridor. Please also refer to Topical Response "Climate Change" for additional information on global warming and climate change issues. 02 In the context of this project, suburban lifestyle would be expected to include the concept of residing further from the densest urban areas with associated need for transportation modes to access them when necessary. This does not undermine the desire for a clean, healthy, quiet lifestyle.

EMAILS – COMMENTS	RESPONSES
	03 With respect to general project-related air quality concerns and associated potential health effects, please refer to the response to your comment 01 above. In addition, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. For particulate matter (PM) such as dust, screening using USEPA PM guidance (as described in EIR/EIS *Section 3.14*) determined that the proposed project is not a Project of Air Quality Concern, due to relatively low truck volumes and the percentage of traffic when comparing the build alternatives against a no build condition. The proposed project would improve traffic operations by smoothing traffic flow as previously described and would contribute to lower PM emissions. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards and would be unlikely to increase the frequency or severity of any existing nonattainment of those standards. A number of measures are also identified in *Section 3.14* to control construction-related particulate generation (e.g., dust), including required conformance with applicable San Diego Air Pollution Control District standards.
	04 Regarding potential CO_2 generation and climate change concerns, please refer to the response to your Comment 01 above.
	05 With regard to mass transit, alternative transportation methods are critical to keeping San Diegans moving, and mass transit options provide critical elements of the regional transportation network. As such, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort.
	06 The investment in the *I-5 NCC Project* would result in a number of benefits related to conditions experienced by motorists within the project corridor as well as the regional population. Anticipated reductions in travel time during peak hours and the duration of congestion would be two of the predominant benefits of the

EMAILS — COMMENTS

06 We neatly pave over the lie: We tell ourselves that we are entitled to drive endlessly, often aimlessly, anywhere, anytime, at taxpayers' expense. Considering the national debt, it does not follow to ask the government to spend billions on a freeway project that will not slow congestion. Add a lane and it will just clog right up again.

07 What happened to "First, do no harm"? The Constitution did not grant drivers the right to give asthma to their neighbors or pump damaging carbon into the atmosphere.

Knowingly degrading air quality requires a deceptive brand of hubris, sacrificing logic and science to guard a point of view. Think of the tragedy in the Gulf. We should turn the rear-view mirror to ourselves to identify the culprit.

08 An economy dependent on growth for growth's sake lacks sustainability. How can we continue to do things the same way and expect a different result? We need a long view. More effective mass transit, communities where people live and work or telecommute may not function for everyone, but they are sustainable systems that should be encouraged to protect our well-being, liberty and happiness.

09 Let's drop the polarizing blame game and work together to fix this. Generally, people will not change and give up dirty energy without a carrot and a stick.

We need to price the carbon at the heart of the problem. China and India are jumping ahead of us, producing a continuing economic threat. A revenue-neutral carbon fee would level the playing field for local investments and jobs in clean-tech such as solar, wind and algae fuels being developed in San Diego.

Returning revenues to households will ease the transition. Adding freeway lanes is a nonstarter. Americans have more innovative answers than a slab of cement. AMY HOYT BENNETT lives in Encinitas. Posted in Commentary on Wednesday, July 21, 2010 12:01 am | Tags: Community Forum, Nct, Opinion http://www.nctimes.com/news/opinion/commentary/article_95254072-f414-519f-be32-29b61737be62 .html

RESPONSES

06 cont. project. The proposed project would reduce travel time through the corridor by between 2 and 22 minutes. The proposed project would reduce the duration of congestion within the corridor by up to five hours.

Reductions in travel time and duration of congestion would benefit consumers by eliminating the adverse impacts on the costs of goods due to increased travel time. Increased travel time proportionately increases the cost of goods to the consumer due to increased labor and fuel costs associated with longer travel times. Longer travel times also adversely affect commuters' quality of life by forcing them to spend more time in their cars. Increased and unreliable employee commute times also adversely affect businesses by reducing productivity on the part of employees which, in turn, adversely affects the ability of the employers to meet the needs of their clientele. Please also refer to the response to your Comment 01 regarding accommodation of anticipated regional growth.

07 With respect to project-related air quality concerns and associated potential health effects, please refer to the responses to your Comments 01 and 03 above.

08 The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by these local and regional planning agencies. Please refer to Topical Response "Projected Growth" for additional discussion. As described in Topical Response "Multimodal System," a comprehensive regional planning process has been undertaken to address regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. While the planned growth pattern is anticipated to result in increased use of transit, and transit improvements are planned for the corridor (refer to Topical Response "Mass Transit"), the changes that are contemplated in land use planning and alternate transportation

EMAILS — COMMENTS	RESPONSES
	08 cont. modes will take many years to come to fruition. The associated RTP, therefore, identified the need for a number of regional roadway improvements, including the proposed project, to accommodate projected transportation demand through 2050. Regarding telecommuting (teleworking), both the 2030 and 2050 San Diego Association of Associated Governments (SANDAG) Regional Transportation Plans (RTPs) estimate teleworking to be used by only five percent of the work force. The 2050 RTP states: > In our region's efforts to identify cost-effective strategies for reducing peak period congestion and the associated greenhouse gas emissions, telework rises to the top. However, telework is a solution that currently lacks a dedicated program. To promote it, iCommute proposes to launch a regionwide telework program that includes incentives and technical assistance to support employers with developing telework policies and programs. Flexible working hours, telecommuting and carpooling, in addition to discounted fares for public transportation, are among options that are available to Caltrans employees. Requiring other employers to implement similar programs, however, is beyond Caltrans' ability. Support of the iCommute program by the citizenry would help improve telecommute percentages, with corresponding reductions in congestion. Until the percentage of individuals participating is much higher than five percent, however, ongoing transportation upgrades will be needed.
	09 Implementation of the "carbon fee" identified in this comment is beyond the control of Caltrans and would not contribute to the primary purpose of the *I-5 NCC Project*, which is to facilitate transportation within the North Coast Corridor. Your comments would be better addressed to the California Environmental Protection Agency, the California Legislature, and the Governor's Office. As indicated in response to your Comment 06, the project does have substantial benefits with respect to accommodating the future transportation needs in this corridor.

EMAILS — COMMENTS

Barbara Berrier
Monday, August 23, 2010 7:22 PM
Subject: Question inquiring about I-5 Corridor

01 Question: When and where will there be public information meetings (not opinion meetings from the public) from Caltrans regarding the I-5 Corridor expansion in north San Diego County?

RESPONSES

Response to Barbara Berrier

01 Thank you for your interest in the project. The public meetings were intended to serve both purposes identified in your comment: to provide information regarding the project, as well as provide an opportunity for the public to comment. Following the circulation of the Draft EIR/EIS, a public meeting was held on the Supplemental Draft EIR/EIS in August 2012. This was the final public meeting to be held for the proposed project; however, as a commenter, your name has been added to the project mailing list to ensure that you have the opportunity to stay informed about the project.

EMAILS — COMMENTS

Ralph Berry
11/20/2010 12:52 PM
Subject: I-5 Widening - questions about cost and funding

Dear Caltrans,
Please answer the following questions regarding cost and how the I-5 widening will be funded. Thank you. Ralph Berry

01 1) The proposal says that the project will be completed in three phases. Will all the funding be secured before each phase is started? Where will funds come from if a phase goes over budget?
2) Was inflation factored into the estimates?
3) How much will it cost to maintain the expansion? Who will pay for it?
4) What percentage of funding comes from the following sources? a) TransNet b) Federal Funding c) State Funding d) Property Tax increases (special assessment?) That includes the current plan and any potential changes when it is underway.

RESPONSES

Response to Ralph Berry

01 Thank you for your comments, which are part of the public record. Your questions regarding project funding are answered below:

1) With regard to funding for project improvements, funding for each of the three project phases would be secured before it is initiated. Specifically, these three project phases are associated with phasing in the San Diego Association of Governments (SANDAG) 2050 Regional Transportation Plan (RTP), and would be split into multiple construction contracts. Each individual contract must be fully funded prior to commencing construction activities. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.

2) Cost information in the Draft EIR/EIS was presented in 2010 dollars. These have been updated to 2013 dollars in the Final EIR/EIS. Both revenues and costs would increase the same amount over time with inflation.

3) Maintenance costs associated with the proposed expansion are anticipated to represent an incremental increase relative to existing facility maintenance costs. Maintenance funding would be provided through the Caltrans budget appropriation process. One of the goals of the *I-5 NCC Project* is to maintain or reduce existing maintenance resource needs.

EMAILS — COMMENTS	RESPONSES
	01 cont. 4) In general, projects such as the *I-5 NCC Project* that are included in the 2050 RTP Revenue Constrained Scenario are anticipated to receive approximately 55 percent of their funding from local sources, 28 percent from State sources, and 17 percent from federal sources. As of February 2012, a total of $560.6 million has been secured from a combination of federal, State, and local funds. Specifically, this includes $35.1 million in federal funds, $52.5 million in State appropriations, and $473 million in local TransNet funding. These monies will fully fund the first three construction projects identified as part of phase one, including: (1) the extension of High Occupancy Vehicle (HOV)/Managed Lanes from Manchester Avenue to State Route (SR-) 78; (2) the San Elijo Bridge replacement; and (3) the construction of soundwalls on private property from Manchester Avenue to SR-78. The project has been identified as a high priority by SANDAG and is part of the TransNet Early Action Program No project funding would come from property tax increases. You are also encouraged to visit the TransNet Dashboard at www.transnettrip.com and the keepsandiegomoving website at http://www.keepsandiegomoving.com/I-5-Corridor/I-5-EL-Schedule.aspx to view the status of the *I-5 NCC Project*. These websites were created to keep the public informed and provide up-to-date schedule, budget, and expenditure information.

EMAILS – COMMENTS

Chris Betancourt
Wednesday, October 06, 2010 10:18 AM
Subject: RE: I-5 North Coast Corridor Project - Preliminary Timeline

Dear Jorge Perez:
01 I was wondering when the next event will be held. Please keep me in the loop on the I-5 project status I appreciate it very much.

Thank You
Chris Betancourt

RESPONSES

Response to Chris Betancourt

01 Thank you for your interest in the proposed project. Following the circulation of the Draft EIR/EIS, a public meeting was held on the Supplemental Draft EIR/EIS in August 2012. This was the final public meeting for the proposed project; however, as a commenter, your name has been added to the project mailing list to ensure that you have the opportunity to stay informed about the project.

You are also encouraged to visit the TransNet Dashboard at www.transnettrip.com, to view the status of the *I-5 NCC Project*. This website was created to keep the public informed on TransNet projects and provides up-to-date schedule, budget, and expenditure information.

EMAILS – COMMENTS

James Beyster
11/21/2010 06:24 PM
Subject: Review of I-5 NCC Project Draft EIR EIS

01

Dear Mr. Kosup,
Thank you for the opportunity to comment on the I-5 NCC Project Draft EIR. I live in the Del Mar Terrace area just north of Penasuitos Lagoon. Of the four build alternatives presented in the I-5 NCC Project Draft EIR EIS I prefer the 8+4 with a painted buffer separation for the HOV lanes. This alternative is the least expensive, has the smallest right of way footprint and I feel it least likely to cause bad unintended environmental consequences for the five lagoons that are crossed by the I-5.

The 8+4 buffered alternative adds two HOV lanes in each direction and does not add any more general use lanes. I think this is a good way to promote carpooling and transit in high occupancy vehicles in the I-5 NCC. I also think that the direct access ramps to the HOV lanes are a great idea.

The 8+4 buffered alternative's small footprint allows more room to be available to use for different rail routing alternatives in San Diego North County when the LOSSAN corridor double tracking project gets underway. I believe that double tracking in San Diego North County will make use of the Coaster and Amtrak more appealing for business commuters and vacationers. Freight shippers may also benefit from the double tracking because it will make shipping goods by rail into and out of San Diego more efficient. That means less car and truck traffic to accommodate in the I-5 NCC.

The 8+4 buffered alternative also addresses the traffic congestion problems that happen during the early morning commute at the I-5 south offramp to Genesse Ave.

02

My concern for the environmental impact to the five lagoons crossed by the I-5 is based on what I have seen along the east side of Penasquitos Lagoon in the area near the Carmel Valley Bypass and Old Sorrento Valley Road. I walk on Old Sorrento Valley Road along the eastern edge of Penasquitos Lagoon about once per week. Recently I contacted the Caltrans Water Department and Maintanence Department to let them know of accumulated trash in a fenced off area, the Storm water Pilot Project, just off Old Sorrento Valley Road. There is also a storm drain/ catch basin that empties out onto Old Sorrento Valley Road from under the I-5. Usually after a good rain there is plastic and Styrofoam garbage debri that deposits onto Old Sorrento Valley road. The Caltrans Water Department representative got a crew out to clean up the trash in the fenced off Storm Water Pilot Project area. Bravo! A Caltrans Maintanence Department rep also contacted me regarding the debri from the storm drain/ catch basin and said they would look into improvements there. During my conversations with one of the Caltrans representatives I was told that the staff available to take care of trash problems along the freeway corridors in San Diego is running thin because of a lack of funding. The Caltrans rep also said they really appreciate it when the public notifies them of trash problems along the freeway corridors.

I imagine that even the scoped down 8+4 buffered alternative will present some problems with added trash from vehicles and maybe more polluted storm water runoff. I urge you to look at and address those issues for the five lagoons

Thank you very much for the opportunity to comment on the I-5 NCC Project Draft EIR
Jim

RESPONSES

Response to James Beyster

01 Thank you for your comments, which are part of the public record. Consistent with your preference, following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

02 With respect to potential water quality concerns at lagoons from project-related trash and debris, this issue is addressed in EIR/EIS *Section 3.10*, *Water Quality and Storm Water Runoff*. Specifically, this analysis evaluates potential project-related water quality impacts in association with the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality impacts, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be

EMAILS – COMMENTS	RESPONSES
	02 cont. evaluated and implemented to address impacts during the planning and design, construction, and operational phases. The identified BMP categories target a number of potential project pollutants, including trash and debris. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. Thank you for your efforts to provide notification of accumulated trash and debris along the project corridor, as such input is helpful to facilitate timely clean up.

EMAILS – COMMENTS

James Beyster
11/21/2010

I-5/ Via De La Valle interchange- Class III per paragraph 3.6.2.2 of I-5 NCC Draft EIR.

Posted speed limit observed to be 40mph. The speed limit signs are not located close to the eastbound or westbound approaches to the I-5 bridge overpass. There are free right hand turns at this interchange in both directions for vehicular traffic to get on the I-5. I urge Caltrans and SANDAG to consider posting speed limit signs of 35mph on Via De La Valle near the eastbound or westbound approaches to the I-5 bridge overpass. If there were any bicycle or "Share the Road" signs at the eastbound or westbound approaches to the I-5 bridge overpass I could not see them. I also urge Caltrans and SANDAG to add highly visible bicycle and "Share the Road" signs on Via De La Valle at the eastbound or westbound approaches to the I-5 bridge overpass.

I-5/ Lomas Santa Fe interchange- Class II per paragraph 3.6.2.2 of I-5 NCC Draft EIR.

Observed good control of vehicular speed on the eastbound or westbound approaches to the I-5 bridge overpass because of the number of traffic lights. The current bicycle and "Share the Road" signs on Lomas Santa Fe in the westbound direction are not visible from the eastern approach. I urge Caltrans and SANDAG to consider adding a highly visible bicycle and "Share the Road" sign to a place on Lomas Santa Fe more visible from the westbound approach to the I-5 bridge overpass.

01

I-5/Manchester Ave. interchange-Not listed in paragraph 3.6.2.2 of I-5 NCC Draft EIR.

This is a very scary place that I try to avoid at all costs. There are free right turns onto the I-5, posted speed limits of 50 mph not too far away and very bad road conditions under the bridge. I urge Caltrans and SANDAG to consider making improvements as necessary to bring this interchange into at least Class III compliance.

I-5/ Encinitas Blvd. interchange- Class II per paragraph 3.6.2.2 of I-5 NCC Draft EIR.

Observed 40 mph posted speed limit in both eastbound or westbound approaches to the I-5 bridge overpass. Traffic lights seem to keep vehicular speed on the eastbound or westbound approaches to the I-5 bridge overpass in check. Good bicycle lane markings. Because of the 40mph speed limit I urge Caltrans and SANDAG to consider adding highly visible bicycle and "Share the Road" signs to Encinitas Blvd. in the eastbound or westbound approaches to the I-5 bridge overpass.

RESPONSES

Response to James Beyster

01 Thank you for your comments, which are part of the public record. Regarding bicycle safety at freeway ramps and your suggested improvements at several interchanges, intersections adjacent to freeway ramps are signalized and contain striping and signage to facilitate safe pedestrian and bicycle movement. Grade-separated pedestrian and/or bicycle facilities are proposed at some locations along the North Coast Corridor, including new or replaced pedestrian and/or bicycle overcrossings and pedestrian and/or bicycle bridges that would be suspended from some interchange structures. Refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable, and *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, of the Final EIR/EIS. The I-5 North Coast Bike Trail would be constructed at locations along I-5, including Manchester Avenue, as illustrated on Final EIR/EIS *Figure 2-3.4d*. Signal lights would be installed at the I-5 ramps (see EIR/EIS *Figures 2-2.3, Sheet 26*). Speed limit and other signage on local roadways are beyond the purview of Caltrans, and comments regarding such signage would be better directed to the applicable local government.

EMAILS — COMMENTS	RESPONSES
01 cont. **I-5/ Cannon Road interchange**- Class II per paragraph 3.6.2.2 of I-5 NCC Draft EIR. Observed wide and well-marked bike lanes in good condition. The posted speed limit is 35 mph in both the eastbound or westbound approaches to the I-5 bridge overpass. Very nice. **I-5/Carlsbad Village Dr. interchange**- Class III per paragraph 3.6.2.2 of I-5 NCC Draft EIR. Observed posted speed limit of 35 mph in the westbound approach to the I-5 bridge overpass. Did not see a posted speed limit in the eastbound approach. Traffic lights seem to keep vehicular speed on the eastbound or westbound approaches to the I-5 bridge overpass in check. **I-5/Oceanside Blvd. interchange**- Class II per paragraph 3.6.2.2 of I-5 NCC Draft EIR. Did not observe posted speed limits near the westbound or eastbound approaches to the I-5 bridge overpass. Westbound bike lane approaching the I-5 bridge overpass from the east is well-marked but a little squirrely at one point in it's alignment. Eastbound bike lane at the I-5 bridge overpass is in good condition. I urge Caltrans and SANDAG to consider posting speed limit signs of 35mph on Oceanside Blvd. near the eastbound or westbound approaches to the I-5 bridge overpass.	

EMAILS — COMMENTS

Dee Biller
07/28/2010 07:56 PM
Subject Expansion of I- 5

01 Rather than ruin our coastal cities with more freeway, more pollution and more noise, at the sound of billions, why not spend the money on a mass transit system like Europe? Why doesn't Caltrans GET IT?

We in North County do not want this horrid plan.
We are San Diego, not Los Angeles. Let's keep it that way!

Sincerely,
Dee Biller

RESPONSES

Response to Dee Biller

01 Thank you for your comments, which are part of the public record.

Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on the character of North County coastal cities and why those effects are not expected to result in a substantial adverse effect in the communities already crossed by this highway. In addition, please note that Caltrans has worked with adjacent cities to develop a number of potential enhancement projects. Based on the community enhancements, improvement of an existing major facility, and additional efforts to avoid, minimize, and/or mitigate project-related impacts, implementation of new project features is not expected to have an adverse effect on the character of north coastal San Diego County.

Regarding potential project-related pollution (air and water quality) and noise concerns, these issues are addressed in EIR/EIS *Sections 3.14, Air Quality; 3.10, Water Quality and Storm Water Runoff*; and *3.15, Noise*. For air quality, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project-related air quality considerations.

Potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative in *Section 3.10*. This analysis also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with

EMAILS — COMMENTS	RESPONSES
	01 cont. the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. For noise concerns, although project-related noise level increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans Guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise- abatement measures as required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15*). The use of such noise-abatement facilities has been shown to be effective in the reduction of traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With respect to investing in mass transit, as discussed in Topical Response "Multimodal System," considerable improvements in mass transit are planned in the San Diego region and the North Coast Corridor, in particular. However, accommodating the future transportation needs in the North Coast Corridor will require a multimodal approach including improvements to I-5 as well as improvements to mass transit. For more information regarding issues related to use of public highway funding for alternative transportation modes, please refer to Topical Response "Transportation Funding."

EMAILS — COMMENTS

D. Billings
Tuesday, August 31, 2010 2:43 PM
Subject: Question inquiring about I-5 Corridor

01 Hello. I gave a comment to the court reporter at the August meeting in Solana Beach. When will the transcript be posted to this site?

Thank you.

RESPONSES

Response to D. Billings

01 Thank you for your comments, which are part of the public record. This Final EIR/EIS contains a copy of the transcript of your comments made at the Solana Beach hearing as well as the response to your comments. The Final EIR/EIS has been posted on the project website at: http://www.keepsandiegomoving.com/I-5-Corridor/I-5-EL-Docs.aspx.

EMAILS – COMMENTS

David Bittar
08/24/2010 03:09 PM
Subject: I-5 proposal

01 Current problem:
805-5 4-4-4

Traffic backs up due to the decrease in lanes @ Manchester and Garnet 5-4

02 Where is the funding coming from?

03 Future Problems:
1. Where is the projected volume of vehicles coming from? I-5 corridor is already built. We don't have enough water to develop more. Where is the infrastructure coming from to support these increases?

04 2. This proposal will markedly decrease the tax base of Solana Beach. They still have to provide the same amount of services. Are we to expect our taxes to increase to support the city because of this project?

05 3. The quality of life, as well as property values will decrease in SB due to the noise levels, pollution levels, and view obstructions,

06 4. What due you think will happen, if this proceeds as planned, when the traffic hits Camp Pendleton? What if they decide to perform vehicle checks at the checkpoint?

07 5. Public safety- who will pay for the increase use of our fire dept. etc.
6. Litigation

08 Kiss principal
1. HOV lane to San Juan Capistrano and to the border.
2. Add wider breakdown lanes(can always convert to another HOV)
3. Double track the trains
4. Increase the # of "
5. Increase the parking lots for the train riders (underground several levels)
6. Better public transportation. E.g. San Francisco, Portland etc.

RESPONSES

Responses to David Bittar

01 Thank you for your comments, which are part of the public record. As stated in this comment, some delays are caused at Manchester Avenue by the decrease of five lanes to four (refer to *Section 3.6, Traffic and Transportation*). Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. As part of the Preferred Alternative one additional High Occupancy Vehicle (HOV)/Managed Lane would be added to the I-5 just south of Manchester Avenue and two HOV/Managed Lanes would be added to I-5 from that point north. This improvement is anticipated to aid in the reduction of congestion at this location. Garnet Avenue is not in the proposed project area; therefore, no response is provided for Garnet Avenue.

02 Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, the proposed project is partially funded through the TransNet program, a voter-approved half-cent sales tax for regional transportation projects in San Diego County, along with state and federal sources. This program will generate $17 billion during its 60-year life and is distributed to transportation projects in general. TransNet monies are divided roughly into thirds, with approximately one-third each going to highways, transit, and local roadways.

For more information on the TransNet program, please visit www.keepsandiegomoving.com. You are also encouraged to visit the TransNet Dashboard at www.transnettrip.com, to view the status of the *I-5 NCC Project*. This website was created to keep the public informed on TransNet projects and provides up-to-date schedule, budget, and expenditure information.

EMAILS – COMMENTS	RESPONSES
	03 The basis for the traffic analysis and the need for the proposed improvements is founded on research and documentation prepared by the San Diego Association of Governments (SANDAG). As discussed in Topical Response "Projected Growth," the need for the improvements associated with the *I-5 NCC Project* is based on population projections, which were independently prepared by SANDAG as part of its 2050 Regional Growth Forecast. Furthermore, Caltrans used the Regional Transportation Model prepared by SANDAG, which is based on SANDAG's growth forecast, to predict traffic conditions expected within the North Coast Corridor with and without future improvements to I-5. As described in *Section 2.1, Project Description*, of the EIR/EIS, the overall objective of the I-5 expansion project is to maintain or improve the existing and future traffic operations in the I-5 NCC. Please refer to EIR/EIS *Section 1.3.2, Traffic Demand*, as well as Topical Response "Projected Growth," for additional information regarding projection of future traffic levels. With regard to water supply and other utility services, the project is not designed to encourage or foster regional growth. Caltrans is not a land use planning agency and does not have jurisdiction over local land use planning. The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by the local and regional planning agencies. Specifically regarding the incorporation of water availability; SANDAG works closely with the San Diego County Water Authority during the preparation of the growth forecasts, which the Water Authority then incorporates into its Urban Water Management Plans.
	04 With respect to a potential decrease in tax base for Solana Beach, it is assumed that you are referring to the potential loss of homes, and therefore property taxes. If this is your concern, please note that EIR/EIS *Section 3.4, Community Impacts,* discusses potential displacements resulting from the project alternatives. The only alternative that would directly impact homes in Solana Beach would be the 10+4 Barrier alternative. Under the Preferred Alternative, no homes in Solana Beach would be directly impacted, thus no loss in property taxes is anticipated. It is Caltrans' intent to avoid and/or minimize direct impacts to properties that abut an existing

EMAILS – COMMENTS	RESPONSES
	04 cont. highway system during improvements to that highway to the extent practicable. Such avoidance is not always possible, however, when an existing facility is being improved. Please refer to Topical Response "Property Acquisition" for more information on property acquisition. Even if the largest potential number of properties is acquired in Solana Beach, Section 3.2.3.5 of the Community Impact Assessment (CIA) states that many affected homeowners would be expected to relocate within the city and would continue to pay taxes after resettling; as a result, potential loss in tax revenue from property acquisitions is anticipated to be minimal. Conversely, if your concern is referencing a loss of property taxes in regard to a potential decrease in property values resulting from the project, it is important to note that substantial adverse impacts to property values are not anticipated from project implementation. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value. Because local property values are not anticipated to be substantially affected, project implementation also would not be expected to result in substantial adverse effects to associated property tax revenues. As specifically stated in the project 2007 Final CIA, no permanent adverse tax revenue impacts would be associated with proposed alternatives in Solana Beach. Based on these considerations, it is not anticipated that there would be project-related impacts to the amount of services that the City of Solana Beach is able to provide relative to taxes collected. 05 Regarding potential project impacts to the local quality of life, please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those effects are not expected to adversely impact the overall quality of life in the communities near the highway. Please refer to the response to your Comment 04 regarding property values. With respect to concerns on project-related noise levels, these issues are addressed in EIR/EIS *Section 3.15, Noise*. As described therein, although project-related noise level increases would vary by location, the majority of increases within the I-5 corridor would

EMAILS – COMMENTS	RESPONSES
	05 cont. be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures as required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K, as well as *Section 3.15*). The use of such noise-abatement facilities has been shown to be effective in reducing traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. Regarding project-related pollution (air and water quality) concerns, these issues are addressed in EIR/EIS *Sections 3.14, Air Quality,* and 3.10, *Water Quality and Storm Water Runoff*. As described in *Section 3.14,* the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on air pollutants. For water quality pollution, and as described in *Section 3.10,* potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project

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05 cont. elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

With regard to potential project-related visual impacts, while the final design of soundwalls in the noted area is uncertain at this time, *Section 3.7, Visual/Aesthetics*, of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, earthen berms (or berm and wall combinations), and/or transparent materials to retain desirable views. Please refer to Topical Response "Visual/Community Effects" for more information regarding potentially substantial local visual effects of the proposed improvement.

06 The traffic volumes leaving San Diego County and traveling through Camp Pendleton would not be changed substantially by the proposed project. Although traffic volumes within the corridor would increase slightly over the No Build alternative, this increase is due to the increased attractiveness of I-5 for local trips due to reduced congestion. No change is proposed to I-5 north of Oceanside and the increase in local trips using I-5 would not affect traffic volumes through Camp Pendleton. Therefore, any vehicle checks performed at the checkpoint would be similar to conditions with the No Build alternative.

07 Impacts to emergency services and law enforcement are analyzed in *Section 3.5*, *Utilities and Emergency Services*, of the EIR/EIS. As noted, response times for emergency services and law

EMAILS – COMMENTS	RESPONSES
	07 cont. enforcement would likely improve with implementation of a build alternative due to reduction in traffic congestion and improved street and freeway access. Increased emergency response would not relate directly to I-5 capacity, but rather to increases in the number of San Diego County residents. Modifications to required services levels are routinely evaluated by emergency response agencies, and funding to support those modifications is provided through property taxes; thus, no additional funding would be required to supplement these services. Litigation over major projects, such as the *I-5 NCC Project,* is often difficult to avoid due to the number of people affected by such projects, the diversity of public concerns, and the common practice of filing lawsuits as a means to delay or stop large projects. Thus, the cost of lawsuits is often unavoidable. Nonetheless, Caltrans has a responsibility to provide a safe, efficient, reliable highway system; it cannot avoid proposing needed improvements due to the possibility of lawsuits.
	08 With respect to your recommendation to provide one HOV/Managed Lane and a wide shoulder for a future HOV/Managed Lane, such an alternative would not provide adequate highway capacity to maintain or improve future traffic levels of service or travel times within the North Coast Corridor. Therefore, your recommendation would not achieve the overall project purpose to maintain or improve the existing future traffic operations along I-5 in the North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the project design year of 2050. Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding ongoing plans and improvements to public transportation.

EMAILS — COMMENTS

David Bittar
Thu, 2 Sep 2010 08:46:17 -0700 (PDT)
Subject: Re: TransNet I-5 North Coast Corridor: Corridor System Management Plan Released

01 The only comment that I wanted to ad was if they proceed with their massive plan or any plan that would require the removal and reconstruction of the Lomas Santa Fe interchange then it would have been a great WASTE of taxpayer monies to have done the interchange in the first place!

02 Just do the HOV lanes from the border to San Juan Capistrano etc.

RESPONSES

Responses to David Bittar

01 Although improvements would occur at the Lomas Santa Fe interchange as detailed in *Chapter 2* of this Final EIR/EIS, much of the existing facility is being retained. The largest change would be to the eastbound to northbound on-ramp, which would require some realignment. As shown on *Figures 2-2.3, Sheet 23*, of this Final EIR/EIS, the remainder of the proposed improvements would consist of widening existing features.

02 The Interstate 805 (I-805) Express Lanes Project (divided into south, middle, and north project segments) would install express lanes/managed lanes to accommodate high occupancy vehicles, as well as paying single occupancy vehicles from the border to south of State Route 56. I-805 south has been under construction since summer 2012; I-805 north began construction in 2013. The *I-5 North Coast Corridor* Project would implement HOV/Managed Lanes from that point to the project terminus in Oceanside. Currently, congestion levels do not support extension of HOV/ Managed Lanes from the project's northern terminus to San Juan Capistrano. Highway conditions will continue to be monitored, however, with a potential for future improvements if conditions change. It should also be noted that the San Diego Association of Governments (SANDAG) is proposing to extend the I-*5 NCC Project* 8+4 freeway lane configuration from north of the City of Oceanside to Orange County (refer to Table A.1 and Figure A.2 of Appendix A in the 2050 SANDAG Regional Transportation Plan).

EMAILS – COMMENTS

Jack Black
11/20/2010 12:46 PM
Subject: Flawed DEIR

01 Comments on the flawed DEIR are attached. Please revise and reissue in accordance with existing laws and regulations. I am appealed a government agency would waste tax payer money on this feeble effort.

02 1) If the goal is (A service) to allow everyone who wishes to use the freeways uncongested roads, more larger freeways will always be needed. This is outdated thinking and I expect more from California. A fundamental flaw in Caltrans quest to build more roads is the fact that when capacity reaches a threshold volume many cars will simply no longer travel that route. Why
03 Caltans insist on larger roads rather than using tax dollars to more people with mass transit?

04 2) Does Caltrans truly believe building roads to accommodate 2030 traffic estimates will be adequate for the future beyond 2030? Is the long term expectation that the freeways will be expanded again to accommodate 2040 traffic estimates?

05 3) Why has Caltrans refused to release data on the traffic studies except in this report? Since Caltrans is funded with tax dollars how can I access studies I essentially paid for, noting additional traffic studies have been done by Caltrans not provided in this report? Is this an effort to use outdated traffic models?

06 4) With both State and Federal initiatives to select "green" alternatives, has this study considered these directives?

07 5) Is it true the single lane driver will save only a minute or so from Oceanside to La Jolla after the several billions of dollars are spent expanding the roads? I can afford to pay to use the car
08 pool but isn't that an environmental justice issue? The homes condemned are also the least expensive in the area, is low income housing a consideration?

09 6) The no build option does not appear to be a no option since construction will take place.

10 7) This appears similar to Caltrans EIRs that were prepared for both ends of the freeway through carmel valley (HW 56). The entire project had negative impacts, but by segmenting the project the impact were minimized. Once the ends were constructed, Caltrans said it made sense to connect both ends of 56 to allow traffic to flow. Cleaver way to avoid public criticism and environmental laws by segmenting the project. How is what Caltrans doing here any different?

11 8) Why is the bridge across 5 connecting carmel valley with Del Mar Hills being proposed? Few kids from CV attend the school and it is not wanted by the community. Caltrans seems out of touch and lacking in public input by proposing this bridge.

12 9) At public meetings a caltrans project manager Arturo Jacobo has said "sound walls/barriers are too expensive", "we don't know if the noise is above federal standards", and "you will have to wait and see" when asked what will be done to stop continual increase in noise levels. If Caltrans would release the data they could plot the progressive increase over the last 20 years.

RESPONSES

Responses to Jack Black

01 Thank you for your comments, which are part of the public record. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Where important new information and analyses related to the Preferred Alternative, refinements to the community enhancement projects, and lagoon studies potentially could have supported the recirculation of a Draft EIR/EIS, such review was accomplished in the focused Supplemental Draft EIR/EIS, circulated for review and comment in August 2012, and now incorporated into this Final EIR/EIS.

02 I-5 improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions, such as changes in land use patterns, which take an extended period of time to implement. The proposed use of High Occupancy Vehicle (HOV)/ Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Caltrans' role is to ensure the provision of a safe, efficient, and reliable highway system that accommodates the growth anticipated by local and regional planning agencies. Considering the importance of I-5 as an element of the National Strategic Highway Network and as a major shipping corridor critical to the regional economy, it would not be appropriate for Caltrans to allow service on this interstate freeway to deteriorate to unacceptable levels. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic.

EMAILS – COMMENTS	RESPONSES
	03 Please note that the proposed improvement is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to the Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.
	04 With regard to the potential need for additional improvements in the future, the San Diego Association of Governments (SANDAG) plans for the region to trend toward more transportation options, with development concentrated around transit stations. The changes that are contemplated in land use planning and alternate transportation modes will take many years to come to fruition. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take extended time to implement, rather than focusing only on short-term solutions. This is done with the full understanding that conditions will continue to change over time, potentially requiring additional modifications to the system. Please refer to Topical Response "Project Lifespan" for additional information.
	05 The traffic studies referenced in the EIR/EIS are available online at www.keepsandiegomoving.com. These are the same studies that were available during public review of the Draft EIR/EIS in 2010. It is unclear which traffic studies you are implying that Caltrans refused to release. The basis for the traffic analysis and the need for the proposed improvements are founded on research and documentation prepared by SANDAG. Caltrans used the Series 10 Regional Transportation Model prepared by SANDAG, which is based on SANDAG's growth forecast, to predict traffic conditions expected within the North Coast Corridor with and without future

EMAILS – COMMENTS	RESPONSES
	05 cont. improvements to I-5. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. Lastly, in determining traffic congestion, Caltrans used the Highway Capacity Manual (HCM) prepared by the Transportation Research Board. The HCM is a worldwide reference for transportation and traffic analysis. Please refer to EIR/EIS *Section 1.3.2, Traffic Demand*, for additional information regarding projection of future traffic levels.
	06 While it is unclear which State and federal initiatives to select "green" alternatives the comment is referring to, each of the build alternatives proposed for the I-*5 NCC Project* incorporates what would be considered "green" elements, including Direct Access Ramps (DARs), which facilitate freeway access for future bus rapid transit and current carpooling to HOV/Managed Lanes; and community connectivity enhancements, such as park and ride facilities, pedestrian overcrossings and undercrossings, and trail connections. Circulation for pedestrians and bicyclists would improve under all build alternatives through created connections, improvement of trailheads, and enhancement of existing facilities; these improvements would allow for the entire 27-mile length of the project corridor to be walked or biked. By enhancing operations and improving travel times through reducing congestion along I-5, the proposed project would reduce greenhouse gas emissions, consistent with California Assembly Bill 32 and California Senate Bill 375. In addition, during the project permitting process, Caltrans and the Federal Highway Administration (FHWA) will need to demonstrate that the alternative selected is the Least Environmentally Damaging Practicable Alternative (LEDPA). The resource agencies have provided concurrence on the Preliminary LEDPA Determination, as documented in Final EIR/EIS *Chapter 5, Comments and Coordination*.
	07 The investment in the *I-5 NCC Project* would result in a number of benefits related to conditions experienced by motorists within

EMAILS – COMMENTS	RESPONSES
	07 cont. the project corridor as well as the regional population. Anticipated reductions in travel time during peak hours and the duration of congestion would be two of the predominant benefits of the project. The proposed project would reduce travel time through the corridor by between 2 and 22 minutes and would reduce the duration of congestion within the corridor by up to five hours. Overall, as outlined in EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives.
	08 The potential environmental justice impacts of value pricing were addressed in detail in EIR/EIS *Section 3.4.3, Environmental Justice*. In summary, the proposed improvements are not anticipated to have disproportionately high and adverse impacts on minority or low-income populations. The project is intended to encourage ridesharing. The travel time resulting from the build alternatives would be beneficial to users of both HOV/Managed Lanes and general purpose lanes, and the inability of a single person to use the HOV/Managed Lanes would not drastically alter any single commute time. With respect to available housing, although the number of property acquisitions and relocations resulting from the project would be minimized to the extent practicable through design efforts, where such impacts cannot be avoided, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available through measures such as the State Relocation and the Last Resort Housing (LRH) programs. The project's Draft Relocation Impact Report concluded that adequate relocation resources existed for the majority of displacees. Additionally, displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or LRH Program options, including LRH payments. Please also refer to Topical Responses "Property Acquisition" for additional information. Specific to low-income housing, potential environmental justice impacts related to property acquisition also

EMAILS – COMMENTS	RESPONSES
	08 cont. are addressed in EIR/EIS *Section 3.4.3*. Although the vast majority of the alignment would not result in disproportionately high and adverse impacts to either minority populations or low-income populations, the displacement of a 47-unit apartment complex in Carlsbad with the 10+4 Barrier alternative in an area with greater proportions of minorities and individuals living in poverty would be considered a disproportionate impact. This potential impact would be reduced by the 8+4 Barrier alternative and avoided by both buffer alternatives.
	09 The No Build alternative fulfills the "no project" alternative as addressed in California Environmental Quality Act (CEQA) Guidelines Section 15126.6(e), which states that "the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." Similarly, as described in the Council of Environmental Quality's National Environmental Policy Act's (NEPA) Forty Most Asked Questions, "Where a choice of 'no action' by the agency would result in predictable actions by others, this consequence of the 'no action' alternative should be included in the analysis." The No Build alternative analysis addresses what would be reasonably expected to occur should the project not be approved, based on the current plans. This not only includes ongoing operations and maintenance of this segment of I-5 but also the list of interchange operations and adjacent projects presented in *Section 2.2.4*, *No Build Alternative*, of the EIR/EIS that would move forward independently of the I-*5 NCC Project*.
	10 San Diego County's freeway system is highly interrelated, and many of its segments will require improvement in order to meet future transportation demands. It is, however, not practicable to wait until plans are available for the entire system before commencing analysis of any one element. As a result, project limits are determined based on whether they have "independent utility." In this case, the *I-5 NCC Project* would serve to relieve congestion on the focused freeway segment regardless of whether other improvements are made along I-5.

EMAILS – COMMENTS	RESPONSES
	11 The trail and pedestrian overcrossing just north of the I-5 / Del Mar Heights Road interchange was proposed as a community enhancement project to connect adjacent neighborhoods currently divided by the freeway. The bridge is proposed to include pedestrian lighting and safety fencing. Following circulation of the Draft EIR/EIS and receipt of comments, the connection to/from the neighborhood to the west was refined so the overcrossing now connects with the north-south I-5 North Coast Bike Trail.
	12 Regarding your concerns on potential project-related noise and soundwalls, these issues are addressed in EIR/EIS *Section 3.15, Noise*. As described therein, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners (per applicable Federal Highway Administration [FHWA] and Caltrans guidelines). The "reasonable" determination is basically a cost-benefit analysis, with associated factors including resident acceptance, absolute noise level, build versus existing noise levels, environmental impacts of abatement, public and local agency input, newly constructed development versus development pre-dating 1978, and the cost per benefited residence. Determining the cost per benefited residence entails calculating an allowance considered to be a "reasonable" amount of money to spend on abatement per benefited residence. The "feasibility" of noise abatement is primarily an engineering concern, with a minimum five dBA reduction in the future noise level required for an abatement measure to be considered "feasible." Other considerations in the determination of "feasibility" include topography, access requirements, other noise sources, and safety considerations. The determination of "feasibility" is made first, with soundwalls identified as "feasible" then evaluated under the described "reasonable" criteria. Generally speaking, if a soundwall is identified as not "reasonable," it is typically not recommended for construction. There are circumstances, however, under which a soundwall determined not to be "reasonable" may be recommended for construction. If, for example, one or more noise receptors associated with an identified soundwall would be "severely impacted" by the project (e.g., exhibiting a project-related noise level at or above 75 dBA), noise abatement is required to be considered per

EMAILS – COMMENTS	RESPONSES
	12 cont. FHWA and Caltrans guidelines, and the associated soundwall could be recommended if individual abatement at "severely impacted" noise receptors cannot be implemented. Accordingly, based on noise levels and the described assessment of "reasonable and feasible" criteria for noise abatement, numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to be effective in reducing traffic-generated noise. Additional discussion of the project noise analysis, including site-specific data used to determine whether soundwalls are "reasonable," "feasible," and recommended for construction, is provided in EIR/EIS *Section 3.15*, as well as the associated Noise Study Report and Noise Abatement Data Report (Volumes 1 and 2), with the technical studies available for review at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html. Final decisions regarding abatement are made following refined project engineering and consultation with potentially affected property owners. It also should be noted that, although project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer dBA over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

EMAILS — COMMENTS

13 10) I did not see mention of alternatives like asphalt rather than concrete to minimize the noise.

14 Other communities have been successful in putting peoples impacted by the freeways expansion quality of life as a priority. How has Caltrans worked to improve the situation for thoes impacted? Please do not insult me by stating Caltrans has listened at public meetings, as Caltrans has been condensing at all the meetings I have attended. I would prefer data, preferably from a reputable/external source rather than a contractor who lives off Caltrans work or internal junior Caltrans engineer.

15 11) Is the freeway just south of this proposed expansion at the I5/I805 merge the widest in the US/world? If we don't have the record will this expansion give us the record?

16 12) Is there any political opposition (any local, state, or federal politician stated opposition) to this project or is the opposition soley from the public?

17 13) Can Caltrans place a new copy of the DEIR in the local library as I have been unable to review due to the large demand.

18 14) Can Caltrans inform the public how much this EIR effort will cost in both contractor and Caltrans time? An exact amount is not necessary, but order of magnitude would be useful.

19 Please revise and re-issue this document with public input or recall the document entirely.

Regards Jack
IBJack92014@gmail.com

RESPONSES

13 Regarding the use of alternative roadway surfaces such as “rubberized asphalt” for noise reduction, the Federal Highway Administration (FHWA) does not acknowledge the use of such surfaces as a means to minimize noise. The surfacing increases maintenance cost, which is a factor being considered in applicability. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures. As a result, the use of alternative surfacing is not proposed for I-5.

14 Concerning putting quality of life as a priority, please refer to Topical Response “Visual/Community Effects” regarding potential effects of proposed I-5 modifications on the North County lifestyle and why those effects are not expected to substantially adversely affect the overall quality of life in the communities already crossed by this highway. It is Caltrans’ intent to avoid and/or minimize these potential effects through efforts such as avoiding properties that abut an existing highway system to the extent practicable. To this end, the Preferred Alternative described in the response to your Comment 01 has been identified to reduce the project extent and related impacts to local neighborhood characteristics. Caltrans has also worked with local jurisdictions along the project corridor to develop a number of potential community enhancement projects. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, for details. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities.

The changes to the I-5 right-of-way would be focused and linear in nature. As stated in EIR/EIS *Section 3.4, Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area. Overall, because the project generally would improve, rather than adversely impact, recreational facilities, and would enhance access within the community, the implementation of new project features is not expected to have an adverse effect on quality of life.

EMAILS – COMMENTS	RESPONSES
	15 There are a number of freeways that are wider than the proposed I-5 configuration. For example, the Katy Freeway (part of Interstate 10 near Houston, Texas) had a total of 26 lanes in some sections as of 2007.
	16 Comments on the Draft EIR/EIS are intended to focus on the environmental adequacy of the studies completed for the proposed project. Although your comments are now part of the public record as noted above, no response to this comment is provided.
	17 The public review period for the Draft EIR/EIS is finished. Please note, however, that the environmental document has remained available online at www.keepsandiegomoving.com.
	18 The estimated cost for preparing the *I-5 NCC Project* EIR/EIS and related technical studies to date is approximately $73 million.
	19 Please see response to your Comment 01.

EMAILS — COMMENTS

Michele Blackburn
10/01/2010 04:17 PM
Subject: I5 expansion

01 What will happen to the Santa Fe Christian School that nestles on the west embankment of I5 in Solana Beach?

Michele Blackburn

RESPONSES

Response to Michele Blackburn

01 Thank you for your interest in the project. As discussed in the project 2007 Final Community Impact Assessment, Santa Fe Christian School is located adjacent to the west side of I-5 (southbound lanes) and just south of the proposed project at Lomas Santa Fe Drive. The proposed alternatives would be located closer to the adjacent school; however, school operations are anticipated to continue as in current conditions and would not be adversely affected.

Due to its proximity to I-5 (approximately 777 feet), Santa Fe Christian School is considered a sensitive receptor with regard to operational traffic noise impacts, which are anticipated to increase as a result of the proposed alternatives. As described in EIR/EIS *Section 3.15, Noise,* Option 1A of Soundwall S603 was recommended (refer to Final EIR/EIS *Figures 2-2.3, Sheets 22* and *23*) to provide a "reasonable and feasible" reduction in highway traffic noise for Santa Fe Christian School, in addition to 1 single-family and 16 multi-family residences, and St. Leo's Head Start Pre School (refer to *Tables 3.15.13 and 3.15.4*). For more information regarding general soundwall evaluation and location analysis in accordance with the Caltrans Traffic Noise Analysis Protocol, please refer to Topical Response "Soundwall Considerations."

EMAILS — COMMENTS

Tom Boardman
08/24/2010 02:53 PM
Subject:

01 I am a resident of 644 Santa Helena, Solana Beach. Our house is approximately 1/2 mile from the I-5.
I am told that the widening of I-5 through Solana Beach will increase noise and lower our property values. While I hope that is not true, I still support the widening project. The fact is, more people will continue to move to northern San Diego County, and we will need more capacity on our highways.

02 I am told that the noise can be reduced with a special type of asphalt. If that is true, please consider it for the I-5 project anywhere the road is near residential areas.

Thank you for the terrific job Southern California DOT does.

Tom Boardman

RESPONSES

Responses to Tom Boardman

01 Thank you for your comments and support for the proposed project, which are part of the public record.

With respect to project-related noise levels, and as outlined in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans criteria. Based on the identified location of the subject property (644 Santa Helena), approximately 0.5 mile feet east of the freeway and outside the project limits, project-related noise effects at this site would not be expected to meet or approach 67 decibels, due to the intervening distance of approximately 2,200 feet to the closest associated noise receptor evaluated in the EIR/EIS (R7.17, refer to Final EIR/EIS *Figures 2-2.3, Sheet 24*). That is, projected noise levels at this noise receptor would be 77 dBA, with construction of the project and no soundwalls (refer to EIR/EIS *Table 3.15.15*). With the standard attenuation of roadway noise over distance (i.e., a three dBA reduction for every doubling of distance), associated existing and future noise levels are expected to be substantially less than those described for the nearest noise receptors and below the noted noise-abatement threshold. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

With regard to property values, based solely on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated. For more information regarding factors affecting residential property value based on potential transportation project effects, please refer to Topical Response "Property Valuation."

Your comments regarding the need for I-5 improvements are consistent with the conclusions reached by Caltrans and regional

EMAILS – COMMENTS	RESPONSES
	01 cont. transportation planning agencies. Please refer to Topical Response "Projected Growth" for additional information.
	02 Quieter pavement, such as "rubberized asphalt concrete" (RAC), is currently not listed in 23 CFR 772 as a noise abatement measure that can be applied in accordance with federal policy. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. Asphalt surfacing increases maintenance costs, which is a factor being considered in wider applications beyond pilot studies. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures. As a result, the use of alternative surfacing is not proposed for I-5.

EMAILS — COMMENTS

Brenda Bomar
Tuesday, September 14, 2010 4:59 PM
Subject: Question inquiring about I-5 Corridor

01 I am a Realtor with Century 21 Award in Carlsbad. I am receiving many questions regarding the condos on the east side of 5 between La Costa Avenue and Palomar Airport Road. Current owners and future owners are wondering whether or not they are safe. Some up date regarding this would be most appreciated.

Thank you.

RESPONSES

Response to Brenda Bomar

01 Thank you for your comments regarding potential property impacts, which are part of the public record. The proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by taking reduced amounts of additional right-of-way and limiting the grading footprint. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Under any of the identified build alternatives; however, the number of properties being taken and relocations resulting from the project would be minimized to the extent practicable through design efforts. Please refer to Topical Response "Property Acquisition." It currently is not anticipated that the homes on the east side of the freeway between La Costa Avenue and Palomar Airport Road would be subject to acquisition for project improvements. Refer to Final EIR/EIS *Figures 2-2.3, Sheets 40* through *47*.

EMAILS – COMMENTS

Diane Bond
10/07/2010 01:09 PM
Subject: I-5 Expansion

Dear Caltrans and FHA:
I am concerned about the following issues with the I-5 expansion as planned.

01 1. This expansion is too large in scope, we do not need all these extra lanes as this will only encourage more cars on the road and more density in housing;

02 2. I do not like the retaining walls and sound wall designs, they look like a third world country design;

03 3. I do not want these huge sound walls and retaining walls to block views, I-5 is supposed to be a scenic corridor and this plan ruins many scenic views;

04 4. Why does I-5 need more lanes in North County than I-405 through LA and Orange County;

05 5. Why is I-5 being targeted to handle more traffic instead of developing alternative routes inland -- we all know 805 was supposed to run through North County, why can't this be done?

06 6. Why are there toll lanes for single occupants regardless of emission levels of the cars;

07 7. Given the high levels of pollution that will be generated by increasing the freeway traffic to at least double, how is the State going to prevent increases in cancers, birth defects, etc. when the current levels are already exceeding safety levels? Of note is the risk to fetuses -- see the article in TIME, October 4, 2010, entitled The Womb. Your Mother. Yourself. written by Annie Murphy Paul, which explains how air pollution impacts fetuses -- PAH from vehicle exhaust causes DNA damage that has been linked to increased cancer risk! The article also states that those exposed prenatally to high levels of PAH were more than twice as likely to be cognitively delayed at age 3 and lower in IQ than those who had less exposure! This is a risk that the State should be unwilling to accept given the number of pregnant women who live next to the freeway, work next to the freeway and travel the freeway;

08 8. I would rather sit in traffic, which keeps people from speeding and forces them to use alternate transportation, than see the implementation of this plan. San Diego is not LA or Orange, and this generic plan is short-sighted and too expensive. Put the money into public transit!

Sincerely,
Diane E. Bond, Esq.
Bleiler & Bond APC
12555 High Bluff Drive, Suite 150
San Diego, CA 92130
Tel: 858-350-9833
Fax: 858-350-9834

RESPONSES

Responses to Diane Bond

01 Thank you for your comments, which are part of the public record. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

With regard to the proposed project encouraging more cars on the road, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic, referred to as induced or latent demand, has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response “Projected Growth” for additional information regarding the project’s accommodation of anticipated and latent traffic.

EMAILS – COMMENTS	RESPONSES
	01 cont. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. Please also refer to Topical Response "Projected Growth" for additional information on project-related growth concerns.
	02 With regard to the design of soundwalls and retaining walls, your dislike is noted for the record. Several measures have been identified in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS, in an effort to mitigate project-related visual impacts. Specifically, as depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, earthen berms (or berm and wall combinations), and/or transparent materials to retain desirable views.
	03 Regarding visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics,* states that the visual impact of each build alternative would be high. There would be some loss of views to scenic resources and there are modifications to current views of the highway right-of-way. Please note that view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained, including Los Peñasquitos Lagoon and Torrey Pines State Reserve. Some soundwalls or sections of soundwalls have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. Furthermore, in many instances, project soundwalls or retaining walls would be located only on one side of I-5. Retaining walls would not obscure views, as they would either support locations where existing slopes occur, or would be located below the elevation of the roadway. In addition, this is a linear facility, and views shift as the viewer moves along the highway.

EMAILS – COMMENTS	RESPONSES
	03 cont. Views along the project corridor would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development or changed due to implementation of project landscaping. Overall, these views would be similar to the existing view conditions. Please refer to Topical Response "Visual/ Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.
	04 Regarding your question about San Diego needing more lanes than I-405 through Los Angeles and Orange County, no one answer is appropriate for all segments of our State highway system; portions of I-405 in L.A. and Orange County are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously with other regional efforts to address transportation demand, including changes in land use patterns and improvement of public transportation alternatives.
	05 Regarding the potential to extend I-805 to North County, the regional transportation network that is anticipated over the next 40 years is identified in the 2050 Regional Transportation Plan (RTP). The RTP outlines projects for highways, local streets, rail and bus services, and bicycle and pedestrian facilities. There are no plans in the 2050 RTP to extend I-805 as a new north-south freeway corridor between I-5 and I-15. The land between I-5 and I-15 has been mostly developed with uses consistent with local land use plans, which also do not identify a new freeway alignment. The focus of the 2050 RTP is to provide a variety of travel choices and multimodal facilities by improving the existing transportation system.
	06 Thank you for your comments expressing concern over adding toll lanes for cars with single occupants. Under the proposed project, the general purpose lanes would remain available for all motorists, and the proposed HOV/Managed Lanes would be available to transit vehicles and carpools (HOV) free of charge. Value pricing is also proposed for the HOV/Managed Lanes, which

EMAILS — COMMENTS | RESPONSES

06 cont. is an option that provides additional highway capacity by allowing single-occupant vehicles (SOVs) to pay to use the HOV/Managed Lanes when extra capacity exists, as approved by California Assembly Bill 574 (2007). California Senate Bill 468 (2011) specifically authorized the establishment of a high occupancy toll program on I-5 to be administered by the San Diego Association of Governments (SANDAG). In addition to the traffic flow benefits of allowing the use of these lanes when capacity exists, revenues from the program would be used to improve transit services and for HOV facilities. Please refer to *Section 1.3.5* in the EIR/EIS for additional information and benefits of value pricing.

As described in EIR/EIS *Section 3.14*, *Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor, regardless of what type of vehicle would be using the HOV/Managed Lanes. This would result in overall lower air emissions and related improvements to air quality compared to existing conditions. Regarding emission levels of the cars within the HOV/Managed Lanes, the determination of the type of vehicles allowed in HOV/Managed Lanes relative to their emission levels is the responsibility of state and regional jurisdictions and is outside the purview of Caltrans.

07 Regarding your concerns on project-related pollution (air quality) and related potential health effects, these issues are addressed in EIR/EIS *Section 3.14*, *Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in overall lower air emissions and related improvements to air quality compared to existing conditions. The analysis in *Section 3.14* also indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with PAH (polycyclic aromatic hydrocarbon) compounds, as identified in this comment, representing a subset of MSAT emissions such as benzene and diesel particulates. MSAT emissions for the No Build alternative and the build alternatives are provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015

EMAILS — COMMENTS	RESPONSES
	07 cont. and 2030. The potential for long-term health effects from living in proximity to a freeway are addressed in EIR/EIS *Section 3.14.3*. The proposed project, as noted, would reduce emissions and improve overall air quality relative to existing conditions. In addition, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. Given the described requirements and the nature of the project to maintain or reduce travel time, congestion and related emissions along the I-5 corridor, it is anticipated that associated health effects would also be improved over existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality issue and related health concerns.
	08 Please refer to Topical Response "Corridor Alternatives" for information regarding design and alternate transportation options considered during the initial evaluation of North Coast Corridor congestion. Please also note, however, that the *I-5 NCC Project* is only part of a larger transportation upgrade that the San Diego Association of Governments (SANDAG) is developing for the corridor, including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, and improvements to bicycle and pedestrian access. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation, including mass transit options, as well as Topical Response "Transportation Funding" regarding the use of project funds for alternative modes of transportation. Please refer to the response to your Comment 04 about how one answer is not appropriate for all segments of our State highway system because of varying constraints. Regarding the project being short-sighted, please note that *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050. The long-term solution to facilitating the movement of people and goods through the corridor will depend not only on improvements to I-5 through the North Coast Corridor, but also

EMAILS – COMMENTS	RESPONSES
	08 cont. on improvements to other forms of transportation in the corridor and changes in land use patterns. Improvements are intended to accommodate projected traffic increases through planning design year of 2050 as part of a multimodal system, and allow the region to work toward complex solutions that take extended time to implement. Planned transit projects, when combined with the *I-5 NCC Project*, will provide a balanced transportation system for people to travel within and through the North Coast Corridor. With regard to the project being too expensive, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Please also refer to Topical Response “Transportation Funding” for information on issues related to use of public highway funding for alternative transportation modes, including transit.

EMAILS — COMMENTS

Emily Bondell
11/14/2010 12:09 PM
Subject: I-5 expansion

Dear CalTrans,

01 I have many problems and concerns with your proposal to expand Interstate 5 in San Diego. As a lifelong resident and local to the North County area, I believe this freeway expansion will completely change the face of and the quality of life in this region. The population of San Diego
02 County is large enough, and there still aren't enough jobs.

03 What other transportation options has CalTrans considered to relieve the moderate congestion?
04 How many homes will be condemned for the completion of this project? Have you thought about what each individual family is facing? For something which won't be complete in the majority of their lifetime's.

05 Would the addition of this freeway increase the population in San Diego? Is this what you want? Think about how large it already is, and those who have lived here our entire life.

06 How many minutes will be saved after the completion of this project in the NON TOLL lanes as a single occupant vehicle commuting from La Jolla Village Drive to Harbor Drive in Oceanside?

07 The proposed expansion of Interstate 5 will invest San Diego in cars and trucks. We need to be investing in transportation of the future like rail, trolley and multi-modal... not a $4.5 billion, 18 lane, concrete jungle. You must do more to educate San Diego residents and keep OUR best interest in mind.

From, Emily Bondell

RESPONSES

Responses to Emily Bondell

01 Thank you for your comments, which are part of the public record. Changes to the I-5 right-of-way are focused and linear in nature. Although substantial change is discussed for specific locations in *Section 3.7*, *Visual/Aesthetics*, of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. The North Coast Corridor is located in a highly urbanized part of northern San Diego County, generally characterized by its coastal location, ethnic diversity, established neighborhoods, commercial centers and activities, and preserves associated with coastal lagoons. As stated in EIR/EIS *Section 3.4*, *Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area and along an existing primary transportation facility. Caltrans also has worked with communities adjacent to the corridor to provide a number of community enhancement features, as described in *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*. Overall, because the project generally would improve, rather than adversely impact, recreational facilities and enhance access within the community, the implementation of new project features is not expected to have an adverse effect on regional quality of life.

02 With regard to the County's population, the role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. Regarding employment opportunities, the project would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route.

03 Please refer to Topical Response "Corridor Alternatives" for information regarding design and other transportation options

EMAILS – COMMENTS	RESPONSES
	03 cont. considered during the initial evaluation of North Coast Corridor congestion. Please also note, however, that the *I-5 NCC Project* is only part of a larger transportation upgrade that the San Diego Association of Governments (SANDAG) is developing for the corridor, including: significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, and improvements to bicycle and pedestrian access. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation, including mass transit options. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Regarding the level of congestion that the project is intended to address, as described in EIR/EIS *Section 1.3.2, Traffic Demand*, existing peak period travel times are up to approximately 83 percent longer than during off-peak hours and free-flow conditions; that is, up to 44 minutes in the a.m. peak hour, compared to approximately 24 minutes for off-peak hours. By 2030, travel through the corridor during the peak hour is anticipated to take up to 69 minutes without project improvements. 04 As described in EIR/EIS *Section 3.4.2*, *Relocations and Real Property Acquisition*, a total of eight single-family residences would be purchased at fair market value if the Preferred Alternative is approved as proposed. Under the 10+4 Barrier, 10+4 Buffer, and 8+4 Barrier alternatives, the total number of single-family relocations would be 25, 22, and 23, respectively. Caltrans staff are aware of the impact required right-of-way can have on existing property owners. Engineers are continuing to refine the project design and working to minimize the project footprint to avoid

EMAILS — COMMENTS | RESPONSES

04 cont. impacts to properties to the extent possible. Precise numbers and dimensions of property required will not be known until just prior to acquisition of individual properties. The assessor's parcel numbers associated with these anticipated relocations are provided in Topical Response "Property Acquisition" and in Final EIR/EIS *Section 3.4.2.3*, *Environmental Consequences*. For those properties that must be purchased, however, please also refer to Topical Response "Acquisition Valuation" regarding property valuation, and Appendix C, Relocation Assistance Information, of the EIR/EIS.

05 As explained further in Topical Response "Projected Growth," expansion of the freeway is not anticipated to draw additional population to the region. Growth inducement is also analyzed in *Section 3.2*, *Growth*, of the EIR/EIS. It was determined that there are no known projects that are dependent upon the project and that further growth in the project area would occur regardless of whether or not the project is constructed. The project is responsive to growth, and is growth-accommodating rather than growth-inducing.

06 Main-lane travel times for the *I-5 NCC Project* are shown on Figures 3.1 and 3.2 of the November 2008 I-5 North Coast Traffic Report. The average travel times depicted on these figures are reconciled from the I-5 North Coast Freeway Operations Report (http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf) and the Corridor System Management Plan (CSMP) (http://www.dot.ca.gov/dist11/Env_docs/I-5NCCCSMP.pdf), for scenarios including existing conditions (2006/2008), the 2030 No Build alternative, and the 2030 8+4 and 10+4 alternatives. The associated data encompass both the northbound (Figure 3.1) and southbound (Figure 3.2) directions for a 24-hour period, including the a.m. and p.m. peak periods.

Using the 2030 No Build alternative as reference, it is anticipated that travel time for the 8+4 alternative in the northbound direction would be reduced by 2 to 8 minutes and 19 to 22 minutes for the a.m. and p.m. peak periods, respectively. In the southbound direction for this alternative, reductions of 7 to 17 minutes and 11 to 18 minutes were identified for a.m. and p.m. peak periods,

EMAILS – COMMENTS	RESPONSES
	06 cont. respectively. Under the 10+4 alternative, northbound travel time savings of 4 to 10 minutes and 33 to 37 minutes were identified for a.m. and p.m. peak periods, respectively, with corresponding southbound travel time savings of 19 to 25 minutes and 14 to 18 minutes for the a.m. and p.m. peak periods, respectively. Please note that these travel time savings represent the I-5 North Coast Corridor segment between La Jolla Village Drive in the City of San Diego and Harbor Drive in the City of Oceanside.
	07 Please refer to the response to your Comment 03 with regard to planned multimodal improvements and to Topical Response "Transportation Funding" regarding the use of highway funds for alternative transportation modes. With regard to education, programs or mitigation considered in an EIR must be practicable for the Lead Agency to implement. Caltrans is a State agency specifically formed for the purpose of addressing State highway system needs and has no authority to independently require or authorize activities related to education.

EMAILS — COMMENTS

I-5_NCC_EIR_EIS@dot.ca.gov

Dear CalTrans,

01 I have many concerns about your proposal to expand Interstate 5 in San Diego. As a resident since 1972 and local to the North County area, I believe this freeway expansion will completely change the face of and the quality of life in this region.

02 What other transportation options has CalTrans considered to relieve the moderate congestion?

03 How many homes and businesses will be condemned for the completion of this project?

04 Would the addition of this freeway increase the population in San Diego?

05 How many minutes will be saved after the completion of this project in the NON TOLL lanes as a single occupant vehicle commuting from La Jolla Village Drive to Harbor Drive in Oceanside?

06 The proposed expansion of Interstate 5 will invest San Diego in cars and trucks. We need to be investing in transportation of the future like rail, trolley and multi-modal... not a $4.5 billion, 18 lane, concrete jungle. You must do more to educate San Diego residents and keep OUR best interest in mind.

Sincerely,
James A. Bondell,Ph.D.

RESPONSES

Responses to James Bondell

01 Thank you for your comments, which are part of the public record. Regarding potential project impacts to the local North County quality of life, please refer to Topical Response "Visual/Community Effects," which explains why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities and neighborhoods near the highway.

02 Several alternatives were considered before the build alternatives were chosen as the most viable options. Topical Response "Multimodal System" describes the regional transportation planning process, which included an extensive evaluation of alternatives. Please also refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the North Coast Corridor, including transit-based alternatives, as well as EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS,* regarding other highway improvement alternatives evaluated.

03 If the project is approved, the number of property acquisitions would be based on the final project design as well as which alternative is selected by decision makers. Please see EIR/EIS *Section 3.4.2, Relocations*, for information regarding possible property acquisitions for each project alternative as currently designed.

Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. With regard to specific properties, engineers are still refining the project design and working to minimize the project footprint to avoid impacts to properties to the extent possible. Precise numbers and dimensions of property required would not be known until completion of the final project design and

EMAILS – COMMENTS	RESPONSES
	03 cont. alternative selection, which will occur just prior to acquisition of individual properties. Please refer to Topical Response "Property Acquisition" for additional information.
	04 The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies, as well as the highly urbanized nature of the surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. Please also refer to Topical Response "Projected Growth."
	05 Main-lane travel times for the *I-5 NCC Project* are shown on Figures 3.1 and 3.2 of the November 2008 I-5 North Coast Traffic Report. The average travel times depicted on these figures are reconciled from the I-5 North Coast Freeway Operations Report (http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf) and the Corridor System Management Plan (CSMP) (http://www.dot.ca.gov/dist11/Env_docs/I-5NCCCSMP.pdf), for scenarios including existing conditions (2006/2008), the 2030 No Build alternative, and the 2030 8+4 and 10+4 alternatives. The associated data encompass both the northbound (Figure 3.1) and southbound (Figure 3.2) directions for a 24-hour period, including the a.m. and p.m. peak periods. Using the 2030 No Build alternative as reference, it is anticipated that travel time for the 8+4 alternative in the northbound direction would be reduced by 2 to 8 minutes and 19 to 22 minutes for the a.m. and p.m. peak periods, respectively. In the southbound direction for this alternative, reductions of 7 to 17 minutes and 11 to 18 minutes were identified for a.m. and p.m. peak periods, respectively. Under the 10+4 alternative, northbound travel time savings of 4 to 10 minutes and 33 to 37 minutes were identified for a.m. and p.m. peak periods, respectively, with corresponding southbound travel time savings of 19 to 25 minutes and 14 to 18 minutes for the a.m. and p.m. peak periods, respectively.

EMAILS – COMMENTS	RESPONSES
	05 cont. Please note that these travel time savings represent the I-5 North Coast Corridor segment between La Jolla Village Drive in the City of San Diego and Harbor Drive in the City of Oceanside.
	06 Regarding alternative transportation, please note that *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and/or bicycle routes and public transit centers, and park and ride facilities. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding mass transit options. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response “Projected Growth”), these measures are not a substitute for freeway widening. With regard to education, programs or mitigation considered in an EIR must be practicable for the Lead Agency to implement. Caltrans is a State agency specifically formed for the purpose of addressing State highway system needs and has no authority to independently require or authorize activities related to education.

EMAILS — COMMENTS

Lauren Bondell
11/10/2010 01:18 PM
Subject: Comment DEIR San Diego, CA

Dear CalTrans,

01 I have many concerns with your proposal to expand Interstate 5 in San Diego. As a lifelong resident and local to the North County area, I believe this freeway expansion will completely change the face of and the quality of life in this region.

02 What other transportation options has CalTrans considered to relieve the moderate congestion?

03 How many homes will be condemned for the completion of this project?

04 Would the addition of this freeway increase the population in San Diego?

05 How many minutes will be saved after the completion of this project in the NON TOLL lanes as a single occupant vehicle commuting from La Jolla Village Drive to Harbor Drive in Oceanside?

06 The proposed expansion of Interstate 5 will invest San Diego in cars and trucks. We need to be investing in transportation of the future like rail, trolley and multi-modal... not a $4.5 billion, 18 lane, concrete jungle. You must do more to educate San Diego residents and keep OUR best interest in mind.

Sincerely,
Lauren Bondell
laurenbondell@gmail.com
(760) 822-6567

RESPONSES

Responses to Lauren Bondell

01 Thank you for your comments, which are part of the public record. The changes to the I-5 right-of-way would be focused and linear in nature, and although substantial change is discussed for specific locations in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS, I-5 modifications are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. The North Coast Corridor is located in a highly urbanized part of northern San Diego County; generally characterized by its coastal location, ethnic diversity, established neighborhoods, commercial centers and activities, as well as preserves associated with coastal lagoons. As stated in EIR/EIS *Section 3.4, Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area. Caltrans also has worked with communities adjacent to the corridor to provide a number of community enhancement features, as outlined in *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*. Overall, because the project generally would improve, rather than adversely impact, recreational facilities, and would enhance access within the community, the implementation of new project features is not expected to have an adverse effect on regional community character or change residents' quality of life.

02 Please refer to Topical Response "Corridor Alternatives" for information regarding design and other transportation options considered during the initial evaluation of North Coast Corridor congestion. Please also note, however, that the *I-5 NCC Project* is only part of a larger transportation upgrade that the San Diego Association of Governments (SANDAG) is developing for the corridor, including: significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, and improvements to bicycle and pedestrian access. Based on regional growth projections, upgrades to all of these modes of travel are needed to

EMAILS — COMMENTS	RESPONSES
	02 cont. accommodate future transportation needs. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation, including mass transit options. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Regarding the level of congestion that the project is intended to address, and as described in EIR/EIS *Section 1.3.2, Traffic Demand*, existing peak period travel times are up to approximately 83 percent longer than during off-peak hours and free-flow conditions; that is up to 44 minutes in the a.m. peak hour, compared to approximately 24 minutes for non-peak hours. By 2030, travel through the corridor during the peak hour is anticipated to take up to 69 minutes without project improvements.
	03 Regarding your concern for property acquisition, the Preferred Alternative would have the least amount of property acquisitions. As described in EIR/EIS *Section 3.4.2*, *Relocations and Real Property Acquisition*, a total of 16 single-family residences would be purchased at fair market value if the Preferred Alternative is approved as proposed. Under the 10+4 Barrier, 10+4 Buffer, and 8+4 Barrier alternatives, the total number of single-family relocations would be 25, 22, and 23, respectively. Engineers are still refining the project design and working to minimize the project footprint to avoid impacts to properties as much as possible. Precise numbers and dimensions of property required will not be known until just prior to acquisition of individual properties. Please also refer to Topical Response "Property Acquisition" regarding potential acquisitions of properties.

EMAILS — COMMENTS	RESPONSES
	04 Regarding the potential for increased population as a result of the project, the role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies as well as the highly urbanized nature of the surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. For additional information regarding the accommodation of projected growth, please refer to Topical Response "Projected Growth."
	05 Main-lane travel times for the *I-5 NCC Project* are shown on Figures 3.1 and 3.2 of the November 2008 I-5 North Coast Traffic Report. The average travel times depicted on these figures are reconciled from the I-5 North Coast Freeway Operations Report (http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf) and the Corridor System Management Plan (CSMP) (http://www.dot.ca.gov/dist11/Env_docs/I-5NCCCSMP.pdf), for scenarios including existing conditions (2006/2008), the 2030 No Build alternative, and the 2030 8+4 and 10+4 alternatives. The associated data encompass both the northbound (Figure 3.1) and southbound (Figure 3.2) directions for a 24-hour period, including the a.m. and p.m. peak periods. Using the 2030 No Build alternative as reference, it is anticipated that travel time for the 8+4 alternative in the northbound direction would be reduced by 2 to 8 minutes and 19 to 22 minutes for the a.m. and p.m. peak periods, respectively. In the southbound direction for this alternative, reductions of 7 to 17 minutes and 11 to 18 minutes were identified for a.m. and p.m. peak periods, respectively. Under the 10+4 alternative, northbound travel time savings of 4 to 10 minutes and 33 to 37 minutes were identified for a.m. and p.m. peak periods, respectively, with corresponding southbound travel time savings of 19 to 25 minutes and 14 to 18 minutes for the a.m. and p.m. peak periods, respectively.

EMAILS – COMMENTS	RESPONSES
	05 cont. Please note that these travel time savings represent the I-5 North Coast Corridor segment between La Jolla Village Drive in the City of San Diego and Harbor Drive in the City of Oceanside.
	06 Please refer to the response to your Comment 03 with regard to planned multimodal improvements and to Topical Response "Transportation Funding" regarding the use of highway funds for alternative transportation modes. With regard to education, programs or mitigation considered in an EIR must be practicable for the Lead Agency to implement. Caltrans is a State agency specifically formed for the purpose of addressing State highway system needs and has no authority to independently require or authorize activities related to education.

EMAILS – COMMENTS

Steve Bonenberger
Sunday, September 26, 2010 9:34 AM
Subject: pls update

01 To Whom It May Concern:
The bldg my company owns @ 2585 Pio Pico in Carlsbad, CA is slated for demolition & acquisition by the expansion of I-5 corridor. Can you provide me an update? When can I expect this to occur? What is the process? Will an offer be forthcoming?

Pls advise & provide as many details as you are able.

Respectfully,
Steve Bonenberger
1-760-434-9300

RESPONSES

Response to Steve Bonenberger

01 Thank you for your comments, which are part of the public record. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The identified property at 2585 Pio Pico Drive in the City of Carlsbad would not be acquired under this alternative, although a temporary construction easement (TCE) and a footing easement would be required to construct a retaining wall located along the Caltrans' right-of-way at the southern end of the property.

EMAILS — COMMENTS

Ellie Bonner
09/25/2010 09:44 AM
Subject: Fwd: TransNet I-5 North Coast Corridor: Corridor System Management Plan Released

01 I'm very concerned about the proposed size of this expansion. Fourteen lanes is ridiculous. We should be looking at expanding the Coaster and Trolley, not covering our coastline with concrete lanes. Yes, it costs money to build public transportation, but it also costs to build roads. When I visit other countries, I'm able to travel almost everywhere on public transportation, and find it so much more appealing than sitting on the freeway. Please look at the public transportation alternatives!

Ellie Bonner
7357 Gabbiano Lane
Carlsbad, CA 92011

RESPONSES

Response to Ellie Bonner

01 Thank you for your comments, which are part of the public record. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

Regardless of size, the proposed project is just one element of multi-agency, multimodal transportation improvements planned for the North Coast Corridor, including double-tracking of the rail lines. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding mass transit options, as well as Topical Response “Corridor Alternatives” regarding alternatives screened for the North Coast Corridor, including trolley. Public transportation is anticipated to be a critical component of the solution to North Coast Corridor congestion.

EMAILS – COMMENTS

William Bonner
11/09/2010 09:59 AM
Subject: I-5 Corridor Proposal

http://www.nctimes.com/news/local/sdcounty/article_cca5329c-7131-5ee6-9169-3babefbec6e4.html

01 I'm amazed at how the I-5 Corridor plan remains focused on Politics rather than a pragmatic approach to increasing traffic flow. Rather than establish more lanes which everyone can use, your Caltrans team is attempting to implement more restricted lanes (which all of us pay for) that few people use. The I-15 corridor expansion is a perfect example of how Carpool lanes simply don't work. While the project turned out beautiful, well constructed structurally/aesthetically .. anyone can stand on an overpass midweek during rush hour and see for themselves how this setup FAILS the vast majority of commuters.

All these public officials and "environmental" groups have hamstrung us into paying for carpool lanes by Law without a vote, yet few people can find a carpool situation that works. Few people can find a carpool partner whose A to B route to work and work schedule matches their own. I know because I've tried. Sadly, we all have to sit in traffic each day while somebody's idealistic plan gets put into place using our hard earned tax dollars. What a slap in the face, we work hard and pay all these taxes for … virtually nothing.

02 Next, any suggestion of an environmental impact is a joke. The I-5 corridor has been there for decades and is surrounded by houses … virtually NO natural environment has existed along the I-5 for 50 years!! Lagoons?? … well the highway runs right OVER them. No Impact. If our Lagoons were so precious how was it possible that the Del Mar Lagoon was allowed to be utterly shredded by construction and earth movers for the past year? So the natural flow of this Lagoon is decimated, apparently with the blessing of local environmental groups and that's ok, yet we have to spend tens of millions more studying the 'impact' to this lagoon again ?? … And other Lagoon environments along the way? Whatever, this 'Study' money is a waste … it's used to fund Lawyers, bureaucrats, and environmental groups who produce nothing while construction remains at a standstill, like my car. This red tape, bureaucracy and the excess power/influence allotted to specific so-called 'environmental' groups is a form of blackmail. As a Conservationist, Engineer and avid outdoors person I see no tangible impact to an I-5 expansion, only bullshit roadblocks from the self-righteous and ignorant.

03 Reading through comments critical of any I-5 expansion are abundant references to Trains and Mass Transit. One article mentioned a woman from Del Mar who wanted high speed trains like they have in France. I find it quite ironic and extremely hypocritical that any old fart from Del Mar, the town which voted to SHUT DOWN its train station, would demand more trains as a solution. Seems this woman just wants a fanciful notion of a Train, a Train she might take once per year to a garden party in Point Loma on the weekend. I'm guessing she's never worked, never commuted a day in her life. Only a sheltered Del Mar housewife could display such complete ignorance. The Coaster, Sprinter and other trains in San Diego County have been in place for decades. Yet, still remain relatively unused. Why is this? Why aren't all the concerned citizens … those voicing their objection to I-5 expansion .. on these trains?? I used to commute on Amtrak to Orange County, for months, never was a train even half full. Trains are only a solution for stupid or naive people who don't understand population density. New York and Boston have great subway and light rail systems … I know, I lived there… but those systems

RESPONSES

Responses to William Bonner

01 Thank you for your comments regarding use of High Occupancy Vehicle (HOV)/Managed Lanes, which are part of the public record. Additional general purpose lanes do not provide the certainty in travel time that can be attained with HOV/Managed Lanes, which are monitored for flow, and which individual-occupant cars can also use upon payment of an identified fee. Alternatives proposing only general purpose lanes without HOV/Managed Lanes did not answer projected needs as well as those with the HOV/Managed Lanes (see *Section 2.6.1* of this Final EIR/EIS). Similarly, build alternatives proposing an additional general purpose lane in addition to the HOV/Managed Lanes have not been assessed as providing substantially greater benefit than the Preferred Alternative, which consists of the addition of four HOV/Managed Lanes. The inclusion of HOV/Managed Lanes within the I-5 corridor is identified in a number of related planning documents, including the San Diego Association of Governments' (SANDAG) Regional Transportation Plans (RTPs) and the North Coast Transportation Study. As described in detail in EIR/EIS *Section 1.3.5, Managed Lanes*, the provision of such lanes has been found by Caltrans to be an effective means of managing travel demand and encouraging the use of other travel modes in response to changing traffic and roadway conditions. Allowing HOVs free access to the lanes encourages ridesharing, thus carrying more people in fewer vehicles. Value pricing, which would be implemented for the proposed HOV/Managed Lanes, allows single-occupant vehicles to pay to use the lanes when extra capacity exists, and provides for the monitoring of lanes to ensure that all user groups experience less congestion than users of the general purpose lanes. The availability of these lanes helps to manage congestion on all highway lanes, by removing some vehicles from the general purpose lanes. While evaluation of the full benefit of the I-15 multimodal improvements has not been completed, please note that HOV/Managed Lanes have been proven to be successful in minimizing through-lane congestion. Within the project corridor, approximately 13 percent of weekday peak period vehicles are

EMAILS — COMMENTS	RESPONSES
	01 cont. HOVs, with this number anticipated to increase to roughly 10 to 20 percent by 2030, while approximately 60 percent of vehicles within the project limits during weekend peak periods are HOVs (refer to *Section 3.6.3.1*, *Traffic and Transportation*).
	02 Regarding potential environmental impacts from the proposed project, although the project corridor is largely developed, native habitat does still exist and is largely associated with the water courses and lagoons crossed by the freeway. As a result, the EIR/EIS does identify a number of related impacts to the "natural environment" as stated in this comment, as well as coastal lagoons and/or associated waterways. While I-5 utilizes bridge crossings for coastal lagoons and larger drainages, there are associated potential impacts from facilities and activities such as bridge abutments/piers and vehicle-generated pollutants. With respect to recent construction operations in "Del Mar" Lagoon (assumed to refer to San Dieguito Lagoon), these activities were actually associated, at least in part, with the ongoing Southern California Edison San Onofre Nuclear Generating Station (SONGS) restoration project. Identified goals for the SONGS project include restoring approximately 115 acres of tidal wetlands, developing native upland habitats and bird nesting areas within the lagoon, enlarging the lagoon inlet to improve tidal flushing (i.e., saline and freshwater movement and exchange), and maintaining adequate sand transport to the beach in Del Mar. Based on the described conditions/activities and the potential for the I-5 project to result in and/or exacerbate impacts to resources including lagoons and related waterways, the associated project technical and environmental studies were essential to identify and quantify potential project effects, as well as to develop related avoidance, minimization, and mitigation measures. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a coordinated and comprehensive program to address impacts to coastal natural resources and would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific, incremental mitigation approach.
	03 Your support for widening I-5 versus providing more transit is acknowledged.

EMAILS — COMMENTS

03 cont. just won't work here. Busses are even less utilized. They have continually been subsidized and often spew out more CO2 per passenger than any car due to the low ridership.

04 Clearly the solution here is more lanes and efficient on/off ramps which working people CAN use. Seems the majority of people who show up to these Caltrans meetings don't work or don't commute, while the rest of who pay the bills us are stuck in traffic .. those unaffected by traffic congestion ironically are the ones are planning our highways and attending these meetings. In Boston and other places (including I-15) movable medians are used to create more lanes for the flow of rush hour traffic. The concept is simple and could be easily implemented in San Diego without adding these billion dollar lanes!! Certainly an additional 2-4 lanes would help, and should be put in place. People worried about noise? Try rubberized asphalt rather than these noisy concrete roads .. again, a simple solution, doesn't require some fancy computer model or 10 years of study … just observation. Concerns for additional noise are unfounded, the number of cars on the road won't change just the flow and speed of cars.

05 I'm saddened and angry how my family and my tax dollars have been held hostage to pathetic special interests like PLAGUE. Project planning drags on for decades before a single shovel is lifted yet tens of millions in bribery money (taxes) is spent on 'studies' or reports which amount to nothing more than someone's preformed political postion on the original proposal.

06 Environment?? How about the environment in San Diego County Households?? Does anyone care about that? Does anyone care about family life in San Diego County?? I could use the extra 40 minutes per day to go cycling, cook dinner, and be with my loved ones rather than on a noisy concrete highway in stop and go traffic thanks in part to Caltrans and tainted Special Interests like PLAGUE or dumb selfish people in Del Mar. If ocean views and shrubbery are important on your drive .. then you don't drive to work. Take the 101 and give me more lanes. The Government (Fed, State, Local) has collected far more money in transportation taxes over the years than it's ever invested in real tangible infrastructure. It's about time Caltrans and San Diego County helped out the people who really make this County work, it's about time Commuters got the infrastructure we've been paying for all these decades. Add 4 lanes and a movable median !!

Bill Bonner
Sr. Engineer, Conservationist, Avid Outdoors Person, Commuter
Carlsbad, CA
william.bonner2@ngc.com

RESPONSES

04 Consistent with your request for better on- and off-ramps, auxiliary lanes extending between interchanges would be constructed in south- or northbound directions for approximately half the length of the improvements. Auxiliary lanes extend between intersections and facilitate merging traffic. These lanes are schematically depicted on *Figure 2-2.1c* of the Final EIR/EIS. Please also refer to Topical Response "Corridor Alternatives" regarding alternatives screened for I-5 improvements, including reversible carpool lanes.

05 Quieter pavement, such as "rubberized asphalt concrete" (RAC), is currently not listed in 23 CFR 772 as a noise abatement measure that can be applied in accordance with federal policy. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. Asphalt surfacing increases maintenance costs, which is a factor being considered in wider applications beyond pilot studies. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures. As a result, the use of alternative surfacing is not proposed for I-5.

With regard to the potential for additional noise, project-related traffic volumes would increase slightly compared to the No Build alternative. Consistent with your comment, the "flow and speed of cars" would be increased. Accordingly, because increased vehicle speeds also result in higher noise levels, project-related noise impacts are addressed in EIR/EIS *Section 3.15, Noise*. As described therein, project-related noise level increases would vary by location, although the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

EMAILS — COMMENTS	RESPONSES
	05 cont. The comprehensive planning process has been designed to facilitate public involvement, which often includes input from the public, agencies, organizations, and concerned groups. Accordingly, the planning process for major highway infrastructure is lengthy and subject to substantial review and comment.
	06 The project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Consistent with your comment, the Preferred Alternative proposes the addition of four lanes, including two HOV/Managed Lanes in each direction. Regarding the investment of transportation taxes for tangible infrastructure, SANDAG is the regional planning agency responsible for disbursing funds to various modes of transportation throughout the county. SANDAG has established the TransNet Independent Taxpayer Oversight Committee to provide a higher level of accountability for the expenditure of funds. For more information about this committee, visit http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail and for information about SANDAG, visit its home page at www.sandag.org. You are also encouraged to visit the TransNet Dashboard at www.transnettrip.com, to view the status of the *I-5 NCC Project*. This website was created to keep the public informed on TransNet projects and provides up-to-date schedule, budget, and expenditure information. Please also refer to the response to your Comment 04 regarding the potential for use of a movable median.

EMAILS — COMMENTS

Walt and Ira Boroditsch
09/27/2010 08:18 AM
Subject: I-5 WIDENING PROJECT

01 WE DO NOT SUPPORT WIDENING I-5. MODERN FORMS OF TRANSPORTATION SHOULD BE LOOKED AT. WE SHOULD NOT BE SPENDING $3 BILLION ON WIDENING AND THEN SPEND MORE IN THE FUTURE. LETS DO IT RIGHT THE FIRST TIME. WE LIVE TWO MILES EAST OF I-5 NOW AND WE HEAR A LOUD ROAR NOW. I CANNOT IMAGINE WHAT IT WOULD BE LIKE BY ADDING ALL THE PROPOSED LANES. STOP THIS NOW.

WALT AND IRA BORODITSCH

RESPONSES

Response to Walt and Ira Boroditsch

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Regarding modern forms of transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response “Transportation Funding” for information on issues related to the use of public highway funding for alternative transportation modes.

With regard to the potential need for additional improvements in the future, the San Diego Association of Governments (SANDAG) plans for the region to trend toward more transportation options, with development concentrated around transit stations. Changes contemplated in land use planning and alternate transportation modes will take many years to come to fruition. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take extended time to implement rather than focusing only on short-term solutions. This is done with the full understanding that conditions will continue to change over time, potentially requiring additional modifications to the system. Please refer to Topical Response “Project Lifespan” for additional information.

With respect to project-related noise concerns, these issues are addressed in EIR/EIS *Section 3.15, Noise*. As described therein, although project-related noise level increases would vary by

EMAILS – COMMENTS	RESPONSES
	01 cont. location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Given the stated distance of your home from the I-5 corridor, the potential change in noise levels there is not anticipated to be perceptible. Please also refer to Topical Response “Soundwall Considerations” for additional information on noise and soundwall analysis.

EMAILS – COMMENTS

Cheryl Bray
08/27/2010 02:46 PM
Subject: I-5 Expansion comments attached

01 I am not in support of the I-5 Expansion.

Question 1: have you taken into consideration recent telecommuting trends?
Question 2: Have you read and incorporated the 2010 Victoria Transport Policy Institute Study on U.S. Freeway Expansion 2006-2010?

02 1. The Caltran's EIR report does not account for one of the major workplace trends of this decade, telecommuting . I started working from home 100% of the time in 2009. I know many people in other industries who do so as well. This was not the case in the very recent past. Working from home either 100% of the time or several days a week is now quite common…especially in high tech or sales jobs, but in many others as well. Many people have commented that the freeways are not as bad as they used to be and surmised that it is perhaps because there is more unemployment. I posit that it is simply because more employers (HP, Qualcomm, Yahoo, Google are better known examples) have embraced telecommuting. Note the following sources:

• According to a Gartner Dataquest 2008 report, 25% of workers telecommuted. They project 2009 numbers to be 27.5% of workers as telecommuters.
• According to Star Workforce Solutions, in January of 2009, 100 million Americans telecommuted.
• According to Gartner Dataquest, 48% of Employers surveyed in 2009 said they are planning to incorporate work at home schedules in their corporate lifestyle
• Telecommuting Trends have grown naturally over the last decade. Their growth has paralleled technology improvements to facilitate work from home.
• Telecommuting has grown every year in this decade. It is green, provides cost efficiencies to both the employee and the company . It is here to stay…and it is not reflected in the CALTRAN's EIR because this trend is just too new to be accurately reflected in data collected before 2007.

03 2. The Victoria Transport Policy Institute study (2006-2010) provides recently modeled, data driven, multi year analysis of the major metropolitan freeways in the U.S. including Los Angeles. The report writer is not anti-freeway, but rather points out that transit planning in the U.S. has NOT evolved as it should. Current freeway planning and modeling is very backward looking.
• The study debunks the premise that freeway expansions always cause congestion relief
• The study debunks the claim that freeway expansion is the most cost effective way to reduce traffic congestion
• The study questions the entire methodology of the most commonly used methodologies by freeway expansionists to support their claims. They show that most EIR reports use old traffic models, extrapolate past trends to predict huge future growth in vehicle travel. They also exaggerate analysis and economic value of the freeway improvements while understating the true costs.
• My favorite; the study provides data to debunk the commonly accepted theme among Highway expansion advocates; that alternatives such as improved public transit have already been tried and failed. The reality is that in 2004/2005, only 8% of surface transit funding was spent to attract the discretionary traveler (someone who has a car). 8% is a very small amount of effort.

Cheryl Bray

RESPONSES

Responses to Cheryl Bray

01 Thank you for your comments, which are noted and are part of the public record. Your preference for the No Build alternative is noted.

02 The benefits of telecommuting are recognized, and the greater use of telecommuting as its popularity and feasibility increase will reduce traffic volumes within the North Coast Corridor. However, expanding telecommuting would not be sufficient to relieve the congestion expected to occur within the corridor. Both the 2030 and 2050 San Diego Association of Governments' (SANDAG) Regional Transportation Plans (RTPs) estimate telecommuting (teleworking) is used by only five percent of the work force. The 2050 RTP, which is incorporated by reference in the EIR/EIS, states:

> In our region's efforts to identify cost-effective strategies for reducing peak period congestion and the associated greenhouse gas emissions, telework rises to the top. However, telework is a solution that currently lacks a dedicated program. To promote it, iCommute proposes to launch a regionwide telework program that includes incentives and technical assistance to support employers with developing telework policies and programs.

Although the value of taking these workers off the road is understood, requiring other employers to implement similar programs is beyond Caltrans' ability. Citizen support of the iCommute program would help improve telecommute percentages, with corresponding reductions in congestion. Until the percentage of individuals participating is much higher than five percent, however, ongoing transportation upgrades will be needed.

03 Regarding the Victoria Transport Policy Institute study and its findings regarding freeway planning and modeling, this analysis correctly points out that freeway expansions do not always result

EMAILS – COMMENTS	RESPONSES
	03 cont. in congestion relief. Please note, however, that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit centers, and park and ride facilities. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to public transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. These efforts, combined with other project-specific and regional efforts, are anticipated to minimize the potential for additional vehicles on the road as a result of I-5 improvements. Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes. With regard to methodologies, the traffic modeling used for the *I-5 NCC Project* utilizes projections derived from established sources such as SANDAG's series forecasts as well as project-specific technical analyses. Year 2030 traffic projections, for example, are outlined in EIR/EIS *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities*. Caltrans began environmental technical studies for the proposed project in 2006, basing those

EMAILS – COMMENTS	RESPONSES
	03 cont. studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*. Based on the described considerations, the noted data sources and analyses are based on accepted industry standards and methods and are considered the most appropriate and accurate approach for the proposed project. As noted above, mass transit is recognized as an important element of the transportation system in the North Coast Corridor; however, based on regional traffic projections, these other transportation methods are not a substitute for freeway widening.

EMAILS — COMMENTS

Cindy Breider
Tuesday, October 12, 2010 5:40 PM
Subject: Question inquiring about I-5 Corridor

01 Question: We are concerned about the traffic on I-5 and the impact on all the communities that will be affected. By widening I-5 the noise will be that much louder and it will be so costly. It
02 seems more cost effective to spend the tax payers money with more mass transportation, trains, and buses. Making the cost of mass transportation affordable and better schedules, more people would ride.

RESPONSES

Responses to Cindy Breider

01 Thank you for your comments, which are part of the public record. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on the character of North County coastal cities and why those effects are not expected to substantially adversely impact communities already crossed by this highway. In addition, please note that Caltrans has worked with adjacent cities to develop a number of potential enhancement projects. Based on the community enhancements, improvement of an existing major facility, and additional efforts to avoid, minimize, and/or mitigate project-related impacts, the implementation of new project features is not expected to have a substantial adverse effect on the communities of north coastal San Diego County.

As described in EIR/EIS *Section 3.15, Noise*, although project-related noise level increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans Guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible"criteria for noise abatement measures as required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15*). The use of such noise-abatement facilities has been shown to be effective in reducing traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

EMAILS — COMMENTS	RESPONSES
	01 cont. With regard to spending money for project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route.
	02 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please note that because potential modifications to public transportation rates and schedules are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District, which has jurisdiction over public transportation in North County. For additional information, please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding mass transit options. Please also refer to the Topical Response “Transportation Funding” for information on issues related to use of public highway funding for alternative transportation modes.

EMAILS – COMMENTS

Daniel Brown
08/21/2010 02:02 PM
Subject I-5/Highway 56 connector and I-5 expansion project

01 Dear Cal-Trans,
I respectfully object in the strongest possible terms to the I-5/highway 56 connector and I-5 expansion projects for significant reasons.

02 1) as someone with asthma, the expansion will not only bring traffic closer to my home, but it will expand the volume of traffic, raising the quantity of particulate matter in the air and dangerously increase the threat to the health of my lungs

03 2) The added noise from almost doubling the number of lanes will create a debilitating psychological burden on residents in my neighborhood; the sound wall already erected for the current number of lanes is inadequate. As I am sure you are aware, sound waves refract around a linear boundary, and we still get a lot of noise, even with our windows closed. With almost double the number of lanes, the sound will become unbearably oppressive.

04 3) The project will irreparably damage any legitimate resale value of our house, effectively making us prisoners in it. The value of our house when we first moved there was markedly enhanced by breathtaking backcountry views. With a higher, opaque sound wall, those views will be eliminated. This, along with the noise, will make it impossible to get fair market value and recoup my investment should I ever have to sell my home.

05 4) Adding more lanes to the freeway will be, rather than growth-accommodating, will be growth-promoting, much in the same way that an obese person who buys bigger pants usually ends up eating sufficient quantities to end up having the new, bigger pants be too tight. We don't need more freeway, we need more public transportation alternatives to alleviate the crowding that is already there. If I had more ready access to efficient rail and/or bus transportation near my home to my place of work, I'm pretty sure I would utilize it a great deal.

06 5) at a time when California's budget deficit is $19 billion, it seems capricious and callous to spend $3.5-4.5 billion dollars on an expansion that will only be a temporary improvement until the resultant subsequent growth creates a situation in which the new concrete monstrosity will be inadequate to the task; you can't, after all, level the hills of Del Mar and pave all the way to the ocean. At some point the strategy of getting people from point A to point B will have to be done more efficiently and intelligently, not by brute force.

Thank you for your attention,

Daniel J. Brown
13259 Portofino Drive
Del Mar, California 92014

RESPONSES

Responses to Daniel Brown

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Please note that consideration of the State Route (SR-) 56 Connector project is a separate effort. The Draft EIR/EIS for that project was released in May of 2012, with a final document anticipated for release in late 2013.

02 Regarding your comments on potential project-related air quality, particulate matter (PM) and related health concerns, these issues are addressed in EIR/EIS *Section 3.14, Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in overall lower air emissions and related improvements to air quality compared to existing conditions.

With respect to PM, and based on screening using U.S. Environmental Protection Agency (USEPA) PM guidance (as described in *Section 3.14*), the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing the build alternatives against a no build condition. The proposed project would improve traffic operations by smoothing traffic flow as described above and would contribute to lower PM emissions when compared to the No Build alternative. The proposed project would therefore comply with federal PM_{10} and $PM_{2.5}$ standards and would be unlikely to increase the frequency or severity of any existing nonattainment of those standards. A number of measures are also identified in *Section 3.14* to control construction-related particulate generation (e.g., dust), including required conformance with applicable San Diego Air Pollution Control District standards.

The analysis in *Section 3.14* indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with

EMAILS – COMMENTS	RESPONSES
	02 cont. MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. The potential for long-term health effects from living in proximity to a freeway are addressed in EIR/EIS *Section 3.14.3*. The proposed project, as previously indicated, would reduce emissions and improve overall air quality relative to existing conditions. In addition, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. Given the described requirements and the nature of the project to maintain or reduce travel time, congestion, and related emissions along the I-5 corridor, it is anticipated that associated health effects would also be improved over existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on air pollutants and related potential health effects.
	03 Regarding project-related noise concerns in the area west of I-5 and north of Carmel Valley Road (13259 Portofino Drive), these issues are addressed in EIR/EIS *Section 3.15, Noise.* As described, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable FHWA and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations, including S551 in the subject area. This soundwall was determined to be "feasible" under applicable FHWA and Caltrans guidelines, as it would provide a minimum five dBA reduction in the future noise level.) S551 was concluded not to be "reasonable" under these guidelines, however, as the estimated construction cost exceeds the "reasonable" cost allowance for this structure (refer to EIR/EIS *Tables 3.15.9* and *3.15.10*). Accordingly, S551 is not recommended for construction, although individual noise abatement would be provided for one noise receptor (R4.11), as this site would exhibit a future noise level (with the project and no soundwall) of 75 dBA and is therefore considered "severely

EMAILS — COMMENTS	RESPONSES
	03 cont. impacted." As shown in *Table 3.15.9*, the other noise receptors for which S551 would provide "feasible" noise abatement (i.e., R4.12 through R4.21) would exhibit future noise levels that exceed current levels by zero to two dBA. Changes of three dBA or less are generally not detectable by the average healthy human ear. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. Regarding your concern on sound reflection, due to the distance between the parallel barriers (existing barrier on the east side and proposed barrier on the west side) reflection effects would be minimal. Per the FHWA Highway Noise Barrier Handbook, a width to height ratio between 10:1 to 20:1 would have a maximum barrier insertion loss of zero to three dB. For this level of anticipated impact, "at most, degradation is barely perceptible; [with] no action required in most instances." The reflected noise may only cause an increase of one to three dB at the receptor on the opposite side. As noted above, the normal healthy human ear can barely perceive differences of three dB. 04 Based solely on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated. Please refer to the Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects. With respect to your concern regarding elimination of views due to a higher, opaque soundwall, please refer to the response to your Comment 03 above. The existing seven-foot-tall glass/block property wall would remain in place and views would remain intact. 05 Regarding your concerns for project-related growth, the role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies as well as the highly urbanized nature

EMAILS – COMMENTS	RESPONSES
	05 cont. of the surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. Please also refer to Topical Response "Projected Growth" regarding accommodation of expected growth. Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. 06 With regard to project funding, Caltrans' responsibility is to use transportation monies provided for the upgrade of the State highway system in the most beneficial way, considering a combination of driver need, environmental effects, and project cost, on those highway facilities. Based on an analysis of the benefits of the proposed improvements to transportation in the North Coast Corridor, Caltrans has determined that the expenditure on the *I-5 NCC Project* is appropriate. With regard to spending money for project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. With regard to the potential need for additional improvements in the future, SANDAG plans for the region to trend toward more transportation options, with development concentrated around transit stations. Changes contemplated in land use planning and alternate transportation modes will take many years to come to fruition. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take extended time to implement rather than focusing only on short-term solutions. This is done with the full understanding that conditions will continue to

EMAILS – COMMENTS	RESPONSES
	06 cont. change over time, potentially requiring additional modifications to the system. Please refer to Topical Response "Project Lifespan" for additional information. It should also be noted that freeway improvements are not the only actions being considered to improve transportation in the corridor; rail, light rail, bus transit, bikeway, and pedestrian/trail systems are also being pursued by the agencies responsible for these facilities within the North Coast Corridor. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

EMAILS — COMMENTS

Jeanne Brown
11/09/2010 07:52 PM
Subject: I-5 expansion

01 The more we expand I-5, the more traffic there is. We should spend the money on a mass transit system that services and complements the trolley system. It could be buses that connect to the coaster and the trolley or even a monorail system that doesn't involve road crossings. We need to be more creative.

Jeanne Brown
jhisten@cox.net

RESPONSES

Response to Jeanne Brown

01 Thank you for your comments, which are noted and are part of the public record. As described in Topical Responses “Projected Growth” and “Project Lifespan,” while traffic tends to increase with regional population, there are a number of project-specific and regional efforts under way to minimize this effect. The proposed project is just one element of multi-agency, multimodal transportation improvements planned for the North Coast Corridor. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding public transportation, including mass transit and rail options, as well as to Topical Response ”Transportation Funding” regarding issues associated with the use of highway funds to improve alternative transportation modes. Please also refer to Topical Response “Corridor Alternatives” regarding creative system and design alternatives screened for the North Coast Corridor during initial evaluation of transportation issues, including monorail.

EMAILS – COMMENTS

Bernie Burke
11/10/2010 10:45 AM
Subject: Support for I 5 expansion

01 Please, do the right thing and do not listen to the NIMBY crowd who are the only ones that show up at the public hearings. I 5 is clearly the most important transportation link between San Diego area and points north, and it is outdated and overcrowded.

So many times we have built a freeway or expanded one only by the minimum amount to meet short term needs, and then later have to do it all over again when that proves to be inadequate, and at far greater costs (both financial and interruption). Please, do it right the first time and make a maximum expansion of I 5, now.

As an example of the recent outcome of following the well meaning advice to instead construct other public transport means, just look at the train recently built at a cost of half a billion dollars between Escondido and Oceanside. Although it was well done, it has virtually no riders (something like 8,000 total for a month), operates at a loss and has no noticeable effect on the auto traffic on SR 78. It just doesn't work unless part of a massive development of a complete public transportation system which isn't in the cards, and is a red herring put up by the NIMBY crowd.

A. Bernarr Burke
Fallbrook, CA

RESPONSES

Responses to Bernie Burke

01 Thank you for your comments, which are part of the public record. Your preference for the maximum expansion is noted. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative is considered the best balance between I-5 improvement and minimization of environmental impact. *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. A variety of regional programs, including land use densification and improvements to the public transportation system, are planned to minimize future increases in freeway traffic. Please refer to Topical Response “Project Lifespan” for a discussion of why freeway improvements are necessarily iterative. Based on future population and transportation demand projections, all modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, will require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies.

EMAILS — COMMENTS

Michael Bullock
1800 Bayberry Drive
Oceanside, CA 92054
760-754-8025

November 16, 2010

Shay Lynn Harrison Environmental Analysis Branch Chief
California Department of Transportation
District 11
Division of Environmental Analysis
MS 242
4050 Taylor Street
San Diego, CA 92110

RE: I-5 North Coast Corridor Project Draft Environmental Impact Report/ Environmental Impact Statement

Submitted via Electronic Mail and U.S. Mail

Dear Ms. Shay Lynn Harrison,

I appreciate the opportunity to provide you with my comments.

I am confused by the subject document's presentation of four alternatives. I expected a preferred alternative and a sufficiently wide range of alternatives to that preferred alternative. Which is the preferred alternative? In light of your not showing which alternative is the baseline, I think it would be only fair if you revised the subject document showing which alternative is the baseline.

01 **I also find it to be legally unacceptable that there is no transit or comprehensive pricing alternatives presented.** Given the need for our GHG emissions to at least adhere to the trajectory of Reference 1, we need to stop adding more freeway lanes. The transit alternative could be to use the TransNet money allocated for freeways for transit, by going back to the voters if necessary. Recent polls indicate a strong preference for transit over highways on the part of San Diego voters. This is shown in Figure 8 of Reference 2.

"Pricing", means that we should implement systems that will unbundle the cost of driving and parking with equitable, convenient, and environmentally sound (full cost) pricing and payout systems. This would be easy to do these days, with GPS, RFID, computers, and so on. It would be cheaper than free because roads and parking are so expensive and we could get by with less if we were simply fair to consumers.

Please add these alternatives to you DEIR and re-circulate the updated memo.

Thank you for your consideration of these comments.

02 Respectfully Submitted,

Bullock to Caltrans Re I-5 DEIR 1 of 2 11/16/10

RESPONSES

Responses to Michael Bullock

01 Thank you for your comments, which are part of the public record. The necessity for the proposed project has been determined through extensive planning by multiple agencies carried out over a period of approximately 20 years, as described in Topical Responses "Multimodal System" and "Corridor Alternatives." The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation that includes other transportation service alternatives, including transit. Following the completion of a Corridor System Management Plan (CSMP) and the Regional Transportation Plan (RTP), which address all planned transportation modes, each Lead Agency is moving forward with a more detailed review of the portion of the system improvements for which it is responsible. The purpose of and need for the I-5 NCC Project are described in detail in EIR/EIS Chapter 1, Proposed Project. Objectives of the project include maintaining or improving travel times within the corridor, providing a facility that is compatible with future bus rapid transit (BRT) and other modal options, and maintaining the facility as an effective link in the national Strategic Highway Network. The I-5 NCC Project improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2050 to allow the region to work toward complex solutions that take extended time to implement. Please refer to Topical Responses "Rail Preference" and "Mass Transit" for a discussion of how the project fits within the regional transit system and 2050 RTP to encourage the use of mass transit and provide compatibility with BRT lines.

EMAILS – COMMENTS

The subject document should have two related purposes.

2.1 Support an Informed Decision as to How Best Meet Mobility Needs

02 cont. The first purpose should be to support an informed decision as to how best meet people's needs to have to access to their desired destinations, as well as to fulfill the need for the movement of goods. Possibilities would include freeway lanes and all of the alternatives, such as surface streets, pedestrian and bicycle facilities, and various forms of transit. Associated services would include freeway and/or high-occupancy toll (HOT) lane operation, maintenance, and enforcement, and the services associate with the alternatives, such as transit operations and bicycle-use education. It should be noted that the Scoping plan for this project is dated 2004. A lot has happened since 2004. It is now obvious that a "transit only" alternative needs to be considered, with the TransNet freeway money shifted over to be used for transit instead. If this requires going back to the voters, that should be done. If an alternatives analysis shows that transit-only is the best alternative, then the TransNet tax should be configured to match that finding.

2.2 Meet the Requirements of CEQA and NEPA

03 The 2nd purpose should be to identify and evaluate all of the significant negative environmental impacts associated with the identified methods for meeting the needs. This evaluation would include identification and assessment of mitigation strategies for those negative impacts that can't be avoided. This assessment of mitigations would include a determination of feasibility, as required in CEQA. This is important because, as shown in Section 4.1 of the subject document, every significant effect must be mitigated by all mitigation measures that are not found to be infeasible.

3.0 Global Warming

04 Reference 1, the Governors Executive Order S-3-05, specifies the GHG trajectory needed by the world to prevent GHG levels from exceeding 450 PPM (parts per million). In 2005, when S-3-05 was written, it was believed that if the world could keep GHG levels from going beyond 450 PPM, it could avoid catastrophic climate destabilization[1]. However, we now know that any value beyond 350 PPM is dangerous. This is an ominous finding because we are currently at 390 PPM. Based on this, some have said that being 80% below 1990 levels by 2050 is not low enough and that instead we need to be nearly "off carbon" by that year. Therefore, it is reasonable to use 95% below 1990 levels by 2050 as a target to give the world a reasonable chance of avoiding climate destabilization. How can the public see the biannual reports Caltrans has been producing as required by S-3-05? Would it require a FOIA request to see them? Would you please send them to me and the others on your distribution list so we can judge whether or not Caltrans is doing anything meaningful to meet the S-3-05 targets?

[1] The June 2008 issue of Scientific American has a article titled "Ethics and Economics of Climate Change". It states that the warming caused by 550 PPM of equivalent C02, a level expected within a few decades, will result in a 5% chance of an increase of 14.4 Degree F and that this poses a risk of "a devastating collapse of the human population, perhaps even to extinction."

RESPONSES

02 As discussed in the response to your Comment 01, the process of determining the combination of transportation improvements to address mobility needs has been previously addressed through separate documents. The process of identifying the build alternatives addressed in detail in the EIR/EIS is discussed in *Section 1.4, History and Background*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor.

Additional information on modal choice is provided in the CSMP. CSMPs are "living" documents that are updated based on new information and roadway performance monitoring. The Interstate 5 San Diego North Coast CSMP includes a range of strategies for addressing congestion, performance measures or criteria for identifying when action is needed, and a system for prioritizing which congestion management strategies would be most effective. The development of the CSMP resulted in a solution that includes double-tracking the rail corridor and adding High Occupancy Vehicle (HOV)/Managed Lanes on I-5, as well as improving regional arterials; bicycle and pedestrian routes; and bus, rail, vanpools, and carpool services. The *I-5 NCC Project*, therefore, would be consistent with the CSMP. Information augmenting the need for all transportation modes to be improved within the North Coast Corridor has been incorporated into this Final EIR/EIS. The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function adeqately. The No Build alternative analyzed in the EIR/EIS assumes that planned improvements to other modes, such as Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line double-tracking, will be constructed; however, these improvements would not be sufficient to address the level of transportation demand forecast for the corridor. A balanced approach to improving regional transportation facilities is considered more equitable than using State and federal funds exclusively for either widening freeways or mass transit. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The

EMAILS – COMMENTS	RESPONSES
	02 cont. refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. It would result in the least impacts to existing residences. Please also refer to Topical Response "Transportation Funding" regarding the use of highway improvement funds for other modes of transportation.
	03 The EIR/EIS has been prepared to comply with the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans prepares blended environmental documents with a specific format to address both NEPA and CEQA requirements. The purpose of *Chapter 3 – Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, is to disclose the potential environmental effects under both NEPA and CEQA, with a separate chapter provided to focus on CEQA determination requirements. Please refer to *Chapter 4, California Environmental Quality Act Evaluation,* in this EIR/EIS for a focused CEQA determination discussion as it relates to the *I-5 NCC Project.* These chapters and the other parts of the EIR/EIS fully and accurately inform decision makers and the public of the environmental consequences of the *I-5 NCC Project*. The measures provided in Chapter 3 for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects when possible through specific, tangible actions that will reduce a physical environmental effect. "Mitigation" for purposes of NEPA is defined in 40 CFR 1508.20 as including avoiding, minimizing, rectifying, reducing, and compensating, and the measures discussed may have been incorporated into the project design/plan. In 40 CFR 1502.14(f) and 40 CFR 1502.16(h), NEPA requires that appropriate mitigation measures be discussed. In contrast, CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. As noted in EIR/EIS *Section 4.1, Determining Significance under CEQA*, there are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. It cannot be inferred, therefore, that measures listed in *Chapter 3* mean impacts are potentially significant under CEQA. *Chapter 4* references the measures in

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03 cont. *Chapter 3* where such measures are relied upon to reach a CEQA conclusion regarding significance following mitigation.

04 Greenhouse gas (GHG) is discussed in EIR/EIS *Section 4.6, Climate Change.* Caltrans has created and is implementing the Climate Action Program, published in December 2006. One of the main strategies in the Climate Action Program to reduce GHG emissions is to make California's transportation system more efficient. The baseline analysis for GHG emissions (expressed as carbon dioxide [CO_2] emissions) is provided in EIR/EIS *Section 4.6, Climate Change*. The project's quantitative GHG analyses show that when compared with existing conditions, the Preferred Alternative is estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 340 tons per day, while the 10+4 alternatives are estimated to reduce 2030 CO_2 emissions in the San Diego region by up to 350 tons per day. The project would therefore have a positive effect on GHG emission reduction planned as part of California Assembly Bill (CA AB) 32.

The regulation of GHG emissions has continued to evolve subsequent to the circulation of the Draft EIR/EIS. Additional information addressing climate change was provided in the August 2012 Supplemental Draft EIR/EIS and subsequently incorporated into this Final EIR/EIS. In addition, it should be noted that the San Diego Association of Governments' (SANDAG's) 2050 RTP and Sustainable Communities Strategy (SCS) include a regional analysis of GHG emissions. The 2050 RTP and SCS impacts to GHG emissions, in combination with alternative transportation projects scheduled during the planning period, include specific upgrades to the LOSSAN rail project double-tracking, Coaster and Sprinter use, bus use, etc. The 2050 RTP incorporates land use planning proposed by local planning agencies, as well as specific transportation upgrades projected within the planning period. The document also provides the analysis regarding conformance with CA AB 32 and meeting the goal of achieving 1990 GHG emissions levels by 2020, consistent with Executive Order (EO) S-3-05. The Preferred Alternative for the *I-5 NCC Project* is consistent with the I-5 improvements detailed in the RTP, supporting a conclusion of a less than significant impact

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Does Caltrans understand that our burning of fossil fuels must be significantly decreased? How large a percentage decrease in driving, both net and per capita, do you predict will be needed to meet the S-3-05 trajectory by 2035, relative to our 2005 levels of driving?

04 cont. According to the testimony of Justin Horner, Policy Analyst for the Natural Resources Defense Council, *Reducing Congestion & Greenhouse Gas Emissions through Parking Policy*, presented to the California State Senate Transportation and Housing Committee on February 24, 2009, "reducing global warming pollution from the Transportation sector rests on a "three-legged stool" of cleaner cars, cleaner fuels and reductions in vehicle miles travelled (VMT).

Also from Mr. Horner, "All three strategies are necessary to meet AB32 goals and the goal set out in the Governor's Executive Order of 80% of 1990 emissions by 2050."

4.0 Economic Considerations of the Build Alternatives (Price Matters)

The first purpose of this document, as stated in Paragraph 2.1, means that this document must evaluate how to allocate resources to meet needs, a classical problem in economics.

The general rule in a free-market system is to allow the consumers and the providers to make these decisions (how to meet needs with resources) by virtue of their economic activity, within the constraints of rules and laws that protect society's overriding interests.

05 Unfortunately, road building has been taken over by government. This reduces the choices for consumers of transportation, because the investors, innovators, and designers, that might otherwise step in to solve mobility problems, for a profit, are driven away by the heavily-subsidized road system[2]. For this reason, the suggested solutions identified in the subject document use old forms of technology. Cars and trucks have existed for around 100 years[3]. Trains are also mentioned in this document. They were invented around 200 years ago.

[2] A full accounting of the gas excise tax and what it pays for is not the responsibility of this author. However, it most certainly is the responsibility of Caltrans. They should then use that analysis in every document they produce that evaluates a proposed expansion of our highway system. Thanks to governments shirking their responsibilities for informing the public about important facts, a significant segment of the population probably believes that current gas tax rates are high enough. However, a San Diego County newspaper, the North County Times (NCT), in a February 9, 2009 article, reported that the Chair of the California Transportation Commission (CTC) recently wrote that the gas tax currently contributes nothing to road construction **and only provides half of the money needed annually for repairs:** http://www.nctimes.com/articles/2009/02/09/news/columnists/downey/z8591536f3e7332da882575510076fa1e.txt.

[3] However, it was not until the mid 1940s, that over half of American families owned a car. For that to happen, is was necessary for Standard Oil, General Motors, and Firestone Tire to destroy large profit-

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04 cont. for the proposed I-5 project, based on the implementation of the Preferred Alternative as described in the Final EIR/EIS (2050 RTP and SCS Findings of Fact). As such, the *I-5 NCC Project* would make a meaningful contribution to achieving the goals of EO S-3-05. Please also refer to Topical Response "Climate Change" for additional information regarding achievement of the State's goals regarding climate change and GHG emissions.

Caltrans understands the importance of decreasing the burning of fossil fuels and recognizes that 98 percent of California's GHG emissions are from the burning of fossil fuels and approximately 40 percent of all human-made GHG emissions are from transportation. The Climate Action Program at Caltrans reflects the State's priority for decreasing the burning of fossil fuels through strategies that include reducing congestion on State facilities. Implementation of a broad range of strategies will be needed to accomplish the State's goals regarding climate change and GHG emissions. As detailed in Final EIR/EIS *Section 4.6*, the increase in freeway vehicle miles traveled (VMT) that is projected to occur under the Preferred Alternative would be more than offset from an emissions standpoint by increased vehicle speeds, reduced congestion, and decreases in VMT on local arterials.

05 Caltrans respectfully disagrees that the provision of public works infrastructure must be evaluated from a classical economic, free-market viewpoint. Although some may view it unfortunate that road building has become a responsibility of the public sector, another viewpoint is that regulated development, funding, and implementation of large-scale infrastructure including the State highway system has been beneficial to the general populace and economy. Please also refer to the responses 01 and 02 regarding the process that led to identification of the need for the proposed project and the role of I-5 in the planned multimodal system.

Accounting of the gas excise tax is not necessary in the EIR/EIS for the *I-5 NCC Project*. Federal, State, and local funding for transportation projects is a matter of established policies, which are not set by Caltrans and are not appropriate topics for analysis

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	05 cont. in a project-specific EIR/EIS. For example, local transportation funding, including funding for the proposed project, is disbursed through the TransNet program. The $17 billion generated during the 60-year life of the program is distributed to transportation projects by SANDAG. TransNet monies are divided roughly so that approximately one-third each goes to highways, transit, and local roadways. Please refer to Topical Response "Transportation Funding" for an explanation of the allocation of transportation funding. The project is considered funded and implementable. It is correct that the EIR/EIS focuses on transportation solutions that reflect existing modal choices such as cars and trains, consistent with the RTP. The *I-5 NCC Project* also includes community enhancement opportunities that would be constructed simultaneously with the *I-5 NCC Project;* these are described in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* and are illustrated on *Figures 2-2.3, Sheets 1* through *67,* as applicable, in the Final EIR/EIS. The various community enhancement features would improve facilities for pedestrians and bicyclists.

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Even though the government has taken over the responsibility for roads and transit, it does not diminish the truth that this document should be about the fundamental economic question of how to best allocate resources to meet mobility needs.

Economic questions revolve around price. However, this document avoids the question of price as if it would be a sacrilege to even mention it. (The only exception is a very brief discussion of pricing the HOT lanes.) Chapter 6 shows that the preparers of this document could be categorized as 11 civil engineers, 8 with degrees associated with the environment, 3 with degrees in Botany or Biology, 3 with Anthropology degrees, and 1 with perhaps no college degree. Most of these individuals have probably had an introductory course in economics, so it is interesting that they collectively have created a document where the demand relationship is not discussed.

In an economic discussion, "demand" really means "demand relation", which is the shape of a curve plotting "quantity purchased" as a function of price. I have included Figure 1, which shows what "demand" is, within a discussion of economics.

Please notice that Figure 1 has no variable called "demand". It has "quantity", which is really "quantity purchased", and price, but no "demand".

06

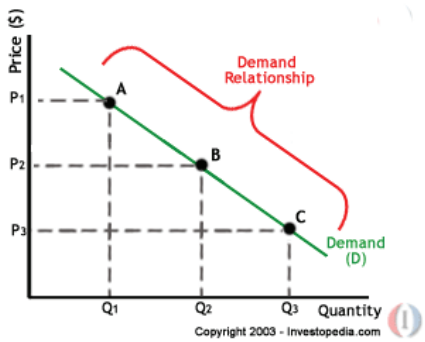

Figure 1 The Demand Relationship

The subject document repeatedly calls predicted traffic volumes "demand". For example, Section 1.32 is named "Demand". However, there is no discussion of the demand relationship, which would provide real insight into the purported "need" for more lanes on I-5. Instead, without mentioning anything about assumed cost to drive, estimated volumes of traffic (quantity purchased) are shown and these values are called "demand". It is as if Caltrans is hoping that the reader will think that these estimated drivers, large in number, are all demanding that we give them more lanes.

producing trolley companies. They did this by buying them up, ripping them out, and replacing them with General Motor Buses, fueled by Standard Oil's gasoline, and running on Firestone tires.

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06 As described in the response to your Comment 05, it would not be appropriate to address economic reform questions in a project-specific EIR/EIS. The purpose of the EIR/EIS is to describe why the *I-5 NCC Project* is being proposed, alternatives for the project, the existing environment that could be affected by the project, the potential impacts from each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures. NEPA guidelines 40 CFR 1508.14 note that economic and social effects are not, by themselves, intended to require preparation of an EIS. Similarly, CEQA Guidelines Section 15131 notes that economic or social effects of a project shall not be treated as significant effects on the environment. The focus of the analysis is on physical changes of the project.

Applicable economic and pricing questions are appropriately addressed, and the document preparers are appropriately qualified to address their assigned issues. EIR/EIS *Section 3.4.3*, *Environmental Justice*, discusses Value Pricing, where excess capacity in the managed lanes would be sold to Single Occupancy Vehicles (SOV), allowing SOV to use the lanes for a toll, or fee, in all build alternatives. The proposed use of HOV/Managed Lanes provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. The EIR/EIS notes that value pricing is being considered as a means of managing demand so as to allow all potential stakeholders to equally benefit.

The focus of the traffic analysis is on comparing the traffic operations of the existing, No Build, and build alternatives in terms of delay, congested hours, and travel time based on validated traffic projections; the analysis is not intended to reflect an economic "demand relationship" as presented in this comment. As the analysis relates to transportation issues, it is appropriate to use transportation terms and methods.

The project is considered funded and implementable. Please refer to the response to your Comment 05. Developing alternatives that

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06 cont. What is the demand relationship for freeway lanes? Given our current California fleet-average mileage and the current level of excise tax on fuel (do not include the sales tax), what fraction of the costs of maintenance and the cost of interest on construction loans do drivers pay? How much do you estimate the excise tax on fuel would have to be so that you could get the private sector to build additional lanes on I-5 by promising them the gas tax revenue that would be generated by the volume of traffic using the new lanes? Since California is known to be short on funds, why wouldn't this be the way to finance the construction of new lanes? If motorists "need" lanes, wouldn't that mean that they are willing and able to pay for those lanes?

07 **5.0 Need for Economic Reform in Transportation**

The oil companies and the highway lobby have dominated this discussion in California for many decades. For example, neither the California Republican Party Platform http://www.cagop.org/index.cfm/republican_party_platform.htm nor the California Democratic Party Platform http://www.kintera.org/atf/cf/%7BBF9D7366-E5A7-41C3-8E3F-E06FB835FCCE%7D/Platform2010CDP_FINAL_June.pdf have a plank on transportation. This is true, even though there is probably no government function that affects citizens more than transportation. My explanation is that the corrupting influence of money keeps both our major political parties from honestly discussing transportation. My hope is that the Democratic Party will have a plank on transportation in 2012. There are already useful statements in its "Sustainable Community" plank. Rank and file Democrats want good government and through hard work, they have the means to reform the party platform.

08 **5.1 Need to Drive Less**

5.1.1 Required by Global-Warming-Related Facts

5.1.1.1 State-Level Reductions Based on Best Estimates

As noted in the subject document, driving is a major source of GHG emissions in California. For example, the Energy Policy Initiative Center (EPIC) has computed that in San Diego County, 41% of GHG emissions are from cars and light duty trucks http://catcher.sandiego.edu/items/epic/GHG-On-Road1.pdf.pdf. Therefore it is imperative that this (SB 375-controlled) source be controlled to the S-3-05 trajectory.

Figure 1 of Reference 2 is so important that it appears in this letter, as Figure 2. It reflects the conclusion that CO2 from cars and light-duty trucks must be controlled to S-3-05. Figure 2 shows the Pavley trajectory ("clean cars", the green line), the Low Carbon Fuel Standard (LCFS, "clean fuels", the purple line), S-3-05 (the Governors Executive Order, the gold line.), the Business-as-usual driving (the red line), and the computed GHG (the product of driving, the "Pavley factor", and the LCFS factor, with this product being the blue line). Since the blue line does not lie on the gold line, it is clear that "business as usual" will not work.

It should be kept in mind that adhering to S-3-05 is not just a matter of obeying an Governor's order. It is a matter of human survival.

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06 cont. depend on motivating the private sector to build additional lanes on I-5 would not be consistent with CEQA Guidelines 15126.6(f)(3), which notes that an EIR need not consider an alternative whose implementation is remote and speculative. The EIR/EIS appropriately focuses on evaluating the physical effects of widening the I-5 facility to various degrees so that decision makers and the public can balance impacts against operational improvements.

07 The political platforms of the Republican and Democratic parties are not a topic required to be addressed in an environmental document.

08 As noted in *Chapter 4* of the Final EIR/EIS, CA AB 32 sets the same overall GHG emissions reduction goals as outlined in EO S-3-05, while further mandating that CARB create a scoping plan (which includes market mechanisms) and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." As described in the response to your Comment 04, Caltrans recognizes that approximately 40 percent of all human-made GHG emissions are from transportation, the importance of achieving the goals of EO S-3-05, and that the *I-5 NCC Project* would make a meaningful contribution to achieving the goals of EO S-3-05. SANDAG's 2050 RTP and SCS include a regional analysis of GHG emissions conducted with the analysis accepted by the State. This may not be the same as the analysis referenced in this comment, but CEQA and NEPA acknowledge that technical experts may disagree and still produce defensible technical analyses and conclusions.

There are concerns associated with transportation projects in addition to traffic. Impacts of the proposed project alternatives on air pollution, water pollution, and noise are analyzed in EIR/EIS *Sections 3.14*, *Air Quality*; *3.10*, *Water Quality and Storm Water Runoff*; and *3.15*, *Noise,* respectively. The proposed use of HOV/Managed Lanes would increase the number of vehicle occupants which would reduce the number of individuals driving and would decrease fuel use. As described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-way travel.

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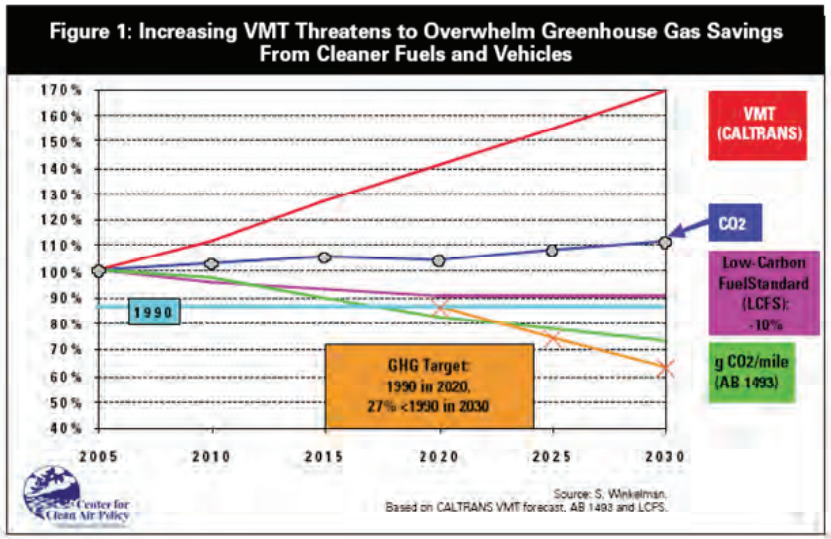

08 cont.

Figure 2 Values to Compute Driving Reductions Needed to Get GHG from Driving Down Onto the Governor's Executive Order Trajectory, with AB 1493 (Pavely) and the Low Carbon Fuel Standards

Vertical lines have been drawn on Figure 2 to get values for July 2009. These values have been used to determine reductions in driving, relative to July 2009, required to get the computed product (VMT * CO2/VMT * LCFS) down onto the gold line. The result is shown in Table 1. Although it shows that we can drive 8% more in 2020, in order to stay on the S-3-05, significant reductions are required after 2020. (Note also that the 8% increase is not per capita. If our population increased more than 8% the per capita driving would have to decrease.) This shows why SB 375 can be thought of as resting on a 3-legged stool, with the legs being "clean cars", "clean fuels", and less driving. Less driving is needed. We cannot "go electric" fast enough. The Pavley trajectory shown in Figure 2 is the best estimate we have of our true ability to "go electric". Assuming that we can do better is risky and unsupported by our current best estimate.

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Driving Reductions Required[1]

California, Assuming Figure 1 & AB32 Targets

http://www.nrdc.org/globalwarming/sb375/files/sb375.pdf

Year	With Respect to Now[2]	With Respect to BAU[3]
2020	-8%	16%
2025	4%	32%
2030	11%	43%
2035	20%	52%

Notes: [2]July 1, 2009 [3]Business As Usual for the year (Caltrans)

[1]AB32 is based on 450 PPM, instead of 350 PPM.

350/450 = 0.78

We need to drive even less than this table indicates.

Table 1 Required Driving Reductions

08 cont.

5.1.1.2 Regional-Level Reductions Based on Best Estimates

Reference 3 concludes that the 2035 target, provided to SANDAG by CARB, should have been a driving reduction of -35%, per capita, to support S-3-05. However, CARB gave SANDAG a reduction target of -13%, completely ignoring their moral responsibility to achieve the S-3-05 trajectory and thereby give humanity a chance against global warming. On November 8th, CARB Chair Nichols said (at Senator Kehoe's Solana Beach meeting where Caltrans officials and the SANDAG Executive Director seemed happy to hear the CARB Chair ignore S-3-05) that CARB had no responsibility regarding the I-5 expansion, other than in giving SANDAG the -13% per-capita driving reduction target. SANDAG announced at that meeting that their models showed that they could meet the -13% reduction, even with the I-5 at 14 lanes. However, SANDAG had been informed, in Reference 3, that the -13% reduction was inadequate to meet S-3-05. Reference 4 is my speech to the SANDAG Board on September 10th 2010. (I always have the SANDAG clerk distribute my speeches to the Board members.) This means that both SANDAG and CARB are ignoring the danger posed by global warming. Both SANDAG and CARB are therefore operating in an irresponsible manner. Neither has responded to my questions about this matter. SANDAG, CARB, and Caltrans are ignoring S-3-05, which is a path to avoid a serious risk of human death and suffering on an unimaginable scale.

This behavior poses a grave danger to the public. It is therefore a public nuisance, and I am asking Caltrans to realize that the -35% per capita reduction in driving is what is required and therefore there is no room in a GHG budget for an I-5 freeway expansion. Reference 3's Section 5 shows a strategy to accomplish aggressive but achievable reductions. Please join me in urging that Reference 3's Section 5 strategies be adopted at the state or regional levels.

Do you realize that the trajectory of S-3-05 needs to be met and exceeded to avoid an unacceptable risk of a climate change that would result in a human catastrophe? Are

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you willing to check the very simple calculations, shown in Reference 3, that compute the reduction of -35%? Do you agree with the calculation? Do you realize the immorality of proceeding with a build alternative when SANDAG and CARB are working to a 2035 reduction value of -13%, while the correct value is at least as low as -35% and it would be safer if it were -45% (Reference 3)? Will you join me in advocating for the strategies in Reference 3 to achieve the reductions needed (-45% reduction in driving, per capita) to head off climate catastrophe?

08 cont.

5.1.2 Other Reasons

Other reasons to reduce driving include the need to reduce air pollution, water pollution (from the run off from pavement), and noise. The air pollution causes sicknesses, including minor respiratory conditions, heart disease, and cancer. Other reasons include the economic vulnerability of depending on inexpensive gasoline prices, and traffic safety. The US economy would benefit from less driving. For example, reductions in driving would lead to reductions in oil imports, which would reduce the US trade deficit[4]

5.2 Pricing Strategies Can Reduce Driving

Better transit and rezoning for smarter growth will reduce driving. However, they require time and money. For example, rezoning for smart growth does nothing until the rezoned development is completed. Transit infrastructure takes both time and money. Funding for transit operations is currently being reduced. We may not be able to count on a robust economy to overcome these difficulties. On the other hand, pricing reform can be done relatively quickly and will not be expensive. Reference 5's Table 1 shows that when the cost of parking is made visible and optional, employees find a way to drive less. When gasoline cost $4.50 a gallon, people found a way to drive less.

09

5.3 Budget Considerations

The first footnote about our gas tax is significant. Our current gas tax rate is far too low to cover the cost of driving. However, this unacceptably bad situation will get much worse with time. The green line on Figure 2 shows that the GHG per vehicle mile, fleet average, here in California, must continue to decrease as a function of year. While this is good for the environment, it means that the gas tax will have to be replaced by a road-use, price-and-payout system, unless we are so callous as to not mind taking more and more general taxes to fund roads.

10

5.4 Fairness

5.4.1 Driving

[4] From http://en.wikipedia.org/wiki/Balance_of_trade#Warren_Buffett_on_trade_deficits, Warren Buffet wrote in 2006, "The U.S. trade deficit is a bigger threat to the domestic economy than either the federal budget deficit or consumer debt and could lead to political turmoil. Right now, the rest of the world owns $3 trillion more of us than we own of them."

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09 The North Coast Corridor is fully expected to require upgrades to highway, train, bus, and non-motorized modes of travel through 2050 in order to function adequately. Please refer to the response to your Comment 02. TransNet monies are divided so that approximately one-third each goes to highways, transit, and local roadways. Pricing of parking and gasoline are beyond the purview of Caltrans. Please also refer to the response to your Comment 05 regarding the gas tax rate.

10 The proposed project is not intended or expected to increase the amount of driving. It is government policy that the provision of transportation infrastructure is important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major goods movement and general transportation route.

Parking at park and ride facilities within the freeway right-of-way is free in order to encourage carpooling, thus reducing the

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Having drivers pay less than the full cost of their driving is unfair to those that drive less than average. Our baseline method of operation is the free market, in which everyone pays the full cost of what they use and no one is forced to pay for items that they do not use. There are many exceptions. However, each exception must be supported by a reason that is substantial enough to overcome the unfairness of forcing people to pay for something they may use less than average. Examples of things we subsidize, with rationale, include

- Schools, because of a goal of equal opportunity, a need to take advantage of everyone talents, and the fact that a democracy will not work with an uneducated population;
- Transit, because we must drive less and some people are unable to drive; and
- Libraries, because information is needed for a democracy to work.

However, there are no reasons for government to subsidize driving to increase the amount of driving[5].

5.4.2 Parking

It has been written that almost all employees in San Diego County "park for free". Of course there is really no such thing as "parking for free". So-called "free parking" always reduces wages or increases costs. At a work site, it reduces everyone's wage, even the wage of those employees that never drive. 10 cont.

At an apartment complex, so-called "free parking" increases the rent. At shopping locations with "free parking", the cost of the parking is increasing the cost of the items purchased. This is very common at grocery stores, for example. In all these cases, "free parking" violates the fundamental rule of the free market, which is that people should pay for what they use and not be forced to pay for what they do not use. In all these cases, parking should be priced and policies should be adopted to achieve fairness to non-drivers.

5.4.3 Government Responsibility, to Include Constitutionality

How much parking is provided is a local issue. How that parking is provided (underground, on-street, surface, or structure parking) is a local issue. However, how parking is priced (such as making it "free", which is to say to have the cost hidden or bundled) is an issue for all levels of government, because it is a fairness issue. Thanks to good technology and a systems description that amounts to a systems requirements document (Reference 5), there is no excuse for unfairness. If local governments don't act, then it is the responsibility of the regional government. If the regional government won't act, then it is the responsibility of the state government. If the state government won't act, then it is the responsibility of the federal government. The unfairness of "free parking" is widespread and significant. For example, the true

[5] Although society has a responsibility to eventually eliminate subsidies to driving, it must do so carefully because people have set up their lives assuming that driving would be cheap. This issue is covered in Section V, Sub-section 7, in Reference 6.

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10 cont. number of vehicles on the road. No parking is allowed elsewhere on the interstate freeway system, except in emergency situations or where drivers must pull over for law enforcement. Caltrans has no authority over parking fees at apartments, businesses, or stores. In addition, the development of alternatives that would implement increased fees for parking where it is now free in order to discourage driving would not be consistent with CEQA Guidelines 15126.6(f) (3), which notes that an EIR need not consider an alternative whose implementation is remote and speculative.

As noted in the response to your Comment 07, the political platforms of the Republican and Democratic parties are not a topic required to be addressed in an environmental document. The *I-5 NCC Project*, however, includes elements that support bicycle and pedestrian travel. In addition, the Preferred Alternative is the refined 8+4 Buffer alternative, which is the smallest of the build alternatives proposed in the EIR/EIS and that would result in the least environmental impacts.

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cost of providing a parking space at an apartment complex could be $50 a month. If a low-income family at such an apartment complex owns no car, their rent should be $50 a month less. Such inequities can add up to very meaningful amounts of money for families that are driving less than average.

Where the government is not involved, such unfair practices are currently legal. Governments have a responsibility to enact laws to end these practices.

Where the government is involved, unfair practices that are significant and widespread, in cases where there are insufficient reasons to continue the practice, should be viewed by the courts as unacceptable violations of the legal right citizens have to receive equal protection of the law. Therefore, these practices should be recognized as unconstitutional.

Many of our current methods of funding roads are unconstitutional, because roads are a government function. Do you understand that forcing people to pay for parking that they do not use is almost always unfair and is sometimes unconstitutional? As a government agency, what are you doing about this? How much do you estimate driving would decrease if California unbundled the cost of parking?

6.0 Policy Reform Descriptions

10 cont.

The California Democratic Party Platform http://www.cadem.org/resources?id=0003 contains the following two important statements:

- Provide support for alternatives to driving, from bicycle education to high-speed rail;
- Work for equitable and environmentally sound road and parking use;

The second bullet in particular shows that our state's most powerful political party favors meaningful change. Does Caltrans understand that second bullet? Could you please state what it means to you and some meaningful examples of policy change that would reduce the current unfairness? Do you see how doing an EIR without talking about pricing is unacceptable because current pricing practices discriminate against citizens that drive and park less than average? How will you ensure this does not happen again?

6.1 Road Use Pricing Reform Policy Descriptions

The Sierra Club's national policy on transportation, http://sierraclub.org/policy/conservation/trans.aspx, calls for the elimination of subsidies to driving. Reference 7 was passed overwhelmingly by the Environmental Caucus of the California Democratic Party. Reference 8 was passed by the California Nevada Regional Conservation Committee (CNRCC) of Sierra Club California. Reference 6 is the reference document for Reference 8. Reference 9 is a draft resolution being considered by the Energy Committee of the Nevada (Toiyabe) Chapter of the Sierra Club.

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Why is it that Caltrans, by its apparent ineptitude, forces private citizen groups to try to describe desperately-needed transportation policy change? Are you hoping that our new Governor will change the leadership at Caltrans so that it will use its talent for the betterment of our society instead of for our environmental demise?

6.2 Parking Policy Reform Descriptions

The Sierra Club's national policy on transportation, http://sierraclub.org/policy/conservation/trans.aspx, calls for the elimination of subsidies to parking.

10 cont. Reference 10 was passed by the CNRCC of Sierra Club California. It describes various parking policy changes that would reduce driving. Perhaps the most significant is its advocacy for "unbundling the cost of parking", as quoted from the resolution at the top of the document. This is further explained in Statements 5 and 6 of the resolution's "Background Material" section. Statement 6 also refers to Reference 5 of this document. Reference 5 is a systems engineering requirements document, written to support a request for proposal (RFP) to design and install a parking system that will unbundle the cost of all types of parking in all types of situations and to do this in a manner that will support the full and spontaneous sharing of all parking.

How much do you estimate that driving would be decreased in San Diego County if the system described in Reference 5 were installed in San Diego County? Since such an installation would increase fairness, isn't it something that should be done in any case?

6.3 Fixed-Guide-way and Bus Transit Redesign

11 Fare collection and billing should be automated. Good technology should be adopted. For fixed guide-ways, features should include operational automation, "24/7" service on demand, headway/train size optimization, off-line or skip-stop stations, maximum stations, electrification, and parking policies as described in Reference 5.

7.0 Questions Arranged by the Order of the Subject Document

7.1 Subject Document Summary

12 On Page S-1 you write about the CSMP and use the phrase "across all modes". One obvious effect of your 4 Build alternatives is that they would decrease patronage and revenue of transit, especially the Coaster, AMTRAK, Metro and Sprinter. How much would these 8 (patronage and revenue for 4 rail systems) values be? How much decrease in patronage and revenue would there be for the other transit systems in San Diego County? Why is it that these values did not occur in the subject document? What law allows you to ignore this effect in describing the environmental outcomes? Wouldn't the no-build alternative be the best at building patronage? Should this effect been computed and discussed in the DEIR? Where you trying to cover up this effect? Who has responsibility for overlooking such an obvious effect? Will they be rewarded

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11 Automated fare collection technology would be used in the Value Pricing system that collects fees on the HOV/Managed Lanes. *Chapter 2*, *Project Alternatives*, notes that specific equipment would be required for the implementation of the Value Pricing Program to ensure that motorists can easily use the proposed HOV/Managed Lanes. The most current technologies of Intelligent Transportation System (ITS) would be incorporated into the project design after selection of an alternative if a build alternative is selected. Automation and optimization of transit service are beyond the purview of Caltrans; such comments would be better directed to SANDAG, which is responsible for planning such facilities.

12 Caltrans respectfully disagrees that adding the proposed lanes to I-5 would decrease patronage and revenue of transit. The CSMP development resulted in a solution that includes double-tracking the rail corridor and adding HOV/Managed Lanes on I-5, as well as improving regional arterials; bicycle and pedestrian routes; and bus, rail, vanpool, and carpool services. The provision of HOV/Managed Lanes would give travelers an incentive to use bus transit by giving riders a quicker and more reliable ride. The

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12 cont. or reprimanded? How would Caltrans compensate the transit systems for the revenue lost?

13 In Section S.2 you state the purpose and object of the project. The purpose is said to support the movement of people and goods. Why do you not care about price and cost? Wouldn't it be better to move people and goods at a lower cost? Why would the purpose only be to support the movement of people and goods on I-5, when the title refers to the I-5 ***Corridor***? Why would you have objectives that are restricted to highway expansion when the title refers to the I-5 ***Corridor***? Are you aware that there are other ways to move people and goods, besides highways?

14 The subject of the section is "Purpose and Need". What makes you think there is a legitimate need for even 8 lanes, let alone 12 or 14? The fact that something is heavily used, when it is heavily subsidized, proves nothing about true economic need. If society really needs 8 lanes, then that means people would be willing to pay for them when they use them. How much traffic would there be on the existing 8 lanes if the fee charged were, instead of the excise tax on the gasoline burned using the lanes, an amount that pays for all the costs, including the environmental and health costs? Many believe that health costs are too high. How much higher would the gas tax have to be to cover all the costs of driving? How many lanes would be needed if the cost of car parking were fully visible and optional instead of hidden and mandatory, even for those that do not use the parking?

The last paragraph on page S-1 says congestion is "affected" by population growth and two other factors. Subsidized driving is not mentioned. Did you know that when something is subsidized it is used at a higher rate? Is the gas tax too high, too low, or about right? Note my 2nd footnote. Do you think that footnote is correct? Do you think the Chair of the Transportation was trying to mislead the public when he wrote his statement? If you understand that we drivers do not pay the full cost of our driving when we drive on I-5, why did you not mention this as a reason that I-5 is sometimes congested?

15 That paragraph says "demand exceeds capacity". Demand is the relationship between price and units purchased, as shown in Section 4 of this letter. As you add lanes, the per-mile cost to drive is constant but the product being offered (a road you can drive on at a specific speed) gets better. At free flow the product is as good as it will get and the cost is held constant. Of course more people use the product. What make you think we tax payers owe drivers a fast drive under all conditions? Volume is not "demand". Who in your organization is responsible for this error? This error has the effect of propagandizing in favor of the build alternatives. Do you agree? If not, why not? What action will you take to reverse the damage caused by your misuse of the economic term "demand"?

On page S-2 it says:

> Managed Lanes actively manage and control traffic though a combination of access control, vehicle eligibility, and pricing strategies to make the most effective and efficient use of a freeway facility. HOV Lanes provide additional

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12 cont. *I-5 NCC Project*, therefore, would be consistent with the CSMP. Please also refer to the response to your Comment 02.

13 The *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system determined through a regional transportation planning process, as described in the response to your Comment 01. Project cost is important. Estimated costs of each major phase are presented in EIR/EIS *Section 2.4*, *Phased Construction*. The project is considered funded and implementable. Please also refer to the response to your comment 05 regarding project funding.

14 The purpose and need discussion appropriately focuses on traffic operations in terms of delay, congested hours, and travel time based on validated traffic projections, in order to assess potential operational improvements. The EIR/EIS notes that the project area experiences daily recurrent traffic congestion affected by population growth, increased goods movement, and economic growth in the region that is shown by the amount of time required for a vehicle to traverse the distance of the project. Developing alternatives that implement substantially higher excise taxes in order to discourage driving would not be consistent with CEQA Guidelines 15126.6(f)(3), which notes that an EIR need not consider an alternative whose implementation is remote and speculative. Please also refer to the response to your Comments 05 and 06 regarding economic considerations.

15 The complete sentence referenced in this comment is: "Traffic demand has exceeded capacity and would continue to do so as regional and interregional growth increase creating more demand for travel within the corridor." Traffic operations are analyzed with demand defined as traffic volume and not as an economic "demand relationship;" this analysis is considered to be appropriate and not an error, as described in the response to your Comment 06. The *I-5 NCC Project* with the proposed HOV/Managed Lanes would be consistent with the CSMP and the 2050 RTP and SCS. California Senate Bill (CA SB) 468 authorizes SANDAG to conduct, administer, and operate a value pricing High Occupancy Toll (HOT) lane program on I-5, which is part of the proposed project. Within

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> highway capacity through the number of occupants in a constrained corridor while minimizing impacts to the environment and surrounding communities. Value Pricing is another option under Managed Lanes that provides additional highway capacity by allowing single occupant vehicles (SOV) to pay to use the Managed Lanes when extra capacity exists. Therefore, the Managed Lanes strategy for SOV is to experience less congestion than the general-purpose lanes and maintain free-flow conditions while still providing a travel time-savings incentive for HOV vehicles, and reducing some demand on the general purpose lanes."

Specifically, what is the basis for those statements? If they come from some other documentation, what are the specific statements and what general assumptions and modeling assumptions went into forming the basis for the statements?

For many years, HOVs were used as a "mitigation" scam to keep adding lanes in non-attainment areas. Table 3.14-2 shows we are in a non-attainment area. However, it is now understood that HOV lanes encourage car pooling by such a small amount that there is no significant advantage, other than to the road builders. HOT (high occupancy toll lanes, which are exactly what you are calling "managed" lanes) lanes are now used to falsely justify a continuation of adding lanes.

15 cont.

Not everyone shares your enthusiasm for HOT lanes. Reference 11 documents the failure of HOV lanes to reduce emissions and the failure of 2+HOT lanes to even cover their operating cost.

In Reference 11's abstract it says, "A 2+HOT facility will not recover its operating cost, let alone its capital cost."

Reference 11 also says:

> California's 1,171-mile HOV system, by far the largest in the country, was intended to increase the people moving capacity of the freeway system by encouraging carpooling; reduce overall congestion; provide travel time savings to HOV users; increase system efficiency by allowing HOVs to bypass congestion; and decrease emissions (Legislative Analyst's Office (2000)). The 2+HOV system has not met these goals. Unsurprisingly, goals for the planned large expansion of the HOV system are reduced to improving travel times and reducing delay—encouraging carpooling and decreasing emissions have been dropped (California Transportation Commission, p.2). But the reduced goals cannot be met either.

Reference 11 also says:

> More sophisticated voices called for abandoning the HOV slogan and replacing it by a new one: managed lanes—a catchall category denoting priority access for express trips, buses, commercial vehicles, zero emission vehicles, high energy efficiency vehicles, tolled vehicles and HOVs. 2+HOVs gained a new lease on life as 2+HOTs.

Finally, Reference 11 says:

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15 cont. the project corridor, approximately 13 percent of weekday peak period vehicles are HOVs (anticipated to increase to roughly 10 to 20 percent by 2030), while approximately 60 percent of vehicles within the project limits during weekend peak periods are HOVs (refer to *Section 3.6.3.1*, *Traffic and Transportation*). Please also refer to the responses to your Comments 02 and 04. The purpose of the HOV/Managed Lanes is not to earn money; it is to provide additional highway capacity by increasing the number of vehicle occupants while minimizing impacts to the environment and surrounding communities. HOV users would not be charged a fee. Fees collected from single-occupant vehicles choosing to use the HOV/Managed Lane are not intended as a cost recovery mechanism; they would be used for the operation of the HOT program and improvements to mass transit. The cited information is interesting, but Caltrans has followed an extensive and well-documented process in developing alternatives for the I-5 corridor. Your opposition to HOV Lanes is included in the public record. Please also refer to the responses to your comments 01 and 02 for additional information about managed lanes and other components of the overall solution to addressing congestion in the I-5 corridor.

Converting an existing free highway to a toll-only facility using the technology provided by a company like Skymeter would not accommodate projected increases in transportation demand, is not within Caltrans' existing authority, and it could have unforeseen consequences such as the diversion of highway traffic onto local streets and generation of economic hardships for businesses and workers that rely on the highway. The Preferred Alternative would be consistent with the RTP adopted by SANDAG. Please also refer to the response to your Comment 05 regarding transportation policy, which is beyond the purview of this EIR/EIS.

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> A 2+HOT lane is a re-branded 2+HOV lane, with tolled SOVs allowed access alongside free 2+HOVs. Proposals for 2+HOT lanes in California invariably site three cases, I-394 in Minnesota, and I-15 and SR- 91 in California. But these cases are all trapped between the two horns of the 2+HOV dilemma: underutilization and congestion.

By considering these three cases, Reference 11 makes the conclusion in its abstract, as shown above.

Reference 11 was published in 2008. Have you been aware of this report? If not, how could you be so unaware of a report that has information so pertinent to your "managed lanes" concept? If you were aware of this report, how could you, in good conscience report that a 2+HOT project could earn money? If you disagree with Reference 11, what are the grounds for your disagreement? If you disagree with Reference 11 have you conveyed this to the Reference 11 author to see how he would respond?

Besides all this, Caltrans should be aware that SANDAG has guidelines for their Regional Transportation Plans (RTPs). These guidelines come from the California Transportation Commission. These guidelines can be viewed at http://www.catc.ca.gov/programs/rtp/2010_RTP_Guidelines.pdf.

This document's Appendix I has the following words:

15 cont.

> Pricing strategies are suggested to encourage reduced driving to reduce GHG emissions, and include, but are not limited to:
>
> 1. Using alternative mode programs, congestion pricing, toll roads, and parking pricing strategies.
>
> Examples are:
>
> i. Road pricing and High Occupancy Toll (HOT) lanes. To reduce VMT, MPOs should model adding pricing to existing lanes, not just as a means for additional expansion. Variable/congestion pricing should be considered.
>
> ii. User fees such as fuel taxes and parking charges.
>
> iii. Free or reduced fare transit fares.
>
> iv. Expansion of Parking Cash-Out Programs.

What is significant is that it says, "To reduce VMT, MPOs should model adding pricing to existing lanes, *not just as a means for additional expansion*."

Unfortunately, the build alternatives are just a means for additional expansion, which is exactly opposite to the guidance being provided in Appendix I. Appendix I about reducing GHG. Has Caltrans been aware of Appendix I? What was your basis for ignoring it?

Did anyone model adding pricing to existing lanes? If not, why not?

Have you heard of the Canadian Company *Skymeter*? If not, who is responsible for keeping a work force that is so uninformed about the technology of the future? Do you realize that with the Pavley trajectory, the gas tax revenue stream will decrease?

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15 cont. *Skymeter* could easily price all the roads in California, using their GPS technology. This could be implemented as described in References 7 through 9, so it would protect privacy, protect low income drivers that need to drive, keep a strong incentive for efficient cars, and so on. Has Caltrans ever considered helping California achieve fairness and reduced GHG emissions by ending the subsidies for car use? If not, why not?

16 Your range of alternatives is far too narrow. The "barrier" alternatives seem to just be there to make appear that you are looking for alternatives. Your 10+ 4 alternative is not to be taken seriously given the legal barriers to adding general purpose lanes in a non-attainment area. An unbiased and suitably broad range of alternative would have to consider a transit alternative, a transit-pricing alternative, and a pricing alternative. Pricing would unbundle the cost of driving and parking by use of pricing and payout. References 5 through 10 contain the details. The transit alternative would be to shift the TransNet funding currently allocated to freeways to transit. This would make the new TransNet mix one-third for surface streets and two-thirds for transit. The transit money would probably be best spent on upgrading the rail systems. This might require a new ballot measure. Reference 12 shows that the voters could be convinced to make the switch. In particular, Reference 12's Figure 8 shows that San Diego County voters prefer adding transit over adding highways by a margin of 55% to 32%.

17 In Section S.6 it states that the scoping was done in 2004. A lot has happened since 2004. For example S-3-04 was issued; AB 32 was passed; and SB 375 was passed. Don't you agree that the scoping should be redone in light of all these changes? Do you agree that the changes I have mentioned are significant? Since they are significant, what are your reasons for believing that the original scoping was sufficient?

18 In Table S-1 you have a major error. For the No Build alternative it says that the north bound time could be as high as 167 minutes. Is it true that this is an error? Reading such an error discourages one from reading the subject document because many readers will not know what to make of the number. It appears that it might be wrong, but on the other hand, it seems unlikely that you would fail to proof read such an important entry is such an important table. How could you have failed to catch an error in such an important spot? Did you-intend to make the No-Build alternative look bad by leaving in the typo?

19 How could there be no exceedances for air pollution when we live in an non-attainment area? Why is there no information on Table S-1 about how these alternatives will affect transit ridership and budgets?

20 Regarding the Table S-1 travel times, the No-build SB AM values (31-44) are shorter than the 8+4 SB AM values (36-47). Why did you not comment on this? Is it because you only comment when your favorite option, which is building lanes, looks better to you? The longest-duration drive shown is the No Build NB, PM time of 67 to 69 minutes. How long would this drive take if Skymeter had installed a regional or state-wide system to eliminate the current unconstitutional unfairness to citizens that drive less than average by unbundling all of the hidden costs of driving? Such an unbundling could be done by use of a comprehensive pricing and payout system. How long would this drive take if the state or region eliminated the current unfairness

RESPONSES

16 The process of identifying the build alternatives addressed in detail in the EIR/EIS is discussed in *Section 1.4, History and Background*. Also, please refer to Topical Response "Corridor Alternatives" for additional information regarding the full scope of alternatives studied for the North Coast Corridor. Please also refer to the responses to your Comments 01 and 02. Based on these considerations, the range of alternatives is legally sufficient. Please refer to the response to your Comment 10 regarding the cost of pricing. Re-allocation of TransNet funding is beyond the purview of Caltrans. Please also note that the improvements identified as necessary to the LOSSAN heavy rail corridor are funded independently of the proposed I-5 improvements.

17 The scoping process is intended to obtain public input into the appropriate scope for environmental analysis. As such, legislative changes subsequent to scoping can be appropriately addressed in the EIR/EIS without the need for additional scoping. It should be noted that focused studies have been completed since the circulation of the Draft EIR/EIS in 2010. The Supplemental Draft EIR/EIS circulated in August 2012 addressed specific issues such as habitat impacts and hydrology in the vicinity of lagoons, as well as the clarification of issues related to latent traffic demand, sea level rise, water quality, and common design features and community enhancements proposed by the project. That information has been incorporated into this Final EIR/EIS. In addition, the regulation of GHG emissions has continued to evolve subsequent to the circulation of the Draft EIR/EIS, with updated information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS. Please also refer to the response to your Comment 04.

18 Caltrans appreciates the correction. To match with Final EIR/EIS *Table 3.6.3*, *Total Delay, Congested Hours, and Travel Time Per Day*, the text regarding the No Build alternative in the Final EIR/EIS has been corrected to provide times of NB 29-37/67-69, and SB 53-54/40-48. The analysis of traffic is based on information presented in *Section 3.6*, not the *Executive Summary*.

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	19 EIR/EIS *Section 3.14*, *Air Quality*, addresses attainment status for various pollutants and evaluates the project alternatives thoroughly. EIR/EIS *Section 3.14.3, Environmental Consequences,* concludes that the proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower particulate matter (PM) emissions as compared with the No Build alternative. The results of the quantitative carbon monoxide (CO) hot spot analysis also show that the proposed project would not adversely impact air quality. Adding the proposed lanes to I-5 would not decrease patronage and revenue of transit. Please also refer to the response to your Comment 12.
	20 The No Build travel time in the Final EIR/EIS *Executive Summary* has been corrected to be consistent with Final EIR/EIS *Table 3.6.3*. Please refer to the response to your Comment 18. An EIR need not consider an alternative whose implementation is remote and speculative, as discussed in the response to your Comment 15. In addition, Caltrans has no authority over parking, as discussed in the response to your Comment 10. It is not Caltrans' place to "unbundle" transportation costs. That would be better addressed to the legislature.

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(sometimes unconstitutional) to citizens that park less than average by unbundling all of the costs of parking? Such an unbundling could be done in accordance with the requirements shown in Reference 5.

20 cont. Regarding S-7, the pricing strategies described in this letter constitute feasible mitigation, if not complete avoidance, of all of the significant impacts you show for the 5 cases. Pricing strategy mitigation would eliminate congestion without spending any money, except for the installation cost which would be far less than the $3.3 billion dollars you quote for the cheapest build alternative. You need to get price quotes from *Skymeter* and re-circulate this draft with the pricing and a pricing-transit alternative thoroughly analyzed. The pricing strategies are significant feasible mitigation for any alternative. Will you do you job as required under CEQA by analyzing these mitigations and alternatives? If not, why not? How much would it cost to have *Skymeter* install a system in California, in accordance with the principles of References 6 through 9?

7.2 Subject Document Chapter 1

On Page 1-1 it says, "The proposed project improvements include one or two High Occupancy Vehicle (HOV) / Managed Lanes (ML) in each direction, auxiliary lanes where needed, and possibly one general-purpose lane in each direction."

Now it appears there are 16 or more alternatives. I am especially dismayed by the phrase, "one or two HOV/Managed lanes". What is the preferred alternative baseline? Does it have 1, or 2, or 3 additional lanes?

I take managed lanes to be HOT, so the next question is this. Are these additional lanes HOT or HOV?

21 If there is any mitigation to be had by incentivizing car pools, it comes from there being a reduction in driving time when the HOV or HOT lanes are used. If there is only one HOT or HOV lane in each direction, this means that the speed will be dictated by the slowest driver. For this and other reasons, there is a significant difference between one and two HOT or HOV lanes in either direction. Do you agree with these statements? If not, why not?

In other places, such as in Table S-1, you seem to imply that there are 4 build alternatives. However by saying that you might only build one HOV or HOT lane in each direction, doesn't this mean there are actually 8 alternatives? If you differentiate HOV from HOT wouldn't that again double the number of alternatives, to create 16 alternatives?

Your purpose should be to improve the safe and efficient regional movement of people and goods. Your purpose statement instead leads you to only consider adding highway lanes. Highways are extremely dangerous, contradicting your purpose's use of the word "safe". Also, if you want a system that is "efficient" (your word), you would pick one that is some type of rail or maglev and would be electric. Why did you create a purpose that focused on the I-5 Coastal Corridor, instead of the more general flow of people and goods between Los Angeles and San Diego?

RESPONSES

21 Page 1-1 of the EIR/EIS makes a general statement about project alternatives. More specific information is in EIR/EIS *Chapter 2*, *Project Alternatives*.

There are four build alternatives. The features and number of lanes for the four build alternatives are described in Final EIR/EIS *Section 2.2.2*, *Common Design Features of the Build Alternatives*. The number of HOV/Managed Lanes varies with location. For example, as stated in *Section 2.2.2*, all alternatives would construct one HOV/Managed Lane in each direction from Voigt Drive to just north of Lomas Santa Fe Drive; there are two existing HOV/Managed Lanes through most of this segment. The build alternatives would construct two HOV/Managed Lanes in each direction from just north of Lomas Santa Fe Drive to Harbor Drive/Vandegrift Boulevard. As explained in EIR/EIS *Section 2.2.1, Build Alternatives*, the 10+4 build alternatives would have HOV/Managed Lanes plus general purpose lanes, and the 8+4 alternatives would add only the HOV/Managed Lanes and no general purpose lanes. The Preferred Alternative is the refined 8+4 Buffer alternative. A single "proposed project" was not identified in the Draft EIR/EIS because a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider project approval and selection of an alternative for final design. This approach is specifically allowed by 40 CFR 1502.14(e), which states: "Identify the agency's Preferred Alternative or alternatives, *if one or more exists*, [emphasis added] in the draft statement and identify such alternative in the final statement unless another law prohibits the

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21 cont. Your objectives complete the damage. They are even more narrowly focused on the highway options. When you adopted that fifth bullet objective ("Maintain the facility . . ."), didn't that eliminate options that would be alternatives to adding highway capacity? What was your basis for only considering highway expansion?

22 The title of Section 1.3.2, "Traffic Demand" is promising. However, this section sheds no light on the relationship between traffic volumes (product purchased) and price of that product (cost per mile to drive on the freeway). I have covered this in Section 4. Why do you not discuss the relationship between driving and the cost to drive? Do you wish to hide the relationship? Is it your wish that all of society will share your apparent view that it is not necessary to discuss price when discussing volumes? Please explain what the phrase "peak oil" means to you. What did you assume about the future cost of fuel? What is your understanding of the future demand for oil in China and India and how it compares with known and expected oil sources? Did you know that deep water drilling is being done in the Gulf of Mexico because there are now few drilling opportunities left in shallow waters? Was there anyone at Caltrans that thought that this document should discuss peak oil and what it might mean for predicting future traffic volumes? If there were no such people, what does that say about the diversity of thought at your agency? If there are such people, what was the basis for ignoring their suggestion? What is your basis for failing to discuss peak oil or any other change that might cause the price of fuel to go up?

23 What is the role of price to drive in Series 10 and Series 11? You say that the variation between these models is within 10% and you call that "insignificant". What is the basis for saying that 10% is insignificant?

24 Don't you see the significance in measuring volume when gas price reached $4.50 per gallon? Why are these volumes left off of Table 1.3.3? Is it because it would contradict your argument that volumes "would continue to increase", as you state on page 1-3?

25 You "conclude" (in quotes because you are probably assuming low fuel cost, which will not likely be the case in 2030) that the travel time would be 67 to 69 minutes in 2030 for NB, PM. Considering the average time it takes to get to the Santa Fe train station and the average time it might take a traveler to get from the Oceanside train station home, and the scheduled time on the Coaster, 69 minutes is not too different from the Coaster-trip times. Why do you think society should make the driving time significantly less that the trip time done on transit? Do you think driving should be made faster than transit and if so why? Given that you think 10% difference between Series 10 and Series 11 is insignificant, shouldn't there be a note on you tables to explain the magnitude of the accuracy of these predictions?

26 On page 1-7, as in many places, you use the word "demand" when you mean predicted volume. This adds an unacceptable level of bias. Would you please fix this and other errors and re-circulated this document?

27 In the "Rail" paragraph on page 1-7, it is stated that "capacity would not be sufficient". However, Tables1.3.6&7 show peak volumes of less than 2,600 cars

RESPONSES

21 cont. expression of such a preference." From this detailed analysis and after due consideration of comments, the Preferred Alternative was identified. Please refer to the response to your Comment 02.

EIR/EIS *Chapter 2* notes that a SOV traveling in the HOV/Managed Lanes must render a per-trip payment using a valid transponder or other similar technology. HOV users are not required to use a transponder or pay a toll. These added lanes, therefore, are HOV (no toll) for multiple-occupancy (or otherwise qualified) vehicles, and toll for SOV. Thus, the term HOV/Managed Lanes is correctly used to describe the function of these lanes.

The *I-5 NCC Project* improvements are intended to maintain or reduce traffic congestion along the I-5 corridor through 2050 to allow the region to work toward complex solutions that take extended time to implement. Please refer to the responses to your Comment 01. The boundaries of the corridor were determined through a long and thoroughly documented process, as summarized in EIR/EIS Section 1.4, *History and Background*. The project has logical termini and independent utility with its current boundaries. The 27-mile corridor extends from a portion of I-5 that was just widened and ends at a location where land use and ownership dramatically changes at Camp Pendleton.

The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation that includes other transportation service alternatives, including transit. All modes of transportation are anticipated to be needed for the corridor to function. Please refer to the response to your Comment 02.

22 Please refer to the response to your Comment 06 regarding the use of the term "demand" in a transportation engineering context. The basis for the traffic analysis and the need for the proposed improvements are founded on research and documentation prepared by SANDAG. The technical reports listed at the beginning of EIR/EIS *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities,* contain detailed background information on the traffic volume forecasting process and development of traffic methodologies. An analysis of the future cost of fuel is

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	22 cont. not necessary to fulfill the requirements of CEQA and NEPA to describe why the *I-5 NCC Project* is being proposed, alternatives for the project, the existing environment that could be affected by the project, the potential impacts from each of the alternatives, and the proposed avoidance, minimization, and/or mitigation measures. It also should be noted that traffic volumes on I-5 have historically increased despite continued increases in gasoline prices. The 2050 RTP indicates that increased demand will occur due to regional population growth, increased goods movement, increased economic growth, and greater recreational and tourist activity. As such, without improvements to I-5, traffic conditions and the effective movement of people and goods will continue to deteriorate. Refer to EIR/EIS *Section 1.3, Need for the Project*, and Topical Response "Projected Growth" for additional discussion of the need for the project.
	23 The price to drive as defined in this letter is not a factor in SANDAG modeling. Caltrans has reviewed and compared the Series 10, Series 11, and Series 12 traffic volumes from the SANDAG regional transportation model for the *I-5 NCC Project*. The comparison reveals that the SANDAG Series 10 traffic volumes originally projected for 2030 and applied in the EIR/EIS analyses are very close to the current SANDAG Series 12 traffic volumes projected for 2050 as explained below. Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change

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23 cont. in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*.

As such, Caltrans has determined that the 2030 traffic volumes used for the project are equivalent to traffic volumes projected to 2050.

24 Caltrans analyzed traffic using methodologies approved by the Federal Highway Administration (FHWA) and Caltrans, based on predicted volumes developed by SANDAG. As spikes in California gas prices have recently illustrated, traffic projections are not anticipated to vary substantially with the price of gas at $4.50 per gallon. Please also refer to the response to your Comment 22.

25 Improvements to I-5 are not proposed in order to compete with transit. All modes of transportation are anticipated to be needed for the corridor to function. Please refer to the response to your Comment 02. Regarding Series 10, 11, and 12 traffic projections, please refer to the response to your Comment 23.

26 It is correct that traffic operations are analyzed with demand defined as traffic volume, and this terminology is appropriate in this context; it does not constitute an error. Please refer to the response to your Comment 06.

27 *Tables 1.3.6* and *1.3.7* of the EIR/EIS present existing and predicted traffic volumes in the HOV/Managed Lanes only. The statement on EIR/EIS page 1-7 is referring to the ability of rail to satisfy total anticipated travel demand in the future. This predicted demand is the average daily traffic (ADT) presented in Final EIR/EIS *Table 3.6.2*, which ranges from a low of 246,500 ADT (expressed in cars) at the I-5 segment of Mission Avenue to SR-76 (2030 No Build) to a high of 412,640 ADT from the I-5 segment of I-5 / I-805 merge to Carmel Valley Road. Traffic volumes in 2006 at these locations are 156,800 ADT and 281,400 ADT, respectively. The additional traffic is 89,700 ADT and 131,240 ADT, respectively. Even assuming trains could carry people at six minutes headway and 5,000 people per hour as proposed in this comment, the additional traffic with one person per car represents 18 hours of

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27 cont. or perhaps people per hour. If we assume it is cars and there are 2.5 people per car, average, this is still less than 4,000 people per hour. If trains held 500 people, at 6 minute head way, this would be 5,000 people per hour. Why do you not show the units on Tables 1.3.6 and 1.3.7? Why don't you show train capacity and headway possibilities to equate to the levels shown in these tables, since more trains could be purchased if the volumes would support the expansion?

28 On Page 1-10 it is claimed that the proposed Managed Lanes (HOTs) were somehow "viable". What does "viable" mean? Why do you think the facility would not fail to even meet its operating costs, especially in light of the real-world experience shown in Reference 11?

7.3 Subject Document Chapter 2

29 Table 2.1 fails to show the loss of the movement from EB Vista way to NB I-5, which is shown on page 2-62. This means that most of these cars will have to use Stewart north, Cassidy east, Soto north to finally get onto I-5 north. Why did you fail to include this ramp reconfiguration on Table 2.1? What other reconfigurations have you omitted? What are the increases in VMT on surface streets estimated for each of the ramp reconfigurations? Stewart Street is adjacent to South Oceanside Elementary School. Have you presented your proposal to the PTA at South Oceanside? Have you contacted the principal of the school? Will you compensate the school for the increase in traffic and air pollution? How many days lost to respiratory illness do you estimate will occur if you fail to mitigate traffic with the pricing strategies described in this letter?

30 Why does Table 2.2 omit the new bridges that will be needed at Cassidy and California in Oceanside?

31 Section 2.2.3 suggests that there are more than the basic 4 (or 8 or 16) build alternatives. It says there are also TSM and TDM alternatives. Where is the monetary support and staff support going to come from to support such strategies? The section appears to have two subsections, one on TSM and one on TDM. However the concluding statement claims that TSM measures alone could not satisfy the purpose and need of the project. Why does this sentence leave out TDM? What is the basis for this conclusion, in light of, for example, Table 1 of Reference 5? Table 1 of Reference 5 shows dramatic decreases in driving for policies that increase fairness by improving parking policy. Are any of the authors of this document familiar with the strategy of car parking cash-out at places of employment? Reading your section on TDM, it strikes me how little the authors know about TDM. The words there could have been written 20 years ago. References 5 through 10 cover pricing TDM. Reference 5 has a section on page 7 that intorduces a method of new definitions to promote an objective view of TDM. "Negative TDM" is when price is lower than fair. It would encourage driving. "Zero TDM" is when the fair price is charged. "Positive TDM" is when the price is set higher than the fair price. It would discourage driving. Given these definitions, are you talking about negative, zero, or positive TDM?

7.4 Subject Document Chapter 3

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27 cont. train traffic at the low end and 26 hours of train traffic at the high end. The statement that train capacity is not sufficient to satisfy total projected additional future traffic volumes is valid.

28 The referenced statement is: "In 2006, SANDAG conducted a Managed Lanes Value Pricing Study to validate the feasibility of implementation 'value pricing' on the proposed Managed Lanes facility on I-5. Based on the proposed four build alternatives, the proposed Managed Lanes facility on I-5 was found to be viable for value pricing in the [Major Investment Study] MIS-defined corridor." This statement means the concept was deemed practicable to pursue in continued evaluation in the EIR/EIS. The *I-5 NCC Project* with the proposed HOV/Managed Lanes would be consistent with the CSMP and the 2050 RTP/SCS. Please also refer to the responses to your Comments 02 and 04.

29 Several traffic technical studies focused on local streets. Technical Report No. 6, Freeway Interchange Operations Report, presents the results of the roadway segment analysis conducted for the adjacent local arterial system along the *I-5 NCC Project*, including local arterials and intersections within the City of Oceanside such as SR-78 / Vista Way, Oceanside Boulevard, Mission Avenue, and Harbor Drive. Chapter 3.0, Operations Analysis, of this technical report presents the operations analysis results for each of the project scenarios. Included in these analyses are surface street intersection capacities, peak hour delays, level of service (LOS), and ADT. Section 4.2, Summary of Project-Related Impacts, of the same report includes traffic operations at intersections, ramps, and arterial roadways due to increased travel demands. Table 3.9 of Draft Technical Report No. 6 shows an assessment of traffic operations for 125 individual roadway segments in the vicinity of the proposed freeway improvements. The table also indicates whether the arterials would operate "over" or "under" capacity. Table 3.1 of Draft Technical Report No. 6 lists proposed ramp intersection improvements that would mitigate potential impacts to the immediately adjacent local intersections. Furthermore, it is expected that the proposed interchange improvements and ramp widening listed in Tables 4.1 and 4.2 of Draft Technical Report No. 6 would benefit the adjacent local streets and intersections.

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	29 cont. In addition, Technical Report No. 7, Direct Access Ramp/Local Circulation System Operations Report, addresses scenarios with and without direct access ramps (DARs), including local streets affected by the proposed Oceanside Boulevard DAR, which has since been eliminated from the *I-5 NCC Project*. Specifically, Tables 3.1 and 3.3 provide information on the reported delay, LOS, and Roadway Segment Capacity analysis. These technical reports were prepared in support of the EIR/EIS, are incorporated by reference therein, and can be accessed at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic6.pdf and http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic7.pdf The bridge replacement of the SR-78 / I-5 Separation is listed in Final EIR/EIS *Table 2.2.3* with other I-5 overcrossing replacements. It was not omitted. Public outreach activities are summarized in EIR/EIS *Chapter 5*, *Comments and Coordination*. Please refer to the response to your Comment 32, below, regarding air pollutants and associated health effects. The EIR/EIS does not include alternatives or mitigation that would add pricing to existing general use lanes on I-5. Please refer to the response to your Comment 15.
	30 The bridges at Cassidy Street and California Street are listed in Final EIR/EIS *Table 2.2.3* with other I-5 overcrossing replacements. As identified on Final EIR/EIS *Figures 2-2.3, Sheets 58* and *59*, which have been updated from Draft EIR/EIS *Figures 2-2.14ai* and *2-2.14aj,* now contained in Appendix K), these are replacements, not new bridges.
	31 There are four build alternatives, as described in the response to your Comment 21. Transportation System Management (TSM) and Transportation Demand Management (TDM) are defined in EIR/EIS *Section 2.2.3* as strategies that provide options such as ridesharing, parking, and traffic-signal optimization, and promoting mass transit, facilitating non-motorized alternative means of

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	31 cont. transportation, and supporting initiatives such as telecommuting and changing work schedules. As stated in *Section 2.2.3*, these are not stand-alone alternatives; however, examples of TSM/TDM measures incorporated into the *I-5 NCC Project* include: (1) ramp metering; (2) implementation of intelligent transportation systems (ITS) strategies such as closed-circuit television cameras, traffic loop monitoring stations (TMS) and transportation management center (TMC) connections; (3) providing multimodal facilities and services such as bicycle and pedestrian facilities (e.g., dedicated lanes and staging areas) and connectivity potential for BRT service; and (4) the implementation of variable congestion pricing. Caltrans has no authority over parking fees, as described in the response to your Comment 10. Although TDM measures such as outreach, education, and incentives to reduce solo driving through improved van pools, carpools, telework, and bicycle programs are beyond the purview of Caltrans, they are planned for implementation by SANDAG as described in EIR/EIS *Chapter 2***.**
	32 Several traffic technical studies focused on local streets. Please refer to the response to your Comment 29. EIR/EIS *Section 3.14*, *Air Quality*, presents a detailed discussion of impacts based on the Air Quality Analysis prepared for the *I-5 NCC Project* in August 2007 and has been revised based on the Final Air Quality Analysis Update (August 2013). This analysis is appropriate to address anticipated impacts under CEQA and NEPA. EIR/EIS *Section 3.14.3, Environmental Consequences,* concludes that the proposed project would improve traffic operations by smoothing traffic flow and would contribute to lower PM emissions as compared with the No Build alternative. The results of the quantitative CO hot spot analysis also show that the proposed project would not adversely impact local air quality. Modeling for long-term emissions has been conducted in accordance with FHWA guidance on this issue and consistent with FHWA and Caltrans guidance as required for joint CEQA/NEPA documents. The FHWA and Caltrans have coordinated to develop templates for joint CEQA/NEPA documents and supporting technical studies prepared by these agencies that address necessary legislative and regulatory mandates. The studies completed for this EIR/EIS are consistent with those templates.

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32 The list of technical studies shows significant gaps, meaning that a full knowledge of environmental impacts and mitigations is impossible. For example there is no study of the local circulation impacts for the interchange reconfigurations, to include all omitted interchange reconfigurations, such as the loss of Vista Way EB to I-5 NB, shown on page 2-62. Likewise, there is no study to estimate the increased sickness, caused by the unmitigated operation of I-5 in any of its configurations. Such a study would show the value of complying with constitutional law by eliminating the unfairness that causes driving to be artificially cheap and artificially high in volume. Please provide these and other necessary studies, incorporate them into your revised DEIR (to include transit and pricing alternatives), and re-circulate the document.

7.4.1 Subject Document Chapter 3, Growth

33 The Referring to the first paragraph of Section 3.2, what is the basis for thinking the CIA of October 2007 and the named June 2008 reports are sufficient or are even correct in predicting what future leaders might do to their General Plans if they get, for example, a 14-lane I-5?

The first sentence under "Carlsbad", on page 3.3-2, says that there is a sizable quantity of farmland in Carlsbad. Is this contained within the"13%" value, for Carlsbad, shown on Table 3.2.1? If not, why not? Are you assuming that the future leaders of Carlsbad would never allow development on this farm land if, for example, the 14 lane freeway is built?

The 62% growth shown in Table 3.2.2 for Carlsbad is sprawl. However, this is not the only possibility. Three years ago, Debbie Fountain, the Redevelopment Director of Carlsbad proposed an "urban village" plan for its downtown. It would have increase height, decreased some parking requirement (for transit incentives), and increased density from 25 dwelling units per acre to 45. The plan was scaled back. However, it shows that all general plans are continually getting changed. A large freeway expansion will encourage sprawl. No expansion will result in an increase in rail ridership, which will result in more density being approve around the train stations.

On Page 3.2-2 the ominous phrases such as, "linking development to performance" (under the Carlsbad heading) and "ensure the circulation system is not overburdened" (Oceanside) show that more lanes on I-5 would encourage sprawl development.

Under the "Build Alternative", it is claimed that the build projects would only have a "moderate" impact on development. On the other hand, if the pricing alternatives were implemented (References 5 – 10), less parking would be required so that cities could be more walkable and pleasant. This would allow more vertical growth and less sprawl.

Considering how freeway lanes and urban sprawl have proceeded hand in hand, what is the basis for assuming that the project would have very little influence on development?

7.4.2 Subject Document Chapter 3, Traffic and Transportation

RESPONSES

32 cont. Regarding potential air quality related health effects, the analysis in *Section 3.14* indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. The potential for long-term health effects from living in proximity to a freeway are addressed in EIR/EIS *Section 3.14.3*. The proposed project, as previously indicated, would reduce emissions and improve overall air quality relative to existing conditions.

Measures to reduce construction emissions are presented in EIR/EIS *Section 3.14.4*.

Please also refer to the response to your Comment 01 regarding transit alternatives being planned simultaneously with I-5 improvements and the response to your Comment 15 regarding pricing strategies.

33 The Community Impact Assessment (CIA) considers how the proposed project activity would affect the surrounding people, institutions, neighborhoods, communities, organizations, and larger social and economic systems. It does not claim to, nor does it need to, foresee the unforeseeable actions of future municipal leaders.

The information in EIR/EIS *Table 3.2.1* is from SANDAG, the regional agency responsible for preparing population, housing, and employment projections for the San Diego region. As noted in EIR/EIS *Section 3.2.2*, SANDAG's forecasts are based on General and Community Plans of each of the region's 19 jurisdictions. Regarding farmland in Carlsbad, EIR/EIS *Section 3.3.2* notes that policies in the Carlsbad General Plan and the Local Coastal Program (LCP) support existing agriculture resources while planning for the possible future transition of land to more urban uses. The city, therefore, likely considers this land to eventually be developable for other uses. As stated in EIR/EIS *Table 3.1.1*, Caltrans is not a land use planning agency and has no authority over land use designation or development. Whether farmland in

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	33 cont. Carlsbad transitions or not is dependent on the city's policies and land use controls. In *Section 3.2, Growth*, the EIR/EIS notes that regional and local planning departments have developed growth management programs and policies to address future growth. If Carlsbad does not favor "sprawl," the city will not develop in that way. The ultimate design of the project was based on coordination with regional growth forecasts, and because of the cost-effective nature of the project and other environmental constraints, it is not designed with excess capacity that could induce substantial unplanned growth. While new roadways that provide access to undeveloped areas might induce growth, the *I-5 NCC Project* would widen an existing transportation facility as part of other improvements intended to reduce a severe level of congestion that would occur without such improvements. The project also is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation, and, therefore, is not an essential catalyst for future development that would encourage sprawl. The referenced page of the EIR/EIS also notes that Carlsbad's Growth Management Plan set maximum numbers of units in four established quadrants, indicating that the city has policies in place to prevent sprawl development. The statement related to Oceanside is referring to the "city's circulation system;" Oceanside does not have authority over the I-5 freeway. Please refer to the response to your Comment 15 regarding pricing alternatives. Caltrans has based the conclusion that the *I-5 NCC Project* would have little influence on development on the CIA and EIR/EIS *Section 3.2, Growth*, which provide an analysis of whether the proposed project would result in otherwise unforeseen direct, indirect, or secondary growth, or would otherwise influence growth. All build alternatives are similar in this aspect so they were grouped together for this particular analysis. Remaining developable area and population growth projections were evaluated to determine the influence of the project on growth. It was determined that the potential for moderate growth in the project vicinity is inevitable and

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	33 cont. consistent with local land use plans and current trends. Because this growth is anticipated to occur with or without the project, the project is not considered growth inducing. No adverse effects associated with growth would be anticipated with implementation of any of the alternatives. The EIR/EIS also notes that the reduction in congestion and improved safety associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of the surrounding land uses; the EIR/EIS concludes that there would be no growth-related impacts attributable to the project. Please refer to Topical Response "Projected Growth" for information about how the project is accommodating revised growth projections of the 2050 Regional Growth Forecast adopted by SANDAG. Also please refer to Topical Response "Project Lifespan" for information about how Caltrans is planning improvements on an ongoing basis rather than building to ultimate possible need.

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34 The report list shows no analysis of the impact on surface streets due to non-DAR interchange modifications. This violated CEQA law because the impact could be significant.

35 There is also no analysis of the demand relationship between cost and traffic volume. This would lead to pricing mitigation, which is perhaps why it is left out, since your report is biased in terms of encouraging more driving.

Section 3.6.2.1's list of traffic fundamentals is incomplete. It fails to define the supply and demand of the product being considered, which is freeway lanes and freeway lane usage. More specifically, it fails to explain "demand relationship" and "supply relationship". This would introduce the variable cost to drive.

36 It also fails to define variables to allow for a transit comparison. This would include "train capacity" and "headway", to show how the volume of passengers per hour could be computed.

37 The definition of congestion is biased. It uses the work "demand" when it means, I guess, what the volume would be if there were enough lanes to result in free flow conditions. An unbiased definition would be, "when speed drops below some value (some threshold.)"

38 The definition of "capacity" would be a good place to educate readers that the maximum capacity of a lane is obtained at a speed which would be disappointing to many drivers. Depending on other variable, it occurs at speeds ranging from 35 to 45 miles per hour. It may seem that a lane would handle more traffic at higher speeds, but that is not true due to the required distance between cars. However, since the authors want to make building lanes look as appealing as possible, it is not surprising that they say nothing about the lower speed required to obtain the maximum carrying capacity.

39 For many of the definitions, price could be mentioned.

What is the aversion to mentioning the cost to drive? Do you think that the cost to drive is not important? Do you think we should make driving free? Do you think employers should buy gasoline for their driving employees? Did you know that Professor Shoup, the author of the book, "The High Cost of Free Parking" has computed that, on average, the value of parking at work is about the same as the cost of the gasoline used to compute to work? Do you think companies should reduce the wage of all of their employees enough so that they can provide "free" parking to all the employees that want to use it? Does Caltrans have any official policy on fairness, when it comes to the price of driving and the price of parking?

40 Why did you fail to mention the speed at the maximum lane capacity?

41 Under the heading of "Existing and Forecasted Conditions" it says that year 2006 was used to determine existing conditions. What about also checking when gas cost $4.50 per gallon?

42 Why didn't Figure 3-6.1 include an indication as to where, in terms of LOS, the maximum flow rate occurs? Do you think the maximum flow rate is important, especially since you claim to want to manage some lanes to get a good return from those paying a toll?

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34 Several traffic technical studies focused on local streets. Please refer to the response to your Comment 29.

35 Traffic operations are analyzed with demand defined as traffic volume and not as an economic "demand relationship." Please refer to the response to your Comment 22.

36 Train capacity would not be sufficient to satisfy total projected additional future traffic volumes. Please refer to the response to your Comment 02 regarding the role of the *I-5 NCC Project* in planned regional multimodal improvements and the response to your Comment 27 regarding train capacity.

37 Congestion is related to LOS, which is defined in EIR/EIS *Section 3.6*, *Traffic and Transportation/Pedestrian and Bicycle Facilities*, as a qualitative measure describing operational conditions within a traffic stream, generally in terms of such service measures as speed and travel time, freedom to maneuver, traffic interruptions, and comfort and convenience. The characteristics of LOS A through LOS F are illustrated in *Figure 3-6.1*. This is consistent with the industry standard definition of congestion.

38 Caltrans applied accepted protocols and methodologies in analyzing traffic. Freeway operations were analyzed utilizing the methodologies described in the Highway Capacity Manual (HCM) and the Highway Design Manual (HDM). "Capacity" is defined in the EIR/EIS and supporting technical studies as the maximum flow in vehicles per hour that can be expected on a particular segment during a given time period. It is the point immediately prior to traffic flow breakdown resulting in congested conditions.

39 Please refer to the response to your Comment 15 regarding pricing and the response to your Comment 10 regarding the cost of parking.

40 EIR/EIS *Section 3.6.2.1, Traffic and Transportation,* under *Traffic Fundamentals*, notes that the existing average travel time during free-flow conditions to travel north or south in the project area

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	40 cont. is about 25 minutes, with an average speed of approximately 65 miles per hour.
	41 Caltrans analyzed traffic using methodologies approved by the FHWA and Caltrans. An analysis of the future cost of fuel is not considered practical or needed to fulfill the requirements of CEQA and NEPA. Please refer to the responses to your Comments 22 and 24.
	42 Please refer to the responses to your Comment 37 and 38 with regard to the industry standard definitions of LOS and capacity. Although the Value Pricing Program would entail the implementation of tolls to SOV users, the proposed use of HOV/Managed Lanes provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. Please also refer to the response to your Comment 15 regarding the intended function of the HOV/Managed Lanes.

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43 Table 3.6.1 shows that the "build" alternatives generally carry about 3% to 5% more ADT that the no-build case. This is in the imaginary world of cheap gas and a society that continues to mismanage its resources by heavily subsidizing drivers. Still, it is shocking that we get so little advantage for so much money.

Why are the modeling assumptions about the governmental cost to drive and the cost of fuel being withheld? Is this information classified secret? Have you checked with our military to see what they predict for oil prices in 2030?

If we get 20,000 more ADT for $3B, this is $150,000 for each additional driver.

Why is it that on Table 3.6.5 (all NB), at Birmingham and Sante Fe Drives, the "no-build" LOS is E but the 8+4 LOS is F. Generally speaking, Tables 3.6.5&6 show little improvement considering the amount of money being spent. Please keep in mind that none of these results are useful because we have no idea what was assumed for the cost to drive.

44 On page 3.6-7 under the "HOV Use", for all the cases where percentages are presented, what fraction of those percentages are composed of friends and family members? When knowlegeble people discuss HOVs they call such car pools "fam pools". This information is important because those who know little about HOVs, car pools, and "fam pools" may make the error of thinking that the existence of the HOV lane has something to do with the formation of the car pools. This is not true for the vast majority of the HOV users.

Please rewrite all of you discussions on HOV use to include this important information.

45 You state that on week ends approximately 60% of the cars are HOV's. Won't this make it highly unlikely that there will be enough extra capacity, on managed lanes (HOT), for SOV's that would pay, so as to earn the operating expense? Please refer to Reference 11. Don't you think the best approach would be to use *Skymeter* to unbundle the cost of driving on all roads with a comprehensive system of pricing and payout, as discussed in References 6 through 9?

7.4.3 Subject Document Chapter 3, Air Quality

46 This section should not be called "Air Quality". That is more propaganda. This section is about "Air Pollution". It should be named "Air Pollution".

Table 3.14.2 shows our area to be in "maintenance" for CO and in non attainment for fine particles and ozone. Therefore, our region is designated as non-attainment. Therefore, any project selected for I-5 must not cause any increase in the severity or number of violations. This means that it must be proven that the project selected will not increase any of the pollutants. It also means that all government entities have a moral responsibility to enact mitigations to reduce the harm being inflicted on citizens living in our region, especially those living, working, or going to school close to I-5. This is further proof that governments have a responsibility to urge the state government to enact the pricing strategies described in References 5 through 10.

RESPONSES

43 ADT volumes on I-5 would be slightly greater with the build alternatives in comparison with the No Build alternative (refer to *Table 3.6.2* of the Final EIR/EIS) because reduced congestion on I-5 would encourage more trips to use the freeway rather than surface streets. The project is not intended to increase the number of vehicles on the road, but rather to move the forecasted number of vehicles in a more efficient manner. The total volume of future ADT within the North Coast Corridor and beyond would be similar, with or without the project, because trips are primarily related to land use rather than roadways.

Please refer to the responses to your Comments 22 and 24 regarding the cost to drive and the price of fuel.

The statement that the project would "get 20,000 more ADT for $3B" is not an appropriate characterization. The project itself would not generate traffic. Increased traffic in the future throughout the corridor is the result of regional and local population growth and economic development. The project would provide features that would accommodate increased traffic volumes and reduce travel times compared with the No Build alternative, as well as provide various community enhancement features to improve facilities for pedestrians and bicyclists. Transportation facilities may redistribute traffic, however, as seen in Final EIR/EIS *Table 3.6.2*. As discussed above in this response, the build alternatives accommodate more traffic than the No Build condition on I-5, so the project would result in more traffic being carried on the freeway versus other parallel facilities. The traffic would also be carried more efficiently on the freeway at higher speeds and with fewer stops and starts versus parallel surface streets.

The results in Draft EIR/EIS *Table 3.6.5* (Final EIR/EIS *Table 3.6.6*) are based on specific traffic modeling discussed in detail in the traffic technical studies supporting the EIR/EIS. Please refer to the response to your Comment 29. Although individual segments or intersections may not improve above No Build conditions for certain alternatives, the overall improvement in operation for the corridor is reflected in the reduced total delay, congested hours, and travel time compared with No Build conditions in Final EIR/EIS *Table 3.6.3*.

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44 EIR/EIS *Section 3.6.2.1*, *Traffic and Transportation,* under *Traffic Fundamentals*, explains that the HOV volumes in Final EIR/EIS *Tables 3.6.8* and *3.6.9* are based on traffic counts taken on November 16-18, 2004 at the Del Mar Heights Road overcrossing. The collected field data indicate that more than 90 percent of the vehicles using this HOV lane in both the a.m. and p.m. peak hours are passenger cars. It is not relevant to the analysis to determine whether or not the occupants of the cars are friends or family, although it can be assumed that the multiple occupants in a single passenger car are at least acquaintances.

45 The project is considered funded and implementable and not dependent on a SOV toll for operational costs. Please also refer to the response to your Comment 05 regarding the allocation of transportation funding and the response to your Comment 15 regarding pricing.

46 The nomenclature for chapter headings is consistent with Caltrans guidance and requirements for environmental documents as presented on their Standard Environmental Reference (SER) website; it also is consistent with the terminology used in CEQA Guidelines Appendix G.

Regarding long-term operational effects on air quality, the EIR/EIS concludes that the proposed project would improve traffic operations and, therefore, would contribute to lower air pollutant emissions. The project would not result in cumulatively considerable increases of air pollutants. EIR/EIS results of analysis of ozone (O_3), CO, and PM are discussed below.

The process of addressing O_3 is summarized in EIR/EIS *Section 3.14.1*, *Regulatory Setting*. Potential impacts of ozone are analyzed in the Air Quality Analysis in accordance with the Clean Air Act, which requires a demonstration that federal actions conform to the State Implementation Plan (SIP) and similar approved plans in areas that are designated as nonattainment or have maintenance plans for criteria pollutants. Transportation measures, such as the *I-5 NCC Project*, are analyzed for conformity as part of RTPs and Regional Transportation Improvement Programs (RTIPs). The Air Quality Analysis noted that the proposed project is included in the

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	46 cont. 2030 Revenue Constrained RTP (SANDAG 2006) and 2006 RTIP (SANDAG 2007), which have been found in conformance with the Clean Air Act. The U.S. Department of Transportation (USDOT) made a finding of conformity for the 2006 RTIP and a conformity re-determination for the 2030 RTP, 2006 Update (USDOT 2006). The Air Quality Analysis concluded that the proposed project would conform to the SIP, and there would be no regional air quality impact. To ensure that conformity requirements are being satisfied, the FHWA's guidance specifies that areas such as San Diego County should examine the year(s) within the transportation plan or regional emissions analysis, as appropriate, during which peak emissions from the project are expected, and new violation or worsening of an existing violation would most likely occur due to the cumulative impacts of the project and background concentrations in the project area. The USEPA believes that conformity requirements would be met if the San Diego area demonstrates that no new or worsened violations would occur in the year(s) of highest expected emissions, which includes the project's emissions in addition to background regional emissions. If such a demonstration occurs, as was demonstrated in the Conformity Analysis for the SANDAG 2050 RTP, then no adverse impacts would be expected to occur in any other years within the time frame of the transportation plan or regional emissions analysis. The USDOT approved the project conformity analysis on December 2, 2011. The procedures and guidelines used in evaluating the potential local level CO impacts of the project are contained in Transportation Project-Level Carbon Monoxide Protocol (UCD ITS 1997), which complies with the Clean Air Act, federal and State conformity rules, NEPA, and CEQA. The Air Quality Analysis explains that three intersections were chosen that represent, from an air quality standpoint, the locations with the highest potential for adverse concentrations of CO: Palomar Airport Road and I-5 access ramps, Genesee Avenue and I-5 access ramps, and Del Mar Heights Road and I-5 access ramps. These intersections were identified as having the highest volumes, with poor traffic flow, and the greatest potential delay time during peak traffic commuting hours. The Air Quality Analysis notes that, while some other intersections in the area may also be operating at LOS E or F,

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	46 cont. they would operate more efficiently than the selected intersections with the proposed project than without; that is, there would be less delay time at intersections, which would represent a decrease in the potential for harmful buildup of CO at project intersections. The proposed project is in conformance with the federal particulate matter (PM_{10} and $PM_{2.5}$) standards, would improve traffic operations by smoothing traffic flow, and is unlikely to increase the frequency or severity of any existing exceedances regarding the attainment of state PM_{10} and $PM_{2.5}$ standards. In addition, the EIR/EIS documents the current downward trend in the concentrations of these pollutants in San Diego. Please refer to the response to your Comment 15 regarding pricing alternatives.

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47 The first statement of Section 3.14.2 is unacceptable. Human health is far more important than to base a section concerning air pollution on a 2007 report that was never brought up to final status. Why is the document a draft? What work remains to be done? Why is it 4 years old? What would you estimate for the population and VMT growth since August 2007? Who needs to approve the document before it becomes an approved document and not a draft? What is the basis for using a 4-year old draft as the basis for this section? Why has the report remained in draft status for 4 years? How much concern for people's health could Caltrans have if it can't find the resources to finalize a key report on air pollution? What is the name of the report and why is it being kept from the public? Perhaps is it the draft air quality report in the list of Interstate 5 North Coast Corridor Technical Studies.	47 It is a statement of fact that the air quality analysis in the Draft EIR/EIS was based on the Air Quality Analysis prepared for the *I-5 NCC Project* in August 2007. This is the technical report that is available on the website. Although termed "draft" at the time of release for public review, the report is an approved document by virtue of being made available to the public and is considered final. Time is required to summarize a technical report in an EIR/EIS and for the EIR/EIS to undergo internal review processes before release to the public. The baseline for analysis in an environmental document is what exists at the time the notice of preparation is published, in conformance with CEQA Guidelines Section 15125, Environmental Setting. The Air Quality Analysis for the I-5 North Coast Corridor Project was made available to the public with the other project technical reports at http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html during the public review period for the Draft EIR/EIS and continues to be available as of October 2012. Please note that the section has been revised based on the Final Air Quality Analysis Update, completed in August 2013.
48 On page 3.14-2 it is stated that our area is ("basic") non attainment, for federal standards, a serious nonattainment for ozone and non attainment for fine particles. Table 3.14-5 shows that, for C0, Caltrans is relying on cleaner cars saving the day for freeway builders. However, this assumption relies on an economic analysis showing that Californian, in sufficient numbers, will be able to buy the cleaner cars. Where is that analysis? Are you using the Pavley trajectory shown as the green line on Figure 2 of this report?	48 The EIR/EIS explains that in the CO analysis, the EMFAC2007 San Diego Air Basin (SDAB) default data were used for most variables including model years, vehicle classes, inspection and maintenance program schedule, control technology, vehicle population and odometer accrual rates, VMT and vehicle trips, and profiles of Reid Vapor Pressure, temperature, humidity, speed fractions and idle times. Other factors in the analysis include average free flow speeds obtained from the project traffic study, average cruise speed based on the arterial classifications, and average approach and departure speeds based on traffic volume, average cruise speed, and percentage of red (stopped) time. The results, therefore, are influenced by many more factors than cleaner cars. Please also refer to the response to your Comment 46.
49 What is the basis for using a March 2006 guideline for fine particles?	49 The 2006 final rule was the current guidance document at the time the Draft EIR/EIS was circulated for public review. As a result, its use in the analysis was appropriate.
50 At the top left side of page 3.14-6 you write that percent truck traffic would stay below 8%. However the number of trucks will increase.	50 It is true that the number of trucks is expected to increase, but so is the total volume of vehicles. The percentage of trucks that is part of the total is expected to remain the same.
51 Why is it acceptable to get fine particle information from San Diego 12th Avenue, since it is so far from the project, especially the project in the North County?	
52 How have you proven that the project will not increase the frequency and severity of fine particle pollution at any test station? This would take a conservative modeling effort. Arguing about what is likely or unlikely is unacceptable.	
53 Regarding Table 3.14.6 trends, the report says it shows a "downward trend." For PM_2.5, 24 hours, how is 42.9 in 2004 and 63.3 in 2006 a "downward trend"? Why is it acceptable to use such old data?	
54 The final sentence, just before the "Naturally Occurring Asbestos (NOA)" section says that the proposed project is "unlikely to increase the frequency or severity of any existing exceedances regarding the nonattainment of state PM_10 and PM_2.5 standards". This is unacceptable speculation under the law. What is your proof that the project won't increase the frequency or severity of any existing exceedances regarding the nonattainment of state PM_10 and PM_2.5 standards?	
55 Table 3.14.8 shows clearly that MSATS will increase with the build project, as compared to the no-build. The next-to-the-last paragraph in the "MSAT Discussion of Results" claim that the Build Alternatives are expected "to reduce" the MSAT values well below the	

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51 Regarding the location of the Downtown monitoring stations relative to the project corridor, *Section 3.14* notes that:

> the San Diego Air Pollution Control District air quality monitoring station that represents the project area, climate, and topography in the SDAB is the Del Mar-Mira Costa College monitoring station. As this station only records O_3, however, data from the San Diego Beardsley monitoring station was used because it monitors CO, NO_X, O_3, PM_{10}, and $PM_{2.5}$.

There are nine air quality monitoring stations in San Diego County, with their locations selected by the SDAPCD based on efforts to provide relatively conservative background (ambient) data that accurately represent the SDAB. Only the Downtown San Diego and Chula Vista stations monitor all six criteria pollutants, with the other stations monitoring between two to five criteria pollutants. The locations and monitoring efforts at the noted stations are beyond the control of Caltrans, with the Downtown station identified as the most suitable for the project analysis per the above discussion. It should also be noted, however, that because the identified pollutants are evaluated on a regional basis to identify appropriate ambient air quality conditions, the Downtown station data are appropriate in that context (i.e., regional ambient air quality conditions); the data also provide a conservative estimate of the highest background pollutant concentrations in the project area due to the nature of associated traffic and emission levels. In addition, the EIR/EIS includes localized screening and assessment, respectively, for applicable pollutants including PM, as discussed in the response to your Comment 46. As a result of the described efforts, the regional and local monitoring data included in the project air quality analysis provide an accurate depiction of conditions within the project corridor, and additional data from other sites would not alter associated conclusions on project-related air quality.

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	52 As noted in EIR/EIS *Section 3.14.3, Environmental Consequences*, Caltrans followed the Transportation Conformity Guidance for Qualitative Hot-Spot Analysis in PM_{10} and $PM_{2.5}$ Nonattainment and Maintenance Areas (PM guidance) published by the USEPA and FHWA, in conducting the qualitative hot spot analysis. This qualitative PM_{10} and $PM_{2.5}$ hot spot analysis method is deemed sufficient and appropriate to reasonably evaluate potential project effects. The EIR/EIS concludes that based on screening using USEPA PM Guidance, the proposed project is not a Project of Air Quality Concern because it does not meet the criteria due to relatively low truck Annual Average Daily Traffic (AADT), truck percentage, and increase in truck volumes comparing the build alternatives and No Build alternative. The EIR/EIS notes that the proposed project would not result in an increase in the ratio of trucks to the volumes in the future. As compiled in Final EIR/EIS *Table 3.14.10*, estimated horizon year (2030) truck AADT would remain at 6 percent of total vehicle volumes. This ratio is valid even though the numbers are VMT.
	53 The referenced sentence about the general downward trend has been supplemented with additional information in the Final EIR/EIS. It should be noted that based on the SDAPCD 2009 Annual Report, there is a general downward trend in concentrations of ozone and inhalable particulates. During the past 20 years, the SDAB has experienced a decline in the number of days with unhealthy levels of ozone and inhalable particulates (PM_{10} and $PM_{2.5}$), despite the region's growth in population and vehicle miles travelled, which both contribute to air pollution problems. This 20-year improvement in air quality clearly shows that efforts to reduce air pollution are working.
	54 Please refer to the response to your Comment 52 regarding the basis for the analysis.

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55 cont. base year values. This is false. The no-build alternative emits less. Therefore, the Build Alternatives are *not* doing the reducing. It must be that the model is assuming cars are cleaner. The next paragraph is also in error. Table 3.14.8 shows that the No Build is cleaner in all categories. Please correct these errors and re-circulate the document.

56 The paragraph starting, "Some recent studies" simply lists the studies showing that proximity to roadways is related to adverse health effects. This show that this DEIR is inadequate because it fails to quantify any of these effects, at the Table 3.14.4 receptors, for example. These health effects are significant for every individual that gets cancer, for example. The subject memo does not claim that it is known that these effects are small. It simply lists the studies without disclosing their findings. This is in gross violation of CEQA law.

57 The final paragraph shows that the optimism is all base on the EPA's control programs. Such programs are not guaranteed. Instead, we should be protecting our own health by reducing driving by providing more economic choice to citizens. We need to adopt programs to end the subsidies to driving and parking a car.

58 In Table 3.14.9, the average increase in toxics from doing the 8+4 is NOT -61% as shown. It is instead +11.5%. Do you agree and, if not, why not? How could you make such an obvious error? Please correct this and all the other errors, get a suitable range of alternatives, and re-circulate this document.

59 Regarding the first paragraph on page 3.14-10, the lack of "tools", that prevents finding out if "significant adverse impacts on the human environment" would result from a build alternative, does not allow you to proceed with weak mitigations. CEQA law is clear. If there is a reasonable basis for suspecting that a significant impact exists, it must be mitigated with feasible mitigation unless it can be proven that the impact is not significant. The pricing mitigations would be best because there is a long list of reasons to do them in any case.

60 Regarding your section on climate change (page 3.14-10), it is surprising that you say "Climate change considerations can easily be integrated . . . " This shows an amazing lack of participation into the struggles between CARB, the MPOs, and those trying to give humanity a fighting chance in the face of face of ignorance and irresponsibility. What is the basis for that statement? Your final sentence calls for a reduction in "vehicle ***hours*** travelled", instead of the more commonly used "vehicle miles travelled". This again shows your extreme bias in promoting more lanes as a solution to everything. Who will pay for these lanes as gas tax account go down in accordance with the green line on Figure 1? What is your funding scheme? If cars were travelling at 75 mph, which is very common on I-5, their mileage would be worse than if they were travelling 55 mph. Therefore the 75 mph would emit more GHG even though it would minimize the "vehicle hours travelled". Again, the Caltrans bias is all too obvious. Caltrans wants the world to drive and drive fast. Why did you write "vehicle *hours* travelled", when vehicles travelling at speeds of 65 mph emit more GHG as they minimize vehicle *hours* travelled?

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55 The referenced text has been revised to reflect that MSAT emissions are projected to be substantially less than existing conditions for all alternatives, even though these alternatives would carry much greater traffic, which represents an improvement over existing conditions.

56 The EIR/EIS determined that a quantitative assessment of the effects of air toxic emissions impacts on human health cannot be made at the project level. However, regardless of the alternative chosen, emissions would likely be lower than present levels in the design year as a result of USEPA's national control programs that are projected to reduce MSAT emissions by 57 to 87 percent between 2000 and 2020. Please also refer to the response to your Comment 32.

57 Please refer to the response to your Comment 15 regarding pricing alternatives.

58 The average percent change values in *Table 3.14.9* for the 8+4 alternative should be shifted one column to the left. This correction has been made in the Final EIR/EIS (Final EIR/EIS *Table 3.14.12*). The values presented in the rows above are correct. The range of alternatives presented in the EIR/EIS is considered appropriate as described in the response to your Comment 02.

59 Please refer to the responses to your Comments 32 and 56 regarding MSAT analysis. As noted in the air quality section, future emissions from I-5 are anticipated to decline compared with existing conditions as a result of successful regional, State, and federal regulatory programs, regardless of the alternative selected. As impacts would improve, i.e., not be significantly adverse, relative to existing conditions, mitigation is not required pursuant to CEQA. Please refer to the response to your Comment 15 regarding pricing alternatives.

60 The full statement referenced is: "Climate change considerations can be easily integrated into many planning factors, such as supporting economic vitality and global efficiency, increasing safety and mobility, enhancing the environment, promoting energy conservation, and improving the quality of life." The statement

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7.4.4 Subject Document Chapter 3, Noise

61 No where in this section is the point made that faster cars create much more noise than slow cars. What would a plot look like of noise as a function of speed? What is the specific relationship between speed and noise.

62 How much total noise power is created by 27 miles of an 8 lane freeway with cars travelling at various speeds? Would this be about 50% larger for the 8+4 option? Do sound walls decrease this net power or just redirect it? How much further would the sound travel before it was no longer audible by an average human, for the 12 lane case, as opposed to the no-build alternative?

63 Hearing the freeway degrades people's quality of life. How many homes currently have audible freeway noise from I-5 and how would this number change with the build alternatives?

7.4.5 Subject Document Chapter 3, Energy

64 How much decrease in train ridership will the build altenative cause and, since most of this loss will result in more driving, how much additional energy will be consumed?

65 Reference 13 contains a resolution favoring the reduction of our national speed limit as a means to reduce energy consumption and GHG emission. It contains a plot of mileage as a function of speed. It clearly shows that at speeds above 55 mph, mileage would decrease. This means that a reduced speed limit is a feasible mitigation for energy, GHG emissions, and air pollution. It would also cause more people to take transit because the time advantage of driving would be reduced, especially at non-peak times.

From Reference 13:

> The physics is that higher speeds cause much greater air resistance, which means that for every 5 mph you drive over 60 mph decreases fuel mpg by about 9%, so you use 18% more fuel at 70 mph than at 60 mph, which increases global warming impact of petroleum cars by 18% and of electric cars by 12% (using CA current electricity mix) (http://www.fueleconomy.gov/feg/driveHabits.shtml

66 The paragraph just before the "3.16.3 Environmental Consequences" heading discusses the required lane maintenance. What it fails to say is that the build alternatives would have 50% to 75% more lanes to maintain. This would take more energy, water, and money. Please note again the first foot note on this letter. Where will this money come from? Schools? This is another indication of the gross irresponsibility of Caltrans in creating enormous societal problems without ever suggesting a solution. The only obvious solution to this problem is discussed in Reference 6 through 10, of this letter.

67 What calculations led to the assertion that the build alternatives *should* (word taken from subject report) result in less net energy?

The avoidance, Minimization, and/or Minimization section should be replaced with advocacy for the pricing strategies of References 5 through 10.

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60 cont. is not intended to indicate that climate change can be easily resolved, only that there is synergy between the measures that would be required to address climate change and measures that would be logical to incorporate based on previously established planning factors. Figures 3.3 through 3.8 of the project traffic study (2008; http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTrafficJuly2010.pdf) represent graphically the speeds typically experienced by vehicles in the frequent peak hour bottlenecks on I-5. As indicated in these figures, in some segments, vehicle speeds in the queue caused by the bottlenecks can be 10 miles per hour or less for a significant amount of time. In most cases, even the average peak hour speeds for the build alternatives are projected to be in the 30s, 40s, and 50s. It is assumed that the California Highway Patrol will provide appropriate speed limit enforcement. Based on these considerations, the term "vehicle hours" does not indicate a bias in promoting additional lanes; the statement is simply a reference to reducing the amount of time drivers spend in delay and congestion. Please also refer to the response to your Comment 04 regarding global warming.

61 Caltrans noise modeling addresses the overall flow of traffic on the freeway, analyzes the total number of vehicles of varying types and speeds over the course of time, and produces hourly sound level averages. The model addresses the hypothetical worst-case noise scenario of 1,800 vehicles per lane per hour traveling at the posted speed limit, corresponding to LOS C. Less congested traffic (LOS A or B) would involve fewer vehicles on the freeway, thus resulting in lower noise levels. At the other extreme, LOS D, E, or F would mean more vehicles on the freeway traveling more slowly and in extreme cases, stopping traffic flow completely; this would also result in lower noise levels. Thus, LOS C represents the worst-case scenario for noise analysis; this scenario of "maximum traffic flow at full speed" was modeled for the existing conditions, No Build and build alternatives.

62 Caltrans has followed its Traffic Noise Analysis Protocol in assessing noise impacts. The Protocol is considered to be the most appropriate noise evaluation process for the *I-5 NCC Project*, which entails the widening of an existing facility and would not generate new types of noise events. The analysis involves

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	62 cont. evaluating noise levels at particular locations and does not involve assessing "total noise power," or determining how far sound travels along the freeway. In terms of identifying impacts that require abatement (typically soundwalls), the project analysis addresses situations when existing and future noise levels would approach a level of 67 decibels (dBA) or greater, and where abatement is "feasible," "reasonable," and approved by property owners. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations. Refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*. The use of such noise abatement has been shown to reduce traffic-generated noise experienced by noise receptors by blocking the noise. Soundwalls do not decrease sound power. With regard to reflection, noise from roadway traffic is not one-dimensional, but rather emanates out from the source in all directions. Accordingly, much of the noise energy generated from freeway sources does not strike soundwall surfaces and, therefore, is unaffected by the walls. Noise energy that does strike walls is reflected at an incident angle (i.e., an angle similar to that at which the energy struck the wall). As a result, noise energy that strikes a wall and is reflected at very low incident angles can potentially result in an increase of overall noise levels at associated noise receptors (i.e., at locations opposite the walls). The majority of noise energy in this scenario, however, would strike the wall and be reflected at higher incident angles, such that it would not contribute to an increase in associated noise receptor levels. The portion of this noise energy reflected at angles such that it might potentially be directed to more distant noise receptors would be minor; it also would be reduced by the standard attenuation of roadway noise over distance—a three decibel reduction for every doubling of distance—such that it would not substantially contribute to increased noise levels. Please also refer to Topical Response "Soundwall Considerations" for additional information about noise-abatement measures. The EIR/EIS explains that noise differences between conditions with and without the build alternatives would be primarily due to the presence of HOV/Managed Lanes and expanding the outer lanes closer to the noise receptors in the build alternatives.

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	63 As discussed in EIR/EIS *Section 3.15.3*, *Environmental Consequences*, approximately 531 noise receptor locations would exceed the noise-abatement criteria (NAC) under the build conditions prior to the consideration of any noise-abatement measures. Approximately 471 noise receptor locations would exceed the NAC in 2030 under the No Build alternative.
	64 Adding the proposed lanes to I-5 is not expected to decrease train ridership. The CSMP development resulted in a solution that includes double-tracking the rail corridor and adding HOV/Managed Lanes on I-5, as well as improving regional arterials; bicycle and pedestrian routes; and bus, rail, and vanpool and carpool services. The *I-5 NCC Project,* therefore, would be consistent with the CSMP. Please also refer to the response to your Comment 02. The project would prioritize HOV/Managed Lane and transit use, maximizing corridor person trips throughout while reducing vehicle hours traveled and vehicle miles traveled per person trip. The use of HOV/Managed Lanes would lead to less energy consumption and air emissions per person trip. Since energy consumption and emissions would increase as congestion increases, reduced congestion and resulting reductions in trip travel times in the corridor would have positive benefits for energy use and air quality.
	65 Please refer to the response to your Comment 60 regarding anticipated I-5 speeds and their relationship to GHG emissions. Typically, as speeds increase, most criteria pollutant emissions will decrease. As explained in Topical Response “Air Pollutants,” emissions are a function of two variables: volumes and emission factors. Traffic volumes are expected to increase over time with or without the project, due to population growth. Emission factors are related to speed. Typically, as speeds increase, most criteria pollutant emissions will decrease. Therefore, because the project would result in improvements to the roadway network that would result in less congestion, vehicle speeds would increase and emissions would typically be reduced. For a few pollutants, such as oxides of nitrogen (NO_x) and CO, emissions are the highest at very low speeds and very high speeds, and are the lowest at medium speeds. These concepts are explained in greater detail below.

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	65 cont. Although ADT volumes on I-5 would be greater with the build alternatives in comparison with the No Build alternative (refer to *Table 3.6.2* of the Final EIR/EIS), the difference in traffic volume on I-5 associated with the build alternatives would not represent a net increase within the North Coast Corridor. Rather, the increase reflects the fact that reduced congestion on I-5 would encourage more trips to use the freeway rather than surface streets. The total volume of future ADT within the North Coast Corridor would be similar, with or without the project, because trips are primarily related to land use rather than roadways. The comparison of the various traffic scenarios in the August 2007 I-5 NCC Technical Report #5 Traffic Demand Forecasting Report (http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSTraffic5.pdf) shows that arterial traffic for the Year 2030 No Build scenario would generally be higher than the Year 2030 8+4 scenarios for the north-south arterials. The more congested I-5 freeway mainline in the Year 2030 No Build scenario would tend to force trips onto the parallel north-south arterials, increasing their ADT volumes; the project build scenarios would draw traffic away from the north-south arterials. Thus, the increase in ADT on I-5 would be offset by a proportionate decrease in the ADT on surface streets connected to I-5. Average vehicle speeds on I-5 would be expected to increase with the implementation of the project build alternatives. Increased speeds, however, do not necessarily result in proportionate increases in vehicle emissions, as explained below. CO emissions are highest when a vehicle is idling, decline as speeds rise, and then climb as speeds increase above the 50 to 55 mph level. The lowest CO emissions are found in about the 35 to 60 mph range. Even at the 65 mph speed limit, CO emissions would be lower than at any speed from 0 mph to about 30 mph. NO_X shows a similar pattern. Thus, the increased speeds associated with the implementation of the project build alternatives would likely result in decreased CO and NO_X emissions. It is also important to recognize that emissions rates at all speeds have been falling over time as newer, more emission-controlled

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	65 cont. vehicles enter the fleet. During the past 20 years, the SDAB has experienced a decline in the number of days with unhealthy levels of ozone and inhalable particulates (PM_{10} and $PM_{2.5}$). Because the build alternatives would reduce energy consumption, no associated mitigation is required. 66 When balancing energy use as expressed by vehicle fuel consumption during construction and operation, including maintenance, against fuel consumption saved by reducing congestion and improving other transportation efficiencies, the build alternatives would not result in adverse energy impacts. The reduction in idling times associated with the maintained or improved LOS discussed in *Section 3.16* of this Final EIR/EIS would result in an overall decrease in vehicle fuel consumption that would more than offset the impacts associated with potential additional trips. Per modeling completed as part of Caltrans' Climate Action Program, implementation of the 10+4 and 8+4 alternatives would be expected to decrease overall energy consumption compared with no build conditions for 2030 (refer to the analysis presented in *Section 4.6* of this Final EIR/EIS). The decreases in energy consumption would be attributed to the lack of congestion, with improved travel times along the I-5 corridor. In addition, as noted in the discussion on latent demand in Final EIR/EIS *Chapter 2*, an improved I-5 would be likely to reduce congestion on nearby local roads to a small percentage. The project overall would be beneficial to energy consumption, as vehicles would spend less time idling and use less fuel. Specific to differences between build alternatives, 10+4 scenarios would require incrementally more pavement maintenance commitment in materials, manpower, and extent than the 8+4 lane scenarios. Alternatively, the 8+4 scenarios would not reduce operational CO emissions to the same extent as the 10+4 scenarios. These variations and the incremental additional energy needed for maintenance would be minimal relative to the benefits provided by any of the build alternatives in comparison with no build conditions.

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	66 cont. During the construction period, energy would be used for the manufacture of the materials that would be required for construction of I-5 improvements. These short-term, temporary impacts would be eliminated under the No Build alternative, as grading, new pavement installation, etc. would not be required. Among build alternatives, all would consume similar types of energy during construction; therefore, the type and nature of associated impacts would also be similar, with only incremental variations among them. Specific to differences among build alternatives, 10+4 alternatives would require incrementally more energy use related to the installation of two additional lanes and wider pavement. This would include increases in energy use required to initially break down and create the build materials such as concrete, as well as having additional supplies delivered to the project site. The increased energy use also would be the result of incremental increases in size (or duration) of the work crews associated with the installation of the larger project in terms of their travel to and from the work site. Throughout construction, local circulation, and travel on any portions of I-5 that have been completed and opened to vehicles would be maintained; however, temporary detours and reduced numbers of available lanes may be required, resulting in some temporary delays. As a result, idling times could increase for vehicles traveling in the area, which might result in additional gasoline consumption. In addition, construction equipment, delivery trucks, and employee vehicles traveling to the construction site would consume diesel and gasoline fuels. In summary, operations would consume electricity for lighting, landscape irrigation, and operation of ITS facilities. Electricity and natural gas consumption for I-5 would not be excessive and would be reduced by implementing a series of standards for environmentally sustainable construction, based on incorporation of the avoidance, minimization, and mitigation measures listed below, to the maximum extent practicable. In addition to minimization and mitigation measures discussed in *Section 3.16.4* of the Draft EIR/EIS, the following measures are included in this Final EIR/EIS, consistent with other discussions in the document. • Reuse and recycle construction and demolition waste (including but not limited to soil, vegetation, and concrete), where practicable

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	66 cont. • Incorporate bicycle-friendly intersections at interchange ramps, in coordination with the responsible local jurisdictions • Incorporate low water use landscaping • Develop and implement a comprehensive TMP to increase driver awareness, ease congestion, and minimize delay during construction The No Build alternative would contribute to continued traffic congestion and inefficient energy use by vehicles idling along I-5 and on local roadways, as traffic associated with latent demand would not be pulled off local streets and to I-5. These impacts would be expected to increase over time without implementation of the proposed project. These clarifications have been incorporated into this Final EIR/EIS.
	67 Please refer to the response to your Comment 05 with regard to project funding. Please refer to the response to your Comment 15 regarding pricing alternatives.

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7.5 Subject Document Chapter 4

7.5.1 Subject Document Chapter 4, Determining Significance under CEQA

68 The 2nd paragraph discussion of NEPA leaves out the important fact that NEPA encourages all impacts to be mitigated, if feasible, with no requirement for determining significance.

Where in Section 4.1 does it describe what criteria you used to determine whether an impact on an environmental resource rises to the level of "significant"? CEQA requires that the DEIR determine significance. Section 4.2 lists effects found to be not significant. However, there is no determination shown. Only the apparent result of some determination process is shown. For each effect listed in Section 4.2, what process did you use to determine, to your satisfaction at least, that the effect was not significant?

69 Living in Oceanside, I can tell you that proximity to I-5 is a constant concern in terms of where you want to live, work, exercise, and spend time. The freeway is loud, ugly, stinky, and is known to cause cancer, heart disease, and a whole range of respiratory illnesses and disease. The conclusion that you can increase the size of I-5 by 50% or 75% and not cause a significant environmental impact in noise, air pollution (air quality, to you), and energy is not credible.

Reference 14 concludes significant increases in GHG from adding lanes. Since GHG is proportional to energy and air pollution, significant increases in noise and air pollution can be concluded. Reference 15 is an important Reference for Reference 14. Reference 15 is a well-respected report on how road construction generates traffic.

7.5.2 Subject Document Chapter 4, Noise

70 Net noise is the power put into the sinusoidal air-pressure variations, in the audible range of frequencies. Noise generation increases with speed. At a given speed, net noise will be proportional to the number of lanes. Sound walls do not diminish sound appreciably. Sound walls direct noise up. Noise will be carried by the wind and will travel many miles from the freeway, even with no wind. Many citizens need to sleep with their windows closed due to the noise generated by I-5. How many homes are impacted by the noise so that the residents feel the need to sleep with their window closed? After the widening, by what percent will this number of homes increase? Have you ever conducted a poll to see how many people sleep with their windows closed? If not, why not?

7.5.3 Subject Document Chapter 4, Unavoidable Significant Environmental Effects

71 The purpose of the project is to provide for efficient travel. In terms of lane use and parking use (but not transit) the free market is the best way to cure congestion. This is discussed in Sections 4 and 5, with support from Reference 5 through 10. Specifically, the best mitigation would be to unbundle the cost of driving and parking a car so that people have more control over their own money. Unbundling can be accomplished by a comprehensive system of pricing and payout. For parking, the details are in Reference 5. For driving the details are in Reference 9, with additional details in References 6, 7, and 8. As stated earlier, the Canadian company, *Skymeter*, could

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68 NEPA requires adverse project effects be reduced when possible through specific, tangible actions that will reduce a physical environmental effect. "Mitigation" for purposes of NEPA is defined in 40 CFR 1508.20 as including avoiding, minimizing, rectifying, reducing, and compensating, and the measures discussed may have been incorporated into the project design. In 40 CFR 1502.14(f) and 40 CFR 1502.16(h), NEPA requires that appropriate mitigation measures be discussed. In contrast, CEQA Guidelines 15126.4(3) states that mitigation measures are not required for effects that are not found to be significant. As noted in EIR/EIS *Section 4.1, Determining Significance under CEQA*, there are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. The measures provided in *Chapter 3* for certain issues are avoidance, minimization, and/or mitigation measures, consistent with the requirement of NEPA to reduce adverse project effects, and these measures are considered adequate unless identified as not sufficient (for example, for visual impacts).

Regarding the evaluation of impacts using thresholds of significance typically employed for CEQA, Caltrans provides guidance on the approach to environmental analysis under CEQA on their SER website at:

http://www.dot.ca.gov/ser/vol1/sec5/ch36eir/chap36.htm#definition

This site explains that "because the significance of an effect may vary depending on the environmental setting, set rules for determining significance in every case have not been established." The SER states that some public agencies have established thresholds of significance for CEQA, but because Caltrans has Statewide jurisdiction and the setting for projects varies so extensively across the State, Caltrans "has not and has no intention to develop thresholds of significance for CEQA." This approach is consistent with CEQA Guidelines Section 15064.7, *Thresholds of Significance*, which states that each public agency "is encouraged" to develop thresholds of significance, and when

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	68 cont. adopting thresholds of significance, a lead agency "may consider" thresholds of significance previously adopted or recommended by other public agencies. The establishment of thresholds, therefore, is discretionary for each agency, depending on its specific needs for its environmental review process. There is no basic requirement in CEQA to identify the criteria by which an impact is determined to be significant or less than significant, and the EIR/EIS does not need to conduct analysis of any issue using them. Issues are only discussed in detail in *Chapter 4* of the EIR/EIS if they are potentially significant under CEQA. If project avoidance or minimization through design, as described in *Chapters 2* and *3*, would lessen an impact to less than significant levels, that impact is not addressed in *Chapter 4*, consistent with the Caltrans template. The list in EIR/EIS *Section 4.2* reflects those issues. The CEQA conclusions in Chapter 4 are based on the analyses provided in both *Chapter 3* and *Chapter 4*. 69 The issues of noise, air quality, and energy are adequately and appropriately addressed in their respective sections in the EIR/EIS. Abatement is addressed for noise impacts as discussed in the response to your Comment 62. Since energy consumption and emissions would increase as congestion increases, reduced congestion, and resulting reductions in trip travel times in the corridor would have positive benefits for energy use and air quality. Please refer to the responses to your Comments 46 and 66. 70 Caltrans has followed its Protocol in assessing noise impacts under NEPA in *Chapter 3* and CEQA in *Chapter 4*. Please refer to the response to your Comment 62. Polling to determine the number of people who sleep with their windows closed is not a relevant factor in assessment of noise impacts, per the established Protocol.

EMAILS — COMMENTS

71 cont.

install a system to meter all cars. The pricing and payout formulas would be up to California to decide. This would be feasible mitigation from the traffic congestion of the no-build option. It would avoid any need to widen I-5. This shows that the premise of the subject document's Section 4.4 is false.

7.5.4 Subject Document Chapter 4, Significant Irreversible Environmental Changes

As stated above, this can be avoided by eliminating congestion with pricing. So again, the premise of the subject document is false.

7.5.5 Subject Document Chapter 4, Climate Change

72

The 2nd paragraph is, to a large degree, about our Pavley standards, named after Senator Fran Pavley. To see the importance of AB 1493, note the green line on Figure 2, which is taken from Reference 1.

The third paragraph is about the crucial Governors Executive Order. This order is so important to this project that I have attached it as Reference 1. That order's trajectory, if followed by all the countries in the world, would give us a chance to avoid catastrophe. Your discussion fails to disclose the extreme danger we face. Why does your discussion fail to disclose the extreme danger we face?

We are at risk, especially here in San Diego. US Energy Secretary, Dr. Steven Chu, who is a Nobel Prize winning physicist, has warned that the loss of California's snow pack would undermine our agriculture and threaten the very existence of our cities.

Why is it that you do not note the important role of our state Business, Transportation, and Housing department, of which Caltrans is a major part, in obeying S-3-05? According to S-3-05, that department would have sent in about 10 reports since the first one, back in 2006. Please obtain those reports or a link to those reports so that the public can see what contributions and plans have been made by your parent organization. Please also obtain the CARB letters. CARB completely ignored S-3-05 when they issued the SB 375 target to SANDAG for the year 2035. Perhaps they did this in an effort to get I-5 approved, ignoring the danger this poses to our young citizens, that will be in their prime years, as our climate slips away and we find out that we have no future on this planet.

Also, the question arises, by how much are we going to fail at hitting the first target, which is to get to 2000 levels of GHG by 2010? We have two months left and looking at your Figure 4-1 it appears that we have no chance of success. I assume that the 2000 levels of GHG is close to 450 MMT and we are probably at about 475 to maybe 500 MMT now. Failure is accomplished when all the responsible agency leaders (in this case, the Secretary of the California Environmental Protection Agency, the Secretary of the Business, Transportation and Housing Agency, the Secretary of the Department of Food and Agriculture, the Secretary of the Resources Agency, the Chairperson of the Air Resources Board, the Chairperson of the Energy Commission, and the President of the Public Utilities Commission) decide that they will do nothing difficult and no one will raise an alarm about impending failure. Every member of this group had a responsibility to make sure that CARB issued 2035 SB 375 targets that

RESPONSES

71 Please refer to the response to your Comment 15 regarding pricing alternatives and the response to your Comment 10 regarding pricing for parking.

72 Please refer to the response to your Comment 04 regarding GHG concerns.

EMAILS — COMMENTS

72 cont. would support the S-3-05 trajectory. CARB issued a value to SANDAG of -13% when -35% was required. The calculation of -35% is shown in Reference 3.

The page 4-3 paragraph on "How to analyze GHG Emissions and Global Climate Change" is instructive. Caltrans may claim that this will be the last widening, but no proof of such an assertion is possible. This widening will encourage the consideration of widening connected freeways, such as SR-78. Also the I-5 widening could lead to widening I-5 through Pendleton and down into the city of San Diego.

Besides these unacceptable cumulative effects that have been illegally ignored, the world is more likely to adopt the necessary measures to avoid climate catastrophe if California demonstrates an unwavering commitment to climate protection. This includes San Diego County. If you disagree with these facts, why is that?

73 California has set a poor example of land use and transportation. Leaders from around the world know this. For many decades we have had policies in place that guarantee a high level of driving. We now owe it to the world to set a different example by adjusting our policies accordingly. We need the world to take our efforts seriously. If you disagree, why is that?

Thank you for including Figure 4-1. Are we going to meet the S-3-05 target of 2000 value of GHG by 2010? Why did you not mention this important fact? You say that Caltrans and its parent agency are taking an active role, which is exactly what S-3-05 requires. Are you and your parent agency part of a conspiracy to cover up the fact that our state is failing to meet our first target and the -13% target issued to SANDAG for the year 2035, pursuant to SB 375, ignores the S-3-05 and gives us no chance at meeting the 2050 target? How will you state these facts to the general public?

74 Your project analysis in 4.6.2 says that reducing congestion "may reduce" CO2. However, for 15 hours or more, the extra lanes may be allowing cars to travel at 75 mph and this effect would cause more CO2 and this increase may be larger than the decrease. Why do you not admit in that paragraph that cars routinely travel at speeds exceeding 75 mph, if they are given the chance?

The text on the left side of page 4.4 is not conclusive of anything important. You mention TDM but where is the actual commitment to do anything meaningful? Reference 3 has a section devoted to meaningful strategies to reduce per-capita driving by 45% by 2020. Would you please abandon the I-5 widening and support an elimination of congestion and real progress, away from the brink of climate disaster?

75 Table 4.1 shows very little difference between doing nothing (which is inferior to pricing and improved transit) and spending $3.3B to over $4B on a build alternative. The final paragraph, just before Section 4.6.4 suggests that there could be savings on surface streets. However, none of you modeling is meaningful since you have written nothing about the assumptions of the cost to drive. Again, References 14 and 15 suggest a very different answer. These reports are from reputable individuals that have no stake in getting any particular answer. Caltrans is understood to be biased toward road building. How do you explain the vast difference between the conclusion of Table 4.1 (no change, especially since you state that a 10% difference between

RESPONSES

73 EIR/EIS *Section 3.25, Cumulative Impacts*, addresses those projects within the cumulative study area that would result in adverse impacts to those resources that would also be adversely affected by the *I-5 NCC Project*. While it cannot be definitively stated that the proposed project would represent the last widening of I-5, the requirement of CEQA is to analyze the impacts of past, present, and *reasonably foreseeable* future projects. The proposed project reflects the RTP's proposed transportation network through 2050; thus, expansion beyond that date would be speculative. With regard to encouraging widening of connecting freeways and other segments of I-5, please note that the project itself would not generate traffic, but is intended to accommodate increased volumes as a result of anticipated regional growth; therefore, the project is not anticipated to result in a need to expand other roadways. Section 15130(a) of the CEQA Guidelines requires that an EIR discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. Because the build alternatives would result in a decrease in GHG emissions, discussion of potential cumulative impacts is not required for this issue. Please refer to the response to your Comment 04 with regard to GHG emissions relative to applicable targets.

74 Please refer to the response to your Comment 60 regarding anticipated speeds.

75 Please refer to the response to your Comment 31 regarding TDM measures. The regulation of GHG emissions has continued to evolve subsequent to circulation of the Draft EIR/EIS, and additional information is included in the Supplemental EIR/EIS, which has been incorporated into this Final EIR/EIS. Please refer to the response to your Comment 04.

Please refer to the response to your Comment 15 regarding pricing alternatives. Caltrans has followed its protocols and methodologies to analyze GHG, which do not involve making assumptions about the cost to drive. Technical experts may disagree and still produce defensible technical analyses and conclusions.

EMAILS — COMMENTS

75 cont. models was acceptable) and the results of Reference 14 and 15 which conclude that there will be significantly more traffic and GHG if lanes are added?

76 In Section 4.6.5, you state that Caltrans continues to be actively on the Governor's Climate Action Team. I suspect that Team has failed to meet their first goal (2000 levels by 2010) and will continue to fail because no one is talking about that impending 2010 failure. The large amount of money in the SGP could accomplish a lot if it was properly spent. For example the systems described in References 5 through 10 could be designed and implemented, ending congestion and leading to a new prosperity for California. The problem is that vested interests, such as the highway lobby (including Caltrans) and the oil companies will probably not allow change that will diminish their markets. It is very short sighted on the part of the highway construction lobby because we are going to need a lot of transit construction.

77 Figure 4-3 is too small to read. Please make that figure large enough to read when you do your revised DEIR. It would be interesting to see what all the layers are. It is frustrating to see a Figure that is unreadable. Who has the responsibility to check this document? Why did Director Berman and Mr. Waldelich sign off on a document that had an unreadable table and all the other errors? What measures will Caltrans take to ensure this does not happen in future documents?

78 Are the units of Figure 4-1, "million tones", the same as the units of Table 4.2, "MMT"?

79 Table 4.2 shows a group of strategies that have a very small savings and the so-called "smart growth" strategy which is most of the savings. Of course "smart growth" is just improved zoning and a hope that the economy will be good enough that some of what is planned in the improved zoning actually gets built. However if effective CO2 reduction strategies are desired, the strategies detailed in References 5 through 10 should be implemented. They will not be expensive, will increase fairness to all people, will help balance budgets, and will put our state on a firm, free-market footing.

80 Section 4.6.6 needs to make it clear that adaptation is only possible if the world can keep our GHG levels from going beyond 450 PPM, which corresponds to the whole world adhering to the S-3-05 targets. We have probably failed at the first one (2000 levels by 2010) and CARB recently showed a lack of responsibility by giving SANDAG a 2035 target of -13%, when -35% is needed (shown in Reference 3 conclusions). If such failures continue, the "Adaptation Strategies" are going to be a waste of time. All the effort put into "adaptation" should instead be put into GHG effective reduction strategies.

81 **Conclusion**

Please write and re-circulate a new DEIR as described in this letter. Thank you for your consideration of these comments.

Respectfully Submitted,

RESPONSES

75 cont. With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system, and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of HOV/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in project analysis and is addressed in the Final EIR/EIS. As described, the projected increase of VMT is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the amount of additional traffic on the road as a result of project improvements is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic.

76 The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation that includes other transportation service alternatives, including transit. Please refer to the responses to your Comments 01 and 02.

77 The referenced figure has been replaced in this Final EIR/EIS.

78 The units are equivalent.

79 Please refer to the responses to your Comments 10 and 15 regarding the suggested measures.

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	80 Please refer to the response to your Comment 04 regarding project-related GHG emission reductions and associated regulatory compliance.
	81 Focused studies have been completed since the circulation of the Draft EIR/EIS in 2010. The Supplemental Draft EIR/EIS circulated in August 2012 addressed specific issues such as habitat impacts and hydrology in the vicinity of lagoons, as well as the clarification of issues related to latent traffic demand, sea level rise, water quality, and the common design features and community enhancements proposed by the project. That information has been incorporated into this Final EIR/EIS. Recirculation of the Draft EIR/EIS is not necessary.

EMAILS — COMMENTS

References

1. *Governor's Executive Order S-3-05* (Attached as a Word Document, in Email Submittal.)

2. *Communities Tackle Global Warming*. http://www.nrdc.org/globalwarming/sb375/files/sb375.pdf

3. Bullock to CARB, *The PROPOSED REGIONAL GHG EMISSION REDUCTION TARGETS FOR AUTOMOBILES AND LIGHT TRUCKS PURSUANT TO SENATE BILL 375 (Released: August 9, 2010, for a September 23, 2010 Consideration) and the Failure of Its Proposed SANDAG GHG Reductions to Protect Health, Support S-3-05, and be Just and Reasonable*, September 20, 2010 (Attached as a Word Document, in Email Submittal.)

4. Bullock Speech to SANDAG Board, September 10, 2010 (Attached as a Word Document, in Email Submittal.)

5. *A Plan to Efficiently and Conveniently Unbundle Car Parking Costs*, Mike Bullock and Jim Stewart, June 22, 2010, presented at the 103rd Conference and Exhibition of the Air and Waste Management Association at their Sustainable Land Use and Transportation Session, available through the conference proceedings (Attached as a pdf Document, in Email Submittal.)

82 6. *Reference Document*, written to support the *Road-Use Fee Resolution*, passed by Sierra Club California's CNRCC (California Nevada Conservation Committee) on July 11, 2009 (Attached as a Word Document, in Email Submittal.)

7. *Road-Use Fee Resolution* passed by the Environmental Caucus of the California Democratic Party on November14, 2009 (Attached as a Word Document, in Email Submittal.)

8. *Road-Use Fee Resolution* passed by Sierra Club California's CNRCC (California Nevada Conservation Committee) on July 11, 2009 (Attached as a Word Document, in Email Submittal.)

9. *Road Use Fee Resolution Draft*, being considered by the Energy Committee of the Toiyabe (Nevada) Chapter of the Sierra Club (Attached as a Word Document, in Email Submittal.)

10. *More Equitable and Eco-Friendly Car Parking Policy Resolution*, passed by Sierra Club California's CNRCC (California Nevada Conservation Committee) on July 24, 2010 (Attached as a Word Document, in Email Submittal.)

11. *HOT Tips*, Pravin Varaiya, July 23, 2008 (Attached as a pdf Document, in Email Submittal.)

12. Key Findings from Recent Countywide Survey on Climate Change, David Metz & Curtis Below, Fairbank, Maslin, Maullin, Metz and Associates, September 14th, 2010 (Attached as a pdf Document, in Email Submittal.)

13. *Reduced Speed Limit Resolution,* passed by Sierra Club California's CNRCC (California Nevada Conservation Committee) on Feb. 21, 2010 (Attached as a Word Document, in Email Submittal.)

RESPONSES

82 The references consist of source material and documentation for statements made. These documents do not comprise comments in and of themselves, and do not require responses.

EMAILS — COMMENTS	RESPONSES
82 cont. 14. *Increases in GHG Emissions from Highway-widening projects*, Clark Williams-Derry, October 2007 (Attached as a pdf Document, in Email Submittal.) 15. *Generated Traffic and Induced Travel*, Todd Litman, Victoria Tranport Policy, August 19, 2010 (Attached as a pdf Document, in Email Submittal.)	

Bullock to Caltrans Re I-5 DEIR 30 of 30 11/22/10

EMAILS — COMMENTS

David/Dolores Burwell
10/27/2010 07:54 PM
Subject: The most stupid project yet; widening I-5

01 I could start this E-mail off by saying "I can't believe any government agency would propose such a dumb, hare brain scheme such as this," but I won't. I WILL say that It is very possible, and likely very probable that some government agency WILL do just what you people are doing: proposing such a dumb, hare brain scheme such as the scheme you are proposing. With the economic situation we are faced with in California, how can you possibly plan to spend multi billions of non-existent dollars to do what? Widen a freeway to do what? Handle more and more vehicles? Cause more air pollution, more noise pollution, more visual pollution?

02 Why not just pave over a strip of land, say half a mile to a mile wide and destroy what ever land there is left for people to live on and dedicate that strip of pavement to whatever you envision the need to be in the next 50 to 100 years?

To what end? To move more cars and trucks north from the border? To spend our tax money to create jobs for bureaucrats and planners? To keep the state in the pockets of the labor unions?

I fear that a wave of insanity has swept over Sacramento and Washington DC, like a tsunami. You people are absolutely out of your minds. But then what can the average citizen think when he sees all around him the waste and craziness that a government such as ours brings?

03 Leave I-5 the way it is. You will not be helping the problem, you will be creating an even greater one. And stop spending money we do not have. We taxpayers are revolting, if you hadn't already noticed.

David C. Burwell,
Carlsbad, CA, 92010

RESPONSES

Responses to David and Dolores Burwell

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Regarding spending money for the proposed improvements during the current economic situation in California, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, the proposed project is also funded through the TransNet program. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.

The project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips (i.e., “more and more vehicles”). Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to

EMAILS – COMMENTS	RESPONSES
	01 cont. result in increased traffic, referred to as induced or latent demand, has been included in the project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road as a result of the proposed project improvements is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. Regarding project-related air pollution (air quality) concerns, this issue is addressed in EIR/EIS *Section 3.14, Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project air quality considerations. With respect to potential noise concerns, and as discussed in EIR/EIS *Section 3.15, Noise*, while project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible"criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities

EMAILS — COMMENTS	RESPONSES
	01 cont. has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With regard to potential visual pollution caused by the proposed project, *Section 3.7, Visual/Aesthetics* states that the visual impact of each build alternative would be high. Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project. Please refer to *Figures 3-7.41* through *3-7.110,* which depict differences between current and proposed views. Please also refer to Topical Response "Visual/ Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the traveler leaves the I-5 corridor. 02 Proposed improvements are limited to those associated with an identified need. Please refer to Topical Response "Project Lifespan," for a discussion of the reasons that improvements are provided on an ongoing basis rather than building to ultimate possible need. Your comment is correct in assuming that the project would facilitate movement of cars and trucks north from the border. I-5 is a link in the national Strategic Highway Network and is an important conduit for trucks traveling from Mexico to Los Angeles and points north; however, as noted in response to your Comment 01, the number of additional vehicles on the road resulting from the proposed project is anticipated to be relatively small. With regard to your questions and comments concerning spending tax money to create jobs for bureaucrats and planners, keeping the State in the pockets of the labor unions, and the "wave of insanity that has swept over Sacramento and Washington D.C.," although your comments are now part of the public record, no response to this comment is provided as it does not address the *I-5 NCC Project* or the environmental adequacy of the studies completed for the project. 03 Please refer to the response to your Comment 01.

EMAILS — COMMENTS

Lisa Canning
09/26/2010 01:14 PM
Subject: I-5 North Coast Corridor Draft EIR

Dear Caltrans and all this may concern;

I am writing today to ask that you take NO FURTHER ACTION. The proposed changes to the I-5 corridor are in my opinion, and that of all of my family, unacceptable. I would like to add the opinion of many of my colleagues to this also. We do not want more highway lanes and devastation of our scenic and biologically sensitive coast.

This kind of wholesale widening and flyover travesty has all ready occurred along I-15, making it horrible to drive. I don't feel safer, and it hasn't helped traffic. It has made it more stressful and unpleasant, blocking and destroying any views that made the drive pleasant. I avoid this corridor..so if that's the plan, that part is working. I couldn't believe that money was spent on widening and pouring concrete instead of adding efficient mass transit to that corridor.

01

Now we are going to repeat the same mistake? Why are we throwing money at the highway model, when we know it's not sustainable? Caltrans, please stop pouring concrete over our problems, this just creates more.

It will definitely be a loss that cannot be restored, and you know how difficult it has been to try to undo previous environmental damage. What makes this coast special will be lost. Cross over to the 405 freeway and you will see what we will become. I detest that drive. You don't have any sense of where you are, there are no landmarks, only highway exits and walls. Horrible!

02 Please stop this process, and plan for mass transit. And then make it happen. it's working with the trolley system, let's invest in more of those systems.

Sincerely,
Lisa Canning
7605 Norcanyon Wy.
San Diego, CA 92126

RESPONSES

Responses to Lisa Canning

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

With regard to potential scenic impacts, visual character of the roadway corridor would become more urban and visual quality would be lowered; however, numerous minimization measures are proposed to reduce visual impacts. Please note that specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. *Section 3.7, Visual/Aesthetics*, of the EIR/EIS identifies design measures to reduce visual impacts from soundwalls and retaining walls, including efforts such as the use of landscaping, articulated facades, and earthen berms (or berm and wall combinations).

In addition, walls are linear facilities, with views shifting as the viewer moves along (or adjacent to) the freeway corridor. Views along the project corridor would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development or changed due to implementation of project landscaping. Overall, these views would be similar to the existing view conditions. Project-related impacts to existing views would be addressed to the extent practicable through implementation of measures to reduce associated potential visual concerns. For more information regarding effects of the proposed project relative to views along I-5, please refer to Topical Response "Visual/Community Effects." Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS).

EMAILS — COMMENTS	RESPONSES
	01 cont. Regarding potential impacts to sensitive biological resources along the coast, these issues are addressed under the *Biological Environment* heading of EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Based on the analyses in EIR/EIS *Sections 3.17* through *3.22*, project-related impacts to biological resources in coastal areas (including lagoons and related waterways) would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed in concert with the wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. It should also be noted that, since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. This evaluation incorporates the results of associated technical analyses, including hydrologic/hydraulic studies and Caltrans interaction with lagoon scientists, to determine the appropriate bridge lengths and channel dimensions that would reduce the level to which levees or other man-made features restrict tidal flushing (water movement and exchange). Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons. Your comments on I-15 are noted; however, as a comparison to the proposed project, each freeway is subject to specific constraints and opportunities based on its location, average daily traffic, and levels of service during peak travel demand. While the evaluation of the full benefit of the I-15 multimodal improvements has not

EMAILS — COMMENTS	RESPONSES
	01 cont. been completed, please note that High Occupancy Vehicle (HOV)/ Managed Lanes have been proven to be successful in minimizing through-lane congestion. The program proposed for this segment of I-5 is expected to alleviate existing and future conditions, as projected. The main purpose of the *I-5 NCC Project* is to maintain or improve the existing and future traffic operations in the North Coast Corridor, and thereby improve the safe and efficient regional movement of people and goods. Please note that the proposed project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response “Transportation Funding” for information on issues related to the use of public highway funding for alternative transportation modes. Regarding your concern about this segment of I-5 becoming more like the I-405 freeway, no one answer is appropriate for all segments of our State highway system; congested portions of freeways in Orange County and Los Angeles are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously with other regional efforts to address transportation demand, including changes in land use patterns and improvement of public transportation alternatives. 02 As stated in the response to your Comment 01, your preference for the No Build alternative has been noted. Also discussed in that response is how this project is only one element of the multimodal ongoing improvement effort to the North Coast Corridor.

EMAILS – COMMENTS	RESPONSES
	02 cont. With regard to investing additional funds into mass transit, the 2050 Regional Transportation Plan (RTP) is designed to expedite and facilitate mass transit. The largest proportion of the transportation funding identified in the RTP will go toward transit. Under the 2050 RTP, mass transit will receive 36 percent of the funds in the first 10 years. The percentage dedicated to transit will grow each decade, up to 44 percent from 2021 to 2030, 47 percent in the third decade, and 57 percent in the last decade of the plan. More specifically, the Early Action Program developed for TransNet sales tax revenues places a major emphasis on funding transit-related projects including: upgrades to the Blue and Orange San Diego Trolley routes, construction of a Mid-Coast route for the San Diego Trolley, new and modified bus rapid transit (BRT) transit stations along I-15 between State Route (SR-) 163 and SR-78, construction of HOV/Managed Lanes on segments of I-15 and I-805, double-tracking along the Los Angeles-San Diego-San Luis Obispo rail corridor, and rapid bus service in Mid-City.

EMAILS – COMMENTS

Mark Capron
11/19/2010 06:12 AM
Subject: I-5 EIR & Plans should include electronic capacity doubling

Dear Caltrans and CA Senate Committee on Transportation & Housing,

01 Planning for I-5 Improvements should account for technology improvements likely to be installed in most new cars within 5 - 15 years. Therefore your environmental documents should include alternatives to influence the speed at which those technology improvements will be deployed.

The Electronics Alternative would speed the private sector deploying zero-congestion and zero-accident cars. The zero-congestion aspect more than doubles existing freeway capacity by safely "platooning" cars. The safety comes from cars communicating their location, velocity, accelerations, and capabilities. For example, the cars near a car would know of a flat tire on an adjacent car before the driver of the car with the flat knows to react.

For I-5 specifically, the Electronics Alternative involves implementing:

- Allow, beginning January 1, 2013, single driver cars with zero-crash and zero-congestion technology to use car-pool lanes on I-5. Announce such technology will be required for the “fast” lane starting January 1, 2016. Announce such technology will be required for all but the slow lane of every freeway starting January 1, 2020.
- Reduce vehicle miles quickly with “challenge grants” to local transportation agencies for trials of smart-phone real-time ridesharing, like AVEGO.com.
- Reduce vehicle miles quickly with “challenge grants” for communities to implement time-share parking with GPS-to-open-spot.
- Reduce vehicle miles with “challenge grants” for local transportation agencies to partner with local Chambers of Commerce on trials of smart-phone cargo-messenger-meeting ridesharing.

California-wide, the legislature has a window of opportunity to address California's budget crisis in a manner which facilitates the Electronic Alternative for the I-5 Improvements.

Concept to fix budget:
Californian’s would gladly give California half of what California’s government could save them on vehicle insurance, if the drop in vehicle insurance cost drops because California’s government drives electronics to reduce accidents and congestion.

Now spending $50 billion per year. If driven, could drop below $10 billion by 2025. California gets $20 billion per year. Not to mention over 300,000 injured or dead people a year, just in California. If electronics are adopted ten years faster than “free market” 3 million children, mothers, fathers, and other loved ones are saved from injury or death.

Who to call on technology:

- Larry Burns, retired General Motors VP of R&D. $200/car in 2005 to add zero-crash zero-congestion to On-Star. .
- Google – to ask about their more expensive robot car approach.
- Donald Shoup, UCLA professor, guru of “pay for parking.”

RESPONSES

Response to Mark Capron

01 Thank you for your comments, which are part of the public record. With regard to the proposed “Electronics Alternative” to influence the speed at which technology improvements to new cars would be deployed, alternatives considered in an EIR must be practicable for the Lead Agency to implement. Caltrans is a State agency specifically formed for the purpose of addressing State highway system needs and has no authority to independently require or authorize private sector deployment of zero-congestion and zero-accident cars. Comments regarding the State legislation and budget, proposed technology improvements, and other potential specific actions would be better directed to the State Legislature.

EMAILS — COMMENTS | RESPONSES

01 cont.

Potential specific actions:

- Reduce vehicle miles quickly with “challenge grants” to local transportation agencies for trials of smart-phone real-time ridesharing, like AVEGO.com. The transportation agencies could try different incentives. My favorite is allowing the “drivers” to automatically send their driving “income” to a favorite charity while applying their “parking” income to the parking fee.
- Reduce vehicle miles quickly with “challenge grants” for communities to implement time-share parking with GPS-to-open-spot. People would be more willing to pay for parking when they can chose between nearness and the cost while reserving a spot five minutes in advance of their right-to-empty-spot arrival. The time-share parking can be expanded for churches, schools, residential streets, and residential driveways to earn parking income. With everywhere coordinated time-share parking, the challenge grants might fund converting portions of parking lots to runoff cleaning micro-forests or soccer fields.
- Reduce vehicle miles with “challenge grants” for local transportation agencies to partner with local Chambers of Commerce on trials of smart-phone cargo-messenger-meeting ridesharing.
- Authorize $100,000 in prizes and $100,000 operating expense to retain a California University to run an Innocentive.com style challenge for ideas on how to more quickly apply electronics to transportation. Ask Google if they can provide matching funds or if they want to run the challenge with Google’s money.
- Ask the Insurance Commission or fund the Finance Department to retain two teams of economists (one for pro and one for con) to “run the numbers” including vehicle insurance costs, time spent in congestion, energy savings, privacy issues, and avoided new construction costs for applying electronics to transportation.
- Enact a law allowing California to collect half the savings from dropping motor vehicle insurance expenses.
- Allow, beginning January 1, 2013, single driver cars with zero-crash and zero-congestion technology to use car-pool lanes. Announce such technology will be required for the “fast” lane of 3+ lane freeways starting January 1, 2016. Announce such technology will be required for all but the slow lane of every freeway starting January 1, 2020.
- Legislate the insurance risks of manufacturer’s, communities, and businesses for ridesharing, smart-parking, zero-crash, zero-congestion technology. You have a window to ensure the technology increases the safety of bicyclists and pedestrians at least as much as it does for motor vehicles. The physics of radar and lasers favors “free market” development of safer motor vehicles but the same or less safety for bicyclists and pedestrians. The physics of relatively cheap GPS, accelerometers, and radio transponders favors “free market” development of equal or better safety and convenience for bicyclists and pedestrians.

Mark Capron, PE (Civil)
Oxnard, California

EMAILS – COMMENTS

Carol D. Carr
09/25/2010 05:44 PM
Subject: I-5 Widening comments in Oceanside

01 As a bicyclist, I was disappointed to see so few bicyclists' issues addressed, in spite of your claim that you've taken a "multi-modal approach." Here are 4 issues you omitted:

1. Regarding the Vista Way/SR78 highway interchange: It has always been difficult for bicyclists to get to the shopping centers and businesses east of the I-5 in this area. Bicyclists cannot use Vista Way. I am requesting you have your engineers investigate a solution for traveling east-west across the I-5 freeway by bicycle in this area.

02 2. Oceanside Blvd is the proposed route of the Sprinter Rail Trail, although only 1/2 of the Trail has been built and so far none of it has been built in Oceanside. This multi-use Trail has been planned for many years. Oceanside Blvd is currently a major east-west bicycling route that forces bicyclists to mix with heavy traffic, vehicles turning right into driveways, narrow travel lanes, and other dangers. A Class 1 separated bike trail is badly needed next to the Oceanside Blvd. In places there appears to be room for a Class 1 bikeway, however, the existing I-5 overpass will not accommodate such a facility. I am requesting that the I-5 overpass over Oceanside Blvd be re-built wider, and the portion of the Trail section under the I-5 be built as part of the project.

03 3. Harbor Dr. and Vandergrift interchange has an offramp from northbound I-5 to the Pendleton Base entrance. The planned design does not accommodate cyclists entering Camp Pendleton from Harbor Dr. This is a heavily-used bicycling route and needs a better solution that now; currently bicyclists must cross the offramp in front of high-speed car traffic.

04 4. Finally, the Coastal Rail Trail has been in design for many years as a multi-use Class 1 bikeway between Oceanside and San Diego. Only pieces of it have been built all along the proposed route. To make your project truly multi-modal, completing this Trail should be a part of your project. The coastal roads between Oceanside and San Diego are among the busiest bicycling routes in the U.S.; many more commuters and recreational cyclists would use the Class 1 bikeway if built.

Carol Carr
858-481-7425

RESPONSES

Responses to Carol D. Carr

01 Thank you for your comments regarding bicycle circulation, which are part of the public record. Bicycle access over or under I-5 from eastbound Vista Way is not currently provided and would not be provided with the project primarily because Vista Way terminates at I-5 and continues eastward as a state highway, State Route (SR-) 78. Although the SR-78 overcrossing would be replaced as part of the project, no through bicycle facilities would be provided. Bicyclists are typically prohibited along highways for safety reasons. Bike paths that are constructed adjacent to highways are Class 1 facilities that are physically separated from the highway with barriers. At this location, the project boundary to the east ends at the westbound SR-78 to the northbound I-5 connector ramp (refer to Final EIR/EIS *Figures 2-2.3, Sheets 56* and *57*); thus, bicycle facilities connecting to the shopping areas to the east along SR-78 are not located within the proposed project "footprint" or area of improvement. It should be noted that SR-78 improvements would occur as a separate project, and the proposed project would not preclude the future construction of bicycle facilities to provide an east-west crossing at the SR-78 / I-5 Interchange. Additionally, the adjacent Buena Vista Lagoon is a constraint to providing crossing opportunities for bicyclists at this location.

02 Regarding implementation of the Sprinter Rail Trail, one of the proposed community enhancements being coordinated with the local cities is the I-5 North Coast (NC) Bike Trail effort, which would connect off-street bike lane portions located in Caltrans' right-of-way to city street bike lanes throughout the North Coast Corridor (refer to EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*). A number of local bicycle/pedestrian trail connections also are included as proposed community enhancements. Specifically, consistent with your request, the segment of the NC Bike Trail where Oceanside Boulevard passes under I-5 is identified on Final EIR/EIS *Figures 2-2.3, Sheet 60.*

EMAILS – COMMENTS	RESPONSES
	03 Regarding bicycle access to Camp Pendleton from Harbor Drive, the project proposes to construct an eastbound pedestrian/bicycle tunnel that starts at the Harbor Drive underpass and connects to San Rafael Drive. This proposed facility would physically separate pedestrians and bicyclists from motorists to provide a safer route through the interchange and to Camp Pendleton. Please refer to Final EIR/EIS *Figures 2-2.3, Sheets 65* and *66*. It is also part of the proposed I-5 North Coast (NC) Bike Trail that would connect to other existing and proposed trails. Refer to Final EIR/EIS *Table ES-.12* for additional information on the I-5 NC Bike Trail.
	04 Regarding implementation of the Coastal Rail Trail, please see response to Comment 02 above.

EMAILS – COMMENTS

Martinique Carte
Monday, September 27, 2010 12:31 PM
Subject: Question inquiring about I-5 Corridor

01 I am strongly opposed to this project and will be pressuring my community leaders to oppose it as well.

RESPONSES

Response to Martinique Carte

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

EMAILS – COMMENTS

Shay Lynn Harrison, Environmental Analysis Chief
CA Department of Transportation- District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego CA 92110
October 1, 2010

Dear Ms. Harrison:

01 I am writing as a resident of Encinitas who is opposed to the proposed freeway expansion plan. The introduction of additional noise, air pollution and cement is not only an unwelcome change, but it seems a short-sighted solution to a chronic problem. An increasing population and its transportation needs is only going to grow with time and the newly expanded freeways will become clogged again. The only realistic solution to this problem is a genuinely viable and efficient public transportation system to meet the needs of the community.

As development is now occurring in the form of more concentrated urban and suburban centers, it is realisitic to conceive of a network of trains and buses, with dedicated tracks and roadways, which allow for fast, efficient transportation services that operate on a regular and timely schedule. We need only to look at cities like Boston who provide public transportation services not only within
02 the most concentrated borders of the city, but extendig out into their suburban communities as well. Such systems are both more convenient and cost efficient than driving to and from work or school on a daily basis.

I know that a public transportation plan has already been developed and needs only the support of residents to see it carried out. San Diego and its environs contain some of the most desirable communities in the country, and we can either choose to enhance and improve the lifestyle of their residents and visitors, or slowly diminish their natural beauty and our quality of life.

Can you please tell me how thoroughly your office has examined any proposed public transportation plans, and whether or not you have developed any of your own for consideration?

I appreciate your time and effort in replying to my questions.

Best regards,

Nadine Cerqua
765 Stratford Drive
Encinitas

RESPONSES

Responses to Nadine Cerqua

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Although project-related decibel increases would vary by location, EIR/EIS *Section 3.15, Noise*, points out that the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions; changes of three dBA or less generally are not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise analysis and soundwall determinations. The project is anticipated to result in improvements to air quality when compared with existing conditions. Please refer to Topical Response "Air Pollutants" for the discussion of project consistency with air quality regulations and anticipated decrease in emitted pollutants with the project's implementation, as well as to EIR/EIS *Section 3.14, Air Quality,* for more detail. Please refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well

EMAILS – COMMENTS	RESPONSES
	01 cont. as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.
	02 Regarding alternative transportation, please note that *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. The project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor. Please refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* of the EIR/EIS for more details regarding these features. If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. These facilities, combined with other regional efforts, are anticipated to limit the future increase in vehicle miles traveled and associated future congestion. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding mass transit improvements that are being planned by the applicable lead agencies concurrently with the *I-5 NCC Project*, in accordance with the 2050 Regional Transportation Plan. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Based on regional traffic projections (refer to Topical Response “Projected Growth”), these measures are not a substitute for freeway widening. Please also refer to Topical Response “Corridor Alternatives” with regard to alternatives previously evaluated for the North Coast Corridor.

EMAILS — COMMENTS

Jen Charat
11/10/2010 08:35 PM
Subject: public comment against widening of the 5 freeway

To Whom It May Concern,

01 In an effort to keep this brief, I will implore you to cease discussion of widening the freeway in this fashion. There are too many displacements at risk--people, animals, vegetation, businesses, not to mention the feel of the area that is our home where we have chosen to live precisely because the freeway is not gargantuan.

If the freeway is widened as proposed, San Diego will become Orange County. This would be devastating for several reasons, amny of which I have already listed above but also because it would heighten the noise we endure and the particulate matter of the air we breathe.

You cannot do this to our neighborhood. I would venture the guess that we won't allow it and if any of the four widening proposals passes, those of us here in this community will engage media on a national level to make sure the whole country understands how Caltrans works--writing their own EIRs, not following CEQA in any way shape or form, taking homes and businesses so that a freeway may go where people's livelihoods once stood--and all to put in a freeway that only the auto club and the construction companies want to see happen.

Please do not do it.

Thanks,
Jen Charat
4981 Sandshore Ct
San Diego, CA 92130

RESPONSES

Response to Jen Charat

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

To the extent practicable, it is Caltrans' intent to avoid and/or minimize direct impacts to properties that abut an existing highway system during improvements to that highway. Because an existing facility is being improved, however, avoidance is not always possible. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Caltrans engineers are continuing to refine the project design and are working to minimize the project footprint to avoid impacts to properties to the extent possible. Where a parcel is required, every effort will be made to provide the full extent of the services and benefits set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as well as through implementing the Caltrans Relocation Assistance Program. Specifically with regard to animal and vegetation biological impacts, as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a coordinated and comprehensive solution to coastal natural resources that would provide greater benefit than a traditional ratio-based, project-specific mitigation approach. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures applied to the project.

The North Coast Corridor is located in a highly urbanized part of northern San Diego County, and changes to the I-5 right-of-way would be focused and linear in nature. Although substantial change is discussed for specific locations in *Section 3.7,*

EMAILS — COMMENTS	RESPONSES
	01 cont. *Visual/Aesthetics*, of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall beauty or feel of the county or communities already crossed by this highway. Although noise would increase with the implementation of the project, such increases generally would be less than three decibels; both projected as well as pre-existing impacts would be minimized or mitigated where determined to be "feasible," "reasonable," and approved by the shielded property owner. Please refer to *Section 3.15, Noise*, of the EIR/EIS for details. Regarding air pollutants, given the nature of the project, which is designed to maintain or reduce travel time through reduced congestion along the I-5 corridor, it is anticipated that health effects associated with traffic congestion would be improved over existing conditions. The mobile source air toxics (MSAT) analysis conducted for the proposed alternatives indicated that there would be an approximately 49 percent decrease in 2030 MSAT emissions over base year conditions (2006). Differences in MSAT emissions among the No Build alternative and the proposed build alternatives are provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12*, for future years 2015 and 2030. Under the California Environmental Quality Act (CEQA), the Lead Agency (in this case, Caltrans) is responsible for determining the appropriate environmental document, as well as its preparation. Although a Lead Agency can contract out work leading to the preparation of an EIR, it must represent that the content of that document is consistent with in-house preparation, as legally, the EIR is the Lead Agency's document. The EIR/EIS follows the format approved by the State, as presented in the Caltrans Standard Environmental Reference. The Draft EIR/EIS and Final EIR/EIS were reviewed and approved for circulation following legal review for adequacy. These documents were also circulated to federal and State resource agencies for sensitive resources as well as the local cities crossed by I-5. Their comments and requests for any clarification are addressed in this Final EIR/EIS.

EMAILS — COMMENTS

Garen Checkley
11/19/2010 11:25 PM
Subject: I5 expansion

01 I'm writing to comment about the proposed I 5 expansion in North County. As a young resident of solana beach (22) who expects to spend much of his remaining life in the area, I have some concerns.

1) Isn't most of the growth in the area east of I5, thus putting money towards inland freeways would be more effective in managing traffic due to population growth?
2) Why is this, and not public transit, getting large amounts of funding, especially for a project that could last up to 40 years?
3) How does this I5 expansion fit into SANDAG's plan to be much more public-transit oriented by 2050?

Thanks, Garen

RESPONSES

Response to Garen Checkley

01 Thank you for your comments, which are part of the public record. As indicated in EIR/EIS *Table 1.3.9*, the population in the North Coast Travel Shed is projected to increase 25 percent between 2006 and 2030. As a result, improvements to transportation within the North Coast Corridor are considered necessary in order to serve this additional population. Please refer to Topical Response "Projected Growth" for information regarding the project's accommodation of anticipated traffic, as well as Topical Response "Project Lifespan" regarding limited lifespan of transportation improvements.

Regarding your comment concerning funds being directed toward public transit – funds from the TransNet program, approved by voters, are distributed to transportation projects in general. Approximately one-third of TransNet monies each goes to highways, transit, and local roadways. Additionally, the 2050 Regional Transportation Plan (RTP) is designed to expedite mass transit by ensuring that the largest proportion of transportation funding be directed to public transportation. The percentage dedicated to public transportation will increase each decade, up to 57 percent in the last decade of the plan. Please refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

With respect to how the proposed improvements correlate with the San Diego Association of Governments' (SANDAG) 2050 RTP, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050, which would allow the time necessary for the region to work toward more complex solutions, such as changes in land use patterns and smart growth. One key element of the RTP is the Sustainable Communities Strategy (SCS), which plans for more compact, higher density, and walkable development located near transit. The 2050 RTP shows the existing general purpose freeway lanes, which range in number

EMAILS — COMMENTS	RESPONSES
	01 cont. from 8 to 14 depending on the segment, as well as four High Occupancy Vehicle/Managed Lanes from the I-5 / I-805 merge north to Vandegrift Boulevard. For more information on the RTP or SCS, please visit http://www.sandag.org/index.asp?projectid=349&fuseaction=projects.detail.

EMAILS — COMMENTS

David Clark
09/26/2010 12:51 PM
Subject: I- 5 North Corridor EIS/EIR

01 Thank you for the opportunity to comment on the EIS/EIR. I have taken a look at the document and proposed alternatives. Aspects of the project I could support include construction of one HOV lane in each direction, and various improvements to interchanges with roads. I would not support alternatives including one additional general lane in each direction. I believe that accelerated expansion of the LOSSAN Rail corridor should be implemented before addition of general lanes is considered.

Sincerely,
David J. Clark
Oceanside, CA

RESPONSES

Response to David Clark

01 Thank you for your comments regarding project improvements, which are part of the public record. With respect to your suggestion to only add one additional High Occupancy Vehicle lane in each direction, such an alternative was considered in the EIR/EIS, but eliminated from further analysis because it would not provide adequate highway capacity to maintain or improve future traffic levels of service or travel times within the North Coast Corridor. Therefore, it would not achieve the overall project purpose to maintain or improve the existing future traffic operations along I-5 in the North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the project design year of 2050. Please refer to EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*. Consistent with your comments, the project also proposes improvements at several freeway interchanges.

Your opposition to alternatives that propose to add additional general purpose lanes (the 10+4 alternatives) is noted. Please also note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

Regarding rail improvements along the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal

EMAILS – COMMENTS	RESPONSES
	01 cont. planning effort. Timing of rail versus I-5 improvements was a focus of California Senate Bill 468. This law requires that construction of all or a portion of the proposed I-5 expansion must move forward concurrently with multimodal projects and environmental mitigation and enhancement projects within each phase, as specified in the project Transportation and Resource Enhancement Program/ Public Works Plan. Please also refer to Topical Response "Rail Preference," for additional discussion regarding ongoing plans and improvements to rail along the LOSSAN corridor. Please also refer to Topical Response "Rail Preference" for additional discussion regarding planned rail improvements.

EMAILS — COMMENTS

Dave Clemons
11/20/2010 08:42 AM
Subject: Citizen Comments - CalTrans Draft EIR - Proposed I-5 Widening

Dear Shay Lynn Harrison,
Thanks for the opportunity to comment on the proposed I-5 widening draft EIR. I have 5 questions:

01 1. (Noise) What will be the noise impacts created by higher sound walls as a function of distance from the freeway? E.g., could mitigating noise close to the freeway have the adverse consequence of adding greater freeway noise further away?

02 2. (Noise) Why are 2004 noise center modeling data valid for 2010 and the future? Shouldn't the modeling data be updated to a newer baseline?

03 3. (Land Use/Planning, Cumulative Impacts) After a variant of this proposed freeway expansion is completed and traffic expands to fill it, what follow-on expansions or alternatives are under consideration? Why not consider implementing those today and "leap-frog" the expense and environmental impacts of multiple expansions?

04 4. (Transportation/Traffic) Will the proposed managed lanes allow a solo driver who is unfamiliar with the area to be able to pay to use them(without pre-paying)?

05 5. (Cumulative Impacts) Will the recently-completed expansion at I-5 and Lomas Santa Fe survive in any of the proposed I-5 widening options?

Thanks,
Dave Clemons
543 Glenmont Drive
Solana Beach, CA 92075-1312
858-259-6644

RESPONSES

Responses to Dave Clemons

01 Thank you for your comments, which are part of the public record. The use of “higher soundwalls” would not result in notably elevated project-related noise levels at greater distances from the freeway. That is, soundwalls do not amplify noise or direct it over or around soundwall structures. This conclusion is based on two basic considerations: the behavior of noise energy and the associated attenuation of noise energy with distance. Specifically, noise from roadway traffic is not one-dimensional, but rather emanates out from the source in all directions. Accordingly, much of the noise energy generated from freeway sources does not strike soundwall surfaces and, therefore, is unaffected by the walls. Noise energy that does strike walls is reflected at an incident angle (i.e., an angle similar to that at which the energy struck the wall). As a result, noise energy that strikes a wall and is reflected at very low incident angles can potentially result in an increase of overall noise levels at associated receptors (i.e., at locations opposite the walls). The majority of noise energy in this scenario, however, would strike the wall and be reflected at higher incident angles, such that it would not contribute to an increase in associated receptor noise levels. The portion of this noise energy reflected at angles such that it may potentially be directed to more distant receptors would be minor, and would be reduced by the standard attenuation of roadway noise over distance, i.e., a three decibel (dBA) reduction for every doubling of distance, such that it would not substantially contribute to increased noise levels.

It is also important to note that for situations with parallel walls located along both sides of a wide freeway corridor on primarily variable terrain (such as the *I-5 NCC Project* corridor), the resulting attenuation with distance would further reduce the level of any reflected noise, and the related contribution to noise levels at associated receptors would be minimal. Specifically, the Federal Highway Administration’s Highway (FHWA’s) Noise Barrier Handbook notes that, for width-to-height ratios between 10:1 and

EMAILS – COMMENTS	RESPONSES
	01 cont. 20:1, the maximum barrier insertion loss would be between zero and three dBA, which "…at most…is barely perceptible; therefore, no action [is] required in most instances." Accordingly, because the distances between parallel barriers on I-5 would equal or exceed 200 feet (and potential soundwall heights range from 8 to 16 feet), associated reflection effects would be minimal.
	02 Regarding the use of 2004 noise data for projected future noise modeling, the noted data are still applicable because FHWA and Caltrans guidelines for such modeling require use of the "worst case" hourly noise levels. Because these worst-case noise levels are associated with free-flowing traffic operating at higher speeds, they would not change as a function of time and/or higher traffic volumes.
	03 At this time, no "follow-on expansion or alternatives" are under consideration for implementation after the proposed freeway expansion is completed. The proposed I-5 improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The projected increase of vehicle miles traveled as a result of project implementation is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. Please refer to Topical Response "Project Lifespan," which addresses why review of, and improvements to, transportation facilities require an ongoing process.
	04 Regarding the use of the proposed High Occupancy Vehicle (HOV)/Managed Lanes by single-occupancy vehicles (SOVs), value pricing is proposed, which is an option that provides additional highway capacity by allowing SOVs to pay to use the HOV/Managed Lanes when extra capacity exists. Currently, SOVs that use the I-15 Express Lanes utilize FasTrak®, which requires customers to have a prepaid account. It is anticipated that a similar system will be utilized for I-5.

EMAILS — COMMENTS	RESPONSES
	05 With respect to the I-5 / Lomas Santa Fe Drive Interchange, the project build alternatives would not affect the recently completed improvements at this interchange.

EMAILS — COMMENTS

Marjory Clyne
11/01/2010 11:36 AM
Subject: I-5 Expansion

01 I am opposed to anymore expansion of the I-5 freeway!! This is very harmful to our environment, will create another mass of cement, cars, noise, pollution, and ruin our coastal lands. Why don't you do what makes more sense, though is not as popular with some, and build
02 in more mass transport, transport that makes sense, is easy, fast, and convenient. People will want to use it and we will all benefit. You have many good examples both in other large U.S. metropolitan areas and in Europe, Japan, Asia, etc.
Please look at other solutions!

Marjory Clynemar
joryclyne@att.net

RESPONSES

Responses to Marjory Clynemar

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

The North Coast Corridor is located in a highly urbanized part of northern San Diego County, and changes to the I-5 right-of-way would be focused and linear in nature. Although substantial change is discussed for specific locations in *Section 3.7, Visual/ Aesthetics*, of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall beauty or feel of the county or the communities already crossed by this highway. Please refer to Topical Response "Visual/Community Effects" for additional discussion. With regard to cars, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips, as discussed in detail in Topical Response "Projected Growth." With respect to potential noise concerns, and as discussed in EIR/EIS *Section 3.15, Noise*, although project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

EMAILS – COMMENTS	RESPONSES
	01 cont. Regarding air quality related pollution, and as described in EIR/EIS *Section 3.14*, *Air Quality*, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality issues. As described in *Section 3.10*, *Water Quality and Storm Water Runoff*, potential water quality related pollution is evaluated in association with the identified build alternatives and the No Build alternative. This analysis also identifies appropriate best management practices (BMPs) to address potential project-related water quality concerns, based on approved Caltrans' standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. With respect to potential project impacts to coastal lands (lagoons and beaches), these issues are addressed in EIR/EIS *Section 3.10*, as well as under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Based on the analyses in these sections, project-related impacts to biological resources in coastal areas

EMAILS – COMMENTS	RESPONSES
	01 cont. (including lagoons and related waterways) would be avoided, minimized, and/or mitigated through appropriate measures. It should also be noted that since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. Please also refer to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons.
	02 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to the Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

EMAILS — COMMENTS

From: "Larry Collier" <larrygcollier@aol.com>

Recipients: <I-5_NCC_EIR_EIS@dot.ca.gov>

Subject: toll roads

Date: 09/12/2010 06:28:02 PM

01 We respectfully request that the proposed lanes NOT be toll roads. We live, work and pay taxes in North County and if more lanes are built they should not be toll

RESPONSES

Response to Larry Collier

01 Thank you for your comments, which are part of the public record. Your preference for no toll lanes has been noted. Please note that none of the build alternatives include lanes that would be operated solely as toll lanes. High Occupancy Vehicle (HOV)/ Managed Lanes, however, have been included in all of the build alternatives. The use of these proposed lanes would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. HOV/Managed Lanes can also serve as a strong incentive for ridesharing, which can help to manage congestion. Please note that additional general purpose lanes do not provide the certainty in travel time that can be attained with HOV/Managed Lanes, which are monitored for flow and which individual-occupant cars can also use upon payment of an identified fee. Alternatives proposing only general purpose lanes without HOV/Managed Lanes did not answer projected needs as well as those with the HOV/Managed Lanes (see *Section 2.6.1, Rejected Build Alternatives,* of the EIR/EIS). Similarly, build alternatives proposing an additional general purpose lane in addition to the HOV/Managed Lanes have not been assessed as providing substantially greater benefit than the Preferred Alternative, or the refined 8+4 Buffer alternative. The 8+4 Buffer alternative was refined following circulation of the Draft EIR/EIS and receipt of comments. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer

EMAILS — COMMENTS

From: "Larry Collier" <larrygcollier@aol.com>
Recipients: <I-5_NCC_EIR_EIS@dot.ca.gov>
Subject:
Date: 09/12/2010 06:28:36 PM

01 cont. more lanes NOT TOLL

RESPONSES

01 cont. alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

EMAILS — COMMENTS

Kathy Combs
09/09/2010 08:39 PM
Subject: Strongly Opposed to I5 expansion!!!

01 As a Carlsbad resident I am strongly opposed to the widening of I5. This is a senseless project, damaging to the environment and greatly diminishing the quality of life for those living along I5 - not to mention the cost.

02 Instead, the focus should be on getting cars off from the road. We already have rail lines and the Coaster. For starters, why not improve this system to run often instead of the limited schedule it is on now? I realize that it may take tax dollars to support. But certainly less than the 3.3 billion dollars to complete this project. Make it easy to use public transportation and reward those who do. In addition penalize those who are unwilling to make an effort to reduce their driving. There is so much talk about tourism here. What about the residents?

Thank you.
Kathy Combs Carlsbad, CA

RESPONSES

Responses to Kathy Combs

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. The EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County quality of life and why those effects are not expected to result in a substantial adverse overall effect in the communities already crossed by this highway. In addition, please note that Caltrans has worked with the City of Carlsbad to develop a number of potential enhancement projects, including the following: (1) Bicycle/Pedestrian Enhanced Trail on the west side of I-5 at Batiquitos Lagoon, which would connect to existing trails on the north side of the lagoon; (2) Bicycle/Pedestrian Enhanced Trail on the east side of I-5 at Agua Hedionda Lagoon, which would include a pedestrian trail and bridge on the east side of I-5; and (3) I-5 North Coast (NC) Bike Trail in the City of Carlsbad, intended to provide a non-vehicular alternative along the entire I-5 project corridor (refer to EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*). Because the project generally would improve recreational facilities, and would enhance access within the community, implementation of new project features is not expected to have an adverse effect on quality of life of Carlsbad residents overall.

With regard to the cost of the project, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, the proposed project is also

EMAILS – COMMENTS	RESPONSES
	01 cont. funded through the TransNet program, a voter-approved half-cent sales tax for regional transportation projects in San Diego County. Tracking of TransNet monies can be referenced at www.sandag.org. The TransNet Independent Taxpayer Oversight Committee was formed to provide a higher level of accountability for expenditure of funds. More information about this committee and the San Diego Association of Governments (SANDAG) is also available at www.sandag.org. Regarding the Coaster schedule, please note that because potential modifications to Coaster services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District (NCTD), which has jurisdiction over Coaster service. As described in Topical Response "Transportation Funding" use of highway improvement funds for alternative transportation modes or social programs (e.g., rewards or penalties) is outside of the purview of Caltrans. Residents are anticipated to benefit through reduced traffic congestion and associated reductions in air pollutant emissions. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives.

EMAILS – COMMENTS

Kathy Combs
11/22/2010 08:53 AM
Subject: I-5 Expansion - 6 questions about sound barriers

01 In the Caltrans presentation at the State Senate hearing and the November 2010 Carlsbad city council meeting, transparent sound walls are shown as an option. Below are six questions regarding the sound walls. Thank you. Kathy Combs and Ralph Berry

02 1) In dBA, how does the transparent soundwall compare with other proposed soundwalls in terms of abating noise? Please note that the sound walls located at S736, which are transparent soundwalls, do not adequately reduce freeway noise.

03 2) Sound receptors are shown located along Linden Terrace in the SeaCliff community, however a major noise contributor comes northwest of Poinsettia during the morning rush hour and south of the community during the evening rush. This noise has a significant impact on homes located on Lantana Terrace, one street to the east of Linden. How do you plan to abate noise there? Does a resident have the option to request another receptors for this area?

04 3) For S736, time of day, time of year and atmospheric conditions greatly affect the amount of freeway noise. At this location:
-How often were the samples taken?
-What time of day were they taken?
-In what weather conditions were they taken?
-How is the dBA determined (highest noise level, average noise level, etc.)

05 4) The EIR says that property owners will be responsible for maintaining the transparent sound walls. This in very labor intensive. I doubt they would stay clean 24 hours. Why was this fact not presented either presentation?

06 5) Why does the EIR say that property owners will be responsible for maintaining the transparent sound walls for S736, when the FHWA says that Caltrans is responsible for the maintenance ? (EIR, says that S736 will be built on private property. This is from the Highway Traffic Noise Abatements, Chapter 30, 6-18-2009, Noise Abatement Outside the Right of Way: When responsibility for maintenance is assigned to a property owner, it is done with the understanding that on a federally funded project , the Federal Highway Administration (FHWA) will hold Caltrans responsible for that maintenance .

07 6) What does Caltrans plan to do if sound abatement requirements are not met? For example dBA exceeds the maximum 67 dBA for residences (taken from Highway Traffic Noise Abatement Project Development Procedures manual, 6/18/2009).
11/21/2010 03:06 PM
Subject: I-5 Expansion - 5 questions about proposed options - some

Dear Caltrans,

08 Please answer the questions below. Thanks. Kathy Combs.

From SANDAG Transnet Extension and Ordinance Plan, June 2004 (Prop A)

RESPONSES

Responses to Kathy Combs

01 Thank you for your comments, which are part of the public record. As noted in your comment and as described in *Section 3.7, Visual/ Aesthetics*, of the EIR/EIS, the project would involve extensive efforts to address potential visual concerns, which may include the use of transparent materials (i.e., to retain desirable views), in addition to landscaping, articulated facades, and/or earthen berms (or berm and wall combinations). Responses to your questions are addressed below.

02 Regarding the noise-abatement capabilities of transparent soundwalls (or portions thereof), they would provide comparable noise abatement to standard masonry soundwalls provided that such structures encompass materials, design specifications, and construction methods that meet applicable Federal Highway Administration (FHWA) and Caltrans guidelines. With respect to noise abatement provided by the existing wall in the noted area (i.e., along portions of Linden Terrace), this structure is described in EIR/EIS *Section 3.15, Noise*, as a six-foot high glass/block property wall and exhibits a total length of approximately 900 feet. Based on the noted length and height of this structure, as well as the fact that it may not have been designed and/or constructed as a noise-abatement feature, the associated amount of noise reduction may be limited. The identified soundwall in this area (S736) that would replace the existing structure would be approximately 2,900 feet long, extend to heights of between eight and 12 feet, and comply with applicable FHWA and Caltrans design and construction criteria. Accordingly, this soundwall would provide adequate noise abatement to meet associated FHWA and Caltrans guidelines.

03 With respect to the location of sound (noise) receptors along Linden Terrace, these sites were selected because they represent the closest homes to the freeway (i.e., the “first-row receivers”) and are the most likely to be affected by associated noise. As discussed in EIR/EIS *Section 3.15,* the project would address existing and future noise levels when conditions would approach

EMAILS – COMMENTS	RESPONSES
	03 cont. a level of 67 decibels (dBA or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable FHWA and Caltrans guidelines. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. The residences on Linden Terrace represented by noise receptors R13.21 through R13.26 exhibit projected future (with the project and no soundwall) noise levels ranging 68 to 76 dBA, and were evaluated for noise abatement based on the noted FHWA and Caltrans guidelines (refer to EIR/EIS *Table 3.15.27*). Non-first-row receivers (such as the referenced homes on Lantana Terrace) typically exhibit lower noise levels, due to conditions including greater distances from the source and the presence of intervening structures that can provide noise shielding. Accordingly, noise receptors were not identified for residences along Lantana Terrace based on these considerations: (1) residences on Lantana Terrace in the area of S736 are located between approximately 400 and 1000 feet from the freeway (based on review of Google Maps), and associated noise levels would be reduced by the standard attenuation of roadway noise over distance (i.e., a three dBA reduction for every doubling of distance); and (2) based on existing topographic and development conditions, homes along Lantana Terrace are shielded from freeway noise by existing structures, including the first-row receivers along Linden Terrace, a number of "second-row" residences (e.g., along Okra Court, Daphne Court, and Myrtle Court), and other facilities (e.g., clubhouse buildings). From these conditions, noise levels along Lantana Terrace are not expected to meet the noted criterion for noise abatement, and no associated noise receptors or measurements are considered necessary or proposed.
	04 Regarding noise level measurements, detailed information regarding short- and long-term noise measurements conducted for the proposed project is provided in the associated Noise Study Report (NSR), with applicable elements of this information summarized in EIR/EIS *Section 3.15*. Specifically, the Noise Measurement Forms attached to the NSR provide pertinent information for the long-term (LT13.2) and short-term (ST13.3) measurements conducted in the area of S736, including the measurement dates, times, durations,

EMAILS – COMMENTS	RESPONSES
	04 cont. and associated weather conditions. These measurements were conducted in accordance with applicable FHWA and Caltrans standards, and accurately reflect local conditions. It should also be noted that the determination of future noise levels and associated noise abatement (e.g., soundwall) decisions are based predominantly on traffic volumes, speeds, vehicle mixes and surrounding topography. The measured noise levels document actual recorded noise levels that occurred during the measurements, while future (modeled) noise levels are based on related FHWA and Caltrans guidelines that require use of the "worst-case" hourly noise levels (i.e., free flowing traffic operating at higher speeds). Additional information on noise measurement and modeling methodologies is provided in EIR/EIS *Section 3.15* and the NSR. 05 With respect to soundwall maintenance, and as indicated in this comment, EIR/EIS *Section 3.7, Visual/Aesthetics*, states that transparent soundwalls located on private property would be used if the benefited property owner agrees to maintain wall surfaces. The maintenance of wall surfaces referenced in this discussion would encompass efforts such as routine cleaning and painting, as well as efforts associated with vandalism and accidental damage. Caltrans' requirements to conduct maintenance for soundwalls located on private property are related to structural issues and/or foundation failures. With regard to the omission of information regarding the responsibility of property owners to maintain the transparent soundwalls from the presentation, although this may not have been specifically discussed in the presentation, it is in fact stated in the EIR/EIS as your comment suggests. In the interest of time, all aspects of the EIR/EIS were not addressed in detail at each hearing; however, Caltrans representatives were available at each public hearing during the public review period, at which attendees were able to have their questions regarding the project answered. Please refer to Topical Response "Hearing Format," as well as *Chapter 5, Comments and Coordination*, of the EIR/EIS, which details the extensive I-5 outreach program and opportunities for question and comment on the EIR/EIS.

EMAILS – COMMENTS	RESPONSES
	06 Please refer to the response to your Comment 05 above. As noted therein, Caltrans maintenance responsibilities for soundwalls located on private property, per the regulatory citation provided in this comment, are associated with structural issues.
	07 Regarding Caltrans requirements for noise abatement, please refer to the response to your Comment 03 above. Based on the FHWA and Caltrans guidelines for noise and soundwall analysis described therein, if additional locations that meet the associated criteria are subsequently identified, Caltrans would identify and implement related noise-abatement measures as appropriate.
	08 According to the TransNet Extension Ordinance and Expenditure Plan (available at: http://www.sandag.org/uploads/projectid/projectid_255_3397.pdf), the proposed *I-5 NCC Project* is described to "Add four managed lanes from I-805 to Vandegrift Boulevard in Oceanside, including High Occupancy Vehicle (HOV) to HOV connectors at the I-5 / I-805 Interchange and freeway connectors at the I-5 / SR-56 and I-5 / SR-78 interchanges - $1,234 million." Nowhere in this description does it indicate a maximum of four managed lanes could be added as part of the proposed project. As indicated in *Chapter 1, Proposed Project*, of the EIR/EIS, the project is now proposed to extend from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside/Camp Pendleton, with four build alternatives proposed to add four HOV/Managed Lanes. While the project is different than the description provided in the TransNet Extension Ordinance and Expenditure Plan, Section 4(E), Item 3 of the Ordinance states that: "All major project approval actions including the project concept, the project location, and any subsequent change in project scope shall be jointly agreed upon by Caltrans and the Commission and, where appropriate, by the Federal Highway Administration and/or the California Transportation Commission." The proposed project is a joint effort by Caltrans and FHWA. As indicated in Final EIR/EIS *Table 2.7.1, Permits and Approvals Needed*, the project would be required to obtain approval by the California Transportation Commission (CTC) for funds appropriation and new freeway access. CTC approval would signify compliance with Section 4(E), Item 3 of the TransNet Extension Ordinance.

EMAILS — COMMENTS

08 cont. Interstate 5 North: Add four managed lanes from I-805 to Vandegrift Boulevard in Oceanside, including HOV to HOV connectors at the I-5/I-805 interchange and freeway connectors at the I-5/SR 56 and I-5/SR 78 interchanges - $1,234 million.

1) Why are options for 10+4 shown when voters only approved adding a maximum of four managed lanes in the Transnet extension? (they did not approve a general purpose lane)

09 2) Why are details shown only for the 10+4 with buffer option in Part Two of the EIR?

10 3) Why does the 8+4 plus barrier include a general purpose lane? (no voter approval for that related to Transnet extension).

11 4) I noticed that the auxiliary lanes are present for nearly all of the project route. This was not mentioned in the Caltrans presentations. Why not? It is the size of another general purpose lane (12 feet). They will cut into more property and span across the Aqua Hediondia lagoon adding more noise and pollution.

12 5) How can Transnet funds be a viable source of funds for this project when the amount that voters approved in Prop A is only $1,234 million dollars? The project is $3.5 to $4.5 billion dollars. Even with inflation factored in this makes no sense.

11/19/2010 05:37 PM
Subject: I-5 Expansion - Cost issues - questions below

Dear Caltrans,
As a Carlsbad resident I'm very concerned about the proposed I-5 widening project. Before submitting these questions I read the EIR posted on your website. I have many questions, so I will do my best to break them into separate categories on separate emails to make them easier to read. Thank you for your time and consideration.

13 1) The proposal says that the project will be completed in three phases. Will all the funding be secured before each phase is started? Where will funds come from if a phase goes over budget?

14 2) Was inflation factored into the estimates?

15 3) How much will it cost to maintain the expansion? Who will pay for it?

11/19/2010 05:33 PM
Subject: I-5 Expansion - data is not current for forecasts needs revision, several questions below

Dear Caltrans,
As a Carlsbad resident I'm very concerned about the proposed I-5 widening project. Before submitting these questions I read the EIR posted on your website. I have many questions, so I will do my best to break them into separate categories on separate emails to make them easier to read. Thank you for your time and consideration.

16 In Part One, I noticed that the data used for the forecasts was old (8-10 years) and in some cases the results didn't quite make sense. Will the EIR be revised when 2010 is available? How will it affect the forecast for ADT, Population Growth, demographics, employment and HOV use? (details are below)

RESPONSES

09 It is assumed that you are referring to the typical cross sections for the alternatives shown in *Figures 2-2.10* through *2-2.13* at the end of *Chapter 2* of the Draft EIR/EIS. As stated in Draft EIR/EIS *Section 2.2.1, Common Design Features of the Build Alternatives*, the 10+4 Buffer alternative was used for the Project Features Map, because the footprint width is an approximate average of the other proposed build alternatives (see Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K). There is a width difference of about 12 feet in each direction. The Project Features Map has been updated in this Final EIR/EIS to reflect the Preferred Alternative (see *Figures 2-2.3, Sheets 1* through *67*).

10 Although the description of the 8+4 Barrier alternative in *Section 2.2.2, Build Alternatives*, of the Draft EIR/EIS stated that the alternative would construct four HOV/Managed Lanes, two in each direction and add one general-purpose lane in each direction, this statement is incorrect. The only additional lanes constructed under this alternative would be the four HOV/Managed Lanes. The text in the Final EIR/EIS has been revised accordingly.

11 With respect to proposed auxiliary lanes, these were shown on the project features maps that were on display at the public meetings. Auxiliary lanes extending between interchanges would be constructed in southbound or northbound directions for approximately half the length of the improvements. This is described in more detail under “Auxiliary Lanes” in *Chapter 2*, *Project Alternatives*, of the EIR/EIS, where the interchanges and side of I-5 are specified. The auxiliary lanes are detailed on the Project Features Maps in *Chapter 2* (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K), *to* show the Preferred Alternative in the Final EIR/EIS. For an overview of the auxiliary lanes relative to the entire improvement area, please refer to depictions for each build alternative in Final EIR/EIS *Figures 2-2.1a* through *2-2.1d*.

EMAILS – COMMENTS	RESPONSES
	11 cont. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Project engineers continue to refine the project design and are working to minimize the project footprint to the extent possible. With respect to noise, project noise modeling indicates a projected I-5-related noise increase of approximately two dBA over a majority of the lagoon, with some portions of the lagoon subject to an increase of up to three dBA. No known sightings of any of the special status bird species addressed in this study have occurred at Agua Hedionda Lagoon, however, and indirect impacts to these species are not expected. Please refer to Section 4.9 of the Natural Environment Study for further details. The general effects of the project on the lagoons in the study area were evaluated in the Draft EIR/EIS. *Section 3.10, Water Quality and Storm Water Runoff*, addresses potential water pollutant impacts to downstream receiving waters, with related Caltrans best management practices (BMP) categories and specific avoidance, minimization, and mitigation measures. Since the circulation of the Draft EIR/EIS, detailed studies have been prepared regarding the potential impacts to the biology and hydrology of the lagoons, including Agua Hedionda. Please also refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since the circulation of the Draft EIR/EIS in 2010. Topical Response "Lagoon Evaluations" also addresses the importance of the Transportation Resource and Enhancement Program. This program is being coordinated among transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and/or mitigation measures associated with the lagoons.

EMAILS – COMMENTS	RESPONSES
	12 Given the nature of the project, which is designed to reduce traffic congestion along the I-5 corridor, air quality impacts associated with traffic congestion would be improved over existing conditions TransNet is not the only funding source for the project; federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.
	13 With regard to funding for project improvements, funding for each phase would be secured before it is initiated. Please refer to the response to your Comment 12 for more information regarding project funding.
	14 Cost information in the Draft EIR/EIS was presented in 2010 dollars. Both revenues and costs would increase the same amount over time with inflation.
	15 Maintenance costs associated with the proposed expansion are anticipated to represent an incremental increase relative to existing facility maintenance costs. Maintenance funding would be provided through the Caltrans budget appropriation process.
	16 Caltrans began environmental technical studies for the proposed project in 2006, basing those studies on the most current traffic projections then available, which were SANDAG's Series 10 projected traffic volumes for year 2030. During the course of the project development process, SANDAG released both the Series 11 forecasts and more recently, the Series 12 forecasts. Upon review of these different data sets that forecast and model traffic up to year 2050, the project development team determined that the initial Series 10 2030 forecasted traffic volumes that were used

EMAILS — COMMENTS

16 cont. a) Why is ADT forecast to increase when the table shows it has decreased between 2000 and 2006 (this was prior to the recession)? Annual Average Daily Traffic (ADT) (table 1.3.1) estimates an annual increase of about 32 to 38 percent by year 2030. Average over 20 years is about 1.8 percent. However between 2000 and 2006 ADT measured in Del Mar, Encinitas, Carlsbad and SR-78 declined about 1 percent.

17 b) Population Growth (table 1.3.8) shows population growth from 1970 until 2000. It does not show growth from 2000 to 2010. Also, why aren't demographics included?

c) Total Population Housing and Employment (table 1.3.9) is not up to date. 2000 Census and estimates are based on 2003 and 2006 numbers.

d) Project Area Employment (table 1.3.10) is not up to date, estimates are based on 2003 and 2004 numbers, which were main years for the housing boom and low unemployment.

18 e) HOV volumes (tables 1.3.6 and 1.3.7) data is from 2002.

11/19/2010 05:33 PM
Subject I-5 Expansion issues with HOV lanes

Dear Caltrans,
As a Carlsbad resident I'm very concerned about the proposed I-5 widening project. Before submitting these questions I read the EIR posted on your website. I have many questions, so I will do my best to break them into separate categories on separate emails to make them easier to read. Thank you for your time and consideration.

From the EIR.

A traveler may choose to meet the eligibility requirements, such as including a permitted number of occupants (HOV), traveling in a certain vehicle, or paying for the use of Managed Lanes, especially if the general-purpose lanes become congested.

19 1) Why are HOV lanes being proposed when data from credible sources show they are not effective for reducing traffic congestion? A paper published in 2008 by UC Berkeley's Dept of Electrical Engineering and Computer Science says this about I-15 "I-15 This 8-mile 2-lane reversible HOV facility opened in 1988 and was converted to 2+HOT lanes in 1996. Funded by tax dollars, the I-15 2+HOT lane system is not financially viable. 77% of traffic is 2+HOV vehicles, there are only 30,000 transponders in circulation, generating a mere $2 million in revenue per year. As might be expected, the 2+HOV lane is very under-utilized, with weekday peak period per lane volume of 900veh/hour. Nonetheless, I-15 2+HOT lane is slated for a major expansion, with four reversible managed lanes.")

20 A previous article from 2007, also from UC Berkeley states that: HOV lanes are either under-utilized or suffer degraded operations.
(3) HOV lanes do not measurably increase car-pooling. (4) HOV lanes do not reduce overall congestion in a reasonably well-managed system.

21 2) After July 2011, the Clean Air Vehicles stickers will expire, meaning cars using HOV lanes now will not be able to use them. How is this taken into consideration in the HOV forecast?

RESPONSES

16 cont. for the basis of the original traffic studies, were indicative of year 2035 volumes and determined that a revision at this time would not alter the results of the associated studies. These analyses are considered representative of what is expected to occur within the 2040 to 2050 time frame. There is not an appreciable change in predicted traffic volumes, as detailed in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities*.

SANDAG is the regional planning agency with responsibility for compiling population and employment data, as well as projecting future travel needs and infrastructure improvements. Population and employment data are provided to support predictions of infrastructure need, as well as to indicate general education, income, and ethnicity patterns within a community, and whether there may be concerns related to low-income or minority populations.

Regarding your comments on average daily traffic (ADT), the ADT data in the Draft EIR/EIS were based on the 2030 RTP, which included recession-based information. The 2050 RTP, however, shows an increase in ADT as compared to the 2030 RTP. For more information, please refer to the comparison of 2030 and 2050 data in *Section 1.3, Need for the Project* of the EIR/EIS.

17 The basis for the traffic analysis and the need for the proposed improvements is founded on research and documentation prepared by SANDAG. SANDAG is the regional planning agency with responsibility for compiling demographics data, as well as projecting future travel needs and infrastructure improvements. Population housing and employment data are provided to support predictions of infrastructure need, as well as to indicate general education, income, and ethnicity patterns within a community, and whether there may be concerns related to low-income or minority populations. As discussed in Topical Response "Projected Growth," the need for the improvements associated with the *I-5 NCC Project* is based on population projections that were independently prepared by SANDAG as part of its 2050 Regional Growth Forecast. On average historically, the SANDAG Regional Growth Forecast has been accurate within +/- 0.4 percent of actual

EMAILS — COMMENTS	RESPONSES
	17 cont. annual counts for population, housing, and employment. Those projections were not adjusted or modified in determining the need for the proposed improvements. With respect to demographics, this information is included in *Section 3.4.3, Environmental Justice*, as required under the National Environmental Policy Act (NEPA). Demographics are not discussed under population growth because it is immaterial to the purpose and need of the project. This project is intended to accommodate overall projected growth. Specific issues that are relevant to projected growth are taken into consideration in SANDAG's modeling. Status of employment, types of businesses, demographics, and local housing prices are not anticipated to substantially affect the overall projected growth in the area. 18 With regard to HOV/Managed Lanes use, data were derived from SANDAG's San Diego Regional Vehicle Occupancy and Classification Study (revised June 2002), which anticipated HOV/Managed Lanes use would increase to approximately 10 to 20 percent by 2030. While an updated study was completed by SANDAG in 2006, updated information available since the circulation of the Draft EIR/EIS would not change the conclusion made regarding anticipated future HOV/Managed Lanes use. 19 The inclusion of HOV/Managed Lanes within the I-5 corridor is identified in a number of related planning documents, including the SANDAG RTPs and the North Coast Transportation Study. HOV/Managed Lanes have been shown to provide an important commuting option, encourage ridesharing and, as stated in *Section 1.3.5* of the EIR/EIS, provide additional highway capacity in a constrained corridor while minimizing impacts to the environment and surrounding communities. Within the project corridor, approximately 13 percent of weekday peak period vehicles are HOVs, with this number anticipated to increase to roughly 10 to 20 percent by 2030, while approximately 60 percent of vehicles within the project limits during weekend peak periods are HOVs (refer to *Section 3.6.3.1*, *Traffic and Transportation*).

EMAILS – COMMENTS	RESPONSES
	20 With respect to your concern regarding the level of usefulness of HOV/Managed Lanes – although different transportation systems have different levels of success with the use of such lanes, these lanes have been determined to improve congestion throughout the state's highway system. While evaluation of the full benefit of the I-15 multimodal improvements has not been completed, please note that HOV/Managed Lanes have been proven to be successful in minimizing through-lane congestion.
	21 Regarding the use of the Clean Air Vehicles (CAV) decals, the specific program you mention (yellow CAV decals) did expire on July 1, 2011. Two other similar programs, however, are available, the newest one being the green CAV decals which began January 1, 2012 and currently extends through January 1, 2015. According to the California Air Resources Board (CARB), "green stickers" are available to the first 40,000 applicants that purchase or lease cars meeting California's Enhanced Advanced Technology Partial Zero Emission Vehicle (AT PZEV) requirement, such as plug-in hybrid vehicles. As of October 9, 2012, approximately 5,600 "green stickers" have been issued. The other program is the white CAV decal, with "white stickers" available to an unlimited number of qualifying Federal Inherently Low Emission Vehicles (ILEVs). Cars that meet these requirements typically include certified pure zero emission vehicles, such as those fully powered by electric batteries or hydrogen fuel cells, as well as compressed natural gas (CNG) vehicles. The expiration date for the "white stickers" has also been extended to January 1, 2015. Although relatively new, the CAV decal programs are anticipated to increase HOV/Managed Lane usage in the coming years.

EMAILS — COMMENTS	RESPONSES
22 3) Why aren't provisions for high tech cars, such as electric refueling stations, included in the project?	22 Currently, fueling stations (for gas, diesel, electricity, etc.) along California highways are owned by private companies. Private commercial interests are not permitted within Caltrans right-of-way. According to CARB, however, the State of California currently is in partnership with electric vehicle manufacturers and suppliers, along with counties and cities, to develop policies and infrastructure to help establish a network of electric vehicle charging facilities along freeway/highway corridors across the State. The provision of HOV/ Managed Lanes and CAV programs are examples of infrastructure and policies that are currently being implemented to help establish the use of CAV on State freeways, which in turn would result in increased demand for electric charging facilities, as well as other alternative fuels such as CNG. Freeway operations involve high speed movements of vehicles ranging from motorcycles to heavy special permit vehicles. Accordingly, establishing electric charging stations within the freeway right-of-way would pose safety hazards to motorists and, therefore, is not practicable.
23 4) If SOV/HOT is part of the plan how much will it cost to drive in the lanes? Were drivers asked what they are willing to pay as part of the survey?	23 The proposed HOV/Managed Lanes would be available for carpools and buses for free, as well as by single-occupant vehicles (SOVs) for a fee when extra capacity exists. The fee for SOVs using the HOV/Managed Lanes has not yet been identified. The April 2006 I-5 North Coast Value Pricing Study, Volume 2 (http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSValue2.pdf), provides detailed information regarding the different surveys that were conducted to identify public reactions regarding the variety of value pricing and lane management options under consideration for the *I-5 NCC Project*. An example of these surveys is documented in Chapter 2 of the Value Pricing Study referenced above. Two focus group meetings were conducted for SANDAG on November 16th, 2004, with these meetings targeting regular users of I-5 between Oceanside and the I-5 / I-805 split. While focus group participants were recruited to balance age, gender, and employment levels, and screened for those who used I-5 three or more days per week, the first group of participants appeared to be more likely to commute longer distances to work on a daily basis. The second group had a higher proportion of
24 5) What happens to the lanes if they are under utilized?	
25 6) The EIR says that 60 percent of the vehicles are HOV. Has analysis been done to determine where and how far vehicles are going? For example, if my friend and I are on the freeway headed to a shopping mall one or two exists away, what benefit would an HOV lane be to me?	
26 7) Why are forecast HOV volumes lower with the 10+4 option than with the 8+4? (table 1.3.6 and 1.3.7)?	

EMAILS – COMMENTS	RESPONSES
	23 cont. participants who work at or close to home, and use the freeway for shorter distance trips. The difference in group composition may have been a factor in the different discussion topics between the two groups. Participants were asked for a show of hands on their willingness to pay a fee to use the HOV/Managed Lanes at different price levels. Of those participants that were willing to pay a fee, some were in favor of a fee ranging from $2 to $7 per trip.
	24 The proposed project would include the ability to allow SOVs to pay to use the HOV/Managed Lanes if the lanes are underutilized, thereby providing flexibility in the overall highway facility. The Value Pricing program would entail the implementation of tolls to these SOV users, with tolls based on levels of congestion at that time.
	25 The *I-5 NCC Project* would result in a number of benefits related to conditions experienced by motorists within the project corridor as well as the regional population. Anticipated reductions in travel time during peak hours and the duration of congestion would be two of the predominant benefits of the project, regardless of distance and destination of travel. The proposed use of HOV/Managed Lanes provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. In relation to the example provided in your comment, the benefit to a non-HOV/Managed Lane's user on a short trip would be the reduction in overall congestion.
	26 With respect to your question regarding HOV/Managed Lane volume differences between the 8+4 and the 10+4 alternatives – the HOV/Managed Lanes are anticipated to have less use with the 10+4 alternatives because of the addition of general purpose lanes. These general purpose lanes would allow traffic to experience less congestion, and thus would not encourage as many users to utilize the HOV/Managed Lanes.

EMAILS — COMMENTS

Brian Connelly
09/23/2010 09:17 PM
Subject: sound wall - Cardiff cove complex at manchester

01 Pls confirm that a sound wall will be constructed to protect Cardiff Cove residents from additional noise created by the expansion
thank you

Brian Connelly
858-472-0496

RESPONSES

Response to Brian Connelly

01 Thank you for your comments, which are part of the public record, regarding project-related noise and soundwall concerns in the area west of I-5 and north of Manchester Avenue (Cardiff Cove Development). As described in Final EIR/EIS *Section 3.15, Noise*, and shown on *Figures 2-2.3, Sheets 26* and *28*, three soundwalls (S631, S633, and S635) have been identified in the noted area. All three of these soundwalls were determined to be "reasonable and feasible" under applicable Federal Highway Administration and Caltrans guidelines (as described in *Section 3.15.1*) and have been preliminarily recommended for construction, with ultimate decisions to be made during the final project design process (refer to EIR/EIS *Tables 3.15.17* and *3.15.18*). Please also refer for Topical Response "Soundwall Considerations" for additional information regarding the soundwall planning process.

EMAILS – COMMENTS

Michael Conway
08/18/2010 05:01 PM
Subject: I-5 EIR

01 Dear Ms. Harrison, my wife and I own property adjacent to the freeway in Cardiff and I believe we have found some oversights pertaining to the manner in which sound levels were calculated to determine if a sound wall should be installed. My question is: should we write our concerns on the comment slip we obtained at the public meeting or should we contact someone who would be more directly concerned in a particular department? I believe that the number of houses in our neighborhood were not counted correctly.

Thanks Mike Conway

RESPONSES

Response to Michael Conway

01 Thank you for your comments, which are part of the public record. Regardless of how you provide your concerns, comments submitted at the public hearings via comment slips and oral comments recorded and transcribed by a court reporter, and/or via mail or email during the public review period for the Draft EIR/EIS, the comments would be forwarded on to appropriate Caltrans staff. Additionally, the responses to all comments received during the public review period are contained in this EIR/EIS. Please refer to the responses to the more detailed comments that you and Mary Conway submitted by mail in Section 4.7.1 of this appendix for detailed responses to your noise concerns.

EMAILS — COMMENTS

Jamie Cooper
11/20/2010 09:51 AM
Subject: Don't do it

01 I object to the planned widening of I-5 in San Diego county. More lanes simply beget more traffic. I believe the money could be better spent improving our mass transit infrastructure, and on improved/increased bicycle paths/lanes.

RESPONSES

Response to Jamie Cooper

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. The proposed project is intended to accommodate existing and projected levels of traffic; its potential to increase I-5 traffic would be minimal as a result of a number of regional and project strategies and improvements. Please refer to Topical Response "Projected Growth" for additional information.

Regarding investment in other transportation modes, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. A number of community enhancement features are identified within the project corridor, including bicycle corridor enhancements (refer to *Section 2.3* of the EIR/EIS). Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to public transportation, as well as to Topical Response "Transportation Funding" regarding the use of highway funds for alternative means of transportation.

EMAILS — COMMENTS

Per Corbeil
10/01/2010 07:39 AM
Subject: I-5 expansion

01 Dear transportation official,
I am not a tea partier, but I understand their frustration at huge government borrowing billions of dollars, and then spending the money on subsidies that benefit the minority, yet are detrimental to our society at large. What's it going to take for government to figure out that burying our children further in debt, and paving over more of our precious land to subsidize the lifestyle of those who want to live in low density but enjoy the benefits of high density is not a long term plan. If we've got transportation problems: 1) reducethe incentive for people to need to travel, 2) plan a more efficientmode of transportation, i.e. mass transit.

Respectfully,
Per Corbeil

RESPONSES

Response to Per Corbeil

01 Thank you for your comments, which are part of the public record. The focus of your comments are beyond the authority of Caltrans, a State agency whose role is to provide a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. Such comments would be better addressed to the State Legislature. Please note, however, the proposed improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. These improvements would allow the time necessary for the region to implement more complex solutions, such as land use changes to promote higher density and smart growth. Please note that the improvement effort put forth by the San Diego Association of Governments (SANDAG) consists of a multi-agency, multimodal improvement effort. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding mass transit options. Please also refer to the Topical Response “Transportation Funding” for information on issues related to use of public highway funding for alternative transportation modes.

EMAILS — COMMENTS

Deirdre Cosby
11/10/2010 08:26 PM
Subject: I5 Expansion Questions

01 I am opposed to the expansion as I do not feel this solves any traffic problems but rather causes more congestion in our beautiful San Diego. Having grown up in LA, I know freeways and that 2 lanes or 200, there will always be traffic.

02 I am a resident off Capistrano Drive near the Front Gate of Camp Pendleton and my questions are as follows:
1. How many lanes are being added on I-5 from the 76 North to the Harbor/Camp Pendleton and Capistrano exit? Where will the Capistrano exit be?

03 2. How many homes will be taken out as a result in the Francine Villas subdivision that are along the freeway now?

04 3. How will you redirect traffic out of this neighborhood with only one entrance and exit during this expansion?

05 4. Where exactly are the sound walls along this strip?

06 5. How will the expansion be more aesthetically pleasing?

07 6. How will the sound wall be placed on the existing bridge?

08 7. Will the bridge underpass be changed for residents that walk to the Harbor?

09 8. How many lanes, exactly will be added to this northernmost strip of freeway?

Thank you,
Concerned resident and taxpayer,
Mrs. Cosby

RESPONSES

Responses to Deirdre Cosby

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Regarding potential concerns associated with ongoing congestion along I-5, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The use of High Occupancy Vehicle (HOV)/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. It is acknowledged that the proposed project would not eliminate congestion. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to Topical Response "Project Lifespan" for explanation of why transportation improvements are an ongoing, and sometimes repetitive, process.

02 With respect to the number of freeway lanes between State Route (SR-) 76 and Harbor Drive, the number of additional lanes is dependent on the project alternative that is ultimately selected. As discussed in EIR/EIS *Section 2.2.1, Build Alternatives*, the 10+4 alternative would include four HOV/Managed Lanes (two in each direction) and one additional general purpose lane. The 8+4 alternatives would include four HOV/Managed Lanes (two in each direction). The No Build alternative would not add any additional lanes to the freeway.

With respect to access to Capistrano Drive from the freeway, modifications are proposed to the Harbor Drive northbound off-ramp that would remove the existing connection to Capistrano Drive. Following improvements, access to Capistrano would

EMAILS — COMMENTS | RESPONSES

02 cont. be provided via the Harbor Drive off-ramp to San Rafael Drive. Please refer to Final EIR/EIS *Figures 2-2.3, Sheet 65*.

03 Regarding potential property impacts to homes within the Francine Villas subdivision, it is not currently anticipated that any homes along the freeway in this subdivision would require acquisition for project improvements, as can be seen on Final EIR/EIS *Figures 2-2.3, Sheets 65* and *66.* If that situation is subsequently changed, an appraisal would be performed to determine the fair market value and an offer of just compensation would be made. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

04 Regarding construction-related traffic and road closures, the project Traffic Management Plan (TMP), as outlined in *Section 3.6.4.1*, *Traffic and Transportation*, would take into consideration the needs and safety of all anticipated users during construction activities. The TMP would include a Public Awareness Program to distribute such information as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please refer to Topical Response "Construction Traffic."

The project proposes to close the existing Capistrano Drive exit and entrance from the existing northbound off-ramp to the Camp Pendleton gate. The *I-5 NCC Project* would modify this ramp and, as a result, access to Capistrano Drive would be closed. Maintaining this access point would not be practicable because of potential operational and safety problems that may arise on the modified off-ramp. After completion of the *I-5 NCC Project* work in the noted area, traffic currently using the Capistrano Drive access point would be rerouted to the next northbound off-ramp, which connects to San Rafael Drive and eventually to Capistrano

EMAILS — COMMENTS	RESPONSES
	04 cont. Drive. Accordingly, access to and from the Francine Villas subdivision from I-5 would be maintained. Please also note that access to and from the subject neighborhood would be maintained at all times during project construction. Specifically, this would be accomplished by establishing detours or alternate routes, in conjunction with the dissemination of public information regarding construction schedules and road closures**.**
	05 With respect to the location of soundwalls along the segment of I-5 between SR-76 and the Harbor Drive Interchange, this information is provided in Final EIR/EIS *Section 3.15, Noise*, and shown on *Figures 2-2.3, Sheets 64* and *65*. Specifically, two soundwalls, S882 and S884, have been identified in the noted area. Both of these soundwalls were determined to be "reasonable and feasible" under applicable Federal Highway Administration and Caltrans guidelines (as described in *Section 3.15.1*) and have been preliminarily recommended for construction, with ultimate decisions to be made during the final project design process (refer to EIR/EIS *Tables 3.15.45* and *3.15.46*).
	06 With regard to aesthetics, please refer to Topical Response "Visual/ Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the traveler leaves the I-5 corridor. Several measures have been identified in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS, in an effort to mitigate project-related visual impacts. Specifically, as depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, earthen berms (or berm and wall combinations), and/or transparent materials to retain desirable views.
	07 With respect to soundwalls S882 and S884, neither of the recommended soundwalls would be constructed on top of the freeway bridge over the San Luis Rey River. Please refer to Final EIR/EIS *Figures 2-2.3, Sheets 64* and *65.*
	08 Regarding the existing trail under the SR-76, the project proposes enhancements to this existing crossing as one of the many proposed community enhancements. The connectivity between

EMAILS — COMMENTS	RESPONSES
	08 cont. the neighborhood on the east side of the freeway to the harbor on the west side would be maintained and enhanced with a parking area, trailhead staging area, and other support amenities. Please refer to Final EIR/EIS *Figures 2-2.3, Sheets 64* and *65,* and Final EIR/EIS *Tables ES.12* and *ES.13*.
	09 The number of freeway lanes at the northern end of the project limits is dependent on the project alternative that is ultimately selected. The 8+4 alternatives would include four HOV/Managed Lanes (two in each direction). Please refer to the response to Comment 02 above.

EMAILS – COMMENTS

Robert Cotton
09/03/2010 06:02 AM
Subject: DEIR I5 Proposed Expansion

TO: Shay Lynn Harrison, Environmental Analysis Branch Chief CA Department of Transportation – District 11 Division of Environmental Analysis, MS 242 4050 Taylor Street San Diego, CA 92110

Dear Ms Harrison,

01 I would like to respectfully submit my request for a 45 extension of the review period for the recently released I5 NCC DEIR . The public review period is currently scheduled to expire on October 7, 2010
The document is the longest on record for the State of California, it is seriously flawed and will take more time to review. In addition, critical information has not been addressed in the DEIR regarding noise and air pollution, SB375 carbon reduction mandates have not been properly addressed and information on home or property condemnations are just being released.
Some but not all of the questions I have of existing the DEIR are:

02 1. Why have they not fully addressed the mandates for reduction of carbon emissions as outlined in Senate Bill SB 375?

03 2. How are they reconciling, particularly with the Coastal Commission, the significant reduction or loss of the California Coastal Visual Corridor that is unique to this area and to the Western USA?

04 3. What obligation does the DEIR have to the homes not affected by noise that will now be added to the extended noise "shadow" regardless of the mitigation efforts, including homes that have not been affected in the past and will not exceed Federal standards.

05 4. How will the proposed property or home condemnations be adjusted in consideration of the depressed real estate market at no fault of the unfortunate homeowner and due only to timing? How will Caltrans avoid being unjustly enriched if the values are depressed and inversely how will the homeowners be compensated for the bad timing of the forced sale?

06 These are but a few of the issues that are great regional concerns due to the magnitude of this proposed project. It took over 5 years to construct this study and it is not reasonable to expect all comments and challenges to be proposed in 90 days, particularly due to the incomplete nature of the DEIR on the above issues.

Signed,
Robert M Cotton

RESPONSES

Responses to Robert Cotton

01 Thank you for your comments, which are part of the public record. The public review period was extended for an additional 45 days from October 7, 2010 to November 22, 2010. This extension was considered adequate additional time. Please refer to the responses to your individual comments below.

02 Regarding California Senate Bill (CA SB) 375's carbon reduction mandates, this issue is addressed in EIR/EIS *Section 4.6, Climate Change*. Specifically, this section provides an analysis of project-related greenhouse gas (GHG) emissions, including a quantified evaluation of potential impacts from the project build alternatives. The project would be expected to result in overall lower air emissions (including GHG) compared to existing conditions. The project build alternatives, for example, are estimated to reduce buildout carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative (refer to Final EIR/EIS *Table 4.2*). The San Diego Association of Governments (SANDAG) 2050 Regional Transportation Plan (RTP) includes the project along with other multimodal solutions and forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and CA SB 375. Please also refer to Topical Response "Climate Change" for additional information on GHG and related global warming and climate change issues.

03 As discussed in Topical Response "Visual/Community Effects," additional retaining walls and soundwalls along I-5 would be notable and would affect the visual experience for travelers along this roadway. It should be noted that in many instances, project walls would be located only on one side of I-5. In addition, walls are linear facilities, with views shifting as the viewer moves along

EMAILS – COMMENTS	RESPONSES
	03 cont. (or adjacent to) the freeway corridor. Views following potential project implementation would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development or changed due to implementation of project landscaping. Overall, these views would be similar to the existing view conditions. Project-related impacts to views would be addressed to the extent practicable through implementation of project measures to avoid, minimize and/or mitigate associated potential visual concerns. Retaining walls and noise barriers are common features along I-5 and other freeways within the State. Please note that specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 and views to the west, there is a potential for transparent barriers, so that views would not be obstructed. Additionally, both Caltrans and SANDAG have worked in coordination with the Coastal Commission staff to prepare the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), which contains recommended measures to achieve consistency with the Coastal Zone Management Act, California Coastal Act, and local coastal programs.
	04 As discussed in EIR/EIS *Section 3.15, Noise*, while project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Based on federal and State protocols, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by

EMAILS — COMMENTS	RESPONSES
	04 cont. the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K, as well as *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. The project noise attenuation obligations do not, however, extend to property owners where noise levels would not exceed federal standards. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	05 With regard to property condemnations, it is Caltrans' intent to avoid and/or minimize impacts to properties that abut an existing highway system. Where impacts to homes cannot be avoided through design efforts, affected properties would be subject to an appraisal to determine the fair market value, and a corresponding offer of just compensation would be made. Fair market value is determined by Caltrans' qualified appraisal agents using the guidance provided by Chapter 7: Appraisals, of the California Department of Transportation's "Right of Way Manual." In addition, assistance for relocated property owners would be available through measures such as the State Relocation programs. For more information, please refer to Topical Response "Property Acquisition" for additional information on potential acquisitions, and to Topical Response "Acquisition Valuation" for information regarding property valuation.
	06 Please refer to the responses to your comments above.

EMAILS — COMMENTS

Skip Covell
07/10/2010 01:18 PM
Subject: I-5 Alternatives

01 I believe that there is more of a need for regular/non-HOV lanes than for HOV lanes. In Washington through Seattle I remember there being center lanes like on the I15, however, they were not just for car-pooling, etc. they were for traffic moving longer distances and had fewer exits. Otherwise just add additional lanes without reserving them for HOV. Most drivers in Southern California do not have the luxury of driving together. They work different schedules or not near each other. Most would drive together if it were possible.

Skip Covell
619-997-0159 Cell
760-753-4661 Home
760-230-1816 Fax

RESPONSES

Response to Skip Covell

01 Thank you for your comments regarding the use of High Occupancy Vehicle (HOV)/Managed Lanes, which are noted and are part of the public record. The inclusion of HOV/Managed Lanes within the I-5 corridor is identified in a number of related planning documents, including the San Diego Association of Governments' (SANDAG) Regional Transportation Plans (RTPs) and the North Coast Transportation Study. Carpooling is an important option for drivers in the I-5 corridor, now and in the future. HOV/Managed Lanes have been shown to provide an important commuting option, encourage ridesharing and, as stated in *Section 1.3.5* of the EIR/EIS, provide additional highway capacity in a constrained corridor while minimizing impacts to the environment and surrounding communities. Within the project corridor, approximately 13 percent of weekday peak period vehicles are HOVs, with this figure anticipated to increase to roughly 10 to 20 percent in 2030, while approximately 60 percent of vehicles within the project limits during weekend peak periods are HOVs (refer to *Section 3.6.3.1*, *Traffic and Transportation*). This project would provide improved certainty in travel times as an incentive to carpool, but also would allow these lanes to be managed, so that individual drivers wishing to use them can do so by paying a toll. The use of the HOV/Managed Lanes by these drivers is expected to relieve congestion on the general purpose lanes as well.

EMAILS – COMMENTS

George Crissman
11/20/2010 04:38 PM
Subject: Public Comment I-5 EIR/EIS

Dear CalTrans:
01 Please include this comment in the Public Participation Process for the Interstate 5 North Coast Corridor widening project, Environmental Impact Report / Environmental Impact Statement.
Thank you.
On November 19th, 2010, the San Diego Association of Governments voted against sending CalTrans a letter supporting the 8+4 plan (the addition of 4 managed/carpool lanes to the existing 8 regular lanes in the center of I-5). The vote by the Board of Directors was 5 in favor, 11 opposed -- a significant rejection of the 8+4 plan seen in CalTrans EIR/EIS document and of their own Regional Transportation Plan which also favors managed/carpool lanes.
Given this significant rejection of the 8+4 plan by our regional planning agency, it becomes important to abandon the use of and reliance on SANDAG's Regional Transportation Plan in the CalTrans decision process. This means CalTrans must now consider additional construction options for I-5 widening not currently found in the EIR/EIS, which are:

1. the addition of 4 regular lanes in the center, and
2. the addition of 6 regular lanes (four in the center, two on the outside).

Will you now include a consideration of adding all regular lanes (both options: four regular lanes and six regular lanes) on Interstate 5 to provide a thorough and complete analysis of all available construction possibilities? The document will be incomplete if these two options are omitted.

Sincerely,
George Crissman
Vista, California
strads@cox.net

11/17/2010 08:42 AM
02 Subject: I-5 North Coast Corridor EIR/EIS Public Comment

Hello, CalTrans!
After reviewing the draft Environmental Impact Report for the proposed expansion of Interstate 5 from La Jolla Village Drive in San Diego to Harbor Drive in Oceanside, some questions remain unanswered. Please answer these questions in the Environmental Impact Report as a part of the process:
1. None of the "Build Alternatives" (Section 2.2.1) includes the addition of four regular lanes in the center, only HOV lanes. Why haven't you included the addition of four regular lanes in the center as one of the proposed Build Alternatives? Why haven't you included the addition of six regular lanes(four regular lanes in the center plus two outlying regular lanes) as one of the proposed Build Alternatives?

2. None of the "Rejected Build Alternatives" (Section 2.5.1) includes the addition of four regular lanes in the center, although there is a proposal labeled "Freeway Expansion Only (10 + 0) Alternative" for the construction two regular lanes in the center. Why wasn't the addition of four regular lanes in the center considered? Why wasn't the addition of six regular lanes (four regular lanes in the center plus two outlying regular lanes) considered?

RESPONSES

Responses to George Crissman

01 Thank you for your comments regarding the addition of general purpose lanes in lieu of High Occupancy Vehicle (HOV)/Managed Lanes, which are part of the public record. The action taken by the San Diego Association of Governments (SANDAG) Board of Directors was not related to support for or rejection of any of the identified *I-5 NCC Project* alternatives; rather, they simply voted not to send a comment letter on the Draft EIR/EIS. Subsequent to that vote, on October 28, 2011, the SANDAG Board adopted the 2050 Regional Transportation Plan (RTP) as the current regional planning document. The 2050 RTP shows the existing general purpose freeway lanes ranging in number from 8 to 14, depending on the segment, as well as four HOV/Managed Lanes from the I-5 / I-805 merge north to Vandegrift Boulevard.

02 With regard to the desire for analysis of additional alternatives, as discussed in Topical Response "Corridor Alternatives," the current EIR/EIS and Project Study Report reflect only the most recent step in a process that began approximately 20 years ago and has addressed a wide variety of options to relieve congestion within this busy corridor. *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, of this Final EIR/EIS identifies a number of alternatives that were considered but rejected, including an explanation for the basis for determining them to be impracticable. The eliminated alternatives were unable to provide adequate capacity to meet year 2020 travel demands within the project limits. Alternatives proposing only general purpose lanes without HOV/Managed Lanes did not answer projected needs as well as those with the HOV/Managed Lanes (see *Section 2.6.1* of the EIR/EIS). Additional general purpose lanes do not provide the certainty in travel time that can be attained with HOV/Managed Lanes, which are monitored for flow, and which individual-occupant cars can also use for a fee. Specifically, the Freeway Expansion Only (10+0) alternative would "not maintain or improve travel times within the corridor,

EMAILS – COMMENTS	RESPONSES
	02 cont. but rather temporarily provides enough freeway capacity to reduce or maintain travel times on the…freeway for approximately five years. Travel times degrade in ensuing years as travel demand increases." While adding additional general purpose lanes as you have suggested may prolong the period of temporary relief, the underlying issue with this approach remains. Similarly, build alternatives proposing an additional general purpose lane in addition to the HOV/Managed Lanes have not been assessed as providing substantially greater benefit than the 8+4 alternatives.

EMAILS — COMMENTS

03 3. In "Rejected build Alternatives" (Section 2.5.1), "Does not provide consistency with the current RTP" appears frequently as a reason for rejection of an alternative. The Regional Transportation Plan (RTP) is a document from the San Diego Association of Governments (SANDAG). SANDAG's mission statement, found in the front of every meeting agenda for the Board of Directors, shows their scope of authority is limited to public transit and does not include freeways. (SANDAG Mission Statement: "The 18 cities and county government are SANDAG serving as the forum for regional decision-making. SANDAG builds consensus, makes strategic plans, obtains and allocates resources, plans, engineers, and builds public transit, and provides information on a broad range of topics pertinent to the region's quality of life."). Why are you limiting freeway project options to SANDAG's Regional Transportation Plan when the scope of the agency does not extend to freeways?

Thank you for your thoughtful and detailed answers to these questions in the final report.

Sincerely,
George Crissman
unclog@cox.net

RESPONSES

03 In accordance with its mission statement, SANDAG is not responsible for the engineering and construction of freeways, with these tasks falling within the responsibility of Caltrans. The identified roles of SANDAG include of generating strategic transportation plans and obtaining and allocating associated resources, with these efforts critical for the I-5 project. Specifically, SANDAG is responsible for planning the overall regional transportation network as defined in the RTP (refer to Topical Response “Multimodal System”) and for allocating TransNet funding. The regional transportation network that is anticipated over the next 40 years is identified in the 2050 RTP. The RTP outlines projects for highways, local streets, rail and bus services, and bicycle and pedestrian facilities. As described in the cited *Section 2.6.1* of the EIR/EIS, a detailed, bulleted description as to why each of the rejected build alternatives does not provide adequate highway capacity or maintain or improve traffic operations in the project corridor by design year 2030 (i.e., does not meet the overall project objectives) is provided. This includes, but is not limited to, the statement that it “Does not provide consistency with the current RTP.”

EMAILS — COMMENTS

Richard Crompton
10/22/2010 10:22 AM
Subject I support I-5 North Coast Corridor Improvements

01 I want to register my support for I-5 North Coast Corridor Improvements as shown in the draft EIR/EIS. The North Coast I-5 section is currently under-sized for the large volume of traffic it must carry, and without the improvements, traffic delays will only get worse. There will be vocal opponents against the project who will say there are better alternatives, but I don't believe there are any viable alternatives to solve the congestion in the I-5 North Coast Corridor. I may be one of the silent majority and do not believe it would be right to allow a vocal minority to be the only voices heard, so I believe it is important for me to register my support of this project.

Thanks,
Richard Crompton, P.E.

RESPONSES

Response to Richard Crompton

01 Thank you for your comments, which are noted and are part of the public record. Your support of the project is noted.

EMAILS — COMMENTS

Jack Cumming
11/20/2010 07:21 AM
Subject: Meet the Need

01 • The need for free flowing commerce and connectivity must be maintained while alternative cluster housing and mass transit options begin to develop.

02 • Highways should include a transit option (remember monorails) and it's absurd to allow bureaucratic silo thinking to make automobile traffic the only consideration.

03 • If I-5 must be rebuilt move the traffic inland by creating multi-lane bypass connectivity to I-15 and letting I-15 become the main transit pathway from Los Angeles into San Diego.

• We don't need a concrete ribbon along the coast.

John B. Cumming
2855 Carlsbad Blvd N116
Carlsbad, CA 92008

RESPONSES

Responses to Jack Cumming

01 Thank you for your comments, which are part of the public record. With respect to maintaining the need for free flowing commerce and connectivity while alternative cluster housing and mass transit options begin to develop, a comprehensive regional planning process has been undertaken to study and forecast regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Regional Transportation Plan (RTP) and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns and smart growth can, however, take an extended period to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. Consistent with your comment, these improvements would allow the time necessary for the region to work toward complex solutions, such as densification of housing and improvement of transit. Please refer to Topical Response "Projected Growth" for additional information regarding accommodation of anticipated regional growth.

02 The *I-5 NCC Project* is only part of a larger transportation upgrade that SANDAG is developing for the corridor, including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, improvements to bicycle and pedestrian access, as well as upgrades to the existing highway system with the *I-5 NCC Project*. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding public transportation. Please also refer to Topical Response "Corridor Alternatives" for information regarding transportation options previously evaluated for the North Coast Corridor, including a monorail.

EMAILS – COMMENTS	RESPONSES
	03 Relocating all north-south traffic to I-15 is not considered practicable. Such a move would require substantially more new right-of-way than the proposed I-5 improvements to increase I-5 capacity, accommodate east-west connectors farther north in other counties, and implement the recommended multi-lane bypass. Such a solution would result in greater impacts to property owners and natural resources, would not address the needs of I-5 users in the coastal zone, and would substantially lengthen the route to Los Angeles, resulting in increased travel times and air pollutant emissions.

EMAILS – COMMENTS

Kevin Cummins
11/22/2010 07:01 AM
Subject I5 EIR Comments

Dear Shay Lynn Harrison,

01 The homes along the north end of Eolus Avenue in Leucadia rise 100 feet above Interstate 5 and are currently highly impacted by freeway noise. These homes were not included in the EIR's sound study.

I attended the I5 EIR kick-off meeting and asked then if the sound study would include the Eolus homes. I was told that before my prompting the study was not expected to include the Eolus homes and that I would be contacted if my home was needed as a site for data collection. I was told that the Eolus homes were just outside the normal study distance from the freeway, however it was recognized that the added elevation and canyon topography of the site could result in significant impacts at a greater distance than typically impacted.

02 I made several attempts to follow up with Caltrans to determine the status of the sound study, in regards to the Eolus homes.

03 The EIR in its current form does not include modeled estimates of the sound impact and I was told the recent I5 EIR meeting (Encinitas) that no data was collected on the Eolus ridge.
Why was the Eolus ridge left out of the study?
Why was no data collected along the Eolus ridge?

Depending on weather and traffic conditions, I5 sound impacts can be extreme in our Eolus backyards and significant within our homes. During extreme traffic (high volumes of fast moving cars) conversations cannot be completed in our backyards. The current impacts to our homes are qualitatively worse than many of the homes between us and the freeway.

How much will each I5 project alternative reduce the number of days on which we can comfortably use our backyards?
How much will each I5 project alternative significantly increase the sound impact within our homes?
How can the impacts be mitigated?

Sincerely,
Kevin Cummins
1691 Eolus Avenue
Leucadia, CA 92024

RESPONSES

Responses to Kevin Cummins

01 Thank you for your comments regarding project-related noise concerns in the area west of I-5 and south of La Costa Avenue (1691 Eolus Avenue), which are part of the public record. Because both the right-of-way (R/W) and shoulder elevations are significantly lower than the subject property, a soundwall within the R/W at this location would not be "feasible." The subject property is also located approximately 800 feet from I-5, and current highway traffic noise prediction models have been shown to be inaccurate at distances of more than 500 feet from the highway. No current or future prediction model should be used beyond that distance unless it has been validated for distances beyond 500 feet from a highway. Judgment should be used to evaluate borderline receivers. The more complex the intervening terrain, the more rigidly the 500-foot limit should be applied; in some extremely complex topography, the limit may prudently be reduced.

The future No Build noise levels in the City of Encinitas would be only approximately zero to three dBA lower than the corresponding future Build noise levels. It is widely accepted that the average healthy ear can barely perceive noise changes of three dBA or less. Where possible, "feasible" and "reasonable" soundwalls have been preliminarily recommended to abate project-related noise levels per applicable Federal Highway Administration and Caltrans guidelines.

02 Thank you for following up to determine the status of the sound study in regards to the Eolus homes. Please refer to the response to your Comment 01 above.

03 With respect to concerns on the applicability of the project noise analysis to the subject property, please refer to the response to your Comment 01 above.

EMAILS — COMMENTS

Dawn Curtis
07/31/2010 02:00 PM
Subject: I-5 expansion concerns

Hi Raychel,

01 I live in the Saxony at Encinitas Ranch community that sits along I-5. I understand that there is a plan to install a sound wall at our dog park. Why? I understand that you are held to a higher standard when there is a community park, but putting a sound wall around our dog park is not necessary, as I don't think it will have an impact on our dogs. The real concern should be protecting the members of our community. The wall needs to go up right behind the community wall (the back yards) of the homes on Carmel Creeper Place. We are up on the hill and the sound from the freeway has an echoing effect that is extremely loud. At present time, I try to keep my windows closed to drown out the noise, unfortunately, I can't keep them closed all of the time because my house would get too hot. We are so close now, that when semi trucks drive by or groups of motorcycles, my walls vibrate, windows shake and my pictures move. A sound wall needs to be built behind our community where the noise increase will impact our community significantly, not the park. I urge you to take a walk on Carmel Creeper Place, walk in our back yards and entry ways. You will be surprised as to how loud the noise is from the freeway. Increasing the noise level by 7 points is unimaginable. Without a protective sound barrier, the noise will be unbearable. I'm not opposing the expansion if the appropriate measures are taken to protect those who will be directly impacted (Saxony at Encinitas Ranch Community). Not having a protective sound wall behind our community would be a crime and an injustice to the pillars of our community. This is a reasonable request, one that should be implemented without hesitation. I appreciate your time and consideration.

Thank you,
Dawn Curtis

RESPONSES

Response to Dawn Curtis

01 Thank you for your comments regarding project-related noise concerns in the area east of I-5 and north of Encinitas Boulevard. They are part of the public record. As described in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA, or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations, including S686A in the area of the noted "dog park." As indicated on Final EIR/EIS *Figures 2-2.3, Sheets 35* , which has been updated from Draft EIR/EIS *Figure 2-2.14v,* now contained in Appendix K, and in *Table 3.15.24,* this soundwall has been preliminarily recommended for construction. A number of additional soundwalls were also identified in the subject area, including S686B and S686C in association with a number of residential sites along Carmel Creeper Place. As described in Final EIR/EIS *Section 3.15*, soundwalls S686B and S686C have now been identified as "feasible" and "reasonable" under FHWA and Caltrans guidelines (refer to *Table 3.15.24*). The use of such noise-abatement facilities has been demonstrated to be effective in the reduction of traffic-generated noise.

The reference in this comment to "Increasing noise levels by 7 points" is assumed to reflect the seven dBA increase identified for noise receptor R11.27 (402 Carmel Creeper Place) in EIR/EIS *Table 3.15.23*. As shown therein, however, the project-related noise level at R11.27 would be reduced to 71 dBA, or one dBA above the existing level, with construction of S686A

EMAILS — COMMENTS	RESPONSES
	01 cont. as recommended. Changes of 3 dBA or less are generally not detectable by the average healthy human ear. Accordingly, based on the noise analysis outlined above for the subject area, proposed noise abatement would conform to applicable regulatory requirements. Please also refer to Topical Response “Soundwall Considerations” for additional information on noise and soundwall analysis.

EMAILS — COMMENTS

Cindy Davenport
11/19/2010 10:55 AM
Subject: CalTrans Draft Environmental Impact Report and I-5 expansion comments

01 The City of Solana Beach has called the CalTrans Draft Environmental Impact Report "ambiguous and unstable". The Draft EIR does not, as legally required, state a Preferred Option and it does not discuss other mass transit options. Experts hired by Solana Beach described this report as not in compliance with State and Federal law and in need of being totally recalled, rewritten and then re-circulated. I agree. I live in Oceanside and work in Solana Beach. I do not see a need for expanding I-5; I see a need for improving mass transit, such as more frequent trips on the Coaster, which should also have better connections with the Sprinter. I often take the Coaster when going to the airport, which includes a free transfer to a bus to the airport, and is a comfortable and sensible trip Monday-Friday before 6 pm. Other times, it is a joke. Why? Any city with culture should have a good train system, as evidenced throughout Europe and Asia. Let's think outside the freeway lane, protect our air quality, and take the logical step to conserve energy, resources, and lives (almost any other form of transportation is safer than cars). But mass transit has to offer a real transit system, getting people where they need to go WHEN they need to go. Not just 11 trips a day (4 Saturday, 0 Sunday), as the Coaster now operates. Thank you for your consideration.

02

Cindy Davenport
541 Crouch Street
Oceanside, CA 92054

RESPONSES

Responses to Cindy Davenport

01 Thank you for your comments, which are part of the public record. The noted City of Solana Beach comment refers to the project description (not the EIR/EIS) as being "ambiguous and unstable because it fails to identify a proposed project and instead identifies four possible 'build' alternatives." The EIR/EIS rigorously explores and objectively evaluates a "reasonable" range of alternatives, as required by Code of Federal Regulations Title 40, Section 1502.14(a). The process of identifying the build alternatives addressed in detail in the EIR/EIS is discussed in *Section 1.4, History and Background*. Identification of a Preferred Alternative is not required at the draft stage; following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

Regarding mass transit, please note that the project is only one element of a larger transportation upgrade that the San Diego Association of Governments (SANDAG) is developing for the corridor, including significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, and improvements to bicycle and pedestrian access. All modes of transportation are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Planning for overall improvements to transportation in the North Coast Corridor has been completed through previous efforts as described in Topical Responses "Multimodal System" and "Corridor Alternatives." Each of the proposed mode of improvements is now undergoing separate, project-specific environmental review by the applicable lead agencies. Please also refer to Topical Responses

EMAILS – COMMENTS	RESPONSES
	01 cont. "Rail Preference" and "Mass Transit" for additional discussion regarding ongoing plans and improvements to mass transit. Please also refer to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes. The Draft EIR/EIS fully complies with State and federal law, including applicable requirements of both the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Caltrans also circulated a Supplemental EIR/EIS in August 2012, which provided newly available information on potential effects to lagoons, as well as the clarification of issues related to latent traffic demand, sea level rise, water quality, and common design features and community enhancements proposed by the project. Where important new information and analyses related to the Preferred Alternative, refinements to the community enhancement projects, and lagoon studies potentially could have supported recirculation, such review was accomplished in the focused Supplemental Draft EIR/EIS and is now incorporated into this Final EIR/EIS. 02 Based on regional growth projections, upgrades to all of the identified modes of travel, including rail, bus, highway, pedestrian routes, and bikeways, are needed to accommodate future transportation needs. In addition to maintaining through traffic on a major interstate, the project would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Studies of the area show the increased demand will occur due to regional population growth, increased goods movement, increased economic growth, and greater recreational and tourist activity. As such, without improvements to I-5, traffic conditions and the effective movement of people and goods will continue to deteriorate. Please refer to EIR/EIS *Section 1.3, Need for the Project*, and Topical Response "Projected Growth," for additional discussion of the need for the project. Please refer to Topical Responses cited in response to your Comment 01 regarding mass transit and funding for alternative

EMAILS – COMMENTS	RESPONSES
	02 cont. transportation. Regarding the current Coaster schedule and connections to the Sprinter, please note that because potential modifications to Coaster services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District, which has jurisdiction over Coaster service. With respect to project-related air quality concerns, this issue is addressed in EIR/EIS *Section 3.14, Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project air quality considerations. Similarly, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-way travel.

EMAILS – COMMENTS

Michael Davidson
11/10/2010 08:13 AM
Subject: I-5 expansion

01 I realize that this post will not make a dent in SANDAG's determination to expand I-5 by 4 or 6 lanes, but I want to add my voice to the vast majority of local residents who vehemently oppose this project. As someone who has lived in Solana Beach for twenty-five years I have learned to live with the freeway roar near my house and the congestion that occurred during the 10 years it took to build the Loma Santa Fe cloverleaf. The prospect of another 10 or 20 years of freeway construction is, needless to say, unpleasant. But what is most galling about this proposal is the inability of SANDAG to think of any solution to our transportation problems outside of freeway expansion. Every sensible city in the country has installed an efficient rapid transit system as part of any freeway overhaul. In the San Francisco Bay Area, you can travel from Fremont or Livermore to downtown San Francisco in half the time it would take to drive. And I needn't add that every other "civilized" country has a clean, well functioning light rail or subway system. Have the officials of SANDAG ever travelled in Europe or Russia or Mexico?

02

03

04 It is obvious to all of us that expanding the freeway is being driven by oil companies, big developers, car manufacturers and concrete contractors. Those of us who live along the freeway will get no benefit from the expansion and will lose significant property values as a result of the increased noise, pollution and traffic. And the solution is so simple. If people want to travel to work in San Diego while living in Temecula or Hemet or some far flung corner of SD county (or for that matter, in Solana Beach), they COULD take the train—if there were a train.

Please reconsider this decision to expand I-5 and think of alternative, clean alternatives that benefit the entire community.

Michael Davidson
720 Sonrisa St.
Solana Beach, CA 92075

RESPONSES

Responses to Michael Davidson

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

02 With respect to construction-related congestion, construction-related activities would generally be focused during non-peak hours to minimize traffic delays, to the extent practicable. As described in *Section 3.6, Traffic and Transportation/Pedestrian and Bicycle Facilities,* of the EIR/EIS, identified mitigation measures include the implementation of a Traffic Management Plan (TMP) during, and potentially after, construction. The TMP would include a Public Awareness Program to distribute information such as construction schedules and locations. The TMP would serve to minimize project-related construction disruptions and would include traffic mitigation strategies designed in coordination with the local communities.

03 Several alternatives were considered before the build alternatives were chosen as the most viable options. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the I-5 corridor, including transit-based alternatives. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. The project would include High Occupancy Vehicle/Managed Lanes, which would provide an incentive for carpooling or ridesharing by providing such users a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. As described in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, community enhancements including bicycle paths have been identified. Please refer to

EMAILS – COMMENTS	RESPONSES
	03 cont. Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options.
	04 The proposed transportation upgrades (both rail and highway) in the North Coast Corridor are the result of agency review of existing and proposed congestion and are not the result of input by oil companies, developers, car manufacturers, or concrete contractors. All users of I-5 are expected to benefit from the reduced congestion and opportunity for more certainty in travel times. Based solely on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects. Regarding potential noise concerns, and as discussed in EIR/EIS *Section 3.15, Noise*, while project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K, as well as *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

EMAILS — COMMENTS	RESPONSES
	04 cont. Regarding project-related pollution (air and water quality) concerns, these issues are addressed in EIR/EIS *Sections 3.14, Air Quality*, and *3.10, Water Quality and Storm Water Runoff*. For air quality, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in overall lower air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project air quality considerations. As described in *Section 3.10*, potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative. This analysis also identifies appropriate best management practices (BMPs) to address project-related water quality concerns, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* as applicable). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations. Please note that there is existing train service, which would be improved through the double-tracking of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) corridor. Please also refer to the response to your Comment 03 for alternatives previously evaluated and currently under consideration and/or implementation. I-5 improvements are anticipated to benefit the communities crossed by I-5 as a whole.

EMAILS – COMMENTS

Deborah DeBow
7/9/10 3:15 PM
Subject: Questions (request form Q)

01 Inquiring the action projects: I-5 Corridor
Question: Please send me a CD of the draft EIR for the I5 expansion along Carmel Valley, Del Mar, Solana Beach and the Fairgrounds to: Deborah DeBow, PO Box 675922, Rancho Santa Fe, CA 92067-5922. I didn't find an order link/form on the website.

Thank you.

RESPONSES

Response to Deborah DeBow

01 Thank you for your interest in the project. A compact disc (CD) of the Draft EIR/EIS was mailed to Ms. DeBow on July 23rd, 2010.

EMAILS – COMMENTS

Janie DeCelles
7/8/10 5:08 PM
Subject: Questions (request form Q)

01 Inquiring the action projects: I-5 Corridor
Question: Where is there a listing of the 100 plus home which are going to be condemned?

Thanks

RESPONSES

Response to Janie DeCelles

01 Thank you for your interest in the project. It is Caltrans' intent to avoid and/or minimize impacts to properties that abut an existing highway system.

The Draft EIR/EIS did not provide a listing of the 100-plus homes identified at that time for relocation, and this information was not provided on the project website. The environmental document is based upon preliminary design Refinements to the project design are ongoing, with the intent of minimizing the project footprint and avoiding impacts to properties to the extent possible. Further refinement will continue through final project design, and precise numbers and dimensions of properties required will not be known until that time. At this time, however, the total number of parcels anticipated to require relocation if the refined 8+4 Buffer alternative (the Preferred Alternative) is approved would be 20. The parcel numbers are provided in Topical Response "Property Acquisition" and in *Section 3.4.2.3, Environmental Consequences*, on *Table 3.4.5* of the Final EIR/EIS.

EMAILS — COMMENTS

Cleopatra Degher
11/19/2010 08:37 PM
Subject: I-5

Dear Caltrans,

01 I am strongly opposed to the I-5 expansion proposition. I favor the no-build option, and wish for the money to be spent on public transportation instead.

Sincerely,
Cleo Degher

RESPONSES

Response to Cleopatra Degher

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for discussions regarding public transportation options. Please also refer to the Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

EMAILS – COMMENTS

Darius Degher
10/28/2010 03:27 PM
Subject I 5 Expansion

Dear Caltrans,
01 Please see the attached letter regarding the proposed expansion of Interstate 5 in North San Diego County. As you will see, I strongly oppose the project, and I have some questions I hope you will answer.

Best regards,
Darius Degher

RESPONSES

Response to Darius Degher

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

EMAILS – COMMENTS

Darius Degher
<darius.degher@gmail.com>
10/28/2010 03:27 PM

To I-5_NCC_EIR_EIS@dot.ca.gov
cc
bcc
Subject I 5 Expansion

01 Dear Caltrans,
Please see the attached letter regarding the proposed expansion of Interstate 5 in North San Diego County. As you will see, I strongly oppose the project, and I have some questions I hope you will answer.

Best regards,

Darius Degher Degher_ltr_Caltrans.doc

RESPONSES

Responses to Darius Degher

01 Thank you for your comments. Your preference for the No Build alternative is noted and is part of the public record.

As you note, the proposed project is only one element of a multi-agency, multimodal planning process for the North Coast Corridor. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding public transportation (including multimodal, mass transit, and rail), as well as Topical Response "Corridor Alternatives" with regard to design and system alternatives considered for the North Coast Corridor.

Caltrans has been actively involved in this regional multimodal planning effort. The San Diego Association of Governments (SANDAG) plans for the region to trend toward more transportation options, with development concentrated around transit stations. The changes that are contemplated in land use planning and alternate transportation modes will take many years to come to fruition. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take extended time to implement. Based on current planning and modeling projections, roadway improvements are a necessary element of the transportation network in this time frame.

Although mass transit and non-transportation alternatives to vehicles (e.g., telecommuting) are increasingly available, it is not obvious that the automobile is on its way to obsolescence within the current planning period. The transportation planning agencies (including those responsible for rail, trolley, or bus rapid

EMAILS – COMMENTS

Re: I-5 HOV/Managed Lanes Project

October 28, 2010

Dear Caltrans,
I'm writing in response to your request for citizen input on the proposed I-5 HOV/Managed Lanes Project between La Jolla and Oceanside. The questions I hope you'll answer are in italics.

After just returning from living in Europe for the last twelve years, it's hard not feel that we Americans are in the dark ages of transportation planning. Remember when people use to call California "the place where the future happens first"? Well, none of the proposed options of the I-5 expansion project would get us anywhere near the future first. On the contrary, they'd keep us mired in an old-fashioned transportation system. Any project undertaken at this 21st century juncture needs to yield environmental benefits. And while it's true that the current proposals attempt to make environmental headway via the use of HOV managed lanes, the construction and expense required to complete them far outweigh the meager benefits they would yield.

01 cont.

While I agree that the concept of a "multi-modal" system is sound, the specific options proposed all lack the vision necessary to prevent us from slipping further and further behind the rest of the world on transportation planning. The problem is that one of the modes in this multi-modal system overshadows all of the others. That mode is the automobile. Any plan that does not get people out of their cars and into public transportation is simply retrogressive.

- *Question: How can you call the proposed system "multi-modal" when it's primarily centered around the automobile?*
- *Question: Isn't it obvious that the internal combustion powered automobile is an outmoded form of transportation, on its way towards obsolescence, and that its place in the "multi-modal" concept needs to be attenuated?*

02

The goals of any 21st century transportation project should be to encourage citizens to use public transportation and make cycling a real option as a way of "feeding" the public transportation options. The existing Coaster, Sprinter, and Breeze service is satisfactory in many ways (I rode the Coaster on its first day of service and every day for two years after that), except that the trains should be electric-powered, as opposed to the ancient diesel technology currently in use. They also need to be faster and more frequent.

03

Remember: like entrenched drug addicts, we Californians are addicted to the automobile, and we will not change our habits unless we are compelled to do so. As an example, recall how we all ran out to buy gas-guzzlers as soon as the price of gas fell. What I mean is, that as long as Caltrans builds more lanes, we Californians will fill them up without thinking of the consequences. That's why governmental vision is essential: automobile use must be brought into a more sustainable balance with the other modes in Caltran's multi-modal model.

RESPONSES

01 cont. transit) agree that automobile travel will comprise a substantial percentage of travel modes through 2050 at a minimum. Please refer to previously cited Topical Response "Multimodal System."

02 In addition to the High Occupancy Vehicle (HOV)/Managed Lanes, please note that the project also incorporates a number of community enhancements that would improve bicycling and pedestrian options and benefit the adjacent communities. For example, Caltrans has worked with the City of Encinitas to develop a number of potential enhancement projects, including: (1) Bicycle/Pedestrian Enhanced Trail on Both Sides of I-5 at San Elijo Lagoon with Bridge Connection to Manchester Avenue; (2) Park and Ride Enhancements at Birmingham Drive; (3) Villa Cardiff Drive Improvements and MacKinnon Bridge Enhancements; (4) Hall Park Trail Connecting to Santa Fe Drive; (5) Trail Connecting Santa Fe Drive to Requeza Street with Wetland Revegetation; (6) Trail Connecting Requeza Street to Encinitas Boulevard; (7) Union Street Pedestrian Overpass; (8) Cottonwood Creek Park

EMAILS – COMMENTS

- *Question: has an analysis been done that compares the projected cost of the freeway expansion and the cost of a light rail system, perhaps running down the middle of the freeway? If so, and the cost is comparable, what could possibly be the justifications for more freeway over light rail?*

04 With the above goals in mind, I suggest *not* adding any lanes at all to Interstate 5 but instead using the resources at our disposal to modernize and improve it. We don't need bigger; we just need better. This would yield the results of spending the money more wisely, avoiding the ecological catastrophe that the current plans would engender, and planning for a future in which the automobile plays a less prominent role.

05 If it does turn out to be true, after an unbiased cost analysis, that we cannot afford light rail, the high-speed gas buses are the next-best alternative. However, this should only be done using the existing right-of-way, perhaps lane number one of the freeway, and perhaps only during high-volume hours. There's no need to build extra lanes for this service if we get people out of their cars and onto trains, buses, and bikes, which must be the goal! The current plans, with the incredibly complicated fly-over on-ramps for these buses are not viable. They might be nice if they did not cost so much and were not such an eyesore. As currently planned, however, they look like an antiquated, Jules Verne-style vision of the future: extremely complicated and simultaneously retrogressive. There must be other ways of getting those buses into the fast lane.

06
- *How about not adding any lanes to I-5. Instead, adding the high-speed natural gas bus service to the existing right of way and simultaneously building a light rail line down the middle of the freeway?*

07 Interstate 5 needs to be de-emphasized not expanded. The money would be better spent on rail, bus, and bike options. HOV lanes are not much of an improvement. A V-8 SUV or pick-up truck with just two passengers hurtling along at 65 mph in the diamond lane is hardly an ecological improvement. Such vehicles have no business in an HOV lane at all. So, a modernizing of the HOV lanes and their regulations needs to be addressed. I suggest relegating larger vehicles (SUVs, pick-ups, etc) to the right two lanes. I suggest using existing lane number two as the HOV lane, but with the following upgrades: A) increasing the speed limit to 70 mph for fuel-efficient cars using this lane. B) Not allowing larger vehicles in the lane at all.

- *Wouldn't these improvements make the HOV lanes more ecological? Wouldn't these kinds of changes encourage people to buy smaller, more fuel-efficient cars and also to carpool?*

08 By *not* opting for any of the expensive alternatives currently proposed by Caltrans, there would be funds available that could be used for other (more economical, ecological, and modern) purposes. I suggest the following:

A) Making the Coaster and Sprinter trains electrically powered, faster, and more frequent.
B) Using natural gas powered buses for the Breeze service.

RESPONSES

02 cont. to Union Street Trail Connection with Wetland Revegetation; and (9) I-5 North Coast (NC) Bike Trail in the City of Encinitas. Each of these enhancements would improve current pedestrian and bicycle circulation options.

With regard to Coaster, Sprinter, and Breeze service, please note that because potential modifications to such services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District (NCTD), which is responsible for the provision of these services.

03 With regard to future transportation demand, improvements are intended to accommodate projected traffic increases associated with planned regional growth through 2050 as part of a multimodal system. The role of Caltrans is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. As noted in the response to your Comment 01, other modes of transportation concurrently are undergoing upgrades by the applicable responsible agencies.

04 Regarding the variation in cost between the implementation of light rail and highway expansion, cost comparison between modes of transportation is secondary to transportation efficiency. Transportation agencies initially find the transportation mode (or combination of modes) that is most responsive to need and then compare cost. In this instance, light rail was considered during the original evaluation of alternatives for the North Coast Corridor (see Topical Response "Corridor Alternatives"). It, however, was not found to be an adequate alternative relative to volume and location of users and was not carried forward as a primary transportation source for this part of the County (unlike rail, bus, and personal vehicle use).

EMAILS — COMMENTS	RESPONSES
	04 cont. The proposed project would be supportive of bus use, through the provision of HOV/Managed Lanes intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Another important part of the proposed project consists of Direct Access Ramps (DARs) that move HOV/Managed Lanes users directly from on-ramps (often associated with park and ride lots) onto I-5 and into the HOV/Managed Lanes. Although supportive of public transit and bicycle use, Caltrans is a State agency specifically formed for the purpose of addressing State highway system needs and has no authority to independently require or authorize activities related to such alternative transportation modes or encouragement of State highway users to opt for other travel modes. Comments regarding these topics would be better directed to SANDAG and NCTD, which are responsible for such programs. As noted above, Caltrans has actively coordinated with these agencies to the extent that such planned facilities relate to the State highway system. 05 With regard to fly-over ramps, as part of the ongoing effort to minimize the project's footprint, Caltrans engineers have modified the design at the Manchester Avenue DAR to replace the fly-over with an undercrossing, thereby substantially improving visual effects related to the proposed project at this location. Two other DAR locations that would have required overcrossings (Cannon Road and Oceanside Boulevard) have been removed from the project. 06 Please refer to the response to your Comment 04 regarding light-rail, bus, and bicycle transportation options. 07 Interest in changes to regulations for HOV/Managed Lanes also are beyond the purview of Caltrans. Such comments would be better addressed to the State Legislature. Please note, however, that in the 2050 Regional Transportation Plan (RTP) (Appendix A), SANDAG has identified the need for three passengers in a vehicle in order to use an HOV/Managed Lane without charge by 2035.

EMAILS — COMMENTS

08 cont.

C) Improving North County bike lanes, using European models for bike paths and safety.

At present our North County bike paths are an embarrassment. With a relatively small amount of funding (compared with the I-5 expansion options), bike paths could be improved to the extent that people would feel safe using them. (Let's not forget that there are also health benefits in getting people to cycle, the kind of benefits that extend life and also reduce medical bills.) If there were convenient ways for people to cycle to the Coaster, Sprinter, and Breeze stations, they would do so. Take it from someone who cycled to work in Sweden everyday, even in the snow. Here in Southern California, we have no real excuse *not* to bike.

In conclusion, the only acceptable of the proposed options is the "no build" option. But is only a temporary solution. You need to get your engineers back to the drawing boards and compel them to be creative. California made a grave mistake after World War II, when it opted for freeways over rail systems. Let's admit we blew it and use our vision to move into the future. If we choose one of the proposed I-5 expansion options, we'll be playing transportation catch-up with the rest of the world for yet another generation. This is our chance to really move forward (not sideways): let's jump on it!

Sincerely,
Darius John Degher

171 Sanford St.
Encinitas, CA 92024
darius.degher@gmail.com

RESPONSES

08 Please refer to the responses to your Comments 01 and 04 regarding alternative transportation modes and associated funding considerations. Subsequent to the circulation of the Draft EIR/EIS, Caltrans engineers worked with the cities crossed by I-5 within the North Coast Corridor to design the I-5 North Coast (NC) Bike Trail Concept, which would link existing bike lanes with new lanes stretching for the entire 27-mile length of the I-5 improvements. This lengthy route should encourage longer distance travel via bicycles. Your preference for the No Build alternative is noted.

EMAILS — COMMENTS

Susanne Degher
11/19/2010 08:46 PM
Subject: I-5 Expansion Proposition

Dear Caltrans,

01 I'm strongly opposed to the I-5 expansion proposition. It's catastrophic!
I think the "No-Build" proposal makes much more sense. Use the money for public transportation and bike paths instead. It would be cheaper, cleaner and more beautiful.

Sincerely,
Susanne Degher

RESPONSES

Response to Susanne Degher

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for discussions regarding public transportation options. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors. Please also refer to the Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

EMAILS — COMMENTS

D. Gail DeLalla
11/21/2010 03:05 PM
Subject: I-5 Expansion

Dear Sirs,

01 Please detail the compensation plan in dollars that will be paid to the affected cities who lose property tax revenue from properties taken be eminent domain to expand I-5.

Thank you.
D. Gail DeLalla Solana Beach

RESPONSES

Response to D. Gail DeLalla

01 Thank you for your comments, which are part of the public record. As stated in the project 2007 Final Community Impact Assessment (CIA), the loss in tax revenue from removal of residential or business property by right-of-way acquisitions is usually minimal because many homeowners and businesses relocate within the municipality and continue to pay taxes after resettling. Tax-related impacts typically only occur if removed businesses and homeowners do not relocate within the local tax jurisdiction. For the cities where the project would not necessitate removal or relocation of residences or businesses (San Diego and Del Mar), no adverse tax revenue impacts associated with the proposed alternatives would occur. For the cities that would incur residential and/or business property acquisitions under one or more of the project alternatives, including Solana Beach, Encinitas, Carlsbad, and Oceanside, the loss of tax revenue is considered temporary and minor as there are relocation resources within these cities. Moreover, because local property values are not anticipated to be substantially affected, project implementation would also not be expected to result in substantial adverse effects to associated property tax revenues. Please also refer to Topical Response “Property Acquisition” for additional information potential acquisitions, Topical Response “Acquisition Valuation” for information regarding property valuation with regards to acquisition, and Topical Response “Property Valuation” for information regarding factors affecting residential property value.

EMAILS – COMMENTS

"Everett DeLano"
<everettdelano@yahoo.com>
09/09/2010 02:05 PM

To <I-5_NCC_EIR_EIS@dot.ca.gov>
cc
bcc
Subject I-5 widening project

01 I tried to click on the link to the I-5 project documents, but it did not take me anywhere. Could you send me a copy of the notice for this project?

Thank you,

Everett DeLano
DeLano & DeLano
220 W. Grand Avenue
Escondido, CA 92025
(760) 510-1562
(760) 510-1565 (fax)

RESPONSES

Response to Everett DeLano

01 The website http://www.keepsandiegomoving.com/Home.aspx should be used to access project documents. Alternatively, the Caltrans project website is available at: http://www.dot.ca.gov/dist11/Env_docs/I-5NCCDraft.html. As a commenter, your name has been added to the project mailing list to ensure that you have the opportunity to stay informed.

EMAILS — COMMENTS

Darlena Del Mar
09/01/2010 06:59 PM
Subject: Request an extension

Dear Shay,
01 I am writing with the hopes that you will grant an extension – hopefully for a minim of 45 days or more - for Solana Beach to comment on the Environmental Impact Statement. My home is one of the 6 that is slated for demolition in Solana Beach. Needless to say, I am terribly upset and worried.

Thanks.
Darlena Del Mar

RESPONSES

Response to Darlena Del Mar

01 Thank you for your comments, which are part of the public record. As requested, the public review period was extended for an additional 45 days from October 7, 2010 to November 22, 2010. This extension was considered adequate additional time.

When improvements to existing highway facilities are proposed, Caltrans makes every effort to avoid direct impacts to adjacent properties. In certain situations, however, avoidance is not always possible. Accordingly, when direct impacts are anticipated, every effort would be made to provide the full extent of services and benefits set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as well as through implementing the Caltrans Relocation Assistance Program. Please refer to Topical Responses “Property Acquisition” and “Acquisition Valuation” for additional details

With regard to your home being one of the six “slated for demolition in Solana Beach,” only one of the build alternatives (the 10+4 Barrier alternative) would result in property being acquired in Solana Beach. In addition, please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Under the Preferred Alternative, the subject property located at 832 Ida Avenue in the City of Solana Beach would not be directly impacted. Please refer to Topical Response “Property Acquisition” for more information on property acquisition.

EMAILS — COMMENTS

Darlena Del Mar
11/10/2010 09:44 AM
Subject: I 5 expansion

01 The newly added lanes between Via de la Valle and Lomas Santa Fe have not eased rush hour traffic at all. Why do you think that adding even more lanes will fix the problem?
I really feel that more bus lines with good service would be beneficial. I know that the bus service here in Solana Beach is very poor.

Darlena Del Mar of Solana Beach

RESPONSES

Response to Darlena Del Mar

01 Thank you for your comments, which are part of the public record. Regarding potential concerns related to freeway improvements and associated congestion along I-5, project improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system (refer to the paragraph below). You may not have benefitted from past and ongoing focused I-5 improvements because the full benefit of the currently proposed project would be realized following the installation of the High Occupancy Vehicle (HOV)/Managed Lanes. The use of these proposed lanes would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. HOV/Managed Lanes can also serve as a strong incentive for ridesharing, which can help to manage congestion. Within the project corridor, approximately 13 percent of weekday peak period vehicles are HOVs, with this figure anticipated to increase to roughly 10 to 20 percent in 2030, while approximately 60 percent of vehicles within the project's boundaries during weekend peak periods are HOVs (refer to *Section 3.6.3.1*, *Traffic and Transportation*). Benefits of the proposed project relative to the No Build alternative would be most noticeable in future years, when traffic loading has further increased.

Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and

EMAILS – COMMENTS	RESPONSES
	01 cont. "Mass Transit" for additional discussion regarding mass transit options. Please also refer to the Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes. Regarding the level of service of local bus lines, please note that because potential modifications to bus services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District and the San Diego Association of Governments, which are responsible for planning and operating the bus lines.

EMAILS — COMMENTS

Ann Dempsey
11/21/2010 10:54 PM
Subject: Moving people from one place to another

01 This department has been charged with building a way to move people from one place to another the best way possible. This can be done by expanding the freeway or by building a light rail down the middle of the freeway. Please answer the following questions comparing these two options.

02
1. Which way is safer? Is a person safer riding light rail or driving in a car?

2. Which way is cleaner? Is light rail less polluting than a freeway?

3. Which way is quieter? Is light rail quieter than cars on a freeway?

4. Which way is faster? Can a person reach their destination faster on light rail than in a car on the freeway?

5. Which way is cheaper for the individual? Is it cheaper for a person to travel by light rail or in a car?

6. Which way is cheaper to build? Is building light rail cheaper than expanding a freeway?

7. Which way is easier, quicker and cheaper to expand after 20 years? Is adding more light rail trains easier, quicker and cheaper than expanding the freeway in 20 years?

8. Which way is usable by those unable to drive either because of age or disability?

9. Which way contributes more to global warming?

Thank you for answering these questions for me.
Ann Dempsey
P.O. Box 116 (1250 Crest Rd.)
Del Mar, Ca
92014858-755-7563

RESPONSES

Responses to Ann Dempsey

01 Thank you for your comments, which are part of the public record. Please note that the proposed project is one element of a regional multimodal improvement effort. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. The *I-5 NCC Project* would include High Occupancy Vehicle (HOV)/ Managed Lanes, which would provide an incentive for carpooling or ridesharing by providing such users a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding mass transit options. Additionally, several alternatives were considered before the build alternatives for this project were chosen as the most viable options. Please refer to Topical Response “Corridor Alternatives” for a summary of alternatives evaluated for the I-5 corridor, including light rail.

02 The primary consideration in determining the best transportation alternatives for the proposed project is transportation efficiency. Once the potential for an alternative to provide efficient transportation is established, variations in safety, cleanliness, noise levels, speed, cost (to the individual and for construction), future expansion, usability, and global warming contribution between implementation of light rail and freeway expansion can be addressed. Transportation agencies initially find the transportation mode (or combination of modes) that is most responsive to need and then compare the advantages and disadvantages. In this instance, light rail was considered during original evaluation of alternatives for the North Coast Corridor (see Topical Response “Corridor Alternatives”). It was not, however, found to be an adequate alternative relative to the volume and location of users and was not carried forward as a primary transportation source for this part of the county (unlike rail, bus, and personal vehicle use).

EMAILS – COMMENTS	RESPONSES
	02 cont. Although supportive of public transit, Caltrans has no authority to independently require or authorize activities related to light rail programs. Questions about light rail would be better directed to the San Diego Association of Governments and the North County Transit District, which are responsible for such programs. As noted above, Caltrans has actively coordinated with these agencies to the extent that such planned facilities relate to the State highway system.

EMAILS — COMMENTS

Russ Detweiler
11/10/2010 03:12 PM
Subject: I-5 Expansion

Dear Staff,
01 While I have not been able to attend any of your meetings, I wish to express my enthusiastic support for expanding the I-5 corridor as much as possible. I also recommend the expansion without any barriers to increase flexibility of traffic during an emergency closure. I also support mass transit, but I don't see it as a viable alternative for most needs in the near future.

Russ Detweiler
1041 Monerey Vista Way
Encinitas CA 92024

RESPONSES

Response to Russ Detweiler

01 Thank you for your comments, which are noted and are part of the public record. Your preference for the largest build alternative is noted. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Consistent with your comment, the Preferred Alternative would not have barriers but would include a painted buffer to separate the High Occupancy Vehicle/Managed Lanes from the general purpose lanes.

Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding ongoing plans and improvements to mass transit.

EMAILS — COMMENTS

Angela DeVargas
09/28/2010 02:32 PM
Subject: I-5 North through Carlsbad

01 Dear Caltrans and who ever else, I live at 3218 Eureka Pl., Carlsbad, CA 92008. Although there is a park between my property and the freeway. IT IS CURRENTLY EXTREMELY LOUD.

I understand your desire to widen it or whatever BUT, a SOUND WALL should be built like the sound walls that are built off the 101 fwy through Sherman Oaks. The houses are well below the freeway yet the wall is extremely high. I am sure there are closer examples like the Escondido are sound walls.

02 I am strongly against taking any greenspace area away from the park. There is technology in existence to widen WITHIN the existing CalTrans right of way.

Holiday Park serves a lot of people and should be protected.

Sincerely,
Angela DeVargas

RESPONSES

Responses to Angela DeVargas

01 Thank you for your comments, which are part of the public record, regarding project-related noise and soundwall concerns in the area east of I-5 and south of Carlsbad Village Drive in the City of Carlsbad. As outlined in EIR/EIS *Section 3.15, Noise*, although project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S810 in the subject area (refer to Final EIR/EIS *Figures 2-2.3, Sheets 53* and *54,* and *Section 3.15.4*). Soundwall S810 has been determined to be "reasonable and feasible" under the noted FHWA and Caltrans guidelines and is preliminarily recommended for construction at heights ranging from 10 to 16 feet (refer to EIR/EIS *Tables 3.15.35* and *3.15.36*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

02 Regarding project impacts to Holiday Park, the proposed improvements would not require the acquisition of any portion of Holiday Park. Under only the 10+4 Barrier alternative, modifications would be required to a portion of Pio Pico Drive, including the segment of the roadway that fronts Holiday Park. Under this build alternative, the proposed improvements would result in the loss of approximately 40 on-street parking spaces

EMAILS – COMMENTS	RESPONSES
	02 cont. along the east side of the roadway. As described in *Section 3.1.3, Park and Recreational Facilities*, under Affected Environment and Environmental Consequences, as well as in Appendix A, Resources Evaluated Relative to the Requirements of Section 4(f), there is adequate parking capacity in the existing parking lots at the park along Eureka Place as well as along surrounding roadways to accommodate users of Holiday Park. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

EMAILS — COMMENTS

Allen Disler
11/21/2010 07:51 PM
Subject: Proposed I-5 Widening

Dear Sir/Madam
As you well know, your proposal to widen the I-5, will affect the lives of thousands of people who live on the 5 corridor. I would like to offer you two workable solutions to the problem and invite your comments.

01 Are you aware of the 3 D FAST BUS developed by SHENZHEN HASHI FUTRE PARKING EQUIPMENT COMPANY CHINA or the MAGLEV TRAIN CHINA?

By using these systems, the State of California would earn revenue instead of wasting $4 billion on a freeway expansion that people do not want. Please explain to me why the above mentioned solutions could not be used. Please compare the noise and pollution factors in your reply.

May second proposal, is that the existing 5 Freeway, be made into a north bound freeway and a new south bound freeway be built in east county. The advantages of this proposal are numerous, including safeguards against earthquakes and flooding. Noise levels which are already intolerable, would not be increased and the beauty of our coastline and wetlands would not be compromised.

Why would this solution not be equal to or better than the solutions that you propose? Please tell me, what percentage of freeway drivers start their journey in La Jolla and end in Oceanside?

02 What percentage of freeway drivers start their journey in La Jolla and travel north of Oceanside?

What percentage of freeway drivers start their journey south of La Jolla and travel to Oceanside?

What percentage of freeway drivers start their journey south of La Jolla and travel north of Oceanside?

Please give me the answers to the above mentioned questions in both directions ie North of and South.

03 Do you agree that the 5 Freeway south of La Jolla and north of Oceanside are a maximum of 5 lanes?
Your answers to the above mentioned questions would be much appreciated.

Thank you,
Alan Disler

RESPONSES

Responses to Allen Disler

01 Thank you for your comments, which are part of the public record, regarding the potential use of “3D Fast Bus” technology and associated noise and pollution (air and water quality) concerns relative to the proposed project.

Many alternatives were previously considered before the build alternatives were chosen as the most viable options. For more information regarding these considered alternatives, please refer to Topical Response “Corridor Alternatives.” Additionally, although the proposed project is intended to be compatible with any mass transit options being considered by the San Diego Association of Governments (SANDAG) and North County Transit District (NCTD), Caltrans is only responsible for the highway improvements associated with the multimodal improvement effort for the North Coast Corridor. Your comments regarding mass transit solutions would be better addressed to SANDAG and NCTD.

02 Regarding the potential to construct an additional freeway corridor, please refer to the response to your Comment 01 regarding alternatives to the proposed project build alternatives. Additionally, the regional transportation network that is anticipated over the next 40 years is identified in the 2050 Regional Transportation Plan (RTP). The RTP outlines projects for highways, local streets, rail and bus services, and bicycle and pedestrian facilities. There are no plans in the 2050 RTP to construct a new north-south freeway in East County, nor to alter I-5 to be one-directional. The land in San Diego County has been mostly developed with uses consistent with local land use plans (including open space), which also do not identify a new freeway alignment. The focus of the 2050 RTP is to provide a variety of travel choices and multimodal facilities by improving the existing transportation system, which would have fewer environmental impacts. Please refer to Topical Response “Multimodal System” for additional information on the multimodal nature of the regional transportation system.

EMAILS – COMMENTS	RESPONSES
	02 cont. Regarding safeguards against earthquakes, Caltrans is a leader in earthquake engineering and seismic design and is dedicated to ensuring the safety of the public. For information on Caltrans standards related to seismic activity, please view the Caltrans Seismic Design Criteria Page (SDC) at http://www.dot.ca.gov/hq/esc/earthquake_engineering/sdc/index.php. Accordingly, potential impacts related to seismic hazards would be avoided, minimized, and/or mitigated to the extent practicable in conformance with applicable regulatory and industry standards. With regard to flooding, the *I-5 NCC Project* EIR/EIS does not identify any major flooding risks associate d with implementation of the proposed alternatives. Regarding concerns related to potential increased noise levels from the proposed project, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With regard to potential scenic impacts, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained.

EMAILS – COMMENTS	RESPONSES
	02 cont. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. For more information regarding effects of the proposed project relative to viewers along I-5, please refer to Topical Response "Visual/Community Effects." The percentage of freeway drivers that travel between La Jolla and Oceanside is unknown and immaterial with respect to traffic analysis. Impacts are analyzed based on Average Daily Traffic, or the daily volume of vehicle traffic. Please refer to the technical reports for traffic analysis included as part of the EIR/EIS, which provide detailed background information on the traffic volume forecasting process and development of traffic methodologies. 03 With respect to your comment regarding the number of lanes on I-5 south of La Jolla and north of Oceanside, I-5 currently has a maximum of five lanes in these locations as stated in this comment.

EMAILS – COMMENTS

I-5 Freeway Expansion

I have been following the I-5 expansion for many years. First, as a member of the Mid-County Transportation Study in the early 1990's and then the North County Transportation Study in the later 1990's, all while I was serving the SANDAG Board and its Transportation Sub-Committee representing Solana Beach. I also served on NCTD Board and the LOSSAN Board at different times during those years.

01 The freeway expansion was thoroughly discussed at many meetings with CALTRANS and SANDAG representatives. There was always one questions that I asked of CALTRANS at these meetings: **Will there be any taking of private property in Solana Beach?** The answer was always **NO** but there may be some taking of public property, in making a street near Santa Fe Christian School one way instead of both ways.

Later when drawings were released of the freeway expansion it appeared that there would be some taking of private property in the Santa Fe Hills area, CALTRANS came out and looked over the area and advised that there were some backyards that would be affected. Every time new drawings were produced the freeway became wider and more properties were affected**. Each time at these meetings CALTRANS was reminded of their promise of NO Taking of Private Property** by myself and Councilmember Joe Kellejian. The answer was that now there were new studies and additional lanes were being considered requiring more right of way.

02 The fact remains that the I-5 freeway has sufficient right of way to add several lanes and stay within the current right of way. CALTRANS needs to address other options to deal with gridlock. Other countries have NO Large Trucks during daylight hours in some cities in India or NO Large Trucks during the weekends and holidays in

03 Germany. How about NO Trucks from 6-9 A.M. and 4-7 P.M. on weekdays and let them use the freeways the other 18 hours of each week day or night?

04 Aside from the freeway we also have the rail corridors that are expanding in ridership. Other places in the world we see high speed rail in France, Germany, and Japan that competes with major roadways and is fast and efficient. I have even ridden on the Maglev demonstration track in northern Germany that was fast and quiet on an elevated track over the countryside using magnetic fields. Transit needs to expand throughout the region.

05 The l-5 freeway can expand within its current right-away to add two lanes for HOV or managed lane use - without taking any private property. **CALTRANS needs to keep its promise to Solana Beach and other communities that do not want private property takings for the freeway expansion.** Four multi-purpose lanes, two special lanes for HOV or managed lanes in each direction, and auxiliary lanes near the interchanges for ingress and egress is enough. This and other transportation alternatives that do not need huge sound walls

06 blocking views and destroying neighborhoods. San Diego County has a beautiful coastline and river valleys that can be enjoyed from our homes and our roadways. **We need to preserve our vistas, maintain our open spaces and our quality of life that make San Diego special – Keep the freeway within its right of way and support other alternatives for public transportation.**

Marion B. Dodson

Box 1990, Rancho Santa Fe, Ca 92067

RESPONSES

Responses to Marion Dodson

01 Thank you for your comments, which are part of the public record. With respect to property acquisitions, it is Caltrans' intent to avoid direct impacts to properties that abut an existing highway system during improvements to that highway wherever practicable; however, avoidance is not always possible when an existing facility is being improved. The proposed project has been designed to minimize impacts to existing structures while still meeting project objectives by acquiring reduced amounts of additional right-of-way and limiting the grading footprint. As such, the number of property acquisitions and relocations resulting from the project would be minimized to the maximum extent practicable through design efforts.

If the project is approved, the number of property acquisitions would be based on the final project design as well as which alternative is selected by decision makers. Please see *Section .4.2, Relocations*, for information regarding possible property acquisitions for each project alternative, as currently designed. Note that all available alternatives for this project are listed, including the No Build alternative. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Under the Preferred Alternative and all other alternatives except the largest alternative analyzed in the EIR/EIS (the 10+4 Barrier alternative), there would be no full private property acquisitions requiring occupant relocation in Solana Beach. Engineers are still refining the project design and are working to minimize the project footprint to avoid impacts to properties as much as possible. Please also refer to Topical Response "Property Acquisition" for additional information.

EMAILS — COMMENTS	RESPONSES
	02 Existing right-of-way is not sufficiently wide to allow the construction of several additional lanes, given roadway design standards and engineering constraints. The 8+4 Buffer alternative, which involves the addition of two High Occupancy Vehicle (HOV)/Managed Lanes in each direction, while requiring less property acquisition than the other build alternatives, would nonetheless require some additional right-of-way.
	03 With regard to prohibiting large trucks during peak travel times, truck traffic comprises approximately five to seven percent of I-5 traffic in the existing condition. This is also the projected future condition. Given the relatively small percentage of trucks on I-5, however, the potential benefits to traffic flow would not justify the potential impacts on routes, users, businesses, and delivery actions that would be caused by placing timing restrictions on trucks in the general purpose lanes. Furthermore, Caltrans has no statutory authority to interfere with interstate commerce, especially that involving trucks traveling from Mexico to Los Angeles. Free market dictates the times of day that trucks travel on the freeway routes.
	04 Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies, and Caltrans has been actively involved in this regional multimodal planning effort. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding ongoing plans and improvements to public transportation.
	05 Your preference for four multi-purpose lanes and two HOV/Managed Lanes in each direction along with auxiliary lanes near interchanges is noted, and is consistent with the Preferred Alternative. Please refer to the response to your Comment 01 regarding property acquisitions. Please note that the soundwalls required for this alternative would be consistent with those required for the larger build alternatives.

EMAILS – COMMENTS	RESPONSES
	06 With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, states that the visual impact of each build alternative would be high. There would be some loss of views to scenic resources and there are modifications to current views of the highway right-of-way. Please note that view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained, including Los Peñasquitos Lagoon and Torrey Pines State Reserve. Some soundwalls or sections of soundwalls have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. Retaining walls would not obscure views, as they would either support locations where existing slopes occur, or would be located below the elevation of the roadway. Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects on North County and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in communities and neighborhoods near the highway. Every effort would be made to minimize impacts to open space areas. If unavoidable impacts would occur, agencies overseeing North Coast Corridor projects would work together so there would be a single mitigation effort to address effects. This effort would include preservation, enhancement, and restoration. Compilation of all North Coast Corridor projects into a single mitigation and enhancement effort would ensure that the best overall options for mitigation of that total effect would be evaluated. Addressing impacts on this corridor-wide basis would provide greater regional benefit than mitigating on an individual project basis as these projects independently move forward over the next few decades. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County quality of life and why those effects are not expected to

EMAILS – COMMENTS	RESPONSES
	06 cont. result in a substantial adverse overall effect in the communities already crossed by this highway. In addition, please note that Caltrans has worked with the adjacent local jurisdictions to develop a number of potential enhancement projects. Based on the community enhancements, improvement of an existing major facility, and additional efforts to avoid and/or minimize project-related impacts, the implementation of new project features is not expected to negatively influence the quality of life in north coastal San Diego. Please also refer to the response to your Comment 02 regarding the ability to expand the freeway within the existing right-of-way and the response to your Comment 04 regarding other alternatives for public transportation.

EMAILS — COMMENTS

Mary Dokken
Tuesday, November 16, 2010 7:41 PM
Subject: Interstate 5 North Coast Corridor HOV/Managed Lanes Project

Re: Interstate 5 North Coast Corridor HOV/Managed Lanes Project

To Whom It May Concern:

01 This is my plea to appeal to you and the other members of the Transportation & Housing Committee to PLEASE refrain from taking personal property to create the HOV managed lanes in our northern San Diego County.

I am a widow who has lived alongside the I-5 freeway in Carlsbad since 1953. My husband and I raised our family here and we still have a vested interest in our property. If you accept any of the proposed projects that requires more width to the freeway it will take our home from us. I therefore recommend the following alternative plan: Build a wall from the base of the banked easement. This would pick up two lanes on both sides of the freeway. In addition, eliminate the planted center. This would add another one to two lanes. These total additional five to six lanes would be more than sufficient to fulfill the 4+8 Buffer Alternative without having to seize property and uprooting families forcing them to relocate.

02 I have personally seen how adding lanes to the freeway does not necessarily relieve congestion. It rather allows more traffic on the freeway along with the additional pollution that comes with it. I ultimately propose to you, instead of expanding the freeway, that you put those funds towards the expansion of the rail and transit system. This would create a greater alternative for people to travel our county, reduce pollution, create long term jobs and help boost the economy without any business or residential acquisitions. The funds in the TransNet program include the Rail and Transit System!
Please make a responsible decision with our tax dollars instead of using it for a band aid fix that would not permanently correct our transportation problems. I hope that my letter and the input you hear from others with the same viewpoint can impress upon you to properly represent our interests and concerns.

Sincerely,
Mary Dokken

RESPONSES

Responses to Mary Dokken

01 Thank you for your comments regarding potential property impacts, which are part of the public record. When improvements to existing highway facilities are proposed, Caltrans makes every effort to avoid direct impacts to adjacent properties. In certain situations, however, avoidance is not always possible. Accordingly, when direct impacts are anticipated, every effort would be made to provide the full extent of services and benefits set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, as well as through implementing the Caltrans Relocation Assistance Program. Please also note that, following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Caltrans engineers are continuing to refine the project design and are working to minimize the project footprint to avoid impacts to properties to the extent possible. Please refer to Topical Responses “Property Acquisition” and “Acquisition Valuation” for additional details.

02 Regarding potential concerns from project-related traffic and associated congestion along I-5, project improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. The use of High Occupancy Vehicle (HOV)/Managed Lanes, the only lanes proposed as part of the

EMAILS – COMMENTS	RESPONSES
	02 cont. Preferred Alternative, would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. HOV/Managed Lanes can also serve as a strong incentive for ridesharing, which can help to manage congestion. The use of HOV/Managed Lanes, in conjunction with other project-specific and regional efforts, is anticipated to minimize the potential for additional vehicles to be on the road as a result of project improvements. Please refer to Topical Response "Projected Growth" for additional information. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Your statement regarding TransNet funds including rail and mass transit is correct. Funds from the TransNet program, approved by the voters, are distributed to transportation projects in general. Approximately one-third of TransNet monies each goes to highways, transit and local roadways. Please refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

EMAILS – COMMENTS

Thomas Dorsey
08/15/2010 11:52 AM
Subject: Misguided I-5 lane expansion

01 After riding on I-5 from LA to Carlsbad yesterday to visit Legoland, I can vouch that coastal San Diego County need traffic congestion relief. But you are misguided to promote the same broken solution as I-5 widening in Orange County. Why spend over $4 billion to add more freeway lanes by ripping out more homes and businesses to induce more auto traffic congestion, burn more oil and pump out more CO2.

02

03 Some people state that "there is such a car culture here, we're not sure if people would ride trains ". Nonsense! You don't get enough train passengers to relieve congestion from to I-5 Freeway for several related reasons:
1. There is only one track over chunks of the route, which reduces the number of trains per hour
2. There are too many places where roads cross the tracks, which forces the trains to slow below 50 mph
3. As a result of 1 & 2, Amtrak runs at no more than 79 mph top speed, instead of 110 mph top speed
4. As a result of 1, 2 & 3 Coaster and Metrolink run slower than 79 mph
5. As a result of 1, 2, 3 & 4, you can't run as many trains per hour

04 Please don't repeat the mistake of Orange County with its I-5 widening that induced more auto traffic without relieving congestion. San Diego County would be better off spending $3 billion from Oceanside to Downtown San Diego rail solutions. Then spend the remaining $1 billion on better bus service from each station along the route.

05 One last point. The world has hit Peak Oil this year, burning more oil accelerates Global warming and we import 89% of our oil. Why promote freeway widening that actually makes things worse?

Thomas Dorsey

RESPONSES

Responses to Thomas Dorsey

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. No one answer is appropriate for all segments of our State highway system; congested portions of I-5 in Orange County are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously with other regional efforts to address transportation demand, including changes in land use patterns and improvement of public transportation alternatives.

With respect to the loss of homes and businesses, it is Caltrans' intent to avoid and/or minimize impacts to properties that abut an existing highway system. Please refer to Topical Response "Property Acquisition" for additional information on potential acquisitions, and to Topical Response "Acquisition Valuation" for information regarding property valuation with regards to acquisition.

With regard to the potential for the proposed project to generate more congestion, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of High Occupancy Vehicle/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic, referred to as induced or latent demand, has been included in the project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles

EMAILS – COMMENTS	RESPONSES
	01 cont. traveled is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. As outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic.
	02 Regarding potential project-related generation of carbon dioxide (CO_2), and as discussed in the response to your Comment 01, the proposed project would maintain or reduce traffic congestion over that which would occur with the No Build alternative, with corresponding reductions in criteria pollutant and greenhouse gas (GHG) emissions. Specifically, with respect to CO_2 emissions, EIR/EIS *Section 4.6, Climate Change*, provides an analysis of associated GHG effects, including a quantified evaluation of potential impacts from the project build alternatives. As noted therein, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative (refer to Final EIR/EIS *Table 4.2*). Please also refer to Topical Response "Climate Change" for additional information on GHG-related issues.
	03 The comments related to obstacles to train ridership are noted; however, resolution of these constraints is beyond the control of Caltrans. These comments would be better addressed to the San Diego Association of Governments (SANDAG) and the North County Transit District (NCTD). It should also be noted that SANDAG's Regional Transportation Plan (RTP) for the year 2020 includes an aggressive "double track" program to eliminate the bottleneck created by a single track. Resolution of the effect of "at grade" road crossings on train speed would require grade separation, which is an expensive proposition that is often complicated by constraints posed by adjacent land uses. Please also refer to Topical Response "Rail Preference" with regard to planned rail improvements.

EMAILS — COMMENTS	RESPONSES
	04 As discussed in response to your Comment 01, the proposed project would reduce congestion in comparison to the No Build alternative. One of the primary goals of the proposed project is to "provide a facility that is compatible with future bus rapid transit and other modal options." As discussed in Topical Response "Multimodal System," SANDAG's RTP calls for investment in mass transit as well as freeway improvements because improvements to all of these forms of transportation are considered necessary to meet the future transportation needs of the North Coast Corridor. The RTP calls for spending nearly 50 percent of the transportation funding over the next 40 years on transit. These funds would be invested in both rail and bus service. Please also refer to Topical Response "Transportation Funding" for additional information regarding use of highway funds. 05 With regard to dependence on oil, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-way travel. Regarding potential project-related global warming concerns, please refer to the response to your Comment 02.

EMAILS — COMMENTS

Suzanne Drennen
11/19/2010 07:49 PM
Subject: Opposed to the plan

01 What are the no build options? Is there any mass transit option? It seems like the widening of the freeways is a short term 'fix' and very expensive plan.

Suzanne L. Drennen, CPA
ph 760-470-4768
fax 760-874-2815

RESPONSES

Response to Suzanne Drennen

01 Thank you for your comments, which are part of the public record. The No Build alternative is described in *Section 2.2.4, No Build Alternative*, of the EIR/EIS. Under this alternative, no changes would result to the existing number of lanes on I-5, and the number of intersections along the freeway corridor subject to modification would be reduced. Analysis of this alternative also is included for each environmental topic in *Chapter 3* of the EIR/EIS.

The *I-5 NCC Project* is only part of a larger transportation upgrade that the San Diego Association of Governments (SANDAG) is developing for the corridor; others include significant expansion to the adjacent Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line, new Bus Rapid Transit (BRT) lanes, and improvements to bicycle and pedestrian access. Based on regional growth projections, upgrades to all of these modes of travel are needed to accommodate future transportation needs. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding public transportation options. The proposed improvements are intended to accommodate projected traffic increases through 2050. Through its Regional Transportation Plan and Sustainable Communities Strategy, SANDAG plans for the region to trend toward more transportation options, with development concentrated around transit stations. Employing a planning horizon through 2050 allows the region to work toward such complex solutions, which take extended time to implement. Please also refer to Topical Response “Project Lifespan” regarding the lifespan of project improvements and the need for transportation improvements to be ongoing.

EMAILS — COMMENTS

Claudia Dunlop
10/27/2010 04:29 PM
Subject Contact Us Form

01 Comments: Regarding the proposed widening of Interstate 5, I wish to comment that I am opposed to the project. Continuing to pour cement over the traffic congestion problem will not solve the issue. It is time to work out a better solution unless you just want to wait until there is total gridlock and a solution finds you.

RESPONSES

Response to Claudia Dunlop

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Please also note that the planning process for I-5 along the North Coast Corridor has been lengthy and has incorporated review of numerous potential solutions. Please refer to Topical Response "Corridor Alternatives" regarding initial alternatives evaluation.

Project improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns and changes in travel patterns that take extended time to implement. The use of High Occupancy Vehicle/ Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. It is acknowledged that the proposed project would not eliminate congestion. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives.

EMAILS — COMMENTS

From: Paul Dunn Jr <pauldunnjr@yahoo.com>

Recipients: I-5_NCC_EIR_EIS@dot.ca.gov

Subject: I-% alternative

Date: 09/10/2010 12:06:36 PM

01 You need to purchase 3D Bus from China instead of laying out more pavement/lanes, taking people's homes, and ruining the environment. 3D bus is new and a Godsend! Get with the new technology and go Green California!

RESPONSES

Response to Paul Dunn, Jr.

01 Thank you for your comments, which are part of the public record, regarding the potential use of "3D Fast Bus" technology and associated environmental concerns relative to the proposed project.

Many alternatives were previously considered before the build alternatives were chosen as the most viable options. For more information regarding these considered alternatives, please refer to Topical Response "Corridor Alternatives." Additionally, although the proposed project is intended to be compatible with any mass transit options being considered by the San Diego Association of Governments (SANDAG) and North County Transit District (NCTD), Caltrans is only responsible for the highway improvements associated with the multimodal improvement effort for the North Coast Corridor. Your comments regarding mass transit solutions would be better addressed to SANDAG and NCTD.

EMAILS — COMMENTS

From: Harry & Stacy <hsehrl@aol.com>

Recipients: I-5_NCC_EIR_EIS@dot.ca.gov, Hsehrl7@aol.com

Subject: Interstate I-5 Widening Project Comments

Date: 09/12/2010 09:02:15 AM

01 We are commenting on the DEIR/EIS for the project of widening the I-5. The project is greatly needed but the idea adding only toll, managed lanes is wrong. Widen the freeway as planned and include either 4 or up to 6 additional lanes including HOV but not exclude added lanes for existing users All California vehicle owners and drivers pay a portion of the costs for the highways and should benefit from expansion of this important link in the highway system

Proceed as quickly as feasible and include financially viable options to get there as soon as possible

Sincerely,

Stacy and Harry Ehrlich
Escondido,CA. 92029

RESPONSES

Response to Stacy and Harry Ehrlich

01 Thank you for your comments. Your comments regarding the addition of four general purpose lanes in lieu of High Occupancy Vehicle (HOV)/Managed Lanes are part of the public record. Please note, however, that additional general purpose lanes do not provide the certainty in travel time that can be attained with HOV/Managed Lanes, which are monitored for flow and which individual-occupant cars can also use for a fee. Such lanes would also reduce traffic on general purpose lanes by transferring vehicles to the HOV/Managed Lanes. Alternatives proposing only general purpose lanes without HOV/Managed Lanes did not answer projected needs as well as those with the HOV/Managed Lanes (see *Section 2.6.1, Rejected Build Alternatives,* of the EIR/EIS). Similarly, build alternatives proposing an additional general purpose lane in addition to the HOV/Managed Lanes have not been assessed as providing substantially greater benefit than the Preferred Alternative, or the refined 8+4 Buffer alternative. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative is considered the best balance between I-5 improvement and the minimization of environmental impact.

EMAILS – COMMENTS

John Eldon
07/28/2010 11:37 AM
Subject safe and convenient pedestrian and bicyclist access

01 To whom it may concern,
My greatest concern regarding the proposed I-5 widening is the impact on pedestrian and bicycle traffic at the overpasses and underpasses. It is bad enough that freeways divide neighborhoods and establish barriers to cross traffic. What is worse is that all modes of cross traffic are funneled into relatively few overpasses and underpasses, all too many of which are designed in blatantly pedestrian- and bicyclist-hostile configurations, with high-speed free merges and diverges, right-turn-on-red, etc. The recently completed interchange at Lomas Santa Fe Dr. is a prime example of what NOT to do -- bicyclists are visually segregated from the main travel lanes and then forced to re-enter the roadway precisely where motorists are inattentively making fast right turns to enter the freeway. A far better configuration would include shallow markings on the pavements, "bicyclists take the lane" signage, etc., to permit cyclists to merge safely and early to the LEFT of right-turning motorists, to avoid conflicts at the onramps. The situation is still tough for pedestrians, which is why additional traffic controls and traffic calming measures are needed.

02 I am also concerned that we might lose the F/Riqueza St. and Mackinnon Av. overcrossings, both of which are particularly valuable to pedestrians because they are blissfully ramp-free.

All the best,
John A. Eldon, D.Env.
http://www.LinkedIn.com/in/JohnEldon
Design Engineer, Rapid Bridge
Instructor, UCSD Extension
j.eldon@uclalumni.net

RESPONSES

Responses to John Eldon

01 Thank you for your comments, which are part of the public record. As discussed in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* a number of community enhancements associated with the I-5 project are proposed, based on extensive local input occurring over several years. Consistent with your comment, enhancements have been identified that would increase east-west movement through several overpasses and underpasses in the North Coast Corridor.

These proposed improvements are also intended to improve the efficiency and safety of pedestrian and bicycle routes. These improvements would include the I-5 North Coast (NC) Bike Trail, intended to provide a non-vehicular alternative along the entire I-5 project corridor; several enhancements to pedestrian and bicycle access throughout the project area; the connection of pedestrian or bicycle routes with public transit centers; enhancements of non-vehicular connectivity across I-5; and the creation of trailheads and other recreational opportunities within local communities throughout the project area.

The presence of pedestrians and motorists at intersections are important considerations in the design of bicycle paths. To address potential conflicts between bicyclists, pedestrians, and motorists, bicycle paths along local arterials and ramp intersections are typically designed, delineated, and signed to comply with the Federal Highway Administration Manual on Uniform Traffic Control Devices, and the Caltrans Highway Design Manual. This practice is intended to ensure that horizontal, vertical, super-elevation, stopping sight distance, and other applicable requirements are met, which in turn ensures appropriate safety and mobility conditions for bicyclists.

With regard to the Lomas Santa Fe Drive Interchange, shortly after the completion of the project, Caltrans Traffic Operations Department evaluated the performance of the north- and southbound loop ramps that interface with the bicycle paths in

EMAILS – COMMENTS	RESPONSES
	01 cont. both directions. This review resulted in the execution of a contract change order to correct the sight distance problem on both bike paths. As a result, bicyclists at this interchange now have adequate sight distance and ample opportunity to react to vehicles making right turns onto the loop ramps. Grade-separated pedestrian and/or bicycle facilities are proposed at some locations along the North Coast Corridor, including new or replaced pedestrian and/or bicycle overcrossings and pedestrian and/or bicycle bridges that would be suspended from some structures. Refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 2.3* of the EIR/EIS. 02 With respect to the Requeza Street and MacKinnon Avenue overcrossings, both of these existing overcrossings would be replaced with new overcrossings under the project build alternatives evaluated in the EIR/EIS. Refer to Final EIR/EIS *Figures 2-2.3, Sheets 31* and *33*.

EMAILS – COMMENTS

SOCIETIES GREATEST PROBLEM IS LIVING BEYOND OUR MEANS

The solution is making austere choices individually rather than having them made for us.

01 1. Oil is a declining resource.

02 2. Cars are an expensive mode of transit. The expense is currently figured at fifty-five cents/mile. What is the expense for moving people on public transit??? Electric cars are NOT the answer.

03 3. Pollution is a serious problem for California. Health problems, mental due to noise pollution and physical, asthma and atmosphere.

04 4. Trucking can easily be handled with far less pollution and dangers to lives by loading the trailers onto freight trains.

05 5. How many people are driving with limited mobility and poor vision?

06 6. Better fund utilization: Complete the double tracking, straightening (for speed) and tunneling to increase rail transit.

DO NOT WASTE DOLLARS ON ENLARGING THE PAST, PLAN FOR THE BETTER FUTURE.

RESPONSES

Responses to Pat Elledge

01 Thank you for your comments, which are part of the public record. With regard to oil, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-way travel, as described in EIR/EIS *Section 3.16, Energy*.

02 Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies, and Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

03 With respect to your concerns on project-related "noise pollution," this issue is addressed in EIR/EIS *Section 3.15, Noise*. As described therein, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3,*

EMAILS — COMMENTS	RESPONSES
	03 cont. *Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K, as well as *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. Project concerns on air quality pollution and related potential health effects are addressed in EIR/EIS *Section 3.14, Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared with existing conditions. The analysis in *Section 3.14* indicates that there would be an approximately 49 percent decrease in 2030 mobile source air toxics (MSAT) emissions over base year (2006) conditions, with MSAT emissions provided in Final EIR/EIS *Tables 3.14.11* and *3.14.12* for future years 2015 and 2030, respectively. The potential for long-term health effects from living in proximity to a freeway are addressed in EIR/EIS Section *3.14.3*. The proposed project, as previously indicated, would reduce emissions and improve overall air quality relative to existing conditions. In addition, all projects involving a federal action must comply with Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks. Given the described requirements and the nature of the project to maintain or reduce travel time, congestion, and related emissions along the I-5 corridor, it is anticipated that associated health effects would also be improved over existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality issues. 04 Comments on the Draft EIR/EIS are intended to focus on the environmental adequacy of the studies completed for the proposed project. As such, no response is provided to your statement regarding loading trailers onto freight trains instead of trucking them. However, the following information regarding truck traffic on I-5 is provided for your information. Truck traffic comprises

EMAILS — COMMENTS	RESPONSES
	04 cont. approximately five to seven percent of I-5 traffic in the existing condition. This is also the projected future condition. Caltrans has no statutory authority to interfere with interstate commerce, especially that involving trucks traveling from Mexico to Los Angeles. Please also note that, concurrent with the proposed *I-5 NCC Project* improvements, double-tracking of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail corridor is being pursued, as described in Topical Response "Rail Preference."
	05 Please note that Caltrans is a State agency with responsibility to ensure the provision of a safe, efficient, reliable highway system. This comment would be better addressed to the California Department of Motor Vehicles, which is responsible for enhancing traffic safety through testing and monitoring drivers.
	06 The Final Program EIR/EIS for the Los Angeles to San Diego Proposed Rail Corridor Improvements project, dated September 2007, describes the proposed improvements along the LOSSAN corridor. The segment from State Route (SR-) 52 to the Santa Fe Depot near downtown San Diego would be double-tracked in its existing alignment for the full length of the section. In addition, "An existing curve just south of Highway 52 would be straightened, requiring two new bridges over wetlands in San Clemente Canyon. New bridges would also be constructed over Tecolote Creek and the San Diego River." Further environmental review and implementation of the LOSSAN corridor are being undertaken by the San Diego Association of Governments (SANDAG) and are beyond the purview of this EIR/EIS, which discusses improvements to I-5. With regard to fund utilization, funds from the TransNet program, a half-cent sales tax approved by voters, are distributed to transportation projects in general. TransNet monies are divided so that approximately one-third each goes to highways, transit, and local roadways. Caltrans' responsibility is to use transportation monies provided for the upgrade of the State highway system in the most beneficial way on those highway facilities. Caltrans considers a combination of driver need, environmental effects, and project cost when determining how to use these funds. Improvements

EMAILS – COMMENTS	RESPONSES
	06 cont. to the rail, light rail, bus transit, bikeway, and pedestrian or trail systems are also being pursued by the agencies responsible for these facilities within the North Coast Corridor. Please also refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes. The TransNet Independent Taxpayer Oversight Committee was formed to provide a higher level of accountability for the expenditure of funds. More information about this committee and SANDAG is also available at www.sandag.org.

EMAILS – COMMENTS

Sean Englert
10/30/2010 02:34 PM
Subject INTERSTATE 5 NORTH COAST CORRIDOR PROJECT QUESTIONS AND CONCERNS

TO: CALTRANS
FROM: Sean Englert, 6992 Sandcastle Drive, Carlsbad, CA RE: I-5 expansion project Date: October 30, 2010

01 I have many questions which I would like to have answered regarding the proposed I-5 widening. I oppose this project as it would have a negative impact on my neighborhood. My questions are as follows:

1. In reference to the EIR - The map in Chapter 3 (specifically 3.7-16) did not contain any analysis of key views for Poinsettia and I-5. I am requesting sufficient details of proposed improvements on the east side of I-5 adjacent to Harbor Pointe and on the northerly side of Poinsettia where the proposed improvements will blend in with the existing improvements for the expansion. I would like to see the current existing view and proposed views for all scenarios.

02 2. Please provide full details of horizontal limits of proposed sounds walls that are proposed within the areas specified in Item 1 above (This information should include full sections of overall height of walls from existing finished grade at points at 100-foot intervals and at 50-foot intervals along curved sections of the wall.

03 3. Significant views will potentially be impacted within the entire Harbor Pointe development. I am requesting that CALTRANS erect temporary story-poles depicting the overall height of the proposed sound walls at the easterly limit of the I-5 expansion limit and the northerly limit of Poinsettia improvements.

04 4. How many homes specifically will be displaced by all proposed construction scenarios (i.e. 10+4 with buffer alternative, 10+4 with barrier alternative, 8+4 with buffer alternative, and 8+4 with barrier alternative). If there are any additional alternatives that you have omitted, then please indicate what those scenarios are with the number of displaced homes per scenario. Please indicate displaced homes by address and APN. Also, please indicate what portions of the lots are to be partially taken or fully taken.

05 5. Harbor Pointe has fire lanes that are mandated by the City of Carlsbad. What are the specific plans by CALTRANS to replace existing fire lanes, at no cost to HP, if any or all are lost via the eminent domain process.

06 6. Please provide a full plan and profile view details with dimensions from existing improvements to proposed sound walls and freeway improvements. The map on page 2-54 of chapter 2 is insufficient in data provided.

7. What are setback requirements for proposed sound wall to westerly edge of Quiet Cove Drive? We fail to see how you can erect a +/- 16' tall sound wall on westerly edge of the curb. Please provide sufficient detail of what the existing and proposed improvements of Quiet Cove Drive will look like. Will Quite Cove Drive be taken through eminent domain?

RESPONSES

Responses to Sean Englert

01 Thank you for your comments, which are part of the public record. Preparation of visual simulations from all possible viewpoints is not practicable. Rather, as described in *Section 3.7.3, Environmental Consequences,* of the EIR/EIS, under the heading *Analysis of Key Views*, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project and also represent the primary viewer groups potentially affected by the project. Based on these representative and typical views, it is possible to evaluate the extent and magnitude of potential change that could occur anywhere along the I-5 improvements. In the area of I-5 containing Poinsettia Lane, primary view elements currently contain median oleanders and the Encina Power Station (refer to *Figure 3.7-111* in the Final EIR/EIS). For the Poinsettia Lane area improvements, a proposed soundwall (S750), which could be up to 16 feet tall, is recommended for the northeast side of the interchange. If installed, the wall would start at Poinsettia Lane and continue north. A smaller wall (S736) is recommended south of the interchange, also on the east side of I-5, and south of the undeveloped area immediately adjacent to the interchange. That wall is recommended to vary from 8 to 12 feet high and would replace a 6-foot-tall barrier. Retaining walls also would be located both north and south of the interchange. These walls would introduce a more consistent and larger scale built element than currently exists along this specific stretch of I-5. As shown on EIR/EIS *Figure 3-7.112*, the proposed project would result in the removal of mature trees, increased proximity to residences, and incompatibility with the community entry. It would not result in loss of views to scenic resources or creation of a "tunneling" effect.

EMAILS — COMMENTS	RESPONSES
	02 As depicted on Final EIR/EIS *Figures 2-2.3, Sheets 43* through *45* (which have been updated from Draft EIR/EIS *Figures 2-2.14aa* and *2-2.14ab,* now contained in Appendix K), Soundwall S750 is under consideration on the east side of I-5 from Poinsettia Lane to just north of Caminito del Reposo. This entire section of wall is "feasible" to build based on engineering considerations. Although costs would exceed the "reasonable" cost allowance projected for this soundwall, it is preliminarily recommended because the wall would provide abatement for a number of "severely impacted" noise receptors (i.e., exhibiting project-related noise levels at or above 75 decibels). Necessary heights for the wall to provide appropriate sound attenuation are shown on *Table 3.15.29* of the EIR/EIS. Wall heights (from ground level) of 12 feet would be sufficient in the vicinity of Quiet Cove Drive and the south side of Sandbar Way. The recommended wall would be 16 feet tall on the north side of Sandbar Way and adjacent to Spindrift Lane. The rest of the wall length, including locations adjacent to Bluewater Road, Windcrest Drive, Windward Lane, Skysail Avenue, Caminito Azul, Caminito Rosa, Caminito Verde, Caminito del Sol, Caminito del Mar, and Caminito del Reposo, would be 14 feet tall and would attenuate sound in accordance with the Caltrans protocol.
	03 While the final design of soundwalls has not been determined, EIR/EIS *Section 3.7*, *Visual/Aesthetics,* identifies several alternative soundwall designs, including transparent materials to retain desirable western views for viewers east of I-5 (refer to EIR/EIS *Figure 3-7.122*). The use of story poles is not anticipated. Story poles provide a tool to help in the assessment of visual impact and whether or not mitigation should be required. Knowledge of the study area, design specifications, and the community have allowed Caltrans to make an assessment of substantial and adverse visual effect overall based on soundwalls and retaining walls proposed as part of the project. The potential for minimization and mitigation of this impact also has been considered through, for example, the potential use of transparent materials (as noted above). For more information regarding potential visual effects of the proposed improvement, please refer to Topical Response "Visual/Community Effects."

EMAILS – COMMENTS	RESPONSES
	04 Regarding possible property acquisition, if the project is approved, the number of property acquisitions would be based on the final project design as well as which alternative is selected by decision makers. Please see *Section 3.4.2, Relocations and Real Property Acquisition*, for information regarding possible property acquisitions for each project alternative, as currently designed. Note that all available alternatives for this project are listed, including the No Build alternative. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. With regard to specific properties, engineers are still refining the project design and are working to minimize the project footprint to avoid impacts to properties as much as possible. Precise numbers and dimensions of property required would not be known until just prior to acquisition of individual properties. Please refer to Topical Response "Property Acquisition" for additional information.
	05 Please refer to the response to Comment 04 of this letter. Each of the build alternatives proposed for approval in the Draft EIR/EIS was evaluated for potential structure removals, including homes. Final EIR/EIS *Tables 3.4.1* through *3.4.5* identify home removals including single-family homes, duplex, and triplex structures, and/or apartments and condominiums, by city for the different build scenarios. The overall numbers at time of the circulation of the Draft EIR/EIS included up to 112 residential units for the 10+4 Barrier, 53 residential units for the 10+4 Buffer, 104 residential units for the 8+4 Barrier, and 50 residential units for the 8+4 Buffer, respectively. The 8+4 Buffer alternative has since been refined such that impacts would now be limited to 20 residential units (refer to Final EIR/EIS *Table 3.4.4b*). Property owners immediately abutting the I-5 right-of-way, as well as property owners abutting lots that abut the I-5 right-of-way are on a mailing list that Caltrans uses for each major stage of the project. These individuals may see notices for public hearings listed in local newspapers, etc., but they are also directly contacted. Prior to

EMAILS – COMMENTS	RESPONSES
	05 cont. this Final EIR/EIS, aerial photographs with a generalized right-of-way plotted on them were provided in the Draft EIR/EIS (*Figures 2-2.14a* through *2-2.14ao,* which have been since updated to reflect the Preferred Alternative in Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*). Referring to the aerial photographs provides a general idea regarding potential project footprint and properties or portions of properties identified for acquisition if the project is approved. These have been updated in the Final EIR/EIS to reflect the Preferred Alternative. With regard to specifics, however, engineers continue to refine the project design and work to minimize the project footprint in order to avoid property impacts to the extent possible. Once the final design is completed, each property owner from whom right-of-way is required would be contacted for coordination and negotiation, consistent with the Fair Housing Act and EIR/EIS Appendix C, Relocation Assistance Information. Where property acquisitions cannot be avoided, affected properties would be subject to an appraisal to determine fair market value, and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available through measures such as the State Relocation and Last Resort Housing (LRH) programs. The project's Draft Relocation Impact Report concluded that adequate relocation resources existed for the majority of displacees. Displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or LRH Program options, including LRH payments. For more information on specifics of property acquisition and property valuation with regards to acquisition, please refer to Topical Responses "Property Acquisition" and "Acquisition Valuation." Because compensation would be provided at fair market value, it is anticipated that affected property owners generally would be able to use the compensation to purchase comparable property in the same vicinity. 06 Regarding project plans, the final precise design has not been completed. More precise design plans would be prepared following the selection of an alternative, if a build alternative is selected. As indicated in the Project Features Maps (Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/

EMAILS — COMMENTS

06 cont.

8. The noise studies in chapter 3 indicate that noise pollution will increase by the proposed development with mitigation by way of proposed sound walls. There is quite a bit of talk about sound walls not being feasible due to budget constraints. Please confirm that the sound wall as shown on figure 2.2.14aa will be constructed if any proposed improvements for the I-5 expansion are approved. Also, please provide all details requiring any conditions required for the sound walls to constructed (i.e. percentage of homeowner approval within subdivision, guarantee if project is approved that sound walls would be erected, etc.)

9. Provide more detailed noise studies for sound walls not be constructed.

07

10. Figure 2-2.14aa indicates the proposed R-O-W line. Please indicate what portions of Harbor Pointe development (common use areas or street areas) that you are planning on taking through eminent domain and what the proposed compensation for these areas will be. The proposed changes will significantly alter the aesthetics and safety of the existing subdivision and compensation needs to be appropriate.

11. Provide more detail as to what noise receptor sites are besides sound walls and what impact they will have on the homeowners (i.e R14.7 through 14.18…)

08

12. Is widening the I-5 really the solution on the coast? The majority of the SD coastline is developed and being as "green" as California wants private developers to become seems to contradict what is being proposed here. A private developer would never be able to develop through five lagoons and impact individuals in this magnitude. More detail needs to be provided overall as to the impacts of this development on Harbor Pointe.

09

13. This is a very poorly planned project and not a good fit for San Diego County. What other studies have been performed for alternative mass transit systems?

I would appreciate a response to all of the questions that I have presented above. I would also appreciate and acknowledgement that you have received this e-mail and will be responding to my inquiries.

Thank you,
Sean Englert
6992 Sandcastle Drive
Carlsbad, CA 92011
Ph 760-931-9222

RESPONSES

06 cont. EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K), the Draft EIR/EIS represented the 10+4 Buffer alternative because it was the average footprint width among the project build alternatives. The other project alternatives have a variable footprint width of up to approximately 12 feet in either direction. As noted above, the Preferred Alternative is a refined 8+4 Buffer alternative, which is the smallest of the build alternatives proposed in the EIR/EIS and is illustrated on Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*.

No changes to Quiet Cove Drive would occur with the implementation of the project build alternatives, with the exception of a recommended soundwall that could be constructed within the I-5 right-of-way and on private property. Refer to Final EIR/EIS *Figures 2-2.3, Sheets 43* and *44.* As discussed in EIR/EIS *Section 3.15, Noise*, Soundwall S750 would range in height from 12 to 16 feet. It is anticipated that Quiet Cove Drive would not be acquired as part of the project. Based on the preliminary design, some property from backyards of homes adjacent to I-5 on Quiet Cove Drive may be required to construct the recommended wall. Property condemnations are not implemented, however, to construct soundwalls. Rather, rights of access to private property, or the need to provide an easement to Caltrans, may be negotiated with property owners prior to soundwall implementation. Ultimate conclusions regarding soundwall installation would be based on the final design, completion of the property owner coordination as documented in the final Noise Abatement Decision Report, and approval by review agencies.

Regarding potential noise concerns and the status of proposed Soundwall S750, and as described in EIR/EIS *Section 3.15, Noise*, S750 was determined not to be "reasonable" under the Federal Highway Administration (FHWA) and Caltrans guidelines, as the estimated construction cost exceeds the "reasonable" cost allowance. It is preliminarily recommended for construction, however, to address several "severely impacted" receptors (refer to *Tables 3.15.29* and *3.15.30*). It should also be noted that S750 may not provide noise abatement at the subject property (6992 Sandcastle Drive), due to the intervening distance, the presence of existing structures therein, which can provide noise

EMAILS – COMMENTS	RESPONSES
	06 cont. screening, and the proximity of this residence to Poinsettia Lane. Specifically, as shown in Final EIR/EIS *Figures 2-2.3, Sheet 43,* and *Table 3.15.29*, the closest noise receptor to the subject property associated with S750 (R14.8 at 6995 Whitecap Drive) is located approximately 300 feet west of the subject property. The associated future noise level increase at the noted noise receptor would be three decibels (dBA) with project implementation and no soundwall (i.e., 68 to 71 dBA). The future noise level increase at the subject property is expected to be somewhat less, based on its relative location approximately 300 feet east of the noted noise receptor site, and the presence of intervening structures. Accordingly, the proposed project would be expected to result in a project-related noise level increase of three dBA or less at the subject property, with such changes generally not detectable by the average healthy human ear. In addition, the subject property is located within approximately 100 feet of Poinsettia Lane, and this roadway may represent the principal source of noise at the site. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With respect to data on soundwalls not recommended for construction, such information is provided in EIR/EIS *Section 3.15*, as well as the project's Noise Abatement Decision Report (NADR) and Noise Study Report (NSR). Specifically, for the subject area/ subject property (east of I-5 and north of Poinsettia Lane at 6992 Sandcastle Drive), please refer to the response to your Comment 07 as well as Final EIR/EIS *Figures 2-2.3, Sheet 43,* and *Tables 3.15.29* and *3.15.30*; and Section 7.0, Future Noise Environment, Impacts, and Abatement Measures, of the project's NSR. 07 With regard to the total amount of compensation for potential property acquisitions in the referenced area – as stated in the response to your Comment 06, it is not currently anticipated that the development along the northbound side of I-5, north of Poinsettia Lane, would suffer from any losses as a result of the proposed improvements. If this situation changes, the unique set of property characteristics for each parcel would be assessed at the time the property is required for acquisition. Please also refer to the response to your Comment 04.

EMAILS – COMMENTS	RESPONSES
	07 cont. Please refer to the response to your Comment 02 for information regarding potential project-related impacts to the aesthetics of the area. With regard to safety concerns, although your exact concern is unclear, it is assumed that your concern regards the proximity of residents to the highway. Though no design can account for every possible accident scenario, routine highway design plans take into account cars moving at high rates of speed and slope the route to keep cars on the throughway under foreseeable conditions. Guard rails are also provided as appropriate. The northbound route adjacent to your property is not on a major curve or slope that would result in heightened concerns about safety. Noise receptors represent sampling locations near sites such as homes, schools, parks, and hospitals that provide accurate existing information on which to base the noise model. Measurements of existing conditions made at these representative sensitive noise receptors are used to calibrate the model, so the noise technical specialist is confident that modeled future conditions will accurately predict “real world” future conditions. The location of a “sensitive receptor” would not have any physical impact on homeowners or property. Additional detail on noise receptors associated with individual soundwalls (including R14.7 through R14.18) and related effects to homeowners are provided in the sources listed in the response to your Comment 08. 08 While Harbor Pointe is not mentioned by name in the EIR/EIS, potential impacts to this community are reflected in the analysis. Updated impact information for the refined 8+4 Buffer alternative impacts is provided in the Final EIR/EIS. Please also note that where an existing transportation facility is proposed for upgrades, potential natural resource and community impacts often would be greater if the transportation facility is moved to another location. Caltrans will continue to work with adjacent land owners and residents as to specific effects on their properties. Please also refer to Topical Responses “Property Acquisition” and “Acquisition Valuation.”

EMAILS – COMMENTS	RESPONSES
	08 cont. The improvements included in the proposed *I-5 NCC Project* are part of an overall program to improve transportation in the region, which is guided by the San Diego Association of Governments' (SANDAG's) Regional Transportation Plan (RTP) for 2050. In addition to improvements to I-5, the RTP includes improvements to other forms of transportation to accommodate future demand including bus and rail service. The coordinated implementation of improvements to all forms of transportation in the North Coast Corridor would achieve the "green" objective identified in this comment by reducing vehicle miles travelled and the corresponding amount of energy consumed in transporting people and goods through the corridor. As would be required of private development, impacts to the lagoons from the proposed project are required to be avoided or minimized. Project-related effects to wetlands and biological resources are addressed under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures,* including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Based on those analyses, all project impacts would be avoided, minimized, and/or mitigated through such measures as conformance with regulatory requirements as well as related efforts including habitat preservation, restoration, and/or acquisition. The analysis of individual developments within the corridor in the Draft EIR/EIS was somewhat generalized given the absence of final improvement plans. The potential effects of the proposed project on Harbor Point were assessed on a generally worst-case basis, however, using the potential footprint of a 10+4 development scenario. As noted in the response to your Comment 06, no physical encroachment would be anticipated into this development. Also as indicated on Final EIR/EIS *Figures 2-2.3, Sheets 42* through *45,* which depict the Preferred Alternative (refined 8+4 Buffer), freeway noise would be expected to increase in the development and a noise barrier would be necessary along the freeway right of way.
	09 As noted above, your opposition to the project has been noted. Please refer to Topical Response "Corridor Alternatives" for a summary of alternatives previously evaluated for the I-5 corridor.

EMAILS — COMMENTS

Thomas English
09/01/2010 05:00 PM
Subject: 90 day Extention

01 Please grant a 90 day extinction to the comment period for the Draft Environmental Impact Report for the widening of I5. This is only fair, since CalTrans has failed to release to the public eleven studies referenced in the Environmental Impact Statement.
Thanks for your consideration.

RESPONSES

Response to Thomas English

01 The public review period was extended for an additional 45 days from October 7, 2010 to November 22, 2010. This extension was considered adequate additional time. The applicable studies are on the Caltrans project website except for the Historic Property Survey Report and Paleontological Report. It is Caltrans' policy to protect historical and paleontological resources by not releasing to the public technical studies that locate such resources. As noted at the beginning of *Section 3.8, Cultural Resources*, the location of archaeological sites is exempt from disclosure to the public by law, to protect sites from looters. The names of certain reports are shortened on the website for presentation purposes.

EMAILS — COMMENTS

Robert Enns
08/20/2010 02:34 PM
Subject: Proposed I-5 expansion North of La Jolla

01 I have a question or three.
1. What are the names of the developers pushing this thing?
2. Where are these developments going to be placed?

02 3. How much will this ill-advised process increase the population of Southern California in general and San Diego county in particular?

03 One other: where exactly will the water come from when we're already in a (permanent) water crisis?

RESPONSES

Responses to Robert Enns

01 Thank you for your comments, which are part of the public record. With respect to your questions regarding developer involvement, no developers are involved in the project and the implementation of the proposed improvements is not a condition of approval of any existing or planned development.

02 With respect to your questions regarding a project-induced population increase, growth projections are derived from established sources such as the San Diego Association of Governments (SANDAG) series forecasts. The role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, and reliable highway system that accommodates the growth anticipated by these local and regional planning agencies. Accordingly, projected growth and the size of improvements needed to accommodate such growth have been considered. The proposed improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies as well as the highly urbanized nature of the surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. Please refer to Topical Response "Projected Growth" for additional information regarding anticipated regional growth.

03 The proposed project would not directly affect the region's water supply. As discussed in Topical Response "Projected Growth," improvements to the highway are not expected to independently bring new residents to San Diego; that is a function of job, housing, and educational availability, among other things. Furthermore, the design of the freeway improvements, especially the landscape

EMAILS — COMMENTS	RESPONSES
	03 cont. material and irrigation, would be designed to reduce water consumption. Thus, implementation improvements associated with the *I-5 NCC Project* would not affect the future water supply in the San Diego region.

EMAILS – COMMENTS

Alex Esquibel
09/23/2010 08:49 PM
Subject I-5 corridor feedback

01 To whom it may concern,
After discussing a variety of critical aspects regarding this project with several of the disciplines representing it, I have to say that it is lacking in overall contextual vision. I was surprised at how poorly versed a number of the firms representing the different disciplines were regarding simple questions. The overall impression of the project and it's direction appear to be formulaic and fractionalized. I would not be able to endorse it, given the notable lack of initiative to address sensitive environmental and aesthetic issues. Additionally, the projections for this region's transportation needs are dependent on so many variables, even historic data could work against the stated initiative. Overall, the project comes across as a band-aid; a series of short term fixes for sustaining antiquated transportation conventions, rather than a site specific solution that considers the future of the region. Clear evidence of this is implied by the lack of alternatives to the car. The project offerings are weak at best, appearing to be a wasteful use of taxpayer dollars, and a threat to our quality of life in the region.

Regrets, Alex Esquibel
Sent from my iPhone

RESPONSES

Response to Alex Esquibel

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Substantial avoidance efforts, as well as minimization efforts, have been incorporated into the project design; following which, an extensive mitigation package has been developed. Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding the potential impacts to the biology and hydrology of the lagoons. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a coordinated and comprehensive solution to coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. *Section 3.7* of the EIR/EIS contains a number of visual minimization and mitigation measures. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and/or mitigation measures applied to the project.

It is correct that predictions for the region's transportation needs are dependent upon a number of variables. The models are a necessary basis for conducting transportation planning in the region and have been tested and refined over a number of years. With regard to one key variable, population, the SANDAG Regional Growth Forecast has been accurate within +/- 0.4 percent of actual annual counts on average historically for population, housing, and employment.

The proposed project improvements are intended to accommodate projected traffic increases through 2050 as one element of multi-agency, multimodal improvements planned for the North Coast Corridor. Through its Regional Transportation Plan and Sustainable Communities Strategy, SANDAG plans for the region to trend toward more transportation options, with development concentrated around transit stations. Employing a planning

EMAILS — COMMENTS | RESPONSES

01 cont. horizon through 2050 allows the region to work toward complex solutions that take extended time to implement. Based on current planning and modeling projections, roadway improvements are a necessary element of the transportation network in this time frame. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options, as well as Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes. Please also refer to Topical Response "Corridor Alternatives" for more information regarding alternatives previously studied for the North Coast Corridor. Lastly, Topical Response "Projected Growth" can offer more information regarding the need to accommodate for planned growth and related topics.

With regard to using taxpayer dollars for project improvements, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, the proposed project is also funded through the TransNet program. Please reference tracking of TransNet monies (transportation funding provided by a half-cent regional sales tax approved by the voters) and the TransNet Independent Taxpayer Oversight Committee, which was formed to provide a higher level of accountability for expenditure of funds, at http://www.sandag.org/index.asp?committeeid=75&fuseaction=committees.detail. More information about the San Diego Association of Governments (SANDAG) is available at its home page at www.sandag.org.

Modifications to I-5 are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. The North Coast Corridor is located in a highly urbanized part of northern San Diego County; generally characterized by its coastal location, ethnic diversity, established neighborhoods, commercial centers and activities, and

EMAILS – COMMENTS	RESPONSES
	01 cont. preserves associated with coastal lagoons. As stated in EIR/EIS *Section 3.4, Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area. Overall, because the project generally would improve (rather than adversely impact) recreational facilities, and would enhance access within the community, the implementation of new project features is not expected to have an adverse effect on regional community character or quality of life.

EMAILS — COMMENTS

Paul Eva
08/27/2010 11:33 AM
Subject DAR lanes...

01 How do we move or eliminate the DAR lanes on the San Elijo Lagoon?

09/02/2010 09:02 AM
Subject: Wait a minute!

02 There seems to be some undue haste in the planning for I5 freeway widening in the North San Diego area.
We just finished our retirement home in Solana Beach. We are on the Lagoon, so, we had to have a review and approval of our plans by the Coastal Commission. This is expensive and time consuming for an individual. The Coastal Commission told us what color to paint our house, what plants we could plant, how far back on our lot we could build, what windows and roof tile to use, etc. NO JOKE!
The idea is that you would not see our home from the sea or the lagoon.
How in the world do they think they can build the DAR lanes across the San Elijo lagoon. What an environmental disaster!

Please delay this until cooler heads prevail.

RESPONSES

Responses to Paul Eva

01 Thank you for your comment regarding the proposed Direct Access Ramp (DAR) near San Elijo Lagoon, which is part of the public record. The proposed Manchester Avenue DAR would be constructed on the north side of San Elijo Lagoon and as shown in Final EIR/EIS *Figures 2-2.3, Sheet 26*, would connect the proposed High Occupancy Vehicle (HOV)/Managed Lanes with the San Elijo Multi-use Facility on the east side of I-5. The DAR access lanes would extend from the HOV/Managed Lanes beginning on the south side of the lagoon and would transition to the DAR across the lagoon on a new freeway bridge. The new bridge spanning the lagoon would be longer and wider than the existing bridge to accommodate the proposed freeway improvements, including realigned freeway ramps, as well as to improve the function and hydrology of the lagoon systems. This location was chosen for a DAR because it would provide access to coastal resources, Mira Costa College, town centers, and a major arterial paralleling the freeway.

02 As discussed in Topical Response "Corridor Alternatives," the current EIR/EIS and Project Study Report reflect only the most recent step in a process that began approximately 20 years ago and has addressed a wide variety of options to relieve congestion within this busy corridor. Further, as described in EIR/EIS *Chapter 5, Comments and Coordination*, the preliminary scoping process for the project began in 2001. As a result, no "undue haste in planning for I-5 freeway widening in the North San Diego area," as stated in this comment, has occurred.

Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Since the circulation of the

EMAILS — COMMENTS	RESPONSES
	02 cont. Draft EIR/EIS, additional detailed studies have been prepared and/or completed regarding the biology and hydrology of the lagoons and potential project impacts. These studies also have resulted in a refinement of the proposed project design, which would be implemented regardless of the alternative selected if the project is approved. This new information was detailed in an August 2012 publicly circulated Supplemental Draft EIR/EIS. While the Preferred Alternative would result in a reduction of potential impacts compared to the other build alternatives, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. Accordingly, the EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. The EIR/EIS states that the project would impact lagoons which are considered sensitive biological resources (see *Section 3.18, Wetlands and Other Waters*). Project impacts would be avoided, minimized, and/or mitigated through appropriate measures, such as habitat preservation, restoration, and/or acquisition. The project would include a Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP) that would enhance and protect lagoon habitat. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and would address transportation-related impacts on a regional scale.

EMAILS – COMMENTS

Renee Evans
09/09/2010 07:03 PM
Subject: public comment

01 I am opposed to the I-5 North Coast Corridor Improvement project. Instead of widening Interstate 5, I think it would be smarter to change one of the lanes along the corridor to an HOV lane and add the special non stop bus routes that can go on the HOV lanes. Please respond. As cars see the buses roaring past them in the HOV lanes they might consider riding one.
Sincerely,
Renee Evans Cardiff CA

RESPONSES

Response to Renee Evans

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. With regard to the reason for building more lanes, the project is needed to accommodate existing and anticipated regional transportation demand. Conversion of an existing lane to a High Occupancy Vehicle (HOV)/Managed Lane would not increase roadway capacity, and therefore would not satisfy this demand. At this time, the number of buses running North County routes in this area does not support construction of lanes restricted solely to buses. Lanes accommodating buses as needed, as well as carpools and paying single-occupant vehicles, would provide the greatest transit support and move the greatest number of people at this time. The proposed project would support future bus rapid transit service by constructing HOV/Managed Lanes that would provide bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods as well as Direct Access Ramps that move HOV/Managed Lane users directly from on-ramps onto I-5 and directly into the HOV/Managed Lanes.

EMAILS — COMMENTS

Renee Evans
09/25/2010 10:18 PM
Subject: I-5 coastal corridor

01 I am opposed to enlarging I-5 for cars and buses. I am in favor of creating a trolley or some other form of mass transit in the center ofI-5. I do not think dedicated buses is a reason to build more lanes. The existing bus lines need to be fixed without increasing lanes onI-5. You have not been responsible for decreasing or managing either air or sound pollution along the I-5 corridor. You are not a good neighbor. No to increasing I-5.

Renee Evans
Cardiff CA

RESPONSES

Response to Renee Evans

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding mass transit options. Additionally, a number of alternatives, including trolleys, were considered before the build alternatives were chosen as the most viable options to meet the project’s purpose and need. For more information on these previously considered alternatives, please refer to Topical Response “Corridor Alternatives.”

With regard to the reason for building more lanes, the project is needed to accommodate existing and anticipated regional transportation demand. The proposed use of High Occupancy Vehicle/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. As described in detail in EIR/EIS *Section 1.3.5, Managed Lanes*, the provision of such lanes has been determined to be an effective means of managing travel demand and encouraging the use of other travel modes in response to changing traffic and roadway conditions.

With respect to your concerns on project-related air and sound pollution (air and water quality), these issues are addressed in

EMAILS — COMMENTS	RESPONSES
	01 cont. EIR/EIS *Sections 3.14, Air Quality*, and *3.15, Noise*. For air quality, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in overall lower air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project-related air quality considerations. For noise concerns, although project-related noise level increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans Guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise abatement measures as required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K, as well as *Section 3.15*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

EMAILS – COMMENTS

Chuck Evendorff
09/03/2010 11:25 AM
Subject: Question re 1645 MacKinnon Ave

Dear Sir or Madame:
01 I live at 1645 MacKinnon Ave, Cardiff CA 92007. In reviewing the EIR document, and in discussions with CalTrans personnel, it appears that my house (next door to 1633 MacKinnon Ave. and receptor 9.4) will be severely impacted by the freeway widening – so that, per Table 3.15.20, the preliminary abatement decision is to build soundwall 653. That said, the discussion of Soundwall 653 on page 3.15.-21 indicates that the soundwall would not be recommended given its cost would not be reasonable. Also, it is unclear to me whether 1645 MacKinnon is covered by Receptor 9.4 or 9.3
Given the above, I am somewhat confused by the EIR. Could you please let me know whether or not the EIR is stating, and CalTrans plans are, to build a soundwall that would cover my property at 1645 MacKinnon? If so, can you let me know where the soundwall would begin and end?
02 Additionally, are there any plans to seek eminent domain or otherwise purchase any land at 1645 MacKinnon?
I understand you are very busy, but a prompt reply would be very much appreciated as it will greatly influence the content of my Comments to the EIR.

Feel free to call or email with any questions.
Charles Evendorff

RESPONSES

Responses to Chuck Evendorff (Sold 1645 MacKinnon Avenue on 9/30/11 to Kristen and Peter Sieffert)

01 Thank you for your comments regarding potential project-related noise and soundwall concerns in the area west of I-5 and north of Birmingham Drive (1645 MacKinnon Avenue). Your comments are part of the public record. As described in EIR/EIS *Section 3.15, Noise,* while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S653 at the subject property (refer to EIR/EIS *Table 3.15.19* and *Section 3.15.4*). Based on the referenced assessment of "reasonable and feasible" criteria for noise-abatement measures, however, while Soundwall S653 would provide "feasible" noise abatement, it was determined not to be "reasonable" because the estimated construction cost would exceed the "reasonable" allowance, and construction is not recommended (*Table 3.15.20*). Because one of the noise receptors (R9.4, 1633 MacKinnon Avenue) would be subject to a noise level of 75 dBA or more with the project and no soundwall, however, it is considered a "severely impacted" receptor and individual noise abatement would be provided at that residence.

Please also note that, following flowing circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternative presents in the EIR/

EMAILS – COMMENTS	RESPONSES
	01 cont. EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Because the project-related noise levels identified in the Draft EIR/EIS were based on the 10+4 Barrier alternative, some noise receptors shown as "severely impacted" in the Draft EIR/EIS may not be "severely impacted" under the Preferred Alternative. Please also note that an ultimate conclusion regarding whether individual properties are "severely impacted" will be based on final project design and completion of the final Noise Abatement Decision Report. At that time, if additional properties in the subject area are identified as "severely impacted," the property owner(s) of record will be contacted. It is not known at this time, therefore, if noise abatement at 1633 MacKinnon Avenue will ultimately be provided.
	02 Review of Caltrans design plans for the 10+4 and 8+4 alternatives indicates that the subject at 1645 MacKinnon Avenue in the City of Encinitas would not be impacted by the widening of I-5. Please also note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Caltrans engineers are continuing to refine the Preferred Alternative and are working to minimize the project footprint and avoid impacts to properties to the maximum extent possible. For more information regarding specifics of property acquisition and valuation, please refer to Topical Responses "Property Acquisition" and "Acquisition Valuation."

EMAILS – COMMENTS

I-5
<I-5@keepsandiegomoving.com>
09/14/2010 12:48 PM

To "emfarrar@gmail.com" <emfarrar@gmail.com>
cc
bcc
Subject Farrar - Thank you for contacting KeepSanDiegoMoving .com

Dear Ms. Farrar,

Thank you for contacting KeepSanDiegoMoving.com and for your interest in the I-5 North Coast Corridor HOV/Managed Lanes Project. I have forwarded your email to Shay Lynn M. Harrison, Chief, Environmental Analysis at Caltrans.

Additional comments regarding the Draft Environmental Impact Report / Environmental Impact Statement can be emailed to:I-5_NCC_EIR_EIS@dot.ca.gov

All substantive comments will be addressed in the Final Environmental Impact Report / Environmental Impact Statement.

To view project materials presented at the public hearings, please visit: http://www.keepsandiegomoving.com/I-5-Corridor/I-5-project-ml.aspx

Thank you,

--
Destree Bascos
KeepSanDiegoMoving.com

&

I-5 North Coast Corridor Team
Caltrans District 11
4050 Taylor Street
San Diego, CA 92110
Public Information: (619) 688-6723

From: emfarrar@gmail.com [emfarrar@gmail.com]
Sent: Thursday, September 09, 2010 9:02 AM
To: I-5
Subject: KeepSanDiegoMoving: Question inquiring about I-5 Corridor

Name: Eric Farrar
Email Address: emfarrar@gmail.com
Phone Number: 760-593-7219
01 Question: Please do not let a 6 person group derail this much needed project. This will benefit tens of thousands of people everyday. It would be a major disservice to the tax paying public for this project to be delayed or denied.

RESPONSES

Response to Eric Farrar

01 Thank you for your comments, which are part of the public record. Your preference for a build alternative is noted.

EMAILS – COMMENTS

Sean Farrell
Fri 7/30/2010 11:19 AM
Subject: proposed I-5 widening

To:
Jerome Stocks
City Councilman, City of Encinitas
Board Vice-Chairman, SANDAG

councilman stocks,

01 while i reside in la jolla, and not in your fine city, i was reading an article in the san diego paper this morning, from very hot haiti, where i am just about to cross the 6 month mark in a volunteer stint in leogane, epicenter of the quake on jan 12., and your name was listed as being on the sandag board.

while i am in favor of expanding the 5 corridor, i have a question that i have often wondered about over the years. i had traveled extensively in my previous job, and have seen high occupancy lanes designated as such only during so called commute time, freeing up those lanes for use during non peak time. while there may be a very good reason for the manner in which we've designated our lanes in southern california, keeping them high occupancy at all hours, it seems to work quite well along the 101 corridor, and in other locations around the country. is this system something that has been, or would be considered for use in san diego county?

i certainly don't envy your task at hand working on this project, as anyone in public service has become an easy target for grandstanding over the years.

Seán Farrell

RESPONSES

Response to Sean Farrell

01 Thank you for your comments expressing support of the project and the use of High Occupancy Vehicle (HOV)/Managed Lanes, which are part of the public record. The proposed use of HOV/Managed Lanes is intended to provide incentive for I-5 users to carpool as well as to establish a reliable option for carpoolers, transit users, and toll-paying Single Occupant Vehicles (SOVs) to reach their destination in a timely manner. Specifically, HOV/Managed Lanes have been shown to provide an important commuting option, encourage ridesharing and, as stated in EIR/EIS *Section 1.3.5*, *Managed Lanes*, provide additional highway capacity within a constrained corridor while minimizing impacts to the environment and surrounding communities. Within the project corridor, for example, approximately 13 percent of weekday peak period vehicles are HOVs, with this figure anticipated to increase to roughly 10 to 20 percent in 2030, while approximately 60 percent of vehicles within the project's boundaries during weekend peak periods are HOVs (refer to *Section 3.6.3.1*). Restricting the use of HOV/Managed Lanes to only carpools and transit vehicles during the peak commute periods would not meet one of the important project goals of providing a facility that would serve to reduce SOVs traveling through the corridor. Allowing SOVs to use the HOV/Managed Lanes through a toll would raise funds to support transit in the corridor.

EMAILS – COMMENTS

Brett Farrow
10/11/2010 03:00 PM
Subject: I-5 Widening

01 I would recommend that the widening of the 5 be limited to (5) lanes in on each side. Where we have (5) it currently works.

02 It is a real tragedy where we have overdone the engineering at the merge of805 & 5. What was once an award winning design with contoured hillsides is now possibly the ugliest and wasteful interchange in North America.

03 Let's put more energy into redirecting future growth away from sprawl and into walkable areas with mass transit.

04 I'd rather see lower train fares, more trains with more frequency and express trains that can run from Oceanside to Solana Beach, and Solana Beach to Downtown San Diego.

Thank you for your consideration of this input.
Brett Farrow
125 Mozart Ave.
Cardiff, CA 92007

RESPONSES

Responses to Brett Farrow

01 Thank you for your comments regarding your preference for five lanes in each direction of I-5 along the North Coast Corridor, which are part of the public record. Alternatives with a total of 10 freeway lanes were considered for the project, as identified in Final EIR/EIS *Section 2.6, Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*, including a Freeway/High Occupancy Vehicle (8+2) and Freeway Expansion Only (10+0). These alternatives were rejected because of their inability to provide adequate highway capacity to meet travel demands within the project's boundaries in the design year 2050.

02 Comments on the Draft EIR/EIS are intended to focus on the environmental adequacy of the studies completed for the proposed project. Although your comment regarding the merge of I-805 and I-5 is now part of the public record as noted above, this interchange is not proposed for modification as part of the *I-5 NCC Project* and no response to this comment is provided.

03 With respect to your concern regarding urban sprawl, a comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the Sustainable Communities Strategy (SCS) and Regional Transportation Plan (RTP). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns and smart growth can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system consistent with the RTP. These improvements would allow the time necessary for the region to work toward complex solution, such as smart growth.

EMAILS – COMMENTS	RESPONSES
	04 Regarding rail services, because potential modifications to rail services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District, which has jurisdiction over train service.

EMAILS – COMMENTS

Lisa Margolin-Feher
10/08/2010 03:47 PM
Subject: freeway expansion

Dear Caltrans officials:
01 I would like you to know that I do not support expanding the freeway. I do support using the Transnet money for public transportation only – rail service. Adding more lanes means adding more traffic, and more traffic is not an appropriate solution when precious resources are getting scarcer (oil). Also, I'm concerned that increased lanes will create more air and noise pollution.
02 Also, the soundwalls you are planning will remove the beautiful views from all of us driving down the coastline. You are proposing changing those views forever, and disturbing up to 7 ecologically sensitive lagoons. Here are my questions to you:

I'd like you to answer each of these questions:

03 How much will noise pollution increase on the west and east sides of the freeway in Solana Beach?
04 What percentage of the money for this project would be used to enhance rail service between north county and downtown?

05 How much will air pollution increase in Solana Beach as a result of your project traffic increases?
You can send your responses by email, or to the address below.

Sincerely,
Lisa Margolin-Feher
Principal
991c Lomas Santa Fe Drive Suite 424
Solana Beach, CA 92075
P: (619) 417-9242
F: (858) 755-7100
E: lisa@margolinpr.com twitter: lisamargolin

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RESPONSES

Responses to Lisa Margolin-Feher

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Caltrans' responsibility is to use transportation monies provided for upgrade of the State highway system in the most beneficial way, considering a combination of driver need, environmental effects, and project cost, on those highway facilities. Improvements to the other transportation modes are also being pursued by the agencies responsible for these facilities within the North Coast Corridor. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to mass transit and to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system and allow the region to work toward complex solutions such as changes in land use patterns that take extended time to implement. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle

EMAILS – COMMENTS	RESPONSES
	01 cont. occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic, referred to as induced or latent demand, has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. With regard to scarce oil resources, as described in EIR/EIS *Section 3.16, Energy*, the proposed project is anticipated to result in a decrease in operational energy consumption by relieving congestion and reducing out-of-way travel. 02 Regarding project-related concerns on air and noise pollution (air quality and noise), these issues are addressed in EIR/EIS *Sections 3.14, Air Quality* and *3.15, Noise*. For air quality concerns, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on project air quality considerations. For noise, although project-related noise level increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and

EMAILS — COMMENTS | RESPONSES

02 cont. where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans Guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures as required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K, as well as *Section 3.15*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

With respect to visual concerns from the proposed project, please note that view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained, including Los Peñasquitos Lagoon and Torrey Pines State Reserve. Some soundwalls or sections of soundwalls have not been recommended in part because of impacts to coastal views. Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5 as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor.

Regarding potential disturbance to the six (rather than seven) coastal lagoons and related waterways in the project area, these issues are addressed under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. As described therein, project-related impacts to biological resources in coastal areas (including lagoons and related waterways) would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial

EMAILS — COMMENTS	RESPONSES
	02 cont. avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed in concert with the wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. It should also be noted that, since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. This evaluation incorporates the results of associated technical analyses, including hydrologic/hydraulic studies and Caltrans interaction with lagoon scientists, to determine the appropriate bridge lengths and channel dimensions that would reduce the level to which levees or other man-made features restrict tidal flushing (water movement/exchange). Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures associated with the lagoons and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons.
	03 With respect to noise level (pollution) increases on the east and west sides of the freeway in the City of Solana Beach, this information is provided in EIR/EIS *Section 3.15*. Specifically, noise receptors in the noted area include R6.1 through R6.25, and R7.1 through R7.32. Specific measured (existing) and modeled (projected future) noise levels for these receptors are provided in EIR/EIS *Tables 3.15.13* and *3.15.15*, with related information on noise-abatement (soundwall) recommendations given in *Tables 3.15.14* and *3.15.16*. Please also refer also to Final EIR/EIS *Figures 2-2.3, Sheets 20* through *26*, for the approximate locations of recommended soundwalls and associated noise receptor sites.
	04 Regarding project funding, funds from the TransNet program, approved by the voters, are distributed to transportation projects in general. Roughly one-third of TransNet monies each goes to

EMAILS – COMMENTS	RESPONSES
	04 cont. highways, transit and local roadways. Please refer to Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes, including rail facilities. For more information on TransNet, please visit www.keepsandiegomoving.com. Additionally, the 2050 Regional Transportation Plan (RTP) is designed to expedite and facilitate mass transit. The largest proportion of the transportation funding identified in the RTP will go toward transit. Under the 2050 RTP, mass transit will receive 36 percent of the funds in the first 10 years. The percentage dedicated to transit will grow each decade, up to 44 percent from 2021 to 2030, 47 percent in the third decade, and 57 percent in the last decade of the plan. More specifically, the Early Action Program developed for TransNet sales tax revenues places a major emphasis on funding transit-related projects, including: upgrades to the Blue and Orange San Diego Trolley routes; construction of a Mid-Coast route for the San Diego Trolley; new and modified Bus Rapid Transit stations along I-15 between State Route (SR-) 163 and SR-78; construction of High Occupancy Vehicle/Managed Lanes on segments of I-15 and I-805; double-tracking along the Los Angeles-San Diego-San Luis Obispo (LOSSAN) corridor; and rapid bus service in Mid-City. 05 With respect to potential increases in project-related air pollution (air quality) effects, please refer to the response to your Comment 02. As noted therein, project implementation would result in overall lower air emissions and related improvements to air quality compared to existing conditions.

EMAILS – COMMENTS

Doug Fiske
10/01/2010 04:25 PM
Subject: I-5 Coastal North San Diego County

01 Rather than this project, which you say is to accommodate a growing population, why not put all the money, time and effort into reducing the global population? Overpopulation is at the root of almost every major problem life on Earth faces. And why not make part of your message that everyone in the world can't live in the US, and everyone in the US can't live in California? The human race is not shooting itself in both feet, it's shooting itself in the head. Unless we reduce global population and maintain it at a grossly reduced level, we are doomed as a species, and we'll take many other species and the life-sustaining ability of the Earth with us. Why not make reducing global population your purpose rather than ruining coastal North San Diego County forever?

Doug Fiske
Encinitas

RESPONSES

Response to Doug Fiske

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Programs or mitigation considered in an Environmental Impact Report must be practicable for the Lead Agency to implement. Caltrans is a State agency specifically formed for the purpose of addressing State highway system needs and has no authority to independently require or authorize activities related to population reduction. Please also refer to Topical Response “Transportation Funding” regarding use of highway funds for non-highway projects.

EMAILS — COMMENTS

Wayne Foley
11/16/2010 01:15 PM
Subject: I-5 Extension Project

01 I would like to voice my support for the widening of I-5. I operate a business with 60 employees in the North County. The congestion and extra time it takes my company trucks to complete their daily routes is excessive and adds great expense to my business. Additionally, the environmental impact of vehicles idling in traffic adds additional pollution to our environment. Count my vote for full support of the expansion ASAP.

Wayne Foley
CEO
Spanky's Portable Services
760-476-0466 x102

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RESPONSES

Response to Wayne Foley

01 Thank you for your comments, which are part of the public record. Your comments are consistent with the findings of the regional transportation agencies evaluating congestion along the North Coast Corridor. Your support for the project is noted.

EMAILS – COMMENTS

Comments on the Draft EIR/EIS Interstate 5 North Coast Corridor Project from Michael Foster, resident of the Torrey Pines Community of the City of San Diego

01 PROCEDURAL QUESTION
In Caltrans responses to comments on the DEIR, will Caltrans please provide a detailed explanation of their methodology and standards for preparing responses? I have heard that Caltrans only responds to comments formed as "questions" and that this strategy is used to avoid having to provide a considered response to non-question type comments. Is this true?

My search of requirements for preparation of responses identified the following from the website of the California State Clearinghouse:

"Evaluation of and Response to EIR Comments *(CEQA Guidelines, Section 15088) -- The Lead Agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response. The Lead Agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.*

The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the Lead Agency's position varies from recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.

The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR. Where the response to comments makes important changes in the information contained in the text of the draft EIR, the Lead Agency should either revise the text in the body of the EIR, or include marginal notes showing that the information is revised in the response to comments"

The comments that follow have been prepared assuming that Caltrans follows the CEQA guidelines above; and as a private citizen who has spent many hours reviewing the DEIR and documenting my questions, concerns, disagreements, and outrage, I expect and believe I have a right to find responses to my comments in the next iteration of the DEIR.

My suspicion and skepticism of Caltrans commitment to perform its duties in responding to public comments has however resulted in my making sure that I have added questions onto many of my comments to make sure that I don't fall foul of any arbitrary Caltrans strategies.

RESPONSES

Responses to Michael Foster

01 Thank you for your comments, which are part of the public record. Specific responses to each of your concerns are provided in the responses below.

EMAILS – COMMENTS

GENERAL:

I have the following serious concerns regarding the DEIR as there are several key aspects of this document that clearly either do not meet the requirements of NEPA and CEQA. These primary concerns fall under the following main headings:

01 cont.

1. Biased Analysis and Presentation
2. Failure to identify a preferred alternative
3. Failure to Achieve NEPA goals
4. Significant Impacts That Cannot be Mitigated

Each of these are discussed in turn in the following sections followed by detailed comments identified by DEIR section and Page.

1. Biased Analysis and Presentation: The document contains countless examples of biased presentation (see following detailed comments) and has failed to present a balanced and rigorous assessment of potential impacts of this project. The document not only presents an unacceptably biased presentation of information, the various studies supporting the document have used flawed and biased methodologies that greatly underestimate the likely impacts of this project.

NEPA includes the following requirements regarding objectivity and alternatives analysis (my emphasis added).

02

"Sec. 1502.14 Alternatives including the proposed action.
This section is the heart of the environmental impact statement. Based on the information and analysis presented in the sections on the Affected Environment (Sec. 1502.15) and the Environmental Consequences (Sec. 1502.16), it should present the environmental impacts of the proposal and the alternatives in comparative form, thus sharply defining the issues and providing a clear basis for choice among options by the decisionmaker and• the public. In this section agencies shall:

(a) Rigorously explore and ***objectively evaluate*** *all reasonable alternatives, and for alternatives which were eliminated from detailed study, briefly discuss the reasons for their having been eliminated.*

(b) Devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits.

*(c) Include r****easonable alternatives not within the jurisdiction*** *of the lead agency.*

(d) Include the alternative of no action.

03

(e) ***Identify the agency's preferred alternative or alternatives,*** *if one or more*

RESPONSES

02 The EIR/EIS and the associated technical studies rigorously explore and objectively evaluate a "reasonable" range of alternatives, any of which could be implemented, and evaluates the associated potential impacts, as required by the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

Regarding the NEPA requirements referenced in this comment, the No Build alternative and four potential build alternatives are analyzed in an equal level of detail throughout the document. The EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*. Environmental effects of the proposed build alternatives are presented in a consistent, sequential order to provide a clear comparison between each alternative. Where applicable for each issue area, tables provide side-by-side analyses of impacts resulting from each alternative; *Table ES.14, Summary of Potential Impacts by Alternative*, summarizes the project impacts by alternative.

The process of identifying the build alternatives is addressed in detail in EIR/EIS *Section 1.4*, *History and Background*. EIR/EIS *Section 2.1*, *Project Description*, describes the proposed action and corridor-wide design alternatives that were developed by a multi-disciplinary, multi-jurisdictional team to achieve the project's

EMAILS — COMMENTS

exists, in the draft statement and identify such alternative in the final statement unless another law prohibits the expression of such a preference.

(f) Include appropriate mitigation measures not already included in the proposed action or alternatives."

Then in the Council for Environmental Quality website "NEPA's 40 most asked questions"

03 cont.

http://ceq.hss.doe.gov/nepa/regs/40/1-10.HTM#4

"4c. Who recommends or determines the ***"preferred alternative?"***
A. The lead agency's official with line responsibility for preparing the EIS and assuring its adequacy is responsible for identifying the agency's preferred alternative(s). The NEPA regulations do not dictate which official in an agency shall be responsible for preparation of EISs, but agencies can identify this official in their implementing procedures, pursuant to Section 1507.3.

Even though the agency's preferred alternative is identified by the EIS preparer in the EIS, ***the statement must be objectively prepared and not slanted to support the choice of the agency's preferred alternative*** *over the other reasonable and feasible alternatives"*

04

This issue of bias and lack of objectivity is evident from the very first page of the abstract and then is endlessly reinforced in each section. The Abstract demonstrates that this study has been not been performed in an objective manner but is inherently biased towards one of the action alternatives. The Abstract presents a long list of potential benefits and then dismissively recognizes that environmental the project "will have *"potential significant environmental impacts to: wetlands and other waters of the U.S, threatened and endangered species and their critical habitats, sensitive plants and animals, and visual/aesthetics*" The abstract fails to identify potential impacts with respect to Noise, green house gases, the taking of property by eminent domain and community cohesion even though the latter item is in contradiction to the stated potential benefits of the project

The abstract demonstrates that Caltrans has prepared this EIS/EIR as a marketing tool rather than an objective analysis. As such, Caltrans has failed to faithfully perform its function as a servant of the residents of California, but has prepared this document as a self serving evaluation with a pre-determined end point in support of its own agenda.

This document in its current format this document should be considered **inadmissible as a State and federally funded Draft EIS/EIR because of its lack of objectivity**. The draft should be resubmitted after all supporting data has been reassessed and presented in an unbiased and objective fashion.

RESPONSES

02 cont. purpose and need while avoiding or minimizing environmental impacts. Four build alternatives and eight alternatives considered but eliminated from further discussion are described in *Chapter 2, Project Alternatives*. The criteria used for identifying and evaluating the project alternatives are the project objectives listed in EIR/EIS *Section 1.2*, *Purpose for the Project*. Similarly, the criteria for eliminating other alternatives are based on the project objectives, with eliminated alternatives, along with specific reasons they do not meet the project objectives, provided in EIR/EIS *Section 2.6*, *Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*. Topical Response "Corridor Alternatives" presents yet further alternatives screened over the past 20 years during programmatic review of all transportation modes in the North Coast Corridor, including those not within Caltrans and the Federal Highway Administration (FHWA) jurisdiction. Additionally, the four build alternatives are consistent with the applicable transportation planning documents, including the North Coast Transportation Study, Corridor System Management Plan (CSMP), and 2050 Regional Transportation Plan (RTP). Based on these considerations, the EIR/EIS appropriately identifies a "reasonable" range of alternatives and is in conformance with applicable criteria identified in NEPA Regulations Section 1502.14.

03 As stated in the quoted text, an agency's Preferred Alternative is required to be stated in the draft "if one or more exists." In this case, a full exploration of all four build alternatives was desired, including comments from the public, before decision makers consider project approval and selection of an alternative for final design. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. It has also been identified as the Least Environmentally Damaging Practicable Alternative (LEDPA) in the NEPA 404(b)(1) analysis. Additional details about the Preferred Alternative and community enhancement projects that have been refined based on public comment and coordination between

EMAILS — COMMENTS | RESPONSES

03 cont. Caltrans and various affected municipalities were included in the Supplemental Draft EIR/EIS and have been incorporated into this Final EIR/EIS.

04 Regarding the objectivity of the EIR/EIS document, the text provided lists each of the alternatives, both build and No Build, and does not provide additional detail or bias toward any one alternative. The document summarizes the project purpose and need and potential benefits of the build alternatives, as well as listing potential negative impacts. The discussion has been updated for the Final EIR/EIS to include all major potential impacts, as further detailed in *Section ES.5, Environmental Consequences*, of the EIR/EIS *Executive Summary*. The abstract does not reflect bias or lack of objectivity. The EIR/EIS states that the proposed project would result in a number of environmental impacts, specifically related to lagoons, sensitive species and natural communities, farmland, homes, traffic noise, visual quality, community character and cohesion, cultural resources, and water quality, and associated subtopics. Caltrans has worked closely with local communities and technical specialists to design the improvements in a manner that reduces those impacts. Where design measures were unable to sufficiently reduce environmental impacts, mitigation measures were developed and included in the EIR/EIS to avoid and/or further reduce environmental impacts.

With respect to noise, as summarized in Draft EIR/EIS *Table S.1* (Final EIR/EIS *Table ES.14*) and discussed in detail in *Section 3.15, Noise*, impacts are considered less than substantial following abatement. Although project-related decibel (dBA) increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer dBA over no build conditions. Changes of three dBA or less generally are not detectable by the average healthy human ear. The project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater and where abatement is “feasible,” “reasonable,” and approved by property owners. Accordingly, based on noise levels and the assessment of “reasonable and feasible” criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and

EMAILS — COMMENTS | RESPONSES

04 cont. described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K, as well as *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise analysis and soundwall determinations.

Regarding greenhouse gases (GHGs), compared to the No Build alternative, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day. *Topical Response "Climate Change"* provides additional information on greenhouse gases and climate change issues. Because project impacts would be beneficial, they are considered less than significant under CEQA.

Impacts to community character and cohesion would be substantial for the 10+4 Barrier alternative due to the displacement of a 47-unit apartment complex in northern Carlsbad, and all four build alternatives would result in highly adverse changes to the existing visual environment along the project corridor. While the acquisition of the apartment complex under the 10+4 Barrier alternative has the potential to adversely impact community cohesion in the area, this impact would not be considered contradictory to the benefits of the project, which would include the implementation of community enhancement features within the project corridor that would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, connectivity across I-5, and trailheads and other recreational opportunities (refer to *Section 2.3* of the EIR/EIS).

As discussed in the response to your Comment 01, the EIR/EIS and associated technical studies provide a rigorous and objective evaluation of environmental impacts associated with each of the alternatives. It should be noted that focused studies have been completed since the circulation of the Draft EIR/EIS in 2010 and they expand upon and clarify information provided in the Draft EIR/EIS. The Supplemental Draft EIR/EIS that was

EMAILS – COMMENTS	RESPONSES
	04 cont. circulated in August 2012 identified the Preferred Alternative and provided results of the Phase 2 lagoon optimization studies, as well as additional clarifications related to latent traffic demand, sea level rise, water quality, and the common design features and community enhancements proposed by the project. Those findings have been incorporated into this Final EIR/EIS. The Draft EIR/EIS and Final EIR/EIS were reviewed and approved for circulation following legal review for adequacy. These documents were also circulated to federal and State resource agencies for sensitive resources, as well as the local cities crossed by I-5. Their comments and requests for clarification are addressed in this Final EIR/EIS. Accordingly, the Draft EIR/EIS and Final EIR/EIS fulfill requirements of both CEQA and NEPA with regard to adequacy. Resubmitting (i.e., recirculation) is not warranted.

EMAILS — COMMENTS

05

2. Failure to identify the preferred alternative: The NEPA citation and CEQ quote from the "40 questions above both identify the requirement for the preferred alternative to be identified.
   - Why does the DEIR not identify a preferred alternative?
   - Will Caltrans need to resubmit the DEIR and identify the preferred alternative in order to be in compliance with NEPA and CEQA?
   - What opportunity will the public have to fully review the merits of the preferred alternative when Caltrans eventually does identify it?

06

3. Failure to Achieve NEPA Goals: This project does not comply with NEPA. As stated in the DEIR"

"The NEPA, established that the federal government use all practicable means to ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings [42 U.S.C. 4331(b)(2)]. FHWA in its implementation of NEPA [23 U.S.C. 109(h)] directs that final decisions regarding projects are to be made in the best overall public interest."

The comments that follow clearly demonstrate that CALTRANs has not made a reasonable effort to *use all practicable means to ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings [42 U.S.C. 4331(b)(2)]*.

The many failings of this document entail that the best overall public interest has not been established or demonstrated; and it most certainly has not been demonstrated that this project in consistent with the best overall public interest. The selected alternatives do not present a range of alternatives that allow for proper appreciation of a range of options and balanced mitigation. The alternatives are basically build or don't build. Specifically none of the alternatives consider and analyze the incorporation of a parallel tracked light rail or other such transit system.

Why does the DEIR not detail how it has used "*all practicable means to ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings [42 U.S.C. 4331(b)(2)].?*

07

4. Significant Impacts That Cannot be Mitigated

Notwithstanding the bias and lack of objectivity and underreporting of a wide range of environmental impacts (see detailed comments below) the findings of the DEIR are that there will be significant visual impacts that cannot be mitigated. This finding means that the project is not in compliance with NEPA and therefore the project cannot go forward until or unless new alternatives are developed or mitigative strategies are developed to adequately compensate for these impacts. The Visual Study Appendix provides a very striking and observant and insightful description of the visual resources of the study area and the value gained by local communities and visitors to the region from these resources. This description also highlights what is at stake and what will be lost as a result of a poorly considered road project across this area.

RESPONSES

05 Please refer to the response to your Comment 02, which describes how the Preferred Alternative was identified after the Draft EIR/EIS was circulated. As noted in that response, the Preferred Alternative is a refined version of the 8+4 alternative that was analyzed in detail throughout the Draft EIR/EIS. In accordance with the requirements of NEPA, this Final EIR/EIS is being circulated for a 30-day agency review period prior to the selection of an alternative.

06 Regarding the references to 42 U.S.C. 4331(b)(2) and 23 U.S.C. 109(h) in the regulatory setting discussions of Draft EIR/EIS *Section 3.3, Community Impacts*, and *Section 3.7, Visual/Aesthetics*, please refer to the response to your Comment 02, which identifies the extensive evaluation of potential project impacts and related avoidance, minimization, and/or mitigation measures provided in EIR/EIS *Chapter 3*. The close coordination with local communities and technical specialists to design the proposed improvements in a manner that reduces potential impacts also is described therein. Please note that where design measures were unable to sufficiently reduce environmental impacts, mitigation measures were developed and included in the EIR/EIS to avoid and/or further reduce environmental impacts. EIR/EIS *Chapter 1, Proposed Project*; *Chapter 2*, and *Chapter 3* provide project-specific consideration of design features and issues related to safety, health, productivity, and aesthetically and culturally pleasing surroundings. Moreover, the identified Preferred Alternative is the smallest of the build alternatives proposed in the EIR/EIS, and it is identified by Caltrans as the alternative that best answers the project's purpose and need, that is, provides the greatest public benefit, while balancing environmental impacts. The balance between I-5 improvement and minimization of environmental impact demonstrates consistency with the best overall public interest.

Regarding the range of alternatives analyzed in the Draft EIR/EIS, please refer to the response to your Comment 03, which describes the process by which corridor-wide design alternatives were developed to achieve the project's purpose and need while avoiding or minimizing environmental impacts, as well as the

EMAILS – COMMENTS	RESPONSES
	06 cont. criteria used for identifying, evaluating, and eliminating potential project alternatives. As noted, the EIR/EIS appropriately identifies a "range of options and balanced mitigation" and is in conformance with applicable criteria identified in Section 1502.14 of the NEPA Regulations. Please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. *I-5 NCC Project* improvements are intended to accommodate projected traffic increases through 2050 to allow the region to work toward complex solutions that take extended time to implement. A variety of regional programs, including land use densification and improvements to the public transportation system, are planned to minimize future increases in freeway traffic. Based on future population and transportation demand projections, all transportation modes (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Please refer to Topical Responses "Multimodal System," Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options being pursued concurrently with I-5 improvements by the applicable lead agencies, as well as Topical Response "Corridor Alternatives" for a summary of alternatives evaluated for the I-5 corridor, including light rail. 07 Please refer to the response to your Comment 02, as well as the responses that follow, regarding bias, lack of objectivity, and under-reporting of environmental impacts. NEPA requires only that federal agencies disclose the environmental effects of their actions and identify alternatives and mitigation measures; it does not require that federal agencies adopt environmentally preferred alternatives or mitigation measures or that all impacts should be mitigated. In accordance with applicable NEPA standards regarding the identification of project environmental effects and related mitigation measures (refer to NEPA Guidelines Section 1502.16), EIR/EIS *Section 3.7.4, Avoidance, Minimization, and/or Mitigation*

EMAILS – COMMENTS	RESPONSES
	07 cont. *Measures,* provides mitigation measures for visual impacts that would guide the design of specific project features and areas during final project design and construction. The EIR/EIS states that alternative mitigation measures might be necessary in each viewshed as project designs are developed and mitigation design guidelines are applied, and that the overall visual impact of each mitigated build alternative would remain high. Caltrans has committed to analyzing the visual effects of specific project features, synthesizing applicable mitigation measures from the EIR/EIS and the design guidelines, applying those requirements to actual design features in specific locations, and submitting proposals to the project design team during project design and construction, following project approval and selection of an alternative. The height and design of retaining walls and soundwalls, proposed community enhancements, and project design guidelines have undergone refinements during the environmental process, as described in the Final EIR/EIS, and will continue to be refined as design proceeds on the Preferred Alternative, if the project is approved. High adverse visual impacts under NEPA that are also unmitigable impacts under CEQA are important issues when comparing alternatives; however, this does not indicate that the Draft EIR/EIS is not in compliance with NEPA. Your comments regarding the value of visual resources are part of the public record. The referenced Visual Impact Assessment was prepared in support of, and is incorporated by reference into, the EIR/EIS.

EMAILS — COMMENTS

COMMENTS by SECTION

08 Abstract: The EIR/EIS has been improperly prepared. The Abstract demonstrates that this study has been not been performed in an objective manner but is inherently biased towards one of the action alternatives. The Abstract presents a long list of potential benefits and then dismissively recognizes that environmental the project "will have *"potential significant environmental impacts to: wetlands and other waters of the U.S, threatened and endangered species and their critical habitats, sensitive plants and animals, and visual/aesthetics*" The abstract fails to identify potential impacts with respect to Noise, GHG, the taking of property by eminent domain and community cohesion even though the latter item is in contradiction to the stated potential benefits of the project

The abstract demonstrates that Caltrans has prepared this EIS/EIR rather as a marketing tool than an objective analysis. As such Caltrans has failed to faithfully perform its function as a servant of the residents of California, but has prepared this document as a self serving evaluation with a pre-determined end point in support of its own agenda.

This document in its current format this document is **inadmissible as a State and federally funded EIS/EIR because of its lack of objectivity**. The draft must be resubmitted after all supporting data has been reassessed and presented in an unbiased and objective fashion.

09 Page S-1: Misleading and incorrect statement and assertion: "There have been minimal improvements to the existing interstate facility since the original construction during the 1960's and 1970's." This clearly fallacious statement fails to recognize the extensive highway construction work performed since original construction. This section should list the extensive list of construction work that has been performed on this highway corridor and currently ongoing to this day.

10 Other completely unsupported assertions include:

- "Traffic demand has exceeded capacity". By what measure, or benchmark?

11 - Page S-5, Table S-1: Noise impacts are reported to be "*Not Substantial with abatement"*

12 - Energy impact presented only as savings but makes no recognition of the increase in traffic as a result of increased carrying capacity (ie generated traffic)

13 - Page S-8: para 4. Claims that reconfiguration would *"improve and facilitate connectivity between communities east and west of I-5 in locations that have been previously bisected by the freeway."* This is a completely qualitative assertion that has not been supported by an objective or quantitative evaluation of the level of connectivity east-west across the I-5.

RESPONSES

08 Please refer to the response to your Comment 04 regarding the abstract.

09 The referenced statement was intended to be a summary statement in the *Summary* of the Draft EIR/EIS. Please note that the Final EIR/EIS provides a revised *Executive Summary*, which clarifies that traffic has increased while only minimal improvements have been constructed. In context, overall, the improvements made along the corridor since the construction of the freeway have been minimal. In addition, prior improvements along the corridor have no bearing on the analysis of the environmental impacts in the EIR/EIS.

10 The referenced assertions were contained in the *Summary* section of the Draft EIR/EIS which summarized the results of the environmental analysis contained throughout the remainder of the document. Each of the assertions is supported by information contained in the EIR/EIS. The traffic demand on I-5 has exceeded capacity as demonstrated by the existing differences in travel times in off-peak hours and free-flow conditions versus the a.m. and p.m. peak hours. As discussed in *Section 1.3.2*, *Traffic Demand*,

EMAILS – COMMENTS	RESPONSES
	10 cont. and now also in the *Executive Summary*, the existing average travel time during off-peak hours and in free-flow conditions to travel the project area in the northbound or southbound direction is approximately 23 to 25 minutes. The existing southbound average a.m. peak travel time is between 31 and 44 minutes, and the p.m. peak travel time is between 27 and 32 minutes. This increase in travel time demonstrates a capacity issue. As shown in Final EIR/EIS *Table 3.6.6*, existing traffic is operating at Level of Service (LOS) D, E, and F (on a scale of A to F, with F being worst) along many segments of the project area during peak periods, which is considered deficient. Furthermore, absent any future improvements, the increase in traffic demand in 2030 would result in estimated northbound travel times during the a.m. peak hours of 29 to 37 minutes, and 67 to 69 minutes in the p.m. peak hour. Southbound travel times in 2030, with no improvements, would average 53 to 54 minutes in the a.m. peak hour and 40 to 48 minutes in the p.m. peak hour.
	11 With respect to the referenced statement on potential project-related noise impacts in Draft EIR/EIS *Table S.1* (now *Table ES.14*), the noted conclusion that noise impacts are "Not Substantial with abatement" is correct. Specifically, as discussed in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions would approach a level of 67 dBA or greater, and where abatement is "feasible," "reasonable," and approved by property owners per FHWA and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.
	12 The project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. The potential for the project to result

EMAILS – COMMENTS	RESPONSES
	12 cont. in increased traffic (referred to as induced or latent demand) has been included in the project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, as a result of the combination of project-specific and regional efforts. This increase in VMT on I-5 would be offset by a decrease on other local and regional roadways. As shown in Final EIR/EIS *Table 3.6.6*, existing traffic is operating at LOS D, E, and F along many segments of the project area during peak periods, resulting in increased fuel consumption due to stop-and-go traffic conditions. The EIR/EIS identifies an overall decrease in operational energy, due to improvements in traffic conditions. Thus, as discussed in EIR/EIS *Section 3.16, Energy*, no net increase in energy consumption would occur.
	13 The proposed project would include the improvement of numerous undercrossings and overcrossings of I-5. In addition, the project would include several community enhancements, such as pedestrian bridges over the freeway that would provide connectivity to either side of I-5. Please refer to *Section 3.4.1, Community Character and Cohesion,* of the EIR/EIS for additional discussion regarding the improvement and facilitation of connectivity between communities east and west of I-5.

EMAILS — COMMENTS

14 Page S-9 para 2 and 3: The EIS/EIR is **inadequate and does not meet the required standards of NEPA and CEQA** in that the visual impacts are one of the greatest and hardest to measure impacts of this project. This project will be a blight on multiple coastal communities whose cultural flavor are founded on views of mesas and the ocean. The proposed mitigation measures are fundamentally inadequate in that they fail to provide mitigation commensurate with the damage that will be caused ie replace of loss of a resource with an alternatively desirable resource. The proposed visual mitigation measures barely achieve window dressing value.

The visual mitigation measures as proposed fail to meet the requirements of a mitigation program. Mitigation should replace a lost resource with a resource of equal or greater value as it does for ecological damage.

15 S-9 Cultural impacts: fails to recognize and address the destruction of recreational community space and replacement with urban, engineered space.

16 Page 1-1: The document fails to meet the requirements of NEPA and CEQA in that it has incorrectly stated the objectives of the project. One of its stated objectives is to: "Protect or enhance the human and natural environment along the 1-5 corridor". This is a clearly disingenuous objective inserted with the intent to imply that this project is a benefit to communities and environment along the corridor, whereas in fact the greatest beneficiaries of this project are vehicle passengers who live outside the area that will be impacted but wish to cross through it with minimal inconvenience irrespective of damage to regional visual aesthetics, noise and air pollution in established residential communities.

Not only is this **stated objective erroneous**; its inclusion further validates the contention that **this document does not provide an objective assessment but is an inherently biased** and self serving document produced and funded by an agency that has a mandate and obligation to first serve the tax payers and residents of communities within Caltrans District 11 and the state as a whole.

17 Section 1.3.1: Self serving and unsupported assertion: *"The development of additional highway transportation infrastructure in the North County coastal area is severely limited by existing circulation systems and residential/commercial development, geographical and environmental constraints. These have resulted in a mode split where travel on the I-5 facilitates over two-thirds of the daily trips in the North Coast Corridor."*

- By what measure are these statements made?
- What defines "severe" congestion?.
- How does this compare with other cities in Southern California elsewhere in the state and other comparable urban centers?.
- Of what significance is it that the I-5 "facilitates" 2/3 of the daily trips?.
- Is this a good or bad thing, does the project aim to reduce or increase this?

RESPONSES

14 As stated in the *Executive Summary* section of the EIR/EIS, the natural character of the focused I-5 corridor would become noticeably more urban, and scenic resources now available to the traveling public would become less visible upon implementation of the proposed project. Changes to the I-5 right-of-way, however, would be focused and linear in nature, and although substantial change is discussed for specific locations in *Section 3.7* of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall character of communities near this highway. As a linear facility, views shift as the viewer moves along the highway. Views along the corridor would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development. These views would be similar to the existing view conditions. Some views would be changed as the result of project landscaping. Per applicable regulatory requirements, a number of soundwalls identified in *Section 3.15* are subject to the considerations that would reduce potential visual impacts, including reducing wall lengths and/or heights, providing abatement on private property for "severely impacted" noise receptors to reduce the scale and/or extent of soundwalls, incorporating transparent materials into proposed soundwalls to retain desirable views, and recommending against the construction of soundwalls in some locations in part due to potential visual impacts. *Section 3.7* also identifies a number of measures to address associated potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, earthen berms, and berm/wall combinations. Please refer to Topical Response "Visual/Community Effects" for additional information regarding visual effects of the project.

In general, mitigation measures can involve avoiding, minimizing, or compensating for proposed project impacts. Mitigation for visual impacts does not specifically have to replace a lost resource with a resource of equal or greater value. The proposed measures represent practicable means of minimizing anticipated impacts.

15 As described in EIR/EIS *Section 3.8, Cultural Resources*, the term refers to historical and archaeological resources; it does not encompass recreational community space. Impacts to

EMAILS – COMMENTS	RESPONSES
	15 cont. recreational and community space were analyzed in *Section 3.1.3, Park and Recreational Facilities,* of the EIR/EIS. The project was designed to minimize impacts to recreational facilities by reducing the amount of right-of-way and limiting the grading footprint within such facilities. This was done in order to maintain the full function of recreational facilities impacted following construction of the project. As described in *Section 3.1.3.4*, the project would not result in adverse impacts to park and recreation lands because the function of the recreational facilities remains. The project has been designed to minimize impacts where possible. Caltrans would continue refining the proposed project design to further reduce the direct impacts to the individual facilities in coordination with the local jurisdiction property owners. Given the locations of some park and recreation areas immediately adjacent to the freeway, however, complete avoidance is not anticipated to be possible with the implementation of a build alternative. Please note that in San Diego, improvements to recreational facilities that are part of the *I-5 NCC Project* include elimination of the last major hurdle (crossing I-5) of the regionally important Sea to Sea Trail; improvement of access to existing trail systems along Sorrento Valley Road and Carmel Valley Road; and the provision of a safe walking and bicycle connection across I-5 north of Del Mar Heights Road within an existing maintenance easement. Please refer to *Section 3.1.3, Park and Recreational Facilities,* as well as *Section 3.4, Community Impacts,* for more information regarding specific concerns addressed in this response.
	16 Objectives of the project provided in EIR/EIS *Chapter 1, Proposed Project*, include maintaining or improving travel times within the corridor, providing a facility that is compatible with future bus rapid transit and other modal options, maintaining the facility as an effective link in the national Strategic Highway Network, and protecting and enhancing the human and natural environment along the I-5 North Coast Corridor. These objectives encompass the underlying purpose of the project and provide a basis for developing a “reasonable” range of alternatives (CEQA Guidelines Section 15124(b)). As stated in EIR/EIS *Section 2.1, Project Description*, “The proposed action and the design alternatives…

EMAILS – COMMENTS	RESPONSES
	16 cont. were developed by a multidisciplinary team to achieve the project purpose and need while avoiding or minimizing environmental impacts…This included the goal to provide the full range of transportation modal alternatives that are cost-effective, promote and provide incentives for ridesharing and alternative modes, accommodate regional and interregional freight movements, minimize environmental and community impacts." Efforts to avoid and minimize environmental impacts during this process included locating proposed facilities within the existing right-of-way and avoiding encroachment into open space to the maximum extent practicable while obtaining the project's other goals and objectives. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. Project improvements are designed to benefit all users of I-5 by reducing congestion and creating more certainty in travel time. Overall, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. Reduced congestion and travel times would also translate into reductions in criteria pollutant and greenhouse gas emissions over that which would occur with the No Build alternative. It is important to note that the potential burdens borne by residents, such as potential increased noise or right-of-way acquisition, would be experienced by residents who also would be generally experiencing the greatest transportation benefits from living adjacent to an efficient highway system. In addition to the proposed transportation improvements, a number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would benefit the adjacent communities by creating and/or improving amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities.

EMAILS – COMMENTS	RESPONSES
	16 cont. Regarding damage to regional aesthetics, *Section 3.7* states that the visual impact of each build alternative would be high. Please refer to the responses to your Comments 07 and 14, as well as Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5. Please also refer to the response to your Comment 11 and Topical Response "Soundwall Considerations" for additional information on project-related noise effects and noise-abatement facilities that have been shown to reduce traffic-generated noise within the established communities along the I-5 corridor. Potential project-related impacts related to air pollution are addressed in EIR/EIS *Section 3.14*, *Air Quality*. The project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in overall lower air emissions and related improvements to air quality compared with existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on air quality considerations.
	17 The limitations associated with the development of additional highway transportation infrastructure has been documented in a number of studies and long-range planning. Refer to Topical Response "Corridor Alternatives" for additional information. Although the citation does not address severe congestion, with regard to your question about its definition, two measurements that are more common in transportation engineering are average daily traffic (ADT) and LOS. These concepts are discussed in *Section 3.6, Traffic and Transportation,* of the EIR/EIS. As discussed in response to your Comment 10, traffic demand has exceeded capacity along segments of I-5, as demonstrated by travel time delays and deficient LOS. As discussed in *Section 3.6.2.1*, *Traffic and Transportation,* congestion occurs when traffic demand on a given segment surpasses available capacity. Also as discussed further in *Section 3.6.2.1*, the duration of congestion on weekdays in the northbound direction is five hours in the p.m. peak hour, and in the southbound direction, it is five hours during the a.m. peak hours. For more information on ADT data in the North Coast Corridor, please refer to Final EIR/EIS *Table 3.6.2*. For more

EMAILS – COMMENTS	RESPONSES
	17 cont. information on LOS data in the North Coast Corridor, please refer to Final EIR/EIS *Table 3.6.6: Northbound I-5 Estimated General-purpose Lane LOS Summary* and *Table 3.6.7: Southbound I-5 Estimated General-purpose Lane LOS Summary.* In regard to your question of comparison of constraints with other cities in southern California and other comparable urban centers, these vary between locales. Few locations, however, have the combination of extensive residential and commercial development and highly sensitive coastline that occurs in the North Coast Corridor. Regarding the significance of I-5 facilitating two-thirds of daily trips in the North Coast Corridor, this indicates the current importance of I-5 to movement in and through the area. Project improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. A comprehensive regional planning process has been undertaken to address regional growth patterns and determine the multimodal transportation system that would best handle the anticipated growth. Key products of this planning process include the RTP and Sustainable Communities Strategy (SCS). The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit, which would minimize the need for future freeway improvements. The proposed project is based on, and designed to accommodate, traffic projections for the region in conjunction with similar improvements to rail, bus, local streets, bicycle, and pedestrian facilities. Each of these transportation modes is expected to require improvements in order for the overall system to work at peak efficiency. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussions regarding mass transit options being planned concurrently with I-5 improvements. Please also refer to Topical Response “Projected Growth” regarding the accommodation of projected growth in traffic over time and Topical Response “Project Lifespan” regarding the fluid nature of transportation improvements, which change over time and can be iterative.

EMAILS — COMMENTS

18 Page 1-2 Self serving, biased and unsupported assertion that " *El Camino Real becomes congested during peak traffic hours as drivers seek an alternative parallel route to the I-5.*"

- What defines congestion on El Camino Real?
- How has it been established that this is through traffic and not local traffic?
- No definition of congestion is provided; How have the motives of the drivers been established?;

19 The document is interpreting motive to support a build alternative without consideration of other alternatives such as: "arterial roads are preferred because of their more pleasing driving experience and contribution to quality of life".

20 Page 1-3: Error in fact and self serving erroneous assertion: "There have been minimal improvements to the existing interstate facility since the original construction."

This section should identify all highway improvements made along the corridor since original construction to fully communicate the continual and ongoing construction along this corridor.

21 Section 1.3.3: The population and employment figures indicate that growth is greatest at the northern most communities along the corridor.

- What research and evidence does Caltrans have that establishes that reduced travel times through the corridor will provide more benefit to the community than the benefits of dispersing growth throughout the SANDAG communities to minimize the need to make long trips?
- Of all of the communities of SANDAG how many will experience a negative impact from increased noise, destruction of views, taking of property compared to the number of communities that will benefit from reduced travel times?.

A first order analysis of this question puts into doubt the core justification for this project that it somehow provides a net overall benefit for the region. Lets examine how this road will impact SANDAG communities:

Communities directly impacted by construction:

- City of San Diego - UTC/Sorrento Valley
- City of San Diego – Torrey Pines
- Village of Del Mar
- Solana Beach
- Cardiff
- Encinitas
- Carlsbad
- Oceanside

Communities that will get a shorter commute but not directly impacted:

- Vista
- San Marcos

RESPONSES

18 Please refer to the response to your Comment 17 regarding the definition of congestion. Technical studies associated with the *I-5 NCC Project* have been posted on the following website: http://www.dot.ca.gov/dist11/Env_docs/I-5NCCTechStudies.html. As shown in the I-5 North Coast High Occupancy Vehicle (HOV)/ Managed Lanes Project Technical Report #4, Existing Conditions Traffic Analysis, several intersections along El Camino Real are at or over capacity in the p.m. peak hours, including the intersections of El Camino Real and Oceanside Boulevard, Olivenhain Road, and Encinitas Boulevard. El Camino Real is an alternate north-south route to I-5, and while some traffic along El Camino Real is local traffic, the addition of drivers seeking an alternative parallel route to I-5 does result in roadway congestion. The typical behavior of drivers has been the subject of extensive research, which has been verified through traffic counts and is incorporated into regional traffic modeling.

19 Please refer to Final EIR/EIS *Table 3.6.2* of the EIR/EIS for information regarding ADT on I-5 within the project area in the existing condition and in 2030. As shown in the table, ADT in the existing condition ranges from 156,800 from Mission Avenue to State Route (SR-) 76, to 281,400 from the I-5 / I-805 merge to Carmel Valley Road. The year 2030 ADT ranges from 246,500 to 412,640 along the same segments. Arterial roads are unable to accommodate the increased traffic expected from regional growth, even if some drivers prefer to drive them.

For more information on arterial roads, please refer to Section 3.6 of the Draft Technical Report No. 6, Freeway Interchanges Operations Report (incorporated by reference to the Draft EIR/EIS), which presents the results of the roadway segment analysis conducted for the adjacent local arterial system along the *I-5 NCC Project*.

20 Please refer to the response to your Comment 09.

21 With respect to growth in the North Coast Corridor, the intent of the project is to accommodate projected growth through 2050. Caltrans is not a land use planning agency and has no authority to dictate where growth occurs.

EMAILS — COMMENTS

I-15 Corridor Communities, will have no direct impacts and presumably no significant benefit; I assume that the intent is not to encourage traffic from the I-15 to go to the I-5: Similarly this project will not provide significant benefit to communities of central and southern San Diego County as the congestion is only in the evening primarily from people returning from working in downtown and central San Diego.

So which are the communities that will get the greatest benefit from this project? And why should this benefit be achieved at the significant environmental cost and impact to quality of life to 8 or so SANDAG communities along this corridor?

On what basis has Caltrans determined that this project will have an overall regional benefit? Who will benefit and how? What are the balancing impacts in each case?

21 cont.

- What research or evidence does Caltrans have to be confident that the projected congestion and increased travel times across this corridor to San Diego are not acting as incentive for employment and commercial growth along the entire corridor as opposed to downtown or UTC area development.
- Why will reduced travel times not be a disincentive to vibrant community growth and rather sustain and support an inherently unsustainable "bedroom community" development plan?.
- Why has Caltrans proposed a project that requires many SANDAG communities to sacrifice their own quality of life for the benefit of other SANDAG communities?
- Why are older established and more diverse SANDAG communities going to be impacted by this project while newer, bedroom communities that have not even been fully developed are being catered to in the planning process?

22

Section 1-7 Rail: The DEIR is INADEQUATE in that it has failed to appropriately analyze and describe the current and potential future role of rail for moving people through this corridor. This section is given 7 lines in a document of 11,000,000 pages. To properly communicate the significance of this transportation mode the number of additional vehicle trips that rail could replace should be reported here.

Is it 10% of that offered by the widening, 50%? What would be a "sufficient" amount?

23

Section 1.3.4. This project is in clear conflict with EO 13274 as the planned mitigation of environmental impacts fails to provide a net benefit to the communities through which it passes and for which it claims to provide a benefit.

When the project as a whole has been assessed to create significant environmental impacts that cannot be mitigated, how can this highway project, as Caltrans describes, "*promote environmental stewardship"?*. In what ways does this project "*advance environmental stewardship through cooperative actions with project sponsors and*

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21 cont. All of the communities in the North Coast Corridor are expected to benefit from reduced travel times, as well as the community enhancements proposed (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*). With respect to impacts experienced by these communities, it is Caltrans' intention to avoid and/or minimize impacts to communities and properties located near an existing highway system during improvements to that highway. Because an existing facility is being improved, however, avoidance is not always practicable. The Preferred Alternative has been identified to reduce the project extent and related impacts to local neighborhoods. Caltrans is continuing to refine the project design and working to minimize the project footprint to avoid impacts to properties to the extent possible.

Regarding potential project impacts to the local quality of life, please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those effects are not expected to result in a substantial adverse impact on the overall quality of life in the communities and neighborhoods near the highway.

The *I-5 NCC Project* would result in a number of benefits. These benefits are related to conditions experienced by motorists within the project corridor as well as the regional population.

Reductions in travel time and duration of congestion would benefit consumers by eliminating the adverse impacts on the costs of goods due to increased travel time. Increased travel time proportionately increases the cost of goods to the consumer due to increased labor and fuel costs associated with longer travel times. Longer travel times also adversely affect commuters' quality of life by forcing them to spend more time in their cars. Increased and unreliable employee commute times also adversely affect businesses by reducing productivity on the part of employees which, in turn, adversely affects the ability of the employers to meet the needs of their clientele.

Reduced congestion and travel times would also translate into reductions in particulate matter (PM) and greenhouse gas (GHG) emissions over that which would occur with the No Build alternative.

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	21 cont. For example, the project build alternatives are estimated to reduce carbon dioxide (CO_2) emissions in the San Diego region by hundreds of tons per day compared with the No Build alternative, due to decreased congestion and improved travel times along the corridor (refer to Final EIR/EIS *Table 4.2).* See Topical Response "Air Pollutants" for more discussion on the benefits of the project with respect to air quality. As stated above in this response, Caltrans is not a land use planning agency; it is responsible for ensuring the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by the local and regional planning agencies. As such, Caltrans does not have authority to implement incentives for employment and commercial growth. These comments would be better addressed to local and regional planning agencies. Regarding your concerns for reduced travel times supporting "bedroom community" development: The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of the surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. Please refer to the third paragraph of this response regarding quality of life concerns. Although, as previously noted, Caltrans' intention is to avoid and/or minimize impacts associated with the build alternatives, impacts would occur to certain communities because the project comprises expansion of an existing facility that crosses their boundaries. The planning process has been established such that each community in the project corridor has equal opportunity for input and participation in the planning and design of the proposed project. No individual community has been "catered" to in this planning process. Caltrans will continue to work throughout the continuation of the planning process with the local jurisdictions, community members, and property owners within the project corridor.

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enhancement of natural and environment in the planning, development, operation and maintenance of transportation facilities and services"?.

23 cont. At a minimum these statements need to be qualified to clearly identify the limited extent to which this stewardship can generate benefits and these should be clearly set against the far greater impacts that they can only partially offset or provide mitigation. Indeed Caltrans uses these feel-good concepts to justify dropping the more commonly accepted practice of offsetting environmental impacts with ratios that MORE than offset impacts.

24 Page 2-7 Section 2.3 Physical/Aesthetic Goals: The document presents goals that are unrealistic, disingenuous, and fallacious. This callous inversion of reality to serve the desired ends of Caltrans renders this document out of compliance with NEPA and CEQA and the requirements of this analysis to be objective and scientifically based. The widening of the freeway and construction of connectors between SR56 and the I-5 cannot in any way "*Preserve existing natural character of the project corridor*". A more accurate objective would be to minimize and mitigate the impacts of this project on the natural character of the project corridor". This endless stream of warm and fuzzy "spin" regarding environmental impacts is a scandalous misrepresentation of information and misapplication of taxpayer funds, in support of Caltrans internal agenda regardless of impacts to communities affected.

25 Page 2-8: Pedestrian overpass: This bizarre proposed "*enhancement*" is a sophomoric pipedream. In the Alice in Wonderland world that is Caltrans planning department, a pedestrian bridge 100 feet above a 16-lane highway that provides safe passage for students that are in completely separate school districts and would " improve the visual linkage between communities, it would provide a dramatic gateway marking the northern entry to San Diego". This proposed bridge will cross a virtual concrete canyon created by this project that will eradicate any natural slopes from the view line of passengers. And as for a gateway; it may have escaped the notice of Caltrans but San Diego County starts north of Oceanside and this project effectively shifts the LA County concrete jungle aesthetic 20 miles south. It is not a gateway into San Diego, it's a gateway out of hell.

This proposed enhancement has not been promoted by either of the communities on each side of this project both of whom are opposed to the project because of the impact on the livability of the communities, resulting from increased noise and visual pollution.

26 Page 2-8: Villa Cardiff Drive Improvements. Again this report shows no concept of reality in that it claims that it will "*enhance*" a Park and Ride lot with "*park-like amenities*".

- How can this kind of fig leaf be considered as any redress for the visual, noise and air quality impacts that this project will create?.
- Does Caltrans consider that this Park and Ride lot will provide park like amenities for the local community, families with children?
- In what way will this Park and Ride lot be "*park like*"?
- Is is part of Caltrans plan to encourage families and children to seek recreational opportunities in "*park-like*" park and ride lots immediately adjacent to highways?.

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22 In regard to planning for rail service, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. The proposed project is the result of extensive planning carried out over a period of approximately 20 years. Planning for transportation needs for the next 40 years was completed in 2011 when SANDAG adopted the 2050 RTP. Public involvement was an extensive component of that regional planning effort. The 2050 RTP outlines projects for rail and bus services, highways, local streets, bicycle and pedestrian facilities, as well as systems and demand management. The report is available on the SANDAG website http://www.sandag.org. The *I-5 NCC Project* does not compete with rail improvements; both are integral parts of transportation planning for the I-5 corridor. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. As described in EIR/EIS *Section 2.2.4, No Build Alternative*, double-tracking of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) heavy rail line was assumed to occur regardless of whether the project is implemented. Even with the proposed double-tracking of the rail line and increasing the number and capacity of the trains, the daily 2030 projection of riders is less than 30,000 (refer to EIR/EIS *Section 1.4, History and Background*). As a result, improvements to I-5 would still be necessary. Please also refer to Topical Responses "Multimodal System" and "Rail Preference" for additional discussions regarding ongoing plans and improvements to public transportation.

23 Please note that Executive Order 13274 does not require the provision of a net benefit to adjacent communities. With regard to planned mitigation, substantial avoidance efforts as well as minimization efforts have been incorporated into the project design; and a substantial mitigation package has been developed. Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding the potential impacts to the biology and hydrology of the lagoons. Based on those studies, the I-5 crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened to improve tidal flows and enhance associated biological values. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program

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	23 cont. (PWP/TREP), project mitigation would be part of a coordinated and comprehensive solution to coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. Please refer to the Environmental Commitments Record for a list of avoidance, minimization and/or mitigation measures applied to the project. The referenced statements constitute background information regarding applicable law and policy and are not intended to provide an analysis of project impacts. With respect to significant impacts caused by the proposed improvements, as stated in EIR/EIS *Section 4.4, Unavoidable Significant Environmental Effects*, only one impact area would have significant, unavoidable impacts under the Preferred Alternative. These impacts would be to Visual/Aesthetics. As stated above, a considerable mitigation effort would be included as part of the project in an attempt to reduce impacts. It is Caltrans' intention to avoid direct impacts whenever possible during improvements. Because an existing facility is being improved, however, avoidance is not always possible. 24 Information presented in an EIR/EIS must be read in its appropriate context. As clearly stated in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, the referenced text relates to goals and objectives used in screening potential community enhancement projects; they are neither presented as nor intended to be goals related to construction of I-5 itself. This section of the EIR/EIS does not contain analysis of environmental impacts; such analysis is contained in *Chapters 3* and *4*. 25 Caltrans has worked with the local jurisdictions regarding the community enhancements. This bridge was identified through extensive coordination with the City of San Diego as a potential community enhancement project to provide east-west pedestrian connectivity between residential neighborhoods separated by the freeway. Following circulation of the Draft EIR/EIS, and additional coordination with the City, this gateway feature (for the City, not the County, of San Diego) has been incorporated into project design. It would include such design features as aesthetic features, lighting, and safety fencing to provide a safe and visually pleasing pedestrian route.

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	26 As noted in the response to your Comment 25, the community enhancements were identified in concert with adjacent local jurisdictions. The introductory portion of EIR/EIS *Section 2.3* specifically states, "The Community Enhancements are not minimization measures for the *I-5 NCC Project*…Minimization measures are incorporated for the *I-5 NCC Project* and can be found in *Chapter 3* under each heading, *Avoidance, Minimization, and/or Mitigation Measures*." "Park-like" amenities at the Birmingham Drive park and ride are not intended to create a park and ride lot that is a park. Also as described in *Section 2.3*, the park-like amenities to be provided would be limited to enhanced landscaping. These improvements are intended to make the use of the park and ride facility more pleasant but are not intended to encourage use of the facility as a recreational resource.

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27 Page 3.1-1: This Draft EIR has been improperly prepared and cannot be fully evaluated as required in the public comment period because source documentation has not been adequately provided. The introduction to Chapter 3 states: " The Draft EIR/EIS draws from the studies for information and incorporates information which may be more current than that contained in the technical reports listed above." If more current information has been used it must be referenced for the public to be able to review and provide public comment.	27 The EIR/EIS is the summary document prepared for decision makers and the public to use to evaluate environmental impacts, and, in some cases, might contain updated or new information that was not available at the time the technical study was prepared. Applicable additional information is presented in the body of the EIR/EIS for public review and comment.
28 Page 3.1.-3 Del Mar Future Land Use: This section contains a major and significant omission of important information for proper complete preparation of this DEIR. This section states "There are no proposed/planned projects (representing potential land use changes) located near the proposed project within Del Mar", whereas the 22nd agricultural district has recently released for public comment an EIR for major commercial development.	28 The fairgrounds are illustrated as "Commercial" on both the existing and planned land use figures for the City of Del Mar; thus, the proposed improvements would not represent a change in land use for the purposes of this discussion.
29 Page 3.1-23 Environmental Consequences on the San Diego General Plan. The assessment of environmental consequences in this EIS/EIR is incomplete and inaccurate and represents a SIGNIFICANT OMISSION that invalidates the findings of this document. This section states "*Policies at the community plan level are most relevant to the proposed project, since the Process Guide and General Plan was developed for the City in 1979, and the General Plan Update is currently in draft form.*" But then wholly fails to address the multiple ways in which the proposed project is in DIRECT CONFLICT with the Torrey Pines Community Plan and only reiterates the environmental consequences on Land Use from the previous section which are of no direct relevance in this section.	29 With regard to your concern about the EIR/EIS not discussing direct conflicts between the proposed project and the Torrey Pines Community Plan, the referenced paragraph goes on to state: "A more detailed listing of relevant goals and policies of specific community plans and the proposed project's consistency with those policies is provided in *Table 3.1.1.*" Accordingly, please refer to *Table 3.1.1* of the EIR/EIS, which notes potential inconsistencies with key goals of the Torrey Pines Community Plan.
30 3.1-45 Community Enhancements In light of the current fiscal crisis affecting the City of San Diego, as well as the State and federal government there is no guarantee that a public agency will be able to take on additional maintenance of any community enhancements. As lack of maintenance would result in additional community blight either costs for maintenance should be included in the project cost or be excluded from the plan.	30 As discussed in the Community Enhancement Plan circulated with the Draft EIR/EIS, the proposed community enhancement plans, if implemented, would be managed and maintained by the local jurisdictions. Please note that implementation of community enhancements depends upon reaching a Maintenance Agreement with each affected city, which would consider the costs and implications of implementation and maintenance. If such an agreement cannot be reached, the enhancements would be excluded. Additional information regarding community enhancements to be implemented as part of the project, as well as associated impacts, was provided within the Supplemental EIR/EIS and incorporated into this Final EIR/EIS.
31 3.2.2 Page3.2-2 This section states "*The existing I-5 corridor currently experiences severe congestion during peak hours and the proposed project would increase the capacity*" • What is the definition for "*severe congestion*"?. • How does congestion along this corridor compare with other major metropolitan areas?. • How is "*severe congestion*" defined elsewhere in the country?. • What yardstick is being used here?	
32 The EIS/EIR is INADEQUATE and has failed to properly identify, describe and evaluate the likelihood that reducing congestion will accelerate growth in outlying areas, resulting	

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in increased commute lengths and trip length with the associated negative affect on green house gas emissions, carbon footprint and overall environmental sustainability.

32 cont. CALTRANS has INACCURATELY and IMPROPERLY ignored the well established phenomenon that urban growth and development are accelerated by road construction and that road building based on growth models are a self fulfilling prophesy. With no-build the congestion is a deterrent against long commutes, decentralized growth is encouraged which leads to shorter commutes and average travel trip length. The EIR/EIS fails to address the counterside to their disingenuous argument that none of the alternatives will affect growth

33 Section 3.4 Page 3.4-1 Torrey Pines

Section 3.4 Page 3.4-2 Del Mar: The DEIR is in ERROR as a result of the OMISSION OF SIGNIFICANT information and analysis in that this section fails to recognize Del Mar as a destination for tourists and regional visitors; the fairgrounds, the race track, vacation hotels and condos. Overall this section fails to identify that this entire corridor has a unique and highly desirable North County beach town atmosphere popular for its mix of open spaces, lagoons, beaches and recreational opportunities. The communities of this corridor provide a relaxing escape from city life. The failure to recognize this both for Del Mar, and the community along this corridor as a whole is a major failing of this document as it represents a parsing and minimization of the impacts that will more keenly felt in their cumulative effects and the resultant degradation to the entire north county environment and community quality.

34 3.4.1.3 Page 3.4-3 The document includes the following outrageous statement

"*Overall, the project is anticipated to improve existing community character and cohesion by incorporating various design features into the project. Additionally, community enhancement features, if implemented, would further improve and facilitate connectivity between communities east and west of I-5 that were bisected when I-5 was originally constructed.*"

Under some of the alternatives the width of the I-5 will double from 140 ft to over 300 ft. In the past pedestrians and cyclists would have to endure a noisy unpleasant walk under or over 140ft highway; under this plan it will take twice the time to cross this divide between communities and no landscaping or aesthetics can change that. The massive physical change to communities along the whole length of the corridor represented by potential doubling of the width of the highway will further dislocate and separate communities either side of the highway. Beautification cannot change how long and how noisy crossing this barrier will be.

This statement is a gross misrepresentation and completely inaccurate summary of the information provided in the EIS/EIR. Apparently the planned beautification of park and ride lots, proposed bike crossing (Torrey Pines), bike lanes and trail improvements, is supposed to more than offset taking of private property, forced relocation of

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31 In regard to your questions on congestion, please refer to the response to your Comment 17. LOS is an industry-wide standard for measurement of traffic congestion on roadway segments and intersections; the specific levels of congestion vary between metropolitan areas and among specific segments and intersections within metropolitan areas. Such comparisons are not relevant to the establishment of congested conditions along I-5.

32 Regarding your concerns for project-related growth, the role of Caltrans is not to restrict or cause future growth; rather, its role is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of growth in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies and the highly urbanized nature of the surrounding land uses. The project is not designed with excess capacity that could induce substantial unplanned growth during the design period. Please also refer to Topical Response "Projected Growth" regarding accommodation of projected growth.

With respect to your concern regarding environmental sustainability, a comprehensive regional planning process has been undertaken to plan regional growth patterns and determine the multimodal transportation system that would best address the anticipated growth. Key products of this planning process include the RTP and SCS. The land use pattern contained in the SCS plans for more compact, higher density, and walkable development located near transit. Changes in land use patterns and smart growth can, however, take extended time to implement. The proposed project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system and would allow the time necessary for the region to work toward complex sustainable solutions, such as smart growth. It should also be noted that the SANDAG 2050 RTP includes the project, along with other multimodal solutions, and forecasts a sustainable countywide reduction in GHG emissions to 1990 levels by 2020 as required by related legislation including California Assembly Bill (CA AB)

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	32 cont. 32 and California Senate Bill (CA SB) 375. Please also refer to Topical Response "Climate Change" for additional information on project-related GHG and climate change issues. *Section 3.2, Growth*, provides an analysis of whether the proposed project would result in otherwise unforeseen direct, indirect, or secondary growth, or would otherwise influence growth. Remaining developable area and population growth projections were evaluated to determine the influence of the project on growth. The remaining developable land within the study area totals approximately seven percent, and approximately half of that is slated for residential projects. It was determined that the potential for moderate growth in the project vicinity is inevitable and consistent with local land use plans and current trends. Because this growth is anticipated to occur with or without the project, the project is not considered growth inducing. As the State agency responsible for the provision of a safe and efficient highway system, it would not be appropriate for Caltrans to intentionally allow levels of service to deteriorate to unacceptable levels. Because I-5 improvements would not affect projected growth, it is not possible to differentiate between alternatives on this issue. No adverse effects associated with growth would be anticipated with implementation of any of the alternatives.
	33 Your statement that the EIR/EIS does not recognize Del Mar as being a destination for tourists and regional visitors is incorrect. In fact, page 3.4-2 of the Draft EIR/EIS states: "This area serves tourists and residents alike." The discussion of each municipality within the project corridor identifies key community characteristics, including the local atmosphere of each coastal community, as well as the attributes noted in your comment, as applicable. Additionally, the proposed project is not anticipated to impact community character or cohesion. Because the project does not pass through Del Mar, no direct impacts to local businesses or residences are anticipated. Peripheral improvements to traffic and circulation could benefit the local economy. While the City of Del Mar is only two square miles in size, residents could benefit from the proposed community enhancement features in adjacent communities. EIR/EIS *Section 3.7* looks at partial views at the I-5 / Del Mar Heights Road Interchange and identifies moderately

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communities, increase in noise levels for hundreds of residents along the entire corridor, and would widen the I-5 to inevitably increase the sense of dislocation between the communities on either side. In fact of the 26 community enhancement projects only 3 of them address improving arterial connection East to West (2 of the proposed connections are considered highly unlikely to be constructed as previously described); the remainder do not result in enhanced communication across the highway represent only improvements to recreational trails whose impact will affect only the limited number of recreational users. These enhancements are not themselves a negative, but to claim or imply that they redress the wholesale degradation to community quality that this project will create is a gross distortion typical of this entire document.

34 cont. This statement also fails to identify that between the Los Penasquitos trail connection and Manchester Avenue a distance of more than 5 miles, this project includes no realistic community enhancements. The bike pedestrian trail at Carmel Valley Road will require a 150 foot long tunnel below groundwater level; if expensive sound barriers are considered infeasible to reduce noise impacts for residents, it seems beyond credulity to imagine that this tunnel would ever be considered feasible. This proposed enhancement has also not previously been described, discussed or shared with community planning groups. The ignorance of community transit needs in the Carmel Valley and Torrey Pines neighborhoods resulted in the pointless pedestrian bridge north of Del Mar Heights Road which is rejected by both communities. This results in there being zero community enhancements or mitigation for the damages for Torrey Hills, Carmel Valley, Del Mar, or Torrey Pines. For these communities it is clear that the community impacts of this project will be significant and entirely unmitigated. The falsehoods of the proposed community enhancements for these communities need to be corrected in this document and the failure of this project to comply with NEPA must be identified and documented.

Page 3.4-4 Solana Beach Another example of myriad sections of this report that contradict themselves regarding project impact is as follows:

"*The streetscape enhancements along Ida Avenue would greatly improve the aesthetic quality along this stretch of road, which would be visually affected by a large retaining wall.*"

Here the report tries to equate minor aesthetic improvements to the eradication of vegetated landscape with a 40 foot high retaining wall, hundreds of yards long.

35 These community enhancements are intended to function in a similar fashion to environmental mitigation where the improvements greatly exceed in acreage and quality the damage being created. The trivial degree to which this plan attempts to mitigate the negative impacts is completely inconsistent with the NEPA.

"*The NEPA, established that the federal government use all practicable means to ensure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings [42 U.S.C. 4331(b)(2)]. FHWA in its implementation of NEPA*

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33 cont. high adverse visual impacts. However, the increased roadway surfaces and landform modification would be within a developed urban area. Overall, because the project would not affect uses within recreational facilities, and would enhance access within the community, the implementation of new project features is not expected to have an adverse effect on community character or cohesion. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those effects are not expected to result in a substantial adverse impact on the overall quality of life in the communities and neighborhoods near the highway.

34 The refined 8+4 Buffer alternative (Preferred Alternative) would widen the existing travel way of the freeway by approximately 48 feet on each side (total of 96 feet). This represents an approximate 63-percent increase in the width of the travel way. With respect to your comment regarding further separating communities on either side of the highway, it is recognized that major roadways can divide communities. Because the proposed project consists of improving an existing facility, however, no substantial new impacts related to separating or dividing communities are anticipated. Conversely, avoidance of community-related impacts in areas identified for improvement is not always possible, although it is Caltrans' intention to avoid and/or minimize impacts. Caltrans has worked extensively with adjacent cities to identify desirable community enhancements, as discussed in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*. As noted in your comment, enhancements have been identified that would increase east-west movement through several overpasses/underpasses in the North Coast Corridor. For more information regarding community character and cohesion, please refer to the response to your Comment 36.

Please also refer to the response to your Comment 37 for information regarding relocations, as well as the response to your Comment 21 regarding potential impacts to local quality of life.

For noise concerns related to pedestrian and/or bicycle use of the noted enhancements, please refer to the response to your Comment 11. As described therein and in EIR/EIS *Section 3.15*, while project-related noise increases would vary by location, the

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34 cont. majority of increases within the I-5 corridor would be three or fewer dBA over No Build conditions; changes of three dBA or less generally are not detectable by the average healthy human ear. Based on this consideration and the short-term nature of such uses as pedestrian and bicycle crossings, associated project-related noise effects are expected to be minor. Please refer to the response to your Comment 26 regarding the purpose of the community enhancements, which is not to mitigate project impacts.

The community enhancements were further revised subsequent to public review of the Draft EIR/EIS, with new information presented in the August 2012 Supplemental EIR/EIS and incorporated into this Final EIR/EIS. As illustrated on Final EIR/EIS *Figures 2-3.1a* and *2-3.1b*, community enhancements that would improve east-west connectivity include (1) Carmel Valley Bike/Pedestrian Trail Connection; (2) Pedestrian Overpass Connection north of Del Mar Heights Road; (3) Bicycle/Pedestrian Enhanced Trail and Bridge on west side of I-5 at San Dieguito Lagoon; (4) Streetscape Enhancements on Ida Avenue; (5) Bicycle/Pedestrian Enhanced Trail on both sides of I-5 at San Elijo Lagoon with Bridge connection to Manchester Avenue; (6) Villa Cardiff Drive and MacKinnon Bridge Enhancements; (7) Union Street Pedestrian Overpass; (8) Bicycle/Pedestrian Enhanced Trail on west side of I-5 at Batiquitos Lagoon; (9) Bicycle/Pedestrian Enhanced Trail on east side of I-5 at Agua Hedionda Lagoon; (10) Pocket Park and Pedestrian Path at California Street; (11) Division Street Bicycle/Pedestrian Enhancements; (12) Mission Avenue Bicycle/Pedestrian Enhancements; (13) Bush Street Bicycle/Pedestrian Enhancements and Community Gardens; and (14) Pedestrian Underpass Improvements north of San Luis Rey River. Please also refer to the same figures for illustration of the community enhancements proposed between the Carmel Valley Bike/Pedestrian Trail Connection and Manchester Avenue, including the continuous I-5 North Coast (NC) Bike Trail.

The Carmel Valley Bicycle/Pedestrian Trail has been further described in the Supplemental EIR/EIS and updated in the Final EIR/EIS to traverse under the existing structures at the I-5 / SR-56 Interchange and would not require a “150 foot long tunnel below groundwater level.” Additionally, the notice of circulation of the

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35 cont. *[23 U.S.C. 109(h)] directs that final decisions regarding projects are to be made in the best overall public interest."*	34 cont. Supplemental EIR/EIS was provided to each of the community planning groups within the corridor. This provided opportunity for the groups to review and provide comments on the community enhancements. The January 2008 I-5 North Coast Community Enhancement Plan identifies a number of meetings held with applicable interest groups and stakeholders, including meetings with City of San Diego staff between February 2005 and February 2006, the Carmel Valley Community Planning Group on February 14, 2006, and the Torrey Hills Community Planning Group on February 21, 2006 and March 9, 2006 (refer to: http://www.dot.ca.gov/dist11/Env_docs/I-5NCC/TS/TSComm08.pdf). In addition, a community meeting for the public was held on April 19, 2006 at Sycamore Ridge School in the City of San Diego. Please also note that the "reasonable and feasible" criteria identified in this comment are specific to noise impact and abatement analyses (pursuant to associated FHWA and Caltrans guidelines), and would not apply to project design features such as pedestrian and bike trails.
36 Page 3.4-5 *"Generally, impacts to community cohesion from operation of the proposed project in Carlsbad are likely to be positive."* Again this bland, but sweeping assertion is not based on an objective balancing of both the negative and positive benefits.	35 Please refer to the response to your Comment 04 regarding your references to 42 U.S.C. 4331(b)(2) and 23 U.S.C. 109(h) as well as the response to your Comment 26 regarding the purpose of the identified community enhancements.
37 Page 3.4-14 Contains the following statement. *"While every effort was taken to minimize the incursion and displacement of residents, the impacts do not disproportionately affect minority or low-income populations in the project area."* The study fails to indicate what proportion of likely displaced households will be of minority or low income. If, as anticipated, this proportion is greater than that of the population as a whole then this project does disproportionately affect minority and low-income residents. As such the project needs to include appropriate mitigation of these affects. The current document does not properly address this environmental justice issue.	36 With regard to community cohesion, both positive and adverse effects to community cohesion have been considered during the analysis for this project. With the exception of the 10+4 Barrier alternative in the community of Barrio Carlsbad, the proposed project would not worsen existing conditions with respect to community cohesion. Please refer to *Section 3.4.1, Community Character and Cohesion*, of the EIR/EIS for a discussion of potential impacts. Please also note that this adverse impact would not occur with the implementation of the Preferred Alternative. Overall, the project is anticipated to improve existing community cohesion by incorporating various design features into the project. In addition, if implemented, community enhancement features would further improve and facilitate connectivity between communities east and west of I-5 that were bisected when I-5 was originally constructed. For more information regarding community cohesion, please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County
38 Section 3.25.3 Page 3-25-9. The proposed avoidance, minimization and/or mitigation measures for the wetlands and other waters; are vague, poorly defined and not equivalent to the typical ratio based approach for mitigation. It appears that Caltrans has coopted lagoon stakeholder organizations by offering to help fund projects of their liking, this approach addresses only wetland function but not loss of habitat and loss of visual resource. The proposed solution results in a permanent loss of wetland habitat that is not replaced elsewhere by wetland restoration. The improvements to wetland function would obviously be welcome but not in the absence of mitigation. It is also not clear if lagoon stakeholders have been presented with the entire package of planned mitigation measures; ie they may have been asked if improved wetland function was desirable, but was it made clear that this would be instead of ratio based wetland mitigation?	
39 Section 4.3.2; Page 4-1: The conclusion that " Implementation of proposed noise abatement would reduce noise impacts to less than significant" is false because in the vast majority of cases where the project will result in above threshold values for noise abatement is considered economically infeasible. In that case the impact is retained and the impact is significant. Caltrans cannot have it both ways; either excessive and harmful noise is to be abated; or it will have its projected impact. The protocol by which harmful noise is not abated may prevent Caltrans from expenditure for marginal benefit, the protocol does not magically result in lowered noise impacts.	
40 Section 4.4.1 Page 4-2 Unavoidable Significant Environmental Effects: Visual Aesthetics. This section is in ERROR and UNDERREPORTS the FACTs. The section includes the statement	

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	36 cont. and why those effects are not expected to result in a substantial adverse impact on the overall quality of life in the communities and neighborhoods near the highway. Please also refer to the technical report dated June 2008, Barrio Carlsbad Community Cohesion Report, for a more detailed description of the analysis of community cohesion in the Barrio Carlsbad area.
	37 Specific encroachments required through right-of-way expansion along the corridor that may affect isolated low-income or minority populations were identified in EIR/EIS *Section 3.4.3.3*, *Environmental Consequences*. The 10+4 Barrier alternative could displace a 47-unit apartment complex located in an area in Carlsbad with greater proportions of minorities and individuals living in poverty; that potential displacement is concluded to be a disproportionate impact. The 8+4 Barrier alternative is concluded to impact 10 units of the 47-unit apartment complex in Barrio Carlsbad identified as a low-income and minority population. The 10+4 Buffer and 8+4 Buffer build alternatives would avoid impacts to this complex. The Preferred Alternative is the refined 8+4 Buffer alternative; approval of this alternative would avoid impacts to this complex and would reduce the number of residential units impacted from approximately 112, with the 10+4 Barrier alternative, down to approximately 20 residential units for the Preferred Alternative. Based upon the analysis documented in the EIR/EIS, there is no indication that either the construction or operation of the proposed project would result in disproportionately high and adverse impacts to either minority or low-income populations relative to the general population of the project study area and surrounding region for the vast majority of the alignment, with the exception of the above-referenced apartment building in the City of Carlsbad. Additionally, the Community Impact Assessment (CIA) prepared for the proposed project analyzes minority and low-income populations within each jurisdiction by census block groups (refer to Sections 6.2 and 6.3 of the CIA). The proportion of minority residents and individuals living below the established poverty level for potentially affected census block groups within the study area is provided therein; however, such data are available only for census blocks and tracts, and not for individual properties.

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38 Additional details regarding biological mitigation for the project were provided in the August 2012 Supplemental EIR/EIS and have been incorporated into this Final EIR/EIS. The Resource Enhancement and Mitigation Program (REMP) was developed to address mitigation for freeway and rail projects within the North Coast Corridor, as well as the enhancement of native habitats. The program is a comprehensive package of traditional establishment/creation and restoration as well as preservation of key parcels, funding of large scale lagoon restoration, and endowments for lagoon maintenance in perpetuity. All of the mitigation options have been developed in close coordination with the applicable resource agencies to determine the most appropriate selection of options to mitigate impacts from this project. There would be no net loss of wetland or upland habitats. There will be 1:1 establishment of wetland habitat as compensatory mitigation for permanent impacts to wetlands and native uplands.

39 As noted in Final EIR/EIS *Section 4.3.4*, the noise analysis for NEPA in *Chapter 3* is independent of the noise evaluation for CEQA in *Chapter 4*. The identification of need for consideration of abatement under NEPA does not necessarily correspond to a determination of significance and need for mitigation under CEQA. FHWA and Caltrans guidelines for NEPA noise analysis indicate that impacts are assessed relative to defined noise abatement criteria (NAC) levels. Noise abatement that is proposed under these FHWA and Caltrans guidelines would only be implemented if it is demonstrated to be both “feasible” and “reasonable.” On the other hand, under CEQA, the assessment entails evaluating the setting of the noise impact and then how large or perceptible the noise increase would be in the given area. Key considerations include the uniqueness of the setting, the sensitivity of surrounding noise receptors, the magnitude of the noise increase, the number of noise receptors affected and the absolute noise level. If a proposed project is determined to have a significant noise impact under CEQA, then CEQA dictates that mitigation measures must be incorporated into the project unless such measures are not “feasible.”

Because the basis for NEPA abatement and CEQA mitigation differ, soundwalls that may be determined to be not “reasonable” or not “feasible” and therefore not recommended under NEPA do not

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"The proposed project would affect two existing views in San Diego, two existing views in Solana Beach, seven existing views in Encinitas, four existing views in Carlsbad, and one existing view in Oceanside. Impacts to these views range from moderate visual impact to high visual impact and are considered significant."

40 cont. The visual assessment included only a sampling of "representative" views and in fact did not assess views of marked significant visual value (see comments on visual assessment).

The visual assessment is incomplete making this summary of Unavoidable Significant Environmental Effects also incomplete and in error.

41 Table 4.1 Page 4-5: Two of the project alternatives are estimated to generate CO2 savings of between 340 and 350 tons per day as a result of reduction in stop and start traffic. The DEIR should be modified to address the obvious questions that were not reported.

- What is the estimated incremental increase in CO2 estimated that will be caused by the project construction and over how many months/years will this operate?
- How long after completion of construction will it take for the project to provide a net CO2 benefit based on increased fuel efficiency?
- How long after completion of construction will it take for the project to provide a net CO2 benefit when all other CO2 impacts of the project are taken into account?
- What is the estimated CO2 consumption of the new traffic generated by this project?

42 Section 4.6.5 AB32 Compliance, Page 4-6

This project is inconsistent with AB32 and the DEIR is INCOMPLETE in that it has not provided any project specific details on how this project meets California's plans to comply with AB 32? This section does include the following statement: *"Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit oriented communities, and high density housing along transit corridors."*

How does this project fit with Caltrans effort in this initiative?; it appears designed to do the very opposite by encouraging an increase in vehicle miles traveled, undermining smart land use strategies, encouraging a bedroom community rather than job/housing proximity strategy, and subverting efforts to establish and encourage transit oriented communities

43 Section 4.7 Mitigation Measures for Significant Impacts under CEQA
This document concludes with the following statement: *"Supporting documentation of all CEQA resource evaluation is provided in Chapter 3 of this Draft EIR/EIS. Discussion*

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39 cont. necessarily represent a failure to provide mitigation under CEQA. As stated in Final EIR/EIS *Section 4.3.4*, most changes range from one to three dBA, a range that is generally not detected by the normal healthy human ear. At the project level, for the 27-mile corridor, noise impacts are not identified as significant under CEQA. As discussed in *Chapter 4*, however, a small number of segments and 58 individual receptors within the *I-5 NCC Project* area could experience potentially significant noise impacts under CEQA. Additional, non-CEQA-related abatement is also recommended at other locations where "feasible" and "reasonable," according to federal protocols. This attenuation would provide effective noise mitigation for a large number of locales and receptors along the *I-5 NCC Project*, and is over and above CEQA mitigation requirements.

40 As described in *Section 3.7.3, Environmental Consequences,* of the EIR/EIS, under the heading *Analysis of Key Views*, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project and also represent the primary viewer groups potentially affected by the project. Based on these representative and typical views, it is possible to evaluate the extent and magnitude of potential change that could occur anywhere along the I-5 improvements. The EIR/EIS concludes that a high adverse degree of visual change caused by the project would remain under NEPA and CEQA. Additional representative views would not have changed this assessment.

41 With respect to your questions and comments on CO_2 generation, new discussion has been added to *Section 3.14.3, Environmental Consequences*, of the Final EIR/EIS. Construction emissions of GHGs were evaluated as part of the Supplemental Draft EIR/EIS circulated for review and comment in August 2012, and the information has been added to *Section 4.6.4* of this Final EIR/EIS. *Table 4.3, Estimated Annual Construction GHG Emissions*, shows that total annual construction emissions would be approximately 2,337 tons of CO_2. Operational improvements are projected to result in a decrease of approximately 124,000 MT per year. As a result, even with consideration of anticipated construction emissions, the net impact of project implementation relative to GHG emissions would be beneficial. Please also refer to Topical Response "Climate Change" for additional discussion regarding anticipated GHG

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	41 cont. emissions. Also, a number of measures to reduce such emissions during project construction is identified in EIR/EIS *Section 4.6, Climate Change*, and in the Caltrans Climate Action Program referenced therein, as outlined below. Detailed information on the estimated duration and phasing of project construction is provided in EIR/EIS *Section 2.4, Phased Construction*. The discussion on construction-related greenhouse gas (GHG) emissions (including CO_2) in *Section 4.6* notes that such emissions: > …will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases. In addition, with innovations such as longer pavement lives, improved traffic management plans, and changes in materials, the GHG emissions produced during construction can be mitigated to some degree by longer intervals between maintenance and rehabilitation events. Specific related measures identified to minimize GHG emissions from project construction include: • Use low-emission on-site mobile construction equipment where practicable. • Maintain equipment in tune per manufacturer's specifications. • Retard diesel engine injection timing by two to four degrees unless not recommended by manufacturer due to lower emission output in-place. • Use reformulated, low-emission diesel fuel. • Substitute electric and gasoline-powered equipment for diesel-powered equipment where practicable. • Use catalytic converters on gasoline-powered equipment.

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41 cont.

- Do not leave inactive construction equipment idling for prolonged periods.
- Construction phasing plan to identify sequence of construction and to help minimize traffic delays.
- Control traffic delays to the extent possible during periods of many simultaneous construction operations.
- Implement a Public Awareness Program, including changeable message signs, and public service announcements via media and an 800 telephone number.
- Implement a Traffic Operations Strategies Program, including ongoing evaluation of traffic operations, provision of incident response during construction, use of CHP [California Highway Patrol] construction zone speed reduction enforcement, and alternate route strategies.

In addition, the Caltrans Climate Action Program includes a number of related strategies to reduce construction-related GHG emissions, including efforts such as: (1) converting equipment and vehicles to more energy-efficient, low-emission models; (2) using alternative fuels, such as biodiesel and ethanol blends, where practicable; and (3) reducing the Portland cement content in highway concrete, which reduces CO_2 emissions produced during the cement production process (i.e., limestone heating). The Climate Action Program can be reviewed at the following website: http://www.dot.ca.gov/hq/tpp/offices/ogm/key_reports_files/State_Wide_Strategy/Caltrans_Climate_Action_Program.pdf.

The benefits of reducing CO_2 generation from improved traffic operations would begin immediately upon operation of the proposed project. These reductions would culminate in the referenced reductions of 340 to 350 tons per day in year 2030, as depicted in Final EIR/EIS *Table 4.2*.

The project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial amount of new traffic (refer to Topical Response "Projected Growth" for additional discussion). New traffic would not consume

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41 cont. CO_2. If the intent of this comment was to request the estimated CO_2 generation, please note that the regional CO_2 emission data provided in EIR/EIS *Table 4.1* reflect associated traffic volume projections for the identified timelines.

42 The cited discussion in EIR/EIS *Section 4.6.5* includes the following additional information:

> Caltrans continues to be actively involved on the Governor's Climate Action Team…to …help achieve the targets set forth in AB 32. Many of the strategies Caltrans is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year...[the] Strategic Growth Plan targets a significant decrease in traffic congestion below today's level and a corresponding reduction in GHG emissions. A suite of investment options has been created that combined together yield the promised reduction in congestion. The Strategic Growth Plan relies on a complete systems approach to attain CO_2 reduction goals: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements.
>
> Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit oriented communities, and high density housing along transit corridors. Caltrans works closely with local jurisdictions on planning activities but does not have local land use planning authority. Caltrans also assists efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, as well as light and heavy-duty trucks…by supporting ongoing research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by USEPA and CARB [California Air Resources Board].

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43 cont.

of all impacts avoidance, minimization and/or compensation measures is under the appropriate topic headings in Chapter 3. Implementation of these measures would reduce significant impacts to below a level of significance under CEQA for Noise, Natural Communities and Wetlands for the State."

Putting aside all comments, disputed facts, omissions and errors raised by these comments (and presumably those of other commenters) that proposed mitigation measures would reduce impacts to below a level of significance we are still left with the overriding and unavoidable fact that even this biased and overreaching DEIR could not hide.

This project will result in major visual impacts along the entire length of this project. It will create an ugly, noisy, concrete scar that will blight the vaunted even 'mythic' (to use Caltrans terms) visual resources of this area in perpetuity. This project has no redeeming forward looking features sought after by SANDAGs own long term plans; to "*…reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit oriented communities, and high density housing along transit corridors."*

This project was conceived prior to federal recognition of the effects of greenhouse gases on climate change and presents an outdated vehicle-only solution that communities along this corridor will regret from when the first shovel rips the last shreds of natural landscape left in northern San Diego County.

44

NOISE STUDY:
GENERAL COMMENT 1. and issue of major concern regarding the validity of the use of this document in support of the DEIR.

Measurements for this noise study were conducted in 2004, but the document was not released until April 2007. The Caltrans website on "Noise and Vibration Studies" (includes the following discussion:

"Implementation of Traffic Noise Model (TNM 2.5) - The Federal Highway Administration (FHWA) published a Notice of Proposed Rulemaking on August 20, 2004 to change the national traffic noise model required for use on Federal Aid projects to TNM. In an agreement reached with FHWA, Caltrans has agreed to require all new project noise studies, beginning after January 15, 2005, to use TNM version 2.5 or later for acoustic modelling of traffic noise. The exception to this requirement is for a reevaluation noise study of a project that was originally modelled using Sound 32 or Sound 2000."

Since the noise study was performed Caltrans has performed multiple significant projects along the corridor that have greatly affected the existing noise environment. These two facts mean that the DEIR this study is supposed to support is based on outdated modeling and measurement protocols and methods and that the section "Existing Noise Environment" no longer depicts conditions along the corridor. This time lag problem presents something more than a technicality as it will certainly affect the numbers of properties whose noise levels will increase above acceptable levels and will need to be assessed for potential noise mitigation. Not only should this section reflect conditions post recent Caltrans highway construction projects

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42 cont. Based on the above discussion and the fact that the projected increase of VMT is anticipated to be relatively small (approximately four percent) and accompanied by a decrease in VMT along regional arterials, the project goals to improve traffic operations and travel times within the I-5 North Coast Corridor—as one element of a larger transportation system upgrade that includes transit improvements—are consistent with, and would contribute to, State compliance with CA AB 32. It should also be noted that SANDAG's 2050 RTP includes the project along with other multimodal solutions and forecasts a countywide reduction in GHG emissions to 1990 levels by 2020, as required by CA AB 32 and CA SB 375. Please also refer to Topical Responses "Multimodal System" and "Global Warming" for additional information on regional transportation system improvements and climate change issues and regulatory conformance.

43 Please refer to the responses to your Comments 02, 07, 14, 23, 24, and 33, which address your varied concerns regarding the visual impacts of the project. *Chapter 4* of the EIR/EIS states that visual impacts would be significant and unavoidable under CEQA. The responses to your Comments 06, 12, and 17, as well as Topical Response "Project Lifespan," explain that the proposed improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system, allowing the region to work toward complex solutions such as changes in land use patterns, for example by developing job/housing proximity, transit oriented communities, and high density housing along transit corridors, which are developments that take extended time to implement. A variety of regional programs, including land use densification and improvements to the public transportation system, are planned to minimize future increases in freeway traffic. These type of programs, as well as those cited in the comment, are beyond the authority of Caltrans, a State agency whose role is to provide a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. Comments regarding these topics would be better directed to SANDAG, which is responsible for such programs.

Regarding the effects of GHGs on climate change, please refer to the responses to your Comments 41 and 42, which provide additional information on these issues related to the proposed

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43 cont. project. Please also refer to the responses to your Comments 04, 15, 20, and 30, in addition to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit," for additional discussions regarding non-vehicle transportation improvement options for the I-5 corridor.

44 Regarding your comments on noise assessment methodology, including existing noise level measurements and the relationship to future noise level modeling, the analyses provided in the Noise Study Report (NSR) prepared for the project and EIR/EIS *Section 3.15, Noise*, are appropriate and comply with all applicable FHWA and Caltrans requirements. For existing noise levels, noise measurements were taken at sensitive locations within the project limits to establish baseline conditions, calibrate the future traffic noise model, determine the interior noise levels in classrooms, and determine the drop-off rate from the front to backyard at certain residences. Updating these noise level measurements would not affect the analysis of project-related noise impacts or associated mitigation requirements, as future No Build and build alternative traffic noise levels are modeled using LOS C traffic volumes to obtain the "worst-case" noise scenario; therefore, measured noise levels in 2004 do not affect the future modeled noise level. Specifically, because the worst-case noise levels are associated with free-flowing traffic operating at higher speeds, they would not change as a function of time and/or higher traffic volumes.

Future noise modeling for the *I-5 NCC Project* utilized the Caltrans highway noise prediction computer model, SOUND2000, Version 3.3. SOUND2000 is based on the highway traffic noise prediction method specified in FHWA-RD-77-108 and was the FHWA-required methodology at the time the analysis was prepared. Consistent with FHWA direction, the TNM 2.5 (or later) model should be used for current studies, but a re-evaluation noise study for a project originally modeled using SOUND32 or SOUND2000 does not require remodeling. Because the final design has not been completed, re-running the noise model to identify subtle noise contour changes that might result by using the TNM modeling would not be helpful. Please also note that

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44 cont.

If the noise study had been released soon after measurements were conducted then the use of the previous modeling approach would make sense. Two years passed however between the measurement period and completion of the report, more than adequate time to model with current methods.

The scale of this project and the number of residents that will be impacted demand that the information used in the DEIR is accurate and current (insofar as any discussion of existing noise environment is concerned).

GENERAL COMMENT 2: The legacy software used in this Noise Study is inadequate to accurately predict noise levels along cut highway sections and this model does not meet current modeling standards set by FHWA. SOUND2000 is a highly simplistic 1-dimensional sound model that does not accounts for changes to the profile of cut sections of highway.

This noise study is fundamentally flawed as a supporting document to the DEIR in three major respects:

1. The existing noise environment has changed significantly from 2004 when the sound measurements were taken. These changes are the result of changes to the I-5 highway design resulting from projects conducted by Caltrans.
2. The study uses the no-longer accurate existing noise levels in a model to predict the future sound levels; but no account has been taken in the model to the changes in the cut profile (cross section), the replacement of sloping soft vegetated slopes with extensive sections of vertical retaining wall
3. At the time the noise modeling was performed it was an outdated approach and superceded by FHWA and Caltrans policy.

45

Page 6. Contains the statement "Atmospheric effects - Research by The Department and others has shown that atmospheric conditions can have a significant effect on noise levels when noisereceptors are located more than 60 meters (200 feet) from a highway. Wind has been shown to be the most important meteorological factor within approximately 150 meters (500 feet) of the source, whereas vertical air temperature gradients are more important for greater distances. Other factors such as air temperature, humidity, and turbulence also have significant effects.

Residents of the Torrey Pines community have observed the truth of this statement, traffic noise levels in the neighborhoods bordering Portofino Drive and Mango Drive notice significant variation in noise level according to wind direction. The construction of new buildings along the eastern side of the I-5 is also believed to have increased noise levels in these neighborhoods as a result of increased levels of reflected noise.

The noise measurements and subsequent modeling are INADEQUATE for the purpose of this DEIR as this important noise factor has not been incorporated into the measurement and modeling of noise in this study as measurements were not taken across the full range of wind direction conditions that residents of this area experience.

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44 cont.

use of the TNM model could trigger use of the 2006 Caltrans Traffic Noise Analysis Protocol, which specifies its use. Because this Protocol has modified established limits for the "reasonable and feasible" analyses, modeling under the new Protocol could potentially result in the elimination of soundwalls determined to be "feasible" or required for "severely impacted" noise receptors, which are receptors subject to noise exceeding 75 dBA, under SOUND2000. Please refer to Topical Response "Soundwall Considerations" for additional information. Accordingly, the decision was made to retain the more conservative modeling and subsequent assessment, which would result in a greater number of soundwalls being installed if a build alternative is approved. In addition, while the project noise analyses are appropriate and comply with all pertinent requirements as noted, it is understood that if applicable parameters change substantially during the final project design, the preliminary noise abatement design might be changed or eliminated from the final project design. Another decision on noise abatement would be made upon completion of the project design.

Regarding the purported document flaws, please refer to the information provided above in this response for information on the applicability of existing noise measurements and future noise modeling. In addition, it should be noted that the future noise modeling conducted for the project does incorporate applicable changes to the freeway profile and associated surface features, with related information provided in Section 5.0 of the NSR under the heading of Traffic Noise Modeling. Specifically, this discussion notes that:

> SOUND2000 input is based on a three-dimensional grid…and receiver points are defined by their x, y, and z Coordinates...The propagation path between source and receiver is modeled in SOUND2000 through the use of shielding factors and propagation constants…Shielding factors are useful for modeling the shielding effect of rows of houses or building structures, special terrain features, and even barriers. Propagation constants are used to

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44 cont. model the varying propagation rates between the source and the receiver. Generally, two basic propagation rates are used in SOUND2000: hard ground and soft ground. Hard ground propagation is used when either the source or the receiver is elevated or when the propagation path is over a hard surface such as asphalt, and it produces a 3-dB drop-off per doubling of distance. Soft ground propagation is used to model the greater propagation loss over grass or soft earth, and it produces a 4.5 dB drop-off per doubling of distance.

As a result, project-related noise analyses are accurate and comply with all applicable FHWA and Caltrans requirements.

45 Atmospheric conditions are included in the project noise assessment. For noise level measurements, detailed information regarding short- and long-term noise measurements conducted for the proposed project is provided in the NSR. Specifically, the Noise Measurement Forms attached to the NSR provide documentation of atmospheric conditions such as wind directions and speeds; temperatures and humidity levels; and related considerations including relative elevations and shielding. Short-term noise measurements are intentionally conducted during periods of low wind speed to avoid “unusual noise sources” such as high winds that could skew the measurement data, while long-term noise measurements include all associated noise events recorded over a 24-hour or other applicable period, and thus may reflect variable atmospheric conditions. Accordingly, while atmospheric conditions such as wind can influence the transmission of noise energy as noted in this comment (and the NSR), project-related noise measurements encompass a range of such conditions and accurately reflect the local environment. It should also be noted that the determination of future noise levels and associated noise abatement (e.g., soundwall) decisions are based predominantly on noise modeling, which incorporates appropriate atmospheric conditions. From the described information, project noise measurements and modeling are appropriate and are in compliance with all applicable FHWA and Caltrans requirements.

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	45 cont. Regarding potential noise reflection from "…buildings constructed along the eastern side of the I-5…," while structures such as buildings and walls have the potential to reflect a small amount of noise, any associated potential increase in noise levels in the subject area would be minor. Specifically, noise from roadway traffic is not one-dimensional but rather emanates out from the source in all directions. Accordingly, much of the noise energy generated from freeway sources does not strike building facades or other structural surfaces and, therefore, is unaffected by the buildings. Noise energy that does strike buildings is reflected at an incident angle (i.e., an angle similar to that at which the energy struck the building). As a result, noise energy that strikes buildings and is reflected at very low incident angles can potentially result in an increase of overall noise levels at associated noise receptors such as at locations opposite the buildings. The majority of noise energy in this scenario, however, would strike the building and be reflected at higher incident angles such that it would not contribute to an increase in associated receptor noise levels. The portion of this noise energy reflected at angles that may potentially be directed to more distant noise receptors would also be minor, and would be reduced by the standard attenuation of three dBA per doubling of distance typically applied to highway noise. Based on the described considerations, project-generated noise reflected by buildings or other structures would not substantially contribute to increased noise levels either within or outside of the project limits.

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46 Page 9: This Study contains errors that affect findings at locations with sensitive receptors (ie school children in classrooms). The errors must be corrected for noise study findings to be valid for affected sites. Page 9 contains the statement "All measurement sites were selected so that there would be no unusual noises from sources such as dogs, pool pumps, or children that could affect the measured levels." This is contradicted by the statement found on Page 25 Classroom Measurements which contains the following statement "As shown in Table 6-4, at Site ST5.3A, Del Mar Hills Elementary School, the interior noise levels were 55 dBA due to an HVAC system with a noisy fan. This resulted in only a 2 dB difference between the measured indoor and outdoor levels."

The use of improper protocols in this study may have a direct impact on noise conditions at the Del Mar Hills school and should be corrected. It is inappropriate to use data from other sites to calibrate results at this location in light of the numbers of school children potentially affected by the findings of the study for this location. As the Caltrans and FHWA methodology was not properly followed at this site, a new set of measurements should have been performed.

47 Page 12. The report includes the following statement "Since there will only be lane additions to the I-5 project without any major changes to the profile of the existing alignment, it is appropriate to calibrate the traffic noise computer model using the measured field data."

- What documentation or evidence does Caltrans have to support this highly suspect assumption.?
- Does Caltrans consider this approach consistent with the due standard of care for professionals performing this work?

All the build alternatives will greatly affect the shape and noise properties of all "cut" sections of the highway. In particular many miles of gently sloping, vegetated cut slopes will be replace by large vertical retaining walls that will inevitably result in a significant amount of reflected noise from hard surfaces. The Noise Study is based on modeling that uses erroneous assumptions and is inadequate for accurate forecasting of future noise conditions along the corridor.

48 VISUAL IMPACT ASSESSMENT

The descriptions of the visual resources provided on Pages 7 and 18 are excellent summaries that capture what residents and visitors to this area know well. These priceless resources are the very things that need to be preserved; and to which engineering projects need to minimize potential impacts.

Unfortunately for the Torrey Pines Community the visual assessments have completely overlooked the very viewsheds and views that are most valued and will be more directly impacted by the planned project.

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46 The described information provided in both the NSR and EIR/EIS *Section 3.15* is accurate and appropriate. Specifically, the cited text from Page 9 of the NSR that "All measurement sites were selected so that there would be no unusual noises from sources such as dogs, pool pumps, or children that could affect the measured levels…" is primarily applicable to outdoor measurements. That is, there is more flexibility to avoid such potentially problematic noise sources in outdoor areas by simply moving the measurement site to a different location. Additional discussion is provided in Section 5.0 of the NSR under the heading Noise Measurement Procedures. Avoiding problematic noise sources for indoor measurements at locations such as classrooms might be more difficult, however, particularly when the source is "an HVAC [heating, ventilation, and air condition] system with a noisy fan" as identified in the cited text from Page 25 of the NSR (i.e., a noise source that is ubiquitous within the classroom[s] and cannot be easily eliminated by relocating the measurement site). The NSR text on Page 25 regarding the subject classroom measurements goes on to state that: "Because an accurate indoor/outdoor noise measurement couldn't be taken…an average of the measured building attenuation at ST6.5A and ST17.1A [i.e., two additional measured classroom sites] was utilized for the future noise analysis..." Based on the similarities between the subject classroom site and the two additional measured classroom locations, the analyses and conclusions in the NSR regarding indoor/outdoor classroom noise levels and associated project-related effects are consistent with the identified noise assessment methodology and related FHWA and Caltrans noise evaluation standards. Accordingly, no additional measurements are necessary or proposed at the subject classroom site.

47 Methodology related to calibrating the traffic noise computer model with measured field data is outlined in the Caltrans Technical Noise Supplement (TeNS), as referenced in Section 9.0 of the NSR. Specifically, the NSR text notes on Page 12 that, per direction in the TeNS, "…if the modeled and measured values are between one and two dB and there is great confidence in the accuracy and results of the measurements, calibration may be attempted." It should also be noted, however that this calibration was only applied

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The visual analyses performed in the Torrey Pines Community address views of minor concern and while of use, the rationale for choosing analyses of low value views over highest value landscapes is incomprehensible; and as such represents a SERIOUS OMISSION to this visual assessment.

This omission must be addressed and the visual impacts of the alternatives fully assessed and incorporated into the EIS/EIR for the findings of that document to be valid. As such the absence of evaluation of these key resources is a SIGNIFICANT OMISSION of the DEIR.

Page 7 includes the following statement:

"Because of its outstanding climate and scenery, this portion of California coast has taken on a cultural significance that borders on the mythic. The California dream of sun, surf, and the freedom of the open highway took form here and in similar communities up the coast. The area has been immortalized in popular culture by such disparate voices as Raymond Chandler, Tom Wolfe, and the Beach Boys.

48 cont. The scenic landscape components, both natural and man-made, have mostly survived the intense urban development of the past 30 years, and continue to draw new visitors and residents each year. The coastal landscape, historic villages, and unifying ribbon of highway are highly valued regionally, nationally, and globally. Below is a brief pictorial description of San Diego's north coast and the I-5 freeway corridor."

Page 18 the following: " Today, the corridor's scenic image forms the visitor's first impression of a city that takes pride in its unique visual identity and its nickname as the Garden City."

Although the freeway has grown to become the primary link between two of the largest metropolitan regions in the country, the rural character of the corridor has managed to survive. Expansive views of river valleys, coastal lagoons, beaches and other natural scenic resources offer a freeway driving experience like no other in southern California. Development densities near these natural features have remained low for the most part, and large groupings of mature trees are the primary visual element in the developed landscape.

The parkway character of the old by-pass road persists on today's freeway. Large structures normally found on urban freeways such as flyover bridges, retaining walls, and noise walls are absent from much of the corridor, and where they do exist, are strictly minimal in appearance. This allows natural landscape features to take center stage, opening scenic views from the road and screening views of the freeway from djacent communities. On the freeway proper, large oleander shrubs in the median reduce the visual scale of the freeway by half and towering eucalyptus trees provide vertical relief in proportion to the broad horizontal plane of the freeway.

RESPONSES

47 cont. at two of the 37 short-term measurement sites, with the NSR stating on Page 13 that: "For this project, any differences between the measured and modeled values found to be more than ±1.7 dB were applied to the noise model in an attempt to enhance the accuracy of the noise prediction. The results at 35 of the sites were found to be within ±1.7 dB." As a result, the described approach to calibrate the two sites with differences of more than 1.7 dB is considered consistent with all applicable standards, including the TeNS and the Caltrans Traffic Noise Analysis Protocol, which mandate the use of existing, available information to ensure that the modeled future noise data are accurate.

For concerns associated with potential impacts from project-related noise reflection, please refer to the response to your Comment 45 above. As noted therein, project-generated noise reflection would not substantially contribute to increased noise levels either within or outside of the project limits.

48 Your comment regarding more valued views being more directly impacted by the project and not included in the visual assessment is unclear. As explained in the response to your Comment 40, preparation of visual simulations from all possible viewpoints is not practicable. Rather, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. These viewpoints would illustrate the most substantial visual effects, rather than views of minor concern, as stated in your comment. The specific viewpoints mentioned, southbound I-5 between Del Mar Heights Road and Carmel Valley Road, and northbound between Carmel Country Road and Carmel Valley Road, were not deemed as having the most substantial visual impacts from the project and, therefore, were not included as key views. Views of Los Peñasquitos Lagoon and Torrey Pines State Reserve would not be blocked by the proposed project because no walls would be built on the bridges that cross over lagoons and other waterways.

Please refer to the response to your Comment 07 regarding the visual character of the corridor. Key view photo simulations are for illustrative purposes only. As described in EIR/EIS *Section 3.7, Visual/Aesthetics*, because the project has not yet been approved,

EMAILS — COMMENTS

The I-5 corridor leads the traveler through a sequence of outdoor spaces that alternates between coastal valleys and their corresponding uplands. The valleys are characterized by natural open space and open water in the form of the ocean, lagoons and/or rivers, and the uplands consist of hills and mesas that contain a variety of developed land. Typically, new large-scale suburban development is located east of I-5 beyond the freeway viewshed, while older, small scale beach communities are adjacent to and west of the freeway."

Page 6-3
Views of the ocean also occur on the Southbound I-5 between Carmel Valley Road and the I-5.805 interchange.

Scenic resources in the Torrey Pines Community affected by this project include: Ocean Views, Penasquitos Lagoon and Torrey Pines State Reserve.

The I-5 corridor is part of the California Scenic Highway System and is also designated as a scenic corridor by some of the cities it traverses.

Page 94: Why is there no key view from Southbound I-5 between Del Mar Heights Road and Carmel Valley Road?

This is the point where the traveller gets to view the ocean, Torrey Pines State Reserve, the Coastal Bluffs and the Penasquitos Lagoon. Avoidance of visual analysis of this view which will be greatly affected by the planned construction of a very tall retaining wall is a SERIOUS OMISSION to the value and veracity of this visual assessment.

48 cont.

Page 94: Why is there no key view from Northbound between Carmel Country Road and Carmel Valley Road?.

Along this section of highway the traveller gets to view the ocean, Torrey Pines State Reserve, the Coastal Bluffs and the Penasquitos Lagoon. Avoidance of visual analysis of this view which will be greatly affected by the planned construction of a very tall retaining wall is another SERIOUS OMISSION to the value and veracity of this visual assessment.

Page 84 The TPCPB CHALLENGES THE CORRECTNESS of the approach used for the selection of Key Views which is stated as follows:

"Because it is not feasible to analyze all the views in which the proposed project would be seen, it is necessary to select a number of representative key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project."

Having previously described the key view sheds, the worldwide even "mythic" value of the views along this corridor, a Visual Assessment that does not assess the impacts to the

RESPONSES

48 cont. specific landscape plans have not been developed. Project landscaping plans would be developed as the ongoing design process proceeds, however, and would reflect input from sources including Caltrans design standards and comments received during public outreach meetings. Excluding existing areas of oleander median planting, all project landscaping is now planned to consist of local native species. Please also refer to EIR/EIS *Section 3.22, Invasive Species*. All landscape planting would be designed in consultation with the District Biologist. New areas for mitigation replacement planting at the edge of shoulder, between concrete median and separator barriers, or between barriers and walls would be developed wherever available freeway width allows. Conceptual landscape elements are identified in *Section 3.7,* including potential designs associated with soundwalls, retaining walls, earthen berms, berm/wall combinations, and other freeway and related structures (refer to Final EIR/EIS *Figures 3-7.113* through *3-7.130, 3-7.145*, and *3-7.148*).

Please note that view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained, including Los Peñasquitos Lagoon and Torrey Pines State Reserve, as noted above. Some soundwalls or sections of soundwalls have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed.

EMAILS – COMMENTS	RESPONSES
48 cont. most valuable scenic resources is IN ERROR and will grossly MISREPRESENT and UNDERREPORT the potential visual impacts of the various alternatives. Unless all the most valuable views are analyzed this is not an analysis of "Key Views". The title of this section is INACCURATE and MISLEADING as they represent only representative views. The need to assess representative types is understood but not to the exclusion of the most valued views as these are the very views where the greatest damage will likely result. Indeed, one could easily expect that views of limited current value or have already been degraded by insensitive engineering design have little visual value left to use. The choice of CALTRANS to select "representative" views is INHERENTLY BIASED in a manner guaranteed to underreport visual impacts. Page 167 Summary of Scenic Impacts This section provides an INCOMPLETE and INACCURATE summary of the visual impacts of this project. As only "representative" views have been studied, this assessment both avoided assessing impacts to some of the most valued views as indicated in the previous comment, and also only assessed a sampling of views. This summary is therefore only a summary of a representative sample and is therefore and INCOMPLETE ANALYSIS of the full impact this project.	

EMAILS – COMMENTS

Heidi Franczyk
Tuesday, October 12, 2010 4:25 PM
Subject: Interstate 5

01 Dear City of Carlsbad: I am a very concerned resident and homeowner of the Oceanside Community. I am aware of the Interstate 5 North Coast Corridor Project Draft Environmental Report/Environmental Impact Statement. Last month I attended an informational meeting. Please take a stand against this horrific project!

I have several questions regarding this plan.

02 How will this effect coastal marine life due to the freeway's very close proximity to coastal lagoons, rivers and surf? How much run off from oil and debris will be added to our ocean? How will we clean this increased pollution from our beaches and ocean waters?

03 Will this decrease greenhouse gasses or increase them? What will be the level of CO2 released during weekday and weekend rush hour at the increased capacity including the additional lanes?

04 Why is CalTrans not increasing railway service on existing railway running north south along the coastal corridor? Why doesn't the Coaster train run on Sunday? Why on Saturday is rail service greatly restricted? Weekends are the time when traffic is consistently the worst and this is the time when train services are greatly deficient.

05 Will this actually increase people's use of cars for transpiration from Oceanside to San Diego due to the quicker travel time? Will more people choose to live in North County and work in San Diego due to this freeway construction? Wouldn't this actually increase traffic?

06 As a nation we are facing an epidemic of obesity. Will this project increase instances of obesity in our population? Will increased freeway use contribute to an even more sedentary lifestyle?

I look forward to all of your responses. I am very concerned and hope the cost of this project is truly evaluated before it is begun.

Sincerely,
Heidi Franczyk
810 Leonard Ave. Oceanside, CA 92054
heidifranczyk@hotmail.com

11/10/2010 05:17 PM
Subject: I 5

07 Dear Caltrains:
I am a very concerned resident and homeowner of the Oceanside Community. I am aware of the
Interstate 5 North Coast Corridor Project Draft Environmental Report/Environmental Impact Statement.
Last month I attended an informational meeting. Please take a stand against this horrific project!

I have several questions regarding this plan.

RESPONSES

Responses to Heidi Franczyk

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted. Responses to your questions are provided below.

02 Regarding potential project-related impacts to coastal marine life and pollution (water quality) concerns for local beaches and the ocean, these issues are addressed in EIR/EIS under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*, and in *Section 3.10, Water Quality and Storm Water Runoff*. As described in the listed *Biological Environment* sections, all project-related impacts to biological resources in coastal areas (including lagoons and related waterways) would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed in concert with the wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. It should also be noted that, since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. This evaluation incorporates the results of associated technical analyses, including hydrologic/hydraulic studies and Caltrans interaction with lagoon scientists, to determine the appropriate bridge lengths and channel dimensions that would reduce the level to which levees or other man-made

EMAILS — COMMENTS | RESPONSES

02 cont. features restrict tidal flushing (water movement and exchange). Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons.

Potential project-related water quality impacts are evaluated in association with the identified build alternatives and the No Build alternative, including potential effects to coastal water (e.g. lagoons) and related waterways. *Section 3.10* also identifies appropriate best management practices (BMPs) to address potential project-related water quality impacts, based on approved Caltrans standards, manuals, and guidelines, including the Statewide Storm Water Management Plan (SWMP). Among other criteria, the SWMP identifies applicable BMPs related to the following project elements and phases: maintenance, design pollution prevention, construction, and "treatment." Caltrans-approved preliminary project-specific BMPs are identified in the EIR/EIS, along with the nature and location of existing "treatment" BMPs constructed within the I-5 corridor as part of the Caltrans BMP Retrofit Pilot Program (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67*, which have been updated from Draft EIR/EIS *Figures 2-2.14a* through *2-2.14ao,* now contained in Appendix K). The EIR/EIS analysis also notes that BMPs would be evaluated and implemented to address impacts during the planning and design, construction, and operational phases. Based on these considerations, the EIR/EIS appropriately concludes that the project would comply with all applicable water quality standards and regulations.

03 With respect to greenhouse gases (GHG) and related carbon dioxide (CO_2) levels, these issues are addressed in EIR/EIS *Section 4.6*, *Climate Change*. This section provides an analysis of project-related GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives. As discussed therein, the project would be expected to result in lower GHG levels compared to existing conditions. To estimate the potential beneficial or negative effect of the proposed project on San Diego regional GHG levels, the CARB EMFAC 2007 vehicle emissions

EMAILS – COMMENTS	RESPONSES
	03 cont. model for the San Diego Air Basin was used to calculate CO_2 emissions for the San Diego metropolitan area with and without the proposed project. The results are presented in terms of tons per day and are not computed at the hourly level of detail requested in this comment. While the hourly (rush hour) CO_2, levels requested in this comment are not available, the project build alternatives are estimated to reduce buildout CO_2 emissions in the San Diego region by hundreds of tons per day compared to the No Build alternative (refer to EIR/EIS *Table 4.2*). Please also refer to Topical Response "Climate Change" for additional information on GHG and related global warming and climate change issues.
	04 Regarding the existing railway and current Coaster schedule, please note that Caltrans is responsible for implementing only the highway improvements associated with the multimodal improvement effort for the North Coast Corridor. Because potential modifications to rail services are within the jurisdiction of another agency, Caltrans has no ability to implement or influence such activities. This comment would be better addressed to the North County Transit District, which has jurisdiction over train service.
	05 With regard to the proposed project increasing people's use of cars, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips (i.e., more cars). Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Additionally, the potential for the project to result in increased traffic, referred to as induced or latent demand, has been included in project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled is anticipated to be relatively small (approximately four percent) in association with the proposed project, due to a combination of project-specific and

EMAILS — COMMENTS

07 cont.

How will this effect coastal marine life due to the freeway's very close proximity to coastal lagoons, rivers and surf? How much run off from oil and debris will be added to our ocean? How will we clean this increased pollution from our beaches and ocean waters?

Will this decrease greenhouse gasses or increase them? What will be the level of CO2 released during
weekday and weekend rush hour at the increased capacity including the additional lanes?

Why is CalTrans not increasing railway service on existing railway running north south along the coastal
corridor? Why doesn't the Coaster train run on Sunday? Why on Saturday is rail service greatly restricted? Weekends are the time when traffic is consistently the worst and this is the time when train services are greatly deficient.

Will this actually increase people's use of cars for transpiration from Oceanside to San Diego due to the quicker travel time? Will more people choose to live in North County and work in San Diego due to this freeway construction? Wouldn't this actually increase traffic?

As a nation we are facing an epidemic of obesity. Will this project increase instances of obesity in our population? Will increased freeway use contribute to an even more sedentary lifestyle?

I look forward to all of your responses. I am very concerned and hope the cost of this project is truly
evaluated before it is begun.

Sincerely,
Heidi Franczyk
810 Leonard Ave.
Oceanside, CA 92054
heidifranczyk@hotmail.com

RESPONSES

05 cont. regional efforts. Considering this factor, as well as the proposed HOV/Managed Lanes, the number of additional vehicles on the road is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic.

06 The reduction in congestion associated with the proposed project would not substantially affect the location, rate, type, or amount of population growth or employment in the project vicinity, due to other limits on growth, including land use controls within local and regional plans and policies as well as the highly urbanized nature of the surrounding land uses. Additionally, decisions regarding location of housing and employment are highly individual and influence over them is beyond the purview of Caltrans.

07 No known direct connection exists between the proposed freeway improvements and obesity. Intuitively, however, reducing travel time would be expected to reduce the number of hours each year that people spend in their cars, which would allow more time for exercise and recreation (i.e., a less sedentary lifestyle). Additionally, a number of community enhancement features are identified within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* of the EIR/EIS). If implemented, these features would create and/or improve amenities including pedestrian or bicycle corridors, as well as connections between pedestrian/bicycle routes and public transit centers. Thus, the proposed project would provide additional options for non-motorized travel and active recreation.

Please refer to the responses to your Comments 01 through 06.

EMAILS — COMMENTS

Karen Fraser
11/22/2010 08:19 AM
Subject: Comment on I-5 expansion

01 I sit in traffic on I-5 every morning and evening, to and from work, however I do not support the expansion of the I-5. The money should be spent on a public transportation solution, instead. We should learn from LA. More freeways lanes don't work, in the long run. Public transportation is the only solution. Using our cars to get to and from work is not sustainable and is bad for the environment.

Karen Fraser
283 Hillcrest Dr
Encinitas, CA 92024

RESPONSES

Response to Karen Fraser

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Regarding the use of funds for public transit, Caltrans' responsibility is to use transportation monies provided for upgrade of the State highway system in the most beneficial way, considering a combination of driver need, environmental effects, and project cost, on those highway facilities. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding ongoing plans and improvements to mass transit, as well as to Topical Response "Transportation Funding" for information on issues related to use of public highway funding for alternative transportation modes.

With regard to learning from Los Angeles, no one answer is appropriate for all segments of our State highway system; congested portions of I-5 in Los Angeles are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously with other regional efforts to address transportation demand, including changes in land use patterns and improvement of public transportation alternatives. Please also refer to Topical Response "Projected Growth" regarding the accommodation of projected growth in traffic over time and Topical Response "Project Lifespan" regarding the fluid nature of transportation improvements, which change over time and can be iterative.

EMAILS — COMMENTS

Lisa/David Frisbie
10/22/2010 04:32 AM
Subject I-5 Expansion

01 As residents of Del Mar in San Diego County, we believe a rational and careful expansion of I-5 is in the best interest of Southern California. A compelling body of scientific evidence shows that cars idling in traffic pollute heavily; cars moving freely along a highway operate at a much higher level of efficiency. The result: cleaner air due to much less emissions.

Traffic congestion causes pollution, delays, road rage --- and dampens tourism. The issue will not be realistically impacted by mass transit; the state can ill afford spending billions on mass transit proposals when our economy is depressed.

A wider, wiser I-5 is a good, solid idea that all of us can live with --- and live better.

David & Lisa Frisbie
Del Mar, California

Dr. David & Lisa Frisbie
The Center for Marriage & Family Studies
http://www.MarriageStudies.com

RESPONSES

Response to Lisa and David Frisbie

01 Thank you for your comments, which are part of the public record. Your comments regarding the need for expanding I-5 are consistent with the findings of transportation agencies evaluating transportation issues in the North Coast Corridor (refer to Topical Response "Multimodal System"). Also consistent with your comment, following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Your comments regarding air quality impacts of idling vehicles are consistent with the analysis presented in *Section 3.14*, *Air Quality*, of the EIR/EIS. Additionally, Topical Response "Mass Transit" provides a discussion of regional transportation planning with regard to mass transit, should you be interested.

EMAILS – COMMENTS

David Frisk
09/27/2010 02:58 PM
Subject: The I-5 North Coast Corridor Draft Environmental Document public comment

01 To whom it may concern,
I am greatly concerned about the impact the North San Diego County I-5 road expansion will have on my property and my community of Encinitas. I am asking that you choose the 8+4 buffer plan, including sound walls, along all residential areas. The freeway noise is bad now, and this road expansion will ruin property values and our community without the sound walls. At present there is a sound wall behind my property. From what I have read, all your proposals plan to remove, and not replace, that sound wall. I was told by Mr. Arturo Jacobo, Project Manager at the California Department of Transportation, that a sound wall can't be removed without being replaced but now I am getting a different story. To take down the existing sound wall and not replace it with one at least as large as the current one, would not be acceptable.

Thank you for your consideration in this matter,
David Frisk
767 Orpheus Avenue
Encinitas, CA 92024
760-635-3872
david@davidfrisk.com

RESPONSES

Response to David Frisk

01 Thank you for comments stating your preference for the 8+4 Buffer alternative, and project-related concerns regarding potential property acquisition, noise and soundwall concerns. Your comments are part of the public record. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative was determined to be the locally preferred alternative (LPA) and is identified in the Final EIR/EIS as the Preferred Alternative.

With respect to project noise and soundwall concerns, these issues are addressed in EIR/EIS *Section 3.15, Noise*. As discussed therein, although project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is “feasible,” “reasonable,” and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of “reasonable and feasible” criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including S689 in the subject area (767 Orpheus Avenue, refer to Final EIR/EIS *Figures 2-2.3, Sheets 36* and *37*). Although this soundwall is currently proposed, it ultimately may not be included in the project for the reasons discussed below. While Soundwall S689 was determined to be “feasible” under the noted FHWA and Caltrans guidelines for some (but not all) of the associated noise receptors, it was assessed as not “reasonable” because the estimated

EMAILS – COMMENTS	RESPONSES
	01 cont. construction cost exceeds the "reasonable" allowance. A number of the noise receptors associated with S689 would exhibit noises level at or above 75 dBA under projected future conditions (with the project and no soundwall), and would thus be "severely impacted." Noise abatement is required to be considered for such noise receptors under FHWA and Caltrans guidelines. Because constructing the entire length of S689 has the potential to impact views, however, individual abatement for the "severely impacted" residences would be proposed if agreements can be reached with the associated property owners (i.e., rather than constructing the entire soundwall). If such agreements cannot be reached, the entire length of Soundwall S689 would be preliminarily recommended for construction (refer to EIR/EIS *Tables 3.15.23* and *3.15.24*). The closest noise receptors to the subject property are R11.19 through R11.21 (refer to Final EIR/EIS *Figures 2-2.3, Sheets 36* and *37*). Because none of these noise receptors is identified as "severely impacted" (refer to *Table 3.15.23)*, it is considered unlikely that the subject property would be "severely impacted" by the project. It is important to note, however, that the ultimate conclusion regarding whether individual properties are "severely impacted" would be based on final project design and completion of the final Noise Abatement Decision Report. At that time, if additional properties in the subject area are identified as "severely impacted," the property owner(s) of record would be contacted. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. If the existing soundwall at this location is removed and project-related noise abatement is not recommended, then a project feature to replace the existing wall would be included in the proposed design. Based solely on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects.

EMAILS — COMMENTS

Dan Gallagher To
11/19/2010 02:06 PM
Subject : Comments on Draft EIR/EIS

01 This proposed project alternative could be viewed as an unwise use of tax payer dollars when a state agency proposes freeway widening with estimated costs in excess of $3 billion dollars when research information is readily available that shows road widening is not a long term solution to reducing traffic congestion in urban areas:

Data from the Texas Transportation Institute revealed that urban areas that added more lanes spent over $30.8 billion more than those that didn't, while roadway congestion remained nearly identical. At best, adding roadway capacity is a very short term solution to reducing congestion.

02 How was this project alternative selected in consideration of AB 32 and SB375?

RESPONSES

Responses to Dan Gallagher

01 Your comments are noted and are part of the public record. The proposed project improvements are intended to accommodate projected traffic increases through 2050 as one element of multi-agency, multimodal improvements planned for the North Coast Corridor. Through its Regional Transportation Plan and Sustainable Communities Strategy, the San Diego Association of Governments (SANDAG) plans for the region to trend toward more transportation options, with development concentrated around transit stations. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take extended time to implement. Based on current planning and modeling projections, roadway improvements are a necessary element of the transportation network in this time frame. Please also refer to Topical Responses “Multimodal System,” “Rail Preference,” and “Mass Transit” for additional discussion regarding ongoing public transportation planning and improvement, Topical Response “Transportation Funding” regarding use of highway monies for alternative transportation modes, Topical Response “Corridor Alternatives” regarding alternatives screened for the North Coast Corridor, Topical Response “Projected Growth” regarding accommodation of planned growth, and Topical Response “Project Lifespan” regarding the need for major infrastructure planning to be ongoing in nature.

02 Regarding project-related greenhouse gas (GHG) generation, EIR/EIS *Section 4.6, Climate Change*, includes an analysis of project GHG emissions, including a quantified evaluation of potential impacts from the project build alternatives (refer to Final EIR/EIS *Table 4.2*). Specifically, the project build alternatives are estimated to reduce buildout carbon dioxide emissions in the San Diego region by hundreds of tons per day, compared to the No Build alternative. These decreases would be due to the drop in congestion and improved travel times along the corridor. The 2050 Regional Transportation Plan includes the 8+4 scenario along with other multimodal solutions and forecasts a countywide reduction in

EMAILS — COMMENTS	RESPONSES
	02 cont. GHG emissions to 1990 levels by 2020, as required by California Assembly Bill 32 and California Senate Bill 375. Please also refer to Topical Response "Climate Change" for additional information on global warming and climate change issues.

EMAILS — COMMENTS

Joseph T. Gallagher
11/21/2010 07:48 PM
Subject Comments Against I-5 expansion

01 CalTrans Officials: I vehemently object to the proposed widening of I-5 from Oceanside, California south through Del Mar, California.

02 The proposal and the EIR for this project do not adequately address real solutions to gridlock nor the full environmental impact, including:

• impact of construction, including construction equipment sound, air, and groundwater pollution risks

03 • sound and visual blight, during and after the project

04 • actual increase in gridlock during the entire multi-decade term of the project

05 • destruction of numerous natural habitats and scenic views

06 • loss of homes and impact on communities of lost residents and residences

07 • cost overruns that are part of every misplanned CalTrans project

08 • short and long term impact on the state economy which is already inadequate to meet project start up costs

09 • alternatives to infrastructure engineering changes such as social engineering changes such as legislative initiatives to promote and coerce businesses into utilizing telecommuting, alternate work schedules, optional business practices, and safe bicycle lanes for commuters. Billions of Chinese used to get to work by foot or bicycle until they unwisely adopted western automotive practices. The Chinese have now thrown billions at building wider and bigger freeways and only exacerbated gridlock and raised pollution levels to toxic levels

10 Please perform a reverse cranial rectal insertion process, look at future technologies vice the same old practices and put your current plan in the garbage where it belongs. If you are successful through political manipulation in moving this forward, at least have the brains to use

11 permeable paving systems and eliminate the visual blight aspect of your proposal that would

12 have commuters driving in a tunnel of sound walls. The only good thing about I-5 from Dana Point southbound is the ability to at least view the Pacific Ocean. It makes gridlock bearable.

Joe Gallagher
515 Vine Street
Oceanside, CA 92055

RESPONSES

Responses to Joseph T. Gallagher

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

02 Regarding your concerns on construction-related sound (noise) and air quality generation, these issues are addressed in EIR/EIS *Sections 3.15, Noise*, and *3.14, Air Quality*. With respect to noise concerns, construction-related noise generation would be intermittent and would vary in intensity. Specifically, the degree of construction noise may vary for different areas of the project site as well as with the nature of individual construction activities. Information on noise levels for typical construction activities that can be expected in the project area can be found at the following website: http://www.fhwa.dot.gov/environment/noise/handbook/09.htm.

Section 3.15.4 of the EIR/EIS identifies a number of related equipment and administrative noise control measures under the discussion of *Measures to Minimize Construction Noise*, as outlined below:

Equipment Noise Control

- Ensure that all equipment items have manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators intact and operational. All construction equipment would be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices.

- Turn off idling equipment.

EMAILS — COMMENTS | RESPONSES

02 cont. Administrative Measures

- Implement a construction noise-monitoring program to limit impacts.
- Plan noisier operations during times least sensitive to receptors.
- Keep noise levels relatively uniform and minimize impulsive noises.
- Plan rests between construction activities so that noisy activities are followed by more quiet activities.
- Maintain good public relations with the community to minimize objections to the unavoidable construction impacts. Provide frequent activity updates of all construction activities.

During the construction period, contractors would have to comply with the above requirements.

For construction-related air quality concerns, a number of measures are identified in *Section 3.14.4* to control construction-related particulate generation (e.g., dust), including required conformance with Caltrans Standard Specifications which also require conformance to applicable San Diego Air Pollution Control District regulations. Please also refer to Topical Response "Air Pollutants" for additional information on project air quality considerations.

03 Regarding sound (noise) impacts "during the project" (i.e., during project construction), please refer to the related information provided in the response to your Comment 02. For potential noise impacts "after the project" (i.e., during project operation), this issue is addressed in EIR/EIS *Section 3.15*. As described, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible,"

EMAILS — COMMENTS | RESPONSES

03 cont. "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

The North Coast Corridor is located in a highly urbanized part of northern San Diego County. *Section 3.7, Visual/Aesthetics*, states that the visual impact of a build alternative would be high. The changes to the I-5 right-of-way are focused and linear in nature, however, and although substantial change is discussed for specific locations in *Section 3.7* of the EIR/EIS, I-5 modifications are not expected to change the entire character of the communities already crossed by this highway. Modifications to I-5 are not expected to result in community blight or a substantial loss of community scenic views. *Section 3.7* of the EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, as depicted on Final EIR/EIS *Figures 3-7.125* through *3-7.134,* this may include such efforts as the use of landscaping; planting buffers and pockets; as well as architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would provide relief from monolithic appearance and reduce the apparent scale of the retaining wall. For more information regarding potentially substantial visual effects of the proposed improvement, please refer to Topical Response "Visual/ Community Effects."

04 It is not anticipated that gridlock would increase during project construction activities. As noted under *Construction Impacts* in *Section 3.6.3.1, Traffic and Transportation,* in the EIR/EIS: "During construction, detours would be required for nighttime work, bridge work, and where there are closed ramps and structures..." The project Traffic Management Plan (TMP), as outlined in

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	04 cont. *Section 3.6.4.1,* would take into consideration the needs and safety of all anticipated users during construction activities. As part of developing the TMP, various Caltrans functional unit staff will review the construction staging plans to evaluate the safety needs of bicyclists, pedestrians, vehicular users, and construction workers. The TMP would include a Public Awareness Program to distribute information such as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns, including road closures and alternate route strategies. The combination of the nighttime (non-peak hour) work and implementation of the TMP would minimize congestion associated with construction.
	05 With respect to potential project impacts to natural habitats, these issues are addressed in the EIR/EIS under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. Based on these analyses, project-related impacts to habitats and related biological resources would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed in concert with the wildlife agencies. This mitigation package includes substantial habitat restoration, preservation, and long-term management efforts; overall, as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. It should also be noted that, since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of all six coastal lagoons and/or related waterways, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. Please also refer to the Environmental Commitments Record for a list of avoidance, minimization, and mitigation measures

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	05 cont. associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons. Regarding scenic views, please refer to the second paragraph of the response to your Comment 03.
	06 Although the number of property acquisitions and relocations resulting from the project would be minimized to the extent practicable through design efforts, where such impacts cannot be avoided, affected properties would be subject to an appraisal to determine the fair market value and a corresponding offer of just compensation would be made. In addition, assistance for relocated property owners would be available through measures such as the State Relocation and Last Resort Housing (LRH) programs. The project's Draft Relocation Impact Report concluded that adequate relocation resources existed for the majority of displacees. Additionally, displacees that may face difficulty finding suitable relocation resources would be eligible for assistance from Caltrans through the State's relocation program or LRH Program options, including LRH payments. According to the Community Impact Assessment prepared for the project, it is anticipated that most residents displaced by the project would relocate within their existing communities. Please also refer to Topical Responses "Property Acquisition" and "Acquisition Valuation" for additional information.
	07 Federal, State, and local funding sources for the *I-5 NCC Project* have been identified, and monies are being tracked. For instance, the proposed project is also funded through the TransNet program, a voter-approved half-cent sales tax for regional transportation projects in San Diego County. Tracking of TransNet monies can be referenced at www.sandag.org. The TransNet Independent Taxpayer Oversight Committee was formed to provide a higher level of accountability for expenditure of funds. The San Diego Association of Governments (SANDAG) is the regional planning agency responsible for disbursing funds to various modes of transportation throughout the county. SANDAG has numerous committees designed to provide opportunities for citizens, elected officials, agency staff, and representatives of civic and community

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	07 cont. groups to become involved in programs within the region. One such committee, the TransNet Independent Taxpayer Oversight Committee, was formed to provide a higher level of accountability for expenditure of funds. More information about this committee and the San Diego Association of Governments (SANDAG) is also available at www.sandag.org. You are also encouraged to visit the TransNet Dashboard at www.transnettrip.com, to view the status of the *I-5 NCC Project*. This website was created to keep the public informed on TransNet projects and provides up-to-date schedule, budget, and expenditure information.
	08 Although all funding sources are constrained due to larger economic issues, upgrades to this segment of the National Strategic Highway Network are important. In addition to maintaining through traffic on a major interstate, the project also would benefit the regional economy through reductions in projected congestion and gridlock on this major shipping and general transportation route. Efforts have been ongoing throughout the development of the project to balance the benefits of various freeway improvements with the direct and indirect costs to find the most cost-effective way to achieve the projects goals. Please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.
	09 Regarding alternatives to infrastructure improvements, Caltrans has no authority to independently require or authorize social programs that potentially could affect traffic patterns. Comments regarding potential legislative changes would be better directed to the State Legislature, which is responsible for such legislation. With regard to options such as telecommuting (telework), both the 2030 and 2050 SANDAG Regional Transportation Plans (RTPs)

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	09 cont. estimate that teleworking is used by only five percent of the work force. The 2050 RTP states: > "In our region's efforts to identify cost-effective strategies for reducing peak period congestion and the associated greenhouse gas emissions, telework rises to the top. However, telework is a solution that currently lacks a dedicated program. To promote it, iCommute proposes to launch a regionwide telework program that includes incentives and technical assistance to support employers with developing telework policies and programs." Although the value of taking these workers off the road or providing alternative work schedules so that less commuters are on the roads during peak commute periods is understood, requiring other employers to implement similar telework or flexible work schedule programs is beyond Caltrans' ability. Citizen support of the iCommute program would help improve telecommute percentages, with corresponding reductions in congestion. Until the percentage of individuals participating is much higher than five percent, however, ongoing transportation upgrades will be needed. With respect to bicycle lanes, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of the transportation, including rail, bus, highway, pedestrian routes, and bikeways,) are expected to require improvement in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve such amenities as pedestrian or bicycle corridors as well as connections between pedestrian/bicycle routes and public transit centers.

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	10 Please see Topical Response "Project Lifespan" with regard to future technologies, in addition to Topical Response "Multimodal System" regarding planning for multimodal improvements in the corridor and Topical Response "Corridor Alternatives" with regard to alternatives evaluated for the corridor. With respect to the suggested use of "permeable paving systems," materials used for federally funded roadway construction are mandated by the Federal Highway Administration (FHWA), and the FHWA does not currently acknowledge the use of alternative materials (e.g., permeable pavement) as a means to provide water quality "treatment." It should also be noted that permeable pavements are typically not as durable as standard Portland cement concrete, particularly for high-volume roadways such as I-5, and require substantially more maintenance for repairs and to sustain adequate permeability levels. Accordingly, the use of permeable pavement would entail significantly higher long-term costs than standard pavement and is not proposed for I-5. 11 Recognizing that noise generated by freeways is becoming a Statewide concern, Caltrans has partnered with the University of California Pavement Research Center and other agencies to evaluate new and better maintained pavement designed to reduce traffic-generated noise. Currently, research is being conducted to develop new paving surfacing materials, textures, and mix designs for flexible and rigid pavements. The results of these research activities will help Caltrans to develop standards and specifications for quiet pavement design and construction. Please refer to the following University of California Pavement Research Center website for current information on quiet pavement research: http://www.ucprc.ucdavis.edu/ 12 As discussed in Topical Response "Visual/Community Effects," additional retaining walls and soundwalls along I-5 would be notable and would affect the visual experience for travelers along this roadway. It should be noted that in many instances, project walls would be located on only one side of I-5. In addition, walls are linear facilities, with views shifting as the viewer moves along (or adjacent to) the freeway corridor. Views following potential project

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	12 cont. implementation would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development. These views would be similar to the existing view conditions. Project-related impacts to existing views would be addressed to the extent practicable through implementation of measures to reduce associated potential visual concerns. Retaining walls and noise barriers are common features along I-5 and other freeways within the State. Please note that specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS).

EMAILS – COMMENTS

Vicky Gallagher
11/22/2010 08:05 AM
Subject: Proposed I-5 Expansion

Dear Ms. Shay,
Thank you for the opportunity to comment on the proposed expansion of I-5 (Interstate 5 North Coast
Corridor Project) and the Draft EIR/EIS.

01 I've been a resident of San Diego for over 30 years and drive the I-5 Corridor on a daily bases. The Draft EIR/EIS document describes 4 Build Alternatives designed "to maintain or improve the existing and future traffic operation in the I-5 north coast corridor in order to improve the safe and efficient regional movement of people and goods for the design year of 2030." I appreciate the fact that traffic and transportation planning is complex and difficult but I am sincerely appalled by the proposals to greatly expand the I-5 corridor as described in the Draft EIR/EIS. The 4 proposed Build Alternatives represent a truly archaic approach to transportation planning.

02 Implementation of any of the 4 proposed Build Alternatives would be awful. Even the least intensive of the Build Alternatives (the 8 + 4 with buffer) would nearly double the expanse of the I-5 corridor. This would significantly increase the dominance of I-5 as a coastal feature and contribute to the decline of our quality of life. Hopefully, Cal Trans and SANDAG will soon realize that adding more and more traffic lanes to freeways does not equal excellence. I'm very disappointed that the transportation solutions proposed in the Draft EIR/EIS rely almost exclusively on adding lanes and broadening the width of the I-5 corridor to horrifying dimensions. Transportation planning today must incorporate better mass transit alternatives and not rely almost exclusively on land-gobbling vehicle lanes with claustrophobic noise barriers. If any of the 4 Build Alternatives were constructed, I-5 would be the obvious dominate feature along our coastline which is neither desirable nor necessary. What's needed in Southern California and San Diego County is to focus greater planning and building efforts on functionally designed mass transit system including light rail, rail, and buses.

03 Based on the information provided in the draft EIR/EIS it is clear to me that none of the four build alternatives are desirable. The deleterious environmental impacts far outweigh the very marginal estimated improvements in traffic flow. The described alternative projects fail to achieve stated goals of the project which is to "protect and/or enhance the human and natural environment along the I-5 corridor." Each of the four Build Alternatives described in the draft EIR/EiS would nearly double the width of the existing I-5 corridor and create an overwhelming expanse of concrete. It seems foolish to continue to build more freeway lanes. This path increases our reliance on the personal automobile, contributes to air quality degradation, destroys our scenic coastal resources, and ultimately lessen our quality of life.

04 The Draft EIR/EIS does not identify a preferred alternative. Which of the 4 build alternatives does CalTrans prefer and recommend? From my perspective, the No Build alternative is preferred over any of the Build Alternatives. But if CalTrans insists on building, I would prefer the least obtrusive alternative (the 8 +4 with buffer).

05 As described in the document, each of the Four Build Alternatives will have auxiliary lanes throughout significant portions of the I-5 corridor which are not noted in the Build Alternative titles. This is misleading to the casual reader. For example, Figure 2-2.10 on page 2-23, shows the proposed 10+4 Alternative will actually have 12 + 4 in portions of the I-5 corridor. This

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Responses to Vicky Gallagher

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

With regard to the build alternatives addressed in the Draft EIR/EIS, please note that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

Many alternatives were considered to the proposed project prior to the build alternatives being chosen as the most viable options to meet the project's purpose and need. For more information regarding these previously considered alternatives, please refer to Topical Response "Corridor Alternatives." Please also note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes, for example, provides additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian/bicycle routes and public transit

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	01 cont. centers, and park and ride facilities. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Please refer to Topical Response "Multimodal System" for information on the multimodal nature of the planned transportation network.
	02 With respect to the overall project footprint, the Preferred Alternative would require widening the existing travel way of the freeway by approximately 48 feet on each side. This represents an approximate 63-percent increase in the width of the travel way. The 8+4 Barrier alternative would require widening by approximately 61 feet on each side of the travel, representing an approximate 80-percent increase in the width of the travel way. Please refer to Final EIR/EIS *Figure 2-2.2b*. The only through lanes proposed as part of the Preferred Alternative are HOV/Managed Lanes, which would accommodate carpools, mass transit bus use, etc. The changes to the I-5 right-of-way would be focused and linear in nature. As stated in EIR/EIS *Section 3.4, Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area. Overall, because the project generally would improve, rather than adversely impact, recreational facilities and would enhance access within the community, implementation of new project features is not expected to have an adverse effect on quality of life or lifestyle. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County and why those effects are not expected to substantially and adversely impact the overall quality of life in the communities and neighborhoods near the highway. Regarding mass transit, as noted in response to your Comment 01, the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to the Topical Response

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	02 cont. "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes. With regard to visual concerns from the proposed project, *Section 3.7, Visual/Aesthetics*, notes that the visual impact of each build alternative would be high. There would be some loss of views to scenic resources, and there would be modifications to current views of the highway right-of-way. In many instances, however, project soundwalls or retaining walls would be located on only one side of I-5. In addition, this is a linear facility, and views shift as the viewer moves along the highway. Viewers along the corridor would continue to be exposed to a mix of open views and blocked views, similar to existing conditions, as a result of implementing project landscaping. *Section 3.7* of the EIR/EIS identifies a number of measures to address potential visual concerns. Specifically, as depicted on *Figures 3-7.113* through *3-7.119*, and *3-7.122*, this may include efforts such as the use of landscaping, articulated facades, and earthen berms (or berm/wall combinations). Additionally, this section of the EIR/EIS contains several figures that depict roadway level visual impacts of the project (refer to *Figures 3-7.41* through *3-7.110* for differences between present views and proposed views). Please also refer to Topical Response "Visual/Community Effects" regarding potentially substantial visual effects of the proposed improvement relative to viewers along I-5, as well as the less than substantial nature of project effects anticipated as the viewer leaves the I-5 corridor. 03 Regarding potential concerns associated with ongoing congestion along I-5, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. It is acknowledged that the proposed project would not eliminate congestion. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives.

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	03 cont. Regarding stated project goals, it is true that one of the project objectives is to "protect and/or enhance the human and natural environment along the I-5 corridor." The proposed project has been designed to minimize impacts, where possible, by taking reduced amounts of right-of-way and limiting the grading footprint. Proposed project avoidance, minimization, and mitigation/ enhancement measures are described in the EIR/EIS (refer to the Environmental Commitments Record). Although I-5 improvements are only one element of a multimodal solution to existing and projected congestion, they constitute a critical element. Please refer to the response to your Comment 01 regarding the multimodal nature of the system (and the identified Preferred Alternative, including project elements that would support alternatives to the single-occupant automobile. In addition, please also refer to the response to your Comment 02 regarding the increased width of the travel way under the project alternatives, including the Preferred Alternative, and the less than substantial impact to local quality of life as a result of the project. With respect to potential project-related air quality degradation, this issue is addressed in EIR/EIS *Section 3.14, Air Quality*. As described therein, the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. Accordingly, project implementation would result in lower overall air emissions and related improvements to air quality compared to existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on air quality considerations. 04 The Preferred Alternative was not identified prior to the public review period of the Draft EIR/EIS. As indicated in the response to your Comment 01, the Preferred Alternative was identified following the circulation of the Draft EIR/EIS and receipt of comments. The Preferred Alternative is the "least obtrusive" build alternative mentioned in this comment. 05 Project titles were not meant to be misleading, but to focus on the lanes that would affect actual drive-time experienced in through lanes. As noted, project variations between alternatives focus on through

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05 cont. should be more clearly addressed in the Draft EIR/EIS. The increase in width of I-5 is most alarming.

Following are a few specific comments in the areas addressed in the Draft EIR/EIS. These comments are limited and should not be considered to be exhaustive nor complete:

Human Environment:

06 • Traffic & Transportation: The decrease in project area travel times for the each of the 4 alternatives is not substantial enough over the No Build alternative to justify the public expense and resulting impacts to the human and natural environment. Why doesn't at least one of the project alternative include a strong mass transit component in the I-5 corridor such as light rail?

07 • Visual/Aesthetics: The proposed loss of ocean and other views is not acceptable. The visual and aesthetic impact of the proposed noise barrier walls will have an impact on people's emotional well being which has not been adequately addressed in the draft EIR/EIS. Being able to glance at expansive ocean and other natural views creates a more pleasant travel experience which contributes to personal well being and reduces road stress. The impact of the loss of such natural views and pleasant aesthetics must be evaluated and weighed against any benefit of the Build Alternatives. Has this been considered? If not, why not?

08 • Other Human Environment: The draft EIR/EIS fails to evaluate the impact 8 + 4 and 10 + 4 lanes of traffic would have on people's emotional and psychological well being and driving behavior. For many drivers, even the existing four to five lanes of traffic are overwhelming at times and adding more lanes will likely exacerbate stress levels and lead to additional driving accidents. These issues must be evaluated if the 8 + 4 and 10 + 4 alternatives are going to be seriously considered. Have these issues been considered? If not, why not?

09 • Parks and Recreation: What redesign of the Build Alternatives is necessary in order to eliminate impacts to Park and Recreation lands? What would be the change in cost?

Physical Environment:

10 • Noise: Although the Draft EIR/EIS indicates noise would be mitigated by the proposed Noise barriers, the barriers themselves are significant imposing structures which would create a closed-in feeling to what should be a scenic drive. What other types of noise mitigations were considered? The use of rubberized asphaltic concrete made with waste tires can significantly reduce road noise as demonstrated in Arizona and other areas. To what extent was this considered? If not, why not?

11 • Materials: I did not see a discussion of the the materials to be used for the proposed road construction. Did I miss it somewhere? Materials used for road bed preparation, embankments, slopes, and road surface should include recycled materials where feasible. California generates over 44 million waste tires each year and these tires can be recycled into rubberized asphaltic concrete for use in vehicle lanes and shoulders. Recycled waste tires can also be used in creating berms and embankments. To what extent would each of the 4 Build Alternatives use recycled materials, including waste tires?

Biological Environment:

12 • Impacts to the biological environment, including both plant and animal species and their habitats, should be further reduced. In summary, the Draft EIR/EIS fails to fully evaluate the

13 impacts of the proposed Interstate 5 North Coast Corridor Project. None of the proposed Building Alternatives should be implemented. The cost of the projects cannot be justified by the

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05 cont. lanes for the length of the project. Regardless of the build alternative, however, auxiliary lanes extending between interchanges would be constructed in south- or northbound directions for approximately half the length of the improvements. This is described in more detail in text under “Auxiliary Lanes” in *Chapter 2, Project Alternatives,* of the EIR/EIS, where the interchanges and size of I-5 are specified. The auxiliary lanes are detailed on the Project Features Map (*Figures 2-2.3, Sheets 1* through *67,* of this Final EIR/EIS).

06 As detailed in *Table 3.6.3, Total Delay, Congested Hours, and Travel Time Per Day*, the smallest build alternative addressed in the EIR/EIS is anticipated to reduce afternoon travel times by 19 to 22 minutes northbound and 11 to 18 minutes southbound, relative to the No Build alternative in 2030 conditions. For information regarding mass transit, please refer to the third paragraph in the response to your Comment 02. Separate project-specific environmental review is under way for other transportation improvements in the corridor by the applicable lead agencies. Light rail is not currently proposed in the North Coast Corridor, although it was screened as one of the many potential functional alternatives in 2001 (refer to Topical Response “Corridor Alternatives”).

07 Retaining walls and noise barriers are common features along I-5 and other freeways within the State. Specific to the loss of ocean views, view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized through project design. These resources are typically most visible across or below the corridor’s large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. It should be noted that in many instances, project walls would be located only on one side of I-5. In addition, walls are linear facilities, with views shifting as the traveler moves along (or adjacent to) the freeway corridor. Views following potential project implementation would continue to be a mix of open vistas, including views of the ocean and lagoons, and views that are blocked by development. These views would be similar to the existing view conditions. Project-related impacts

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07 cont. to existing views would be addressed to the extent practicable through implementation of measures to reduce associated potential visual concerns. Please note that the loss of an ocean view shown on *Figure 3-7.78* of the Draft EIR/EIS would now be avoided (refer to *Figure 3-7.112* of this Final EIR/EIS).

08 Considering the information provided in the response to your Comment 07, it is not expected that the additional walls and barriers required to construct the proposed improvements and attenuate traffic noise would have a substantial impact to the emotional well-being of motorists traveling through the corridor after the completion of the proposed improvements.

Moreover, emotional and psychological states of drivers are not topics addressed under the California Environmental Quality Act or National Environmental Policy Act. These issues are therefore, not analyzed in the EIR/EIS.

09 Impacts to parks and recreation were analyzed in *Section 3.1.3* of the EIR/EIS. The project was designed to minimize impacts to recreational facilities by reducing the amount of right-of-way and limiting the grading footprint within such facilities. This was done in order to maintain the full function of recreational facilities impacted through sliver requirements for right-of-way following construction of the project. As described in *Section 3.1.3.4*, the project would not result in adverse impacts to park and recreation lands, because the function of the recreational facilities remains. The project has been designed to minimize impacts, where possible. Caltrans would continue refining the proposed project design to further reduce the direct impacts to the individual facilities in coordination with the local jurisdiction property owners. Given the locations of some park and recreation areas immediately adjacent to the freeway, however, complete avoidance is not anticipated to be possible with implementation of a build alternative.

Please note that in San Diego, improvements to recreational facilities that are part of the *I-5 NCC Project* include elimination of the last major hurdle (crossing I-5) of the regionally important Sea to Sea Trail; improvement of access to existing trail systems along

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09 cont. Sorrento Valley Road and Carmel Valley Road; and provision of a safe walking and bicycle connection across I-5 at Del Mar Heights Road.

10 For information regarding visual concerns associated with soundwalls, please refer to the fourth paragraph in the response to your Comment 02 as well as the response to your Comment 07.

Quieter pavement, such as “rubberized asphalt concrete” (RAC), is currently not listed in 23 CFR 772 as a noise abatement measure that can be applied in accordance with federal policy. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. Asphalt surfacing increases maintenance costs, which is a factor being considered in wider applications beyond pilot studies. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures. In some special circumstances, Caltrans may consider using State-only funds to implement quieter pavement and reduce traffic noise.

11 *Section 3.16.4* of the EIR/EIS details efforts to minimize energy consumption during construction, which include the use of recycled materials such as asphalt and concrete roadway materials through the creation of road-based materials after crushing and grinding.

Refer to the response to your Comment 10 regarding rubberized asphaltic concrete.

12 Regarding potential project-related effects to biological resources, these issues are addressed in the EIR/EIS under the *Biological Environment* heading of *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*. As described in the listed *Biological Environment* sections, project-related impacts to biological resources would be avoided, minimized, and/or

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13 cont. rather meager benefits to traffic flow especially in light of the significant unmitigated impacts to the human and natural environment. I believe the emphasis in transportation planning today should be on developing better mass transit capabilities instead of relying on bigger and bigger highways.

I appreciate your efforts and look forward to seeing your response to comments. Thank you for your time and consideration and your work on this project.

Sincerely,
Vicky Gallagher
3834 Fallon Circle
San Diego, CA 92130

RESPONSES

12 cont. mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package for unavoidable impacts to habitats and related plant and animal species has been developed in concert with the wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution for coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. It should also be noted that, since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of the six coastal lagoons and related waterways within the project corridor, with important new information provided in the Supplemental Draft EIR/EIS and incorporated into this Final EIR/EIS as appropriate. This evaluation incorporates the results of associated technical analyses, including biological assessments, hydrologic/hydraulic studies and Caltrans interaction with lagoon scientists, to meet the project objectives and maximize the health and function of the lagoons. Please also refer to the Environmental Commitments

13 Record for a list of avoidance, minimization, and mitigation measures associated with the lagoons, and to Topical Response "Lagoon Evaluations" for additional information on potential project-related impacts to coastal lagoons.

As indicated in the response to your Comment 01, your preference for the No Build alternative is noted.

The investment in the *I-5 NCC Project* would result in a number of benefits related to conditions experienced by motorists within the project corridor as well as the regional population, including travel times and air quality as referenced in the responses to your Comments 03 and 06

For information regarding mass transit, please refer to the third paragraph in the response to your Comment 02.

EMAILS — COMMENTS

Lynn Gardner
Thursday, September 23, 2010 6:09 PM
Subject: Question :

01 I understand that you will be expanding lanes on I-5 near my home(Encinitas). It is very noisy as it currently is. There is no barrier or wall which is greatly needed. Please make this park of your project. We desparately need noise relief, not more traffic/noise.

Thank you.

RESPONSES

Response to Lynn Gardner

01 Thank you for your comments regarding project-related noise concerns in the City of Encinitas, which are part of the public record. As discussed in EIR/EIS *Section 3.15, Noise*, although project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear). Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1*), numerous soundwalls have been identified for the project in appropriate locations, including in the City of Encinitas (refer to Final EIR/EIS *Figures 2-2.3, Sheets 25* through *41,* and *Section 3.15.4*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

EMAILS – COMMENTS

David Gaul
11/09/2010 08:49 PM
Subject: I-5 expansion

01 Please expand the 5 by as many lanes as possible. I commute every day fromOceanside to Coronado and need relief. On the weekends it gets worse. Don't be swayed by all the Nimby's who oppose any development (good or bad).

Thank you,
David Gaul

RESPONSES

Response to David Gaul

01 Thank you for your comments, which are part of the public record. Your preference for the largest build alternative is noted. It should be noted that following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. As detailed in *Table 3.6.3, Total Delay, Congested Hours, and Travel Time Per Day*, of the EIR/EIS, that smaller project is anticipated to reduce afternoon travel times by 19 to 22 minutes northbound and 11 to 18 minutes southbound, relative to the No Build alternative in 2030 conditions. Please also refer to Topical Response "Project Lifespan" regarding the reasons transportation improvements may be provided on an ongoing basis rather than building to the ultimate possible need.

EMAILS – COMMENTS

Jessica Geipel
11/02/2010 04:12 PM
Subject: I-5 HOV/Managed Lanes Project

Dear Caltrans,
I'm writing in response to your request for citizen input on the proposed I-5 HOV/Managed Lanes Project between La Jolla and Oceanside. The questions I hope you'll answer are in italics.

It's hard not feel that we Americans are in the dark ages of transportation planning. Remember when people use to call California "the place where the future happens first"? Well, none of the proposed options of the I-5 expansion project would get us anywhere near the future first. On the contrary, they'd keep us mired in an old-fashioned transportation system. Any project undertaken at this 21st century juncture needs to yield environmental benefits. And while it's true that the current proposals attempt to make environmental headway via the use of HOV managed lanes, the construction and expense required to complete them far outweigh the meager benefits they would yield.

01

While I agree that the concept of a "multi-modal" system is sound, the specific options proposed all lack the vision necessary to prevent us from slipping further and further behind the rest of the world on transportation planning. The problem is that one of the modes in this multi-modal system overshadows all of the others. That mode is the automobile. Any plan that does not get people out of their cars and into public transportation is simply retrogressive.

• Question: How can you call the proposed system "multi-modal" when it's primarily centered around the automobile?
• Question: Isn't it obvious that the internal combustion powered automobile is an outmoded form of transportation, on its way towards obsolescence, and that its place in the "multi-modal" concept needs to be attenuated?

The goals of any 21st century transportation project should be to encourage citizens to use public transportation and make cycling a real option as a way of "feeding" the public transportation options. The existing Coaster, Sprinter, and Breeze service is satisfactory in many ways (I rode the Coaster on its first day of service and every day for two years after that), except that the trains should be electric-powered, as opposed to the ancient diesel technology currently in use. They also need to be faster and more frequent. Remember: like entrenched drug addicts, we Californians are addicted to the automobile, and we will not change our habits unless we are compelled to do so. As an example, recall how we all ran out to buy gas-guzzlers as soon as the price of gas fell. What I mean is, that as long as Caltrans builds more lanes, we Californians will fill them up without thinking of the consequences. That's why governmental vision is essential: automobile use must be brought into a more sustainable balance with the other modes in Caltran's multi-modal model.

02

03

• Question: has an analysis been done that compares the projected cost of the freeway expansion and the cost of a light rail system, perhaps running down the middle of the freeway? If so, and the cost is comparable, what could possibly be the justifications for more freeway over light rail?

04

With the above goals in mind, I suggest not adding any lanes at all to Interstate 5 but instead using the resources at our disposal to modernize and improve it. We don't need bigger; we just

RESPONSES

Responses to Jessica Geipel

01 Thank you for your comments. Your preference for the No Build alternative is noted and is part of the public record.

As you note, the proposed project is only one element of a multi-agency, multimodal planning process for the North Coast Corridor. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding public transportation, including multimodal, mass transit, and rail, as well as Topical Response "Corridor Alternatives" with regard to design and system alternatives considered for the North Coast Corridor.

Caltrans has been actively involved in this regional multimodal planning effort but is responsible for implementing only the highway improvement portion of the plan. The San Diego Association of Governments (SANDAG) plans for the region to trend toward more transportation options, with development concentrated around transit stations. The changes that are contemplated in land use planning and alternate transportation modes will take many years to come to fruition. Employing a planning horizon through 2050 allows the region to work toward complex solutions that take extended time to implement. Based on current planning and modeling projections, roadway improvements are a necessary element of the transportation network in this time frame.

Although mass transit and non-transportation alternatives to vehicles (e.g., telecommuting) are increasingly available, it is not obvious that the automobile is on its way to obsolescence within the current planning period. The transportation planning agencies, including those responsible for rail, trolley, or bus rapid transit, agree that automobile travel will comprise a substantial percentage of travel modes through 2050 at a minimum. Please refer to the previously cited Topical Response "Multimodal System."

EMAILS – COMMENTS	RESPONSES
	02 In addition to the High Occupancy Vehicle (HOV)/Managed Lanes, please note that the project also incorporates a number of community enhancements that would improve bicycling and pedestrian options and benefit the adjacent communities. For example, Caltrans has worked with the City of Encinitas to develop a number of potential enhancement projects, including: (1) Bicycle/ Pedestrian Enhanced Trail on Both Sides of I-5 at San Elijo Lagoon with Bridge Connection to Manchester Avenue; (2) Park and Ride Enhancements at Birmingham Drive; (3) Villa Cardiff Drive Improvements and MacKinnon Bridge Enhancements; (4) Hall Park Trail Connecting to Santa Fe Drive; (5) Trail Connecting Santa Fe Drive to Requeza Street with Wetland Revegetation; (6) Trail Connecting Requeza Street to Encinitas Boulevard; (7) Union Street Pedestrian Overpass; (8) Cottonwood Creek Park to Union Street Trail Connection with Wetland Revegetation; and (9) I-5 North Coast (NC) Bike Trail in the City of Encinitas. Each of these enhancements would improve current pedestrian and bicycle circulation options. With regard to Coaster, Sprinter, and Breeze service, please note that Caltrans has no ability to implement or influence modifications to these services because they are within the jurisdiction of another agency. This comment would be better addressed to the North County Transit District (NCTD), which is responsible for the provision of these services. 03 With regard to future transportation demand, improvements are intended to accommodate projected traffic increases associated with planned regional growth through 2050 as part of a multimodal system. The role of Caltrans is to ensure the provision of a safe, efficient, reliable highway system that accommodates the growth anticipated by local and regional planning agencies. As noted in the response to your Comment 01, other modes of transportation are concurrently undergoing upgrades by applicable responsible agencies. 04 Regarding variation in cost between implementation of light rail and highway expansion, cost comparison between modes of transportation is secondary to transportation efficiency.

EMAILS — COMMENTS

need better. This would yield the results of spending the money more wisely, avoiding the ecological catastrophe that the current plans would engender, and planning for a future in which the automobile plays a less prominent role.

04 cont.

If it does turn out to be true, after an unbiased cost analysis, that we cannot afford light rail, the high-speed gas buses are the next-best alternative. However, this should only be done using the existing right-of-way, perhaps lane number one of the freeway, and perhaps only during high-volume hours. There's no need to build extra lanes for this service if we get people out of their cars and onto trains, buses, and bikes, which must be the goal! The current plans, with the incredibly complicated fly-over on-ramps for these buses are not viable. They might be nice if they did not cost so much and were not such an eyesore. As currently planned, however, they look like an antiquated, Jules Verne-style vision of the future: extremely complicated and simultaneously retrogressive. There must be other ways of getting those buses into the fast lane.

05

• How about not adding any lanes to I-5. Instead, adding the high-speed natural gas bus service to the existing right of way and simultaneously building a light rail line down the middle of the freeway?

06

Interstate 5 needs to be de-emphasized not expanded. The money would be better spent on rail, bus, and bike options. HOV lanes are not much of an improvement. A V-8 SUV or pick-up truck with just two passengers hurtling along at 65 mph in the diamond lane is hardly an ecological improvement. Such vehicles have no business in an HOV lane at all. So, a modernizing of the HOV lanes and their regulations needs to be addressed. I suggest relegating larger vehicles (SUVs, pick-ups, etc) to the right two lanes. I suggest using existing lane number two as the HOV lane, but with the following upgrades: A) increasing the speed limit to 70 mph for fuel-efficient cars using this lane. B) Not allowing larger vehicles in the lane at all.

07

• Wouldn't these improvements make the HOV lanes more ecological? Wouldn't these kinds of changes encourage people to buy smaller, more fuel-efficient cars and also to carpool?

By not opting for any of the expensive alternatives currently proposed by Caltrans, there would be funds available that could be used for other (more economical, ecological, and modern) purposes. I suggest the following:

A) Making the Coaster and Sprinter trains electrically powered, faster, and more frequent.
B) Using natural gas powered buses for the Breeze service.
C) Improving North County bike lanes, using European models for bike paths and safety.

08

At present our North County bike paths are an embarrassment. With a relatively small amount of funding (compared with the I-5 expansion options), bike paths could be improved to the extent that people would feel safe using them. (Let's not forget that there are also health benefits in getting people to cycle, the kind of benefits that extend life and also reduce medical bills.) If there were convenient ways for people to cycle to the Coaster, Sprinter, and Breeze stations, they would do so.. Here in
Southern California, we have no real excuse not to bike.

In conclusion, the only acceptable of the proposed options is the "no build" option. But is only a temporary solution. You need to get your engineers back to the drawing boards and compel them to be creative. California made a grave mistake after World War II, when it opted for freeways over rail systems. Let's admit we blew it and use our vision to move into the future. If

RESPONSES

04 cont. Transportation agencies initially find the transportation mode (or combination of modes) that is most responsive to need and then compare cost. In this instance, light rail was considered during the original evaluation of alternatives for the North Coast Corridor (see Topical Response “Corridor Alternatives”). It was not, however, found to be an adequate alternative relative to volume and location of users and was not carried forward as a primary transportation source for this part of the County, unlike rail, bus, and personal vehicle use.

The proposed project would be supportive of bus use through the provision of HOV/Managed Lanes intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Another important part of the proposed project consists of Direct Access Ramps (DARs) that move HOV/Managed Lanes users directly from on-ramps that are often associated with park and ride lots, onto I-5 and directly into the HOV/Managed Lanes.

Although supportive of public transit and bicycle use, Caltrans is a State agency specifically formed for the purpose of addressing State highway system needs and has no authority to independently require or authorize activities related to such alternative transportation modes or encourage State highway users to opt for other travel modes. Comments regarding these topics would be better directed to SANDAG and NCTD, which are responsible for such programs. As noted above, Caltrans has actively coordinated with these agencies to the extent that such planned facilities relate to the State highway system.

05 With regard to fly-over ramps, as part of the ongoing effort to minimize the project’s footprint, Caltrans engineers have modified the design at the Manchester Avenue DAR to replace the fly-over and to use an undercrossing, thereby substantially improving visual effects related to the proposed project at this location. Two other DAR locations that would have required overcrossings (Cannon Road and Oceanside Boulevard) have been removed from the project.

EMAILS — COMMENTS

08 cont. we choose one of the proposed I-5 expansion options, we'll be playing transportation catch-up with the rest of the world for yet another generation. This is our chance to really move forward (not sideways): let's jump on it!

Sincerely,
Jessica Geipel
1923 Park Crest Drive
Cardiff, CA 92007

RESPONSES

06 Please refer to the response to your Comment 04 regarding light-rail, bus, and bicycle transportation options.

07 Interest in changes to regulations for HOV/Managed Lanes also are beyond the purview of Caltrans. Such comments would be better addressed to the State Legislature. Please note, however, that in the 2050 Regional Transportation Plan (RTP) (Appendix A) SANDAG has identified the need for three passengers in a vehicle in order to use an HOV/Managed Lane without charge by 2035.

08 Please refer to the responses to your Comments 01 and 04 regarding alternative transportation modes and associated funding considerations. Subsequent to the circulation of the Draft EIR/EIS, Caltrans engineers worked with the cities crossed by I-5 within the North Coast Corridor to design the I-5 North Coast (NC) Bike Trail Concept, which would link existing bike lanes with new lanes stretching for the entire 27-mile length of the I-5 improvements. This lengthy route should encourage longer distance travel via bicycles. Your preference for the No Build alternative is noted.

EMAILS — COMMENTS

Jesse Giessow
1003 Hygeia Ave
Encinitas, CA 92024

November 19, 2010

Ms. Shay Lynn Harrison
Environmental Analysis Branch Chief
CA Department of Transportation, District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street
San Diego, CA 92110

Re: Comments on the Interstate 5 (1-5) North Coast Corridor Project Draft Environmental Impact Report (DEIR) /Environmental Impact Statement (EIS)

Dear Ms. Harrison,

01 This letter pertains to the Draft Environmental Impact Report/Environmental Impact Statement for the Interstate 5 North Coast Corridor Project.

As a resident of Encinitas, I have serious concerns with the Project itself and the associated draft EIR/EIS. I request that Caltrans and the other agencies responsible for the document respond to all comments and questions contained in this letter pursuant to the requirements of CEQA and NEPA.

02 The Draft EIR does not address the impacts to local residents and users of I-5 during the construction process, which is estimated at 40 years! What will the impacts be due to the delays, detours, noise and pollution from the construction of the proposed build options?

03 I believe the amount of loss of sensitive wetland and coastal sage scrub habitat, including take and impacts to the endangered California gnatcatcher, for the two widening options are unacceptable given the small amount of this habitat that remains. How are you sure that the loss of sensitive habitat will not result in a permanent loss of habitat value in our area? How can you truly mitigate for loss of wetland habitat, especially when there are so few areas like San Elijo left in southern California? Can you ensure that no net loss of wetland and coastal sage scrub habitat within north San Diego County would occur for the two build options?

04 Will the build options of this project truly improve the quality of life for the residents of north San Diego County? By increasing freeway size, the number of cars will also increase. How much will pollution levels of emission, and ultra fine particulates increase with the build options? Furthermore, the widening of the freeway will destroy the feel of our communities by blocking views of hillsides and the ocean, by destroying wetland habitat, by destroying coastal sage habitat, and by creating many areas with tall concrete walls. This does not fit in with the character of our community. The proposed build options would transform our relaxed beautiful area into Los Angeles with its wide freeways and tall, concrete walls. This is not what our community wants.

05

RESPONSES

Responses to Jesse Giessow

01 Thank you for your comments, which are part of the public record. The specific comments and questions contained in the letter are addressed in the responses below.

02 The *I-5 NCC Project* is regional and construction is anticipated to be phased over many years to be consistent with the 2050 Regional Transportation Plan (RTP). Construction impacts related to delays, detours, noise, and pollution are addressed in the technical sections within EIR/EIS *Chapter 3 Affected Environment, Environmental Consequences, and Avoidance, Minimization and/or Mitigation Measures*, including the following: *Section 3.15*, *Noise*; *Section 3.14*, *Air Quality*; and *3.6*, *Traffic and Transportation/ Pedestrian and Bicycle Facilities*. These sections provide avoidance, minimization, and mitigation measures to reduce anticipated construction impacts, as applicable. Construction-related activities would generally be focused during non-peak hours to minimize traffic delays, to the greatest extent practicable. As described in *Section 3.6*, identified avoidance, minimization, and mitigation measures include the implementation of a Traffic Management Plan (TMP). The TMP would include a Public Awareness Program to distribute information to local residents and users of the I-5 North Coast Corridor, such as construction

EMAILS — COMMENTS	RESPONSES
	02 cont. schedules and locations, as well as a Traffic Operations Strategies Program that would implement and evaluate on-the-ground efforts to address traffic-related concerns, such as road closures and alternate route strategies. More details regarding the TMP can be found in EIR/EIS *Section 3.6.4* and Topical Response "Construction Traffic." 03 Project-related effects to sensitive wetland habitat and coastal sage scrub habitat would be avoided, minimized, and/or mitigated through appropriate measures. Specifically, substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package for unavoidable impacts has been developed through coordination efforts with wildlife agencies. Compensatory mitigation for upland and wetland habitats would include a mixture of creation/establishment, restoration, and the purchase of high quality habitat parcels near the lagoons for preservation. Several parcels have been identified around the lagoons for potential purchase for upland mitigation. All of the mitigation ratios and options have been developed in coordination with the resource agencies to determine the most appropriate selection of options to mitigate impacts from this project. The Dean Mitigation Site in particular is known to currently support the coastal California gnatcatcher, and restoration of upland habitat is planned at the site. Existing uplands also would be preserved at the site. Restoration of the W19 mitigation site is planned to include the establishment of 9.6 acres and restoration of 19.8 acres of upland habitat, with construction anticipated to begin in 2016. This mitigation will ensure there is no net loss of habitat. Loss of wetland habitat would be addressed through the establishment of wetland and upland habitat, in addition to preservation and enhancement efforts, to comply with regulatory "no net loss" requirements. These efforts would also provide related benefits to associated wildlife species, including year-round and migratory bird populations. Please refer to Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North

EMAILS — COMMENTS	RESPONSES
	03 cont. County quality of life and why those effects are not expected to result in a substantial adverse overall impact in the communities already crossed by this highway.
	04 With regard to potential new traffic generated by the proposed project, the project is designed to maintain or reduce traffic congestion along the I-5 corridor and is not anticipated to result in a substantial number of additional trips. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. The potential for the project to result in increased traffic (referred to as induced or latent demand) has been included in the project's analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, as the result of a combination of project-specific and regional efforts. Considering this factor, as well as the proposed High Occupancy Vehicle (HOV)/Managed Lanes, the number of additional vehicles on the road as a result of project improvements is anticipated to be relatively small. Please refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated and latent traffic. Your stated concerns on project-related air quality pollution emissions and particulates are addressed in EIR/EIS *Section 3.14*, *Air Quality*. For general air quality concerns, *Section 3.14* notes that the project is designed to lower travel times through reductions in traffic congestion and the smoothing of traffic flow along the I-5 corridor. This situation would result in lower overall air emissions and related improvements to air quality compared with existing conditions. For particulates (particulate matter, or PM), the analysis in *Section 3.14* notes that, based on screening using U.S. Environmental Protection Agency PM guidance, the proposed project is not a Project of Air Quality Concern due to relatively low truck volumes and percentage of traffic when comparing the build alternatives against a no project condition. The proposed project would improve traffic operations by smoothing traffic flow as described above and would contribute to lower PM emissions

EMAILS – COMMENTS	RESPONSES
	04 cont. when compared with baseline (2006) conditions. The proposed project, therefore, would comply with federal PM_{10} and $PM_{2.5}$ standards and would be unlikely to increase the frequency or severity of any existing nonattainment of those standards. A number of measures are also identified in *Section 3.14* to control construction-related particulate generation (e.g., from dust and diesel exhaust), including proper vehicle maintenance and required conformance with applicable San Diego Air Pollution Control District and Caltrans dust control standards. Please also note that ultrafine particulates, as referenced in this comment, are defined as those with a diameter of less than 100 nanometers (one nanometer is equal to one billionth of a meter) and are not regulated under existing air quality criteria. Please refer to Topical Response "Air Pollutants" for additional information on potential project-related air quality considerations.
	05 With respect to your concern regarding potential project-related visual impacts due to soundwalls, as discussed in *Section 3.15.4* of the EIR/EIS, soundwall heights would range from 8 to 16 feet. View impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. Proposed retaining walls would be utilized to minimize property acquisition and biological impacts, to stabilize slopes, and to accommodate engineering structures. As discussed in *Section 3.7, Visual/Aesthetics*, these walls could range up to 46 feet in height, and although they would not obstruct views, they would still result in potentially substantial visual impacts. In an effort to minimize impacts, *Section 3.7* of the Final EIR/EIS identifies a number of measures to address associated potential visual concerns. Specifically, as depicted on *Figures 3-7.125* through *3-7.134,* this may include efforts such as the use of landscaping; planting buffers and pockets; and architectural features such as pilasters and caps, enhanced surface materials, and integral colors that would provide relief from monolithic appearance and reduce the apparent scale of the retaining wall. For more

EMAILS – COMMENTS	RESPONSES
	05 cont. information regarding potentially substantial visual effects of the proposed improvement, please refer to Topical Response "Visual/ Community Effects." Potential impacts to biological resources, including coastal sage scrub and wetland habitat, are evaluated under the *Biological Environment* heading of the EIR/EIS. Based on those analyses, project impacts would be avoided, minimized, and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Please also refer to Topical Response "Lagoon Evaluations" for information on focused studies completed since the circulation of the Draft EIR/ EIS in 2010. Based on those studies, the existing lengths of I-5 crossings at Los Peñasquitos, San Dieguito, and Agua Hedionda Lagoons were determined to be appropriate, while crossings at San Elijo, Batiquitos, and Buena Vista Lagoons are proposed to be lengthened. Topical Response "Lagoon Evaluations" also addresses the importance of the Transportation Resource and Enhancement Program. This program is being coordinated among the transportation planning agencies with oversight by the California Coastal Commission and wildlife resource agencies and will address transportation-related impacts on a regional scale. With regard to tall concrete walls, as discussed in Topical Response "Visual/Community Effects," additional retaining walls and soundwalls along I-5 would be notable and would affect the visual experience for travelers along this roadway. Retaining walls and noise barriers are common features along I-5 and other freeways within the State. It should be noted that in many instances, project walls would be located only on one side of I-5. In addition, walls are linear facilities, with views shifting as the viewer moves along (or adjacent to) the freeway corridor. After the project is constructed, views would continue to be mixed, with some open and some blocked (similar to existing conditions); the latter condition is addressed to the greatest extent practicable through the implementation of project measures that would address associated potential visual concerns as discussed above in this response.

EMAILS — COMMENTS	RESPONSES
	05 cont. With regard to changing the environment of the community and its character, the changes to the I-5 right-of-way are focused and linear in nature. Please refer to the Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County lifestyle and why those impacts are not expected to result in a substantial adverse effect on the overall character of the communities already crossed by this highway. Specifically with regard to Encinitas, Caltrans has worked with the City to develop a number of potential enhancement projects, including: (1) Bicycle/ Pedestrian Enhanced Trail on Both Sides of I-5 at San Elijo Lagoon with Bridge Connection to Manchester Avenue; (2) Park and Ride Enhancements at Birmingham Drive; (3) Villa Cardiff Drive Improvements and MacKinnon Bridge Enhancements; (4) Hall Park Trail Connecting to Santa Fe Drive; (5) Trail Connecting Santa Fe Drive to Requeza Street with Wetland Revegetation; (6) Trail Connecting Requeza Street to Encinitas Boulevard; (7) Union Street Pedestrian Overpass; (8) Cottonwood Creek Park to Union Street Trail Connection with Wetland Revegetation; and (9) I-5 North Coast (NC) Bike Trail in the City of Encinitas. Based on this information, implementation of new project features is not expected to have an adverse effect on regional community character.

EMAILS — COMMENTS

06 The no-build option is not thoroughly evaluated and described in the DEIR. Instead of building more freeway we should be expanding out public transit types and connections to make this a viable alternative for people. Public transit provides a long-term solution that reduces reliance on cars, reduces pollution, reduces greenhouse gas emissions, and preserves the look and feel of our communities. Have public transit alternatives been thoroughly investigated? Would these alternatives cost less? Would they lead to less environmental damage?

07 In conclusion, the DEIR itself predicts that after 30 years and after spending billions of dollars, the service level of I-5 will be no better than it is today. Why then are we considering this as a viable option? Why are we not being forward thinking and working on our public transit? After years of extensive freeway building and expansion, Los Angeles County has come around to now expanding its public transit system. Let us be wise and do this NOW before we spend so much money on a freeway expansion that the community doesn't want, and that does not provide a long-term increase in level of service to commuters.

Thank you for the opportunity to comment.

Jesse Giessow

RESPONSES

06 The No Build alternative is described in EIR/EIS *Section 2.2.4*, *No Build Alternative*. The analysis of the No Build alternative addresses what would be reasonably expected to occur should the project not be approved based on the current plans. This not only includes ongoing operations and maintenance of this segment of I-5 but also the list of interchange operations adjacent projects presented in *Section 2.2.4* that would move forward independently of the I-*5 NCC Project*. Potential impacts of the No Build alternative are analyzed throughout *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures,* of the EIR/EIS.

Regarding public transportation, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies, and Caltrans has been actively involved in this regional multimodal planning effort. Please also refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding ongoing plans and improvements to public transportation. In regard to the costs associated with public transit alternatives, Caltrans' responsibility is to use transportation monies provided for the upgrade of the State highway system in the most beneficial way on those highway facilities. Caltrans would consider a combination of driver need, environmental effects, and project cost when determining how to use these funds. Although supportive of public transit, Caltrans has no authority to independently require or authorize activities related to alternative transportation modes. Improvements to the rail, light rail, bus transit, bikeway, and pedestrian or trail systems are also being pursued by the agencies responsible for these facilities within the North Coast Corridor. Please also refer to Topical Response "Corridor Alternatives" regarding alternatives evaluated for the North Coast Corridor and Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

EMAILS — COMMENTS	RESPONSES
	07 Please refer to Topical Response "Projected Growth" regarding the accommodation of projected growth in traffic over time and Topical Response "Project Lifespan" regarding the fluid nature of transportation improvements, which change over time and can be iterative. Regarding potential concerns associated with ongoing congestion along I-5, the project is designed to maintain or reduce traffic congestion along the I-5 corridor through 2050 as part of a multimodal system. The use of HOV/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. It is stated that the proposed project would not eliminate congestion. Nonetheless, the project would result in less congestion than what would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build alternative would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. No one answer is appropriate for all segments of our State highway system; congested portions of I-5 in Los Angeles are subject to specific constraints in that area. The proposed changes are projected to be appropriate for this segment of I-5 and would occur simultaneously as other regional efforts to address transportation demand, including changes in land use patterns and improvement of public transportation alternatives, as described in the response to your Comment 06.

EMAILS — COMMENTS

Janie Gilbert
09/01/2010 03:52 PM
Subject: Extension of comment period

01 I am one of those slated to lose my home. Please give sufficient time for a THOROUGH study.

Thank you.
Janie K Gilbert

RESPONSES

Response to Janie Gilbert

01 Thank you for your comments regarding potential property impacts, which are part of the public record. *Section 3.4.2, Relocations and Real Property Acquisition*, of this Final EIR/EIS, lists the approximate number of property acquisitions per alternative, as currently designed. It is important to note that it is Caltrans' intent to avoid and/or minimize impacts to properties that abut an existing highway system. Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. With regard to specific properties, engineers are continuing to refine the project design and is working to minimize the project footprint to avoid impacts to properties to the extent possible. Further refinement will continue through final project design, and precise numbers and dimensions of properties required will not be known until that time. For more information regarding specifics of property acquisition and valuation, please refer to Topical Responses "Property Acquisition" and "Acquisition Valuation."

Regarding the provision of sufficient time for a thorough study, adequate time has been provided. Specifically, as detailed in *Chapter 5, Comments and Coordination*, preliminary public scoping meetings for the project were held in 2001; a Notice of Intent and Notice of Preparation were circulated and environmental analysis began in 2004. The Draft EIR/EIS was circulated for an extended public review period, between July 8, 2010 and November 22, 2010.

EMAILS — COMMENTS

Pierre Godefroy
08/16/2010 09:24 PM
Subject I-5 wide

Gentlepersons -
01 The noise level from I-5 has gotten worse over the years, and your proposed widening of the freeway will make the noise level intolerable. And, it will not solve the traffic problem. Build it and they will come, and come and come. Go for alternative transportation.

Pierre Godefroy
13151 Shalimar Place
Del Mar, CA 92014

RESPONSES

Response to Pierre Godefroy

01 Thank you for your comments, which are part of the public record. Regarding project-related noise generation, and as described in EIR/EIS *Section 3.15, Noise*, while project-related noise level increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Changes of three dBA or less are generally not detectable by the average healthy human ear). Despite this conclusion, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans Guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures as required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations (refer to Final EIR/EIS *Figures 2-2.3, Sheets 1* through *67,* and *Section 3.15*). The use of such noise-abatement facilities has been shown to reduce traffic-generated noise. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.

With respect to traffic and as described in EIR/EIS *Section 2.1, Project Description*, the main purpose of the *I-5 NCC Project* is to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor. Improvements are intended to accommodate projected traffic increases through 2050 as part of a multimodal system. Specifically, these increases are estimated at approximately 29 percent over the next 30 years, as a result of the projected addition of approximately one million people to the region's population. The proposed use of High Occupancy Vehicle (HOV)/Managed Lanes provides additional highway capacity by increasing the number of vehicle occupants, while minimizing

EMAILS – COMMENTS	RESPONSES
	01 cont. impacts to the environment and surrounding communities, as well as resulting in a decrease of traffic when compared to I-5 use without HOV/Managed Lanes. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Nonetheless, the project would result in substantially less congestion than would occur under the No Build alternative. For example, as outlined in Final EIR/EIS *Table 3.6.3*, total southbound weekday delays in Year 2030 under the No Build option would be approximately 14,000 vehicle hours, with this number reduced to 3,700 hours for the 10+4 alternatives and 8,000 hours for the 8+4 alternatives. The project is not anticipated to result in a substantial number of additional trips. Additionally, the potential for induced demand has been included in the project analysis and is addressed in the EIR/EIS. As described, the projected increase of vehicle miles traveled (VMT) is anticipated to be relatively small (approximately four percent) in association with the proposed project, as a result of a number of regional and project strategies and improvements designed to reduce the growth in the number of VMT and to encourage options to using single-occupant vehicles (refer to *Section 2.2.3* of the EIR/EIS). Please also refer to Topical Response "Projected Growth" for additional information regarding the project's accommodation of anticipated traffic. Regarding alternative transportation, as mentioned above, the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation, including rail, bus, highway, pedestrian routes, and bikeways, are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies. Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussion regarding mass transit options. Please also refer to the Topical Response "Transportation Funding" for information on issues related to the use of public highway funding for alternative transportation modes.

EMAILS — COMMENTS

Steve Goetsch

July 28, 2010 7:18:21 PM PDT
To: 'Jack Hegenauer' <jackhegenauer@att.net>, 'Judy Hegenauer' <judyhegenauer@att.net>, 'Lane Sharman' < lane@solanaenergy.com>, 'Marilee McLean' < marileemclean@roadrunner.com> Cc: '"Mary Yang (Mary Yang)"' < myang@kairos-scientific.com>, 'Michael Hetz' < michael@thenoodleshop.com>
Subject: CalTrans hearing last night in Encinitas

To Citizens Against Freeway Expansion:
01 I went to the CalTrans "hearing" in Encinitas last night. Jack and Judy Hegenauer and Roger Boyd passed out flyers (just created by Michael Hetz of The Noodle Shop in Solana Beach) and hundreds of people attended. We will try to make them available to all of you to pass out to friends.

The "hearing" was pretty much as I remember previous "hearings" back about 5 years ago. A bunch of posters showing the expansion plans on big easels (3 feet by 5 feet or so), mile by mile. Maybe 20 CalTrans employees smiling and politely answering questions. I ran into many Encinitas residents I know who are totally aghast at this expansion.

02 More interesting was my conversation with Arturo Jacobo (CalTrans project director) and Alan Kosup (his boss, I think). I asked about "taking" of homes in Solana Beach. They found the giant chart (not on display) and carefully showed me the I-5 segment from Lomas Santa Fe north to the San Elijo Lagoon. There are four different expansion proposals (each one wider than the next), but the gist of it is that up to 34 homes along the edge of Santa Fe Hills Homeowners Association may be "partially taken" for sound walls and/or retaining walls. This amazed me: I thought there might be 8 or 10 homes next to the lagoon at most. I have notified the City of Solana Beach and asked them to individually notify the homeowners, many of whom rent their homes to tenants and live elsewhere (they would NOT have received the CalTrans postcard).

03 A City of Solana Beach consultant came by my house this afternoon: He was hired by the City to do sound level measurements. They will be submitted to the city to include in their response to CalTrans. I volunteered to work with the consultants hired by the city but was declined on the grounds that I am not "neutral" and am personally impacted by the freeway (although my home will NOT be taken by CalTrans). I was told that the City of Solana Beach will have a public hearing of their own before they submit their response.

The meeting on August 19 is shaping up as a major meeting. I expect hundreds of people to attend and as many radio, TV and newspaper reporters as possible. See you there!

Steve
Steve Goetsch
Solana Beach, CA

RESPONSES

Responses to Steve Goetsch

01 Thank you for your comments regarding the project public hearing held in Encinitas. Please also refer to Topical Response “Hearing Format” for additional information on the Caltrans hearing format.

02 With respect to potential project impacts to homes in Solana Beach, EIR/EIS *Section 3.4, Community Impacts,* discusses potential displacements resulting from the project alternatives. The only alternative that would directly impact homes in Solana Beach would be the 10+4 Barrier alternative, which would potentially displace six condominium units in the Eden Gardens community. Following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. Under this alternative, no homes in Solana Beach would be directly impacted. It is Caltrans’ intent to avoid and/or minimize direct impacts to properties that abut an existing highway system during improvements to that highway, to the extent practicable; however, avoidance is not always possible when an existing facility is being improved. Please refer to Topical Response “Property Acquisition” for more information on property acquisition.

Regarding recommended soundwalls and retaining walls, soundwalls S614 and S622 (Option 2) are preliminarily recommended along that side of the freeway right-of-way and

EMAILS – COMMENTS	RESPONSES
	02 cont. would abut residential properties along Santa Helena, Santa Regina, Santa Rosita, and Santa Florencia. A final decision regarding construction of these soundwalls will be made based on final project design parameters, the coastal permitting process, and input from affected homeowners and property owners. If the soundwalls are constructed, a temporary construction easement may be needed on a small portion of some of these residential properties; however, no property acquisition would occur in conjunction with these project improvements. Refer to Final EIR/EIS *Figures 2-2.3, Sheets 23* through *25.* If improvement of I-5 is approved, property owners who would be affected based on final design would be contacted by Caltrans staff. Property owners were notified by using Assessor Parcel information. 03 Comments on the Draft EIR/EIS are intended to focus on the environmental adequacy of the studies completed for the proposed project. Although your comments are now part of the public record, no response to this comment is provided as it does not address the *I-5 NCC Project* EIR/EIS.

EMAILS — COMMENTS

Hedy Goldman
11/22/2010 10:46 AM
Subject: comments on I-5 expansion

01 I live in Cardiff, and know we have traffic issues. But making the road widder, thus lessening the amount of space for housing....only hurts our coastal communities. We can't de-value what we have, and have to preserve our value, so our areas are in demand! Maybe carpool lanes, or double decker highways, or ??? but there is no room for further expansion. Anyone who lives up here, moved here knowing about the road situation. Please preserve our coastal real estate values and DO NOT EXPAND i-5.

Best Regards, perseverance
HEDY
Hedy Goldman
DRE # 01300147
Sea Coast Exclusive Properties
Direct: 858-504-2334
www.HedyGoldman.com

RESPONSES

Response to Hedy Goldman

01 Thank you for your comments, which are part of the public record.

Following the circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative.

With respect to property values, based solely on the effects of proposed I-5 modifications, substantial adverse impacts to property values are not anticipated. Please refer to Topical Response "Property Valuation" for information regarding factors affecting residential property value based on potential transportation project effects.

Consistent with your preference for carpool lanes, the only through lanes proposed as part of the Preferred Alternative are High Occupancy Vehicle/Managed Lanes, which would accommodate carpools, mass transit bus use, etc. Construction of a double-decker highway, however, would be extremely expensive and would result in increased noise and visual impacts relative to the proposed project. Early in the planning process many alternatives were considered before the proposed build alternatives were selected. For more information on these previously evaluated alternatives, please refer to Topical Response "Corridor Alternatives."

EMAILS — COMMENTS

David Golman
09/24/2010 10:15 AM
Subject: Comments to I-5 North Coast Corridor Draft Environmental Document

01 Dear I-5 North Coast Corridor Planners
The project proposed, in any configuration, is a massive expansion of the existing highway system. Original sound and reflected sound of the additional cars and trucks, their tires against the road and their engines, will add, and bring closer to our homes, freeway road noise. The result can only have a negative impact on our aural environment. Even a 1 decibel increase in the overall background sound of road noise will have detrimental impact on our existing level of 'happiness' in the places that we live. The noise of a highway is not soothing – it is harsh, grinding, and inconsistent in tone and volume.

Other then a very few sound walls I did not see any plan to mitigate the increased road noise (absolute and by proximity). Our geography is unique with multiple rolling hills separate by low lying narrow lagoons. The road sloop on both sides of each hill-lagoon-hill set, and the lack of any obstruction, allows road noise to project and bounce for great distances. At 404 Andrew Avenue we live a few blocks from the freeway and not within view, and at night the sound can be so loud we will where ear plugs to sleep!

The I-5 North Coast Corridor needs to implement mitigation for additional freeway road noise. One such mitigation that has been tried with success is rubberized concrete.

I believe a study should be done to validate the possible mitigation of additional road noise by the use of a rubberized concrete in areas where sound walls can not be utilized.

David S. Golman,
PharmD
Office: 760-753-8517
Mobile: 760-846-6320

RESPONSES

Response to David Golman

01 Thank you for your comments, which are part of the public record, regarding potential noise concerns in the area west of I-5 and south of La Costa Avenue in the City of Encinitas (404 Andrew Avenue). As described in EIR/EIS *Section 3.15*, *Noise*, while project-related noise increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions. Contrary to the statement in this comment, and as noted in the Noise Study Report prepared for the project, changes of three dBA or less are generally not detectable by the average healthy human ear. This is a well-established industry standard based on extensive research and real world experience and is widely accepted in the technical community. Regardless of the change in dBA, however, the project would address existing and future noise levels when conditions would approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration (FHWA) and Caltrans guidelines (refer to *Section 3.15.1*).

Accordingly, potential noise issues were evaluated at four noise receptors in the vicinity of the subject property, including R12.27 (1923 Leucadia Scenic Court), R12.28 (1940 Leucadia Scenic Court), R12.29 (579 La Costa Avenue), and R12.30 (561 La Costa Avenue; refer to Final EIR/EIS *Table 3.15.25* and *Figures 2-2.3, Sheet 40*). From the associated noise analysis, it was determined that noise abatement at R12.27, R12.28, and R12.30 would not be "feasible" under FHWA and Caltrans criteria. That is, evaluated soundwalls at 8 to 16 feet in height would not result in a five dBA or greater noise reduction (refer to *Table 3.15.25*). For noise receptor R12.29, while a "feasible" noise reduction would be achieved with an eight-foot-high soundwall, the associated structure (S719) was determined not to be "reasonable" as the estimated construction cost exceeds the "reasonable" cost allowance. Accordingly, S719 is not recommended for construction (refer to *Table 3.15.26*). Even if this soundwall were constructed, however, it would not provide perceptible associated noise-abatement benefits at the subject

EMAILS — COMMENTS	RESPONSES
	01 cont. property due to the distance from the freeway (approximately 730 feet per review of Google Maps). It should also be noted that the described noise receptors near the subject property (R12.27 through R12.30) have projected future noise levels (with the project and no soundwalls) of between 68 and 74 dBA (refer to EIR/EIS *Table 3.15.23*). Due to the intervening distance from these noise receptors (approximately 250 to 500 feet per Google maps) and the presence of intervening structures (which provide noise shielding), noise levels at the subject property under the described scenario are expected to be lower. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis. With respect to the potential for reflected noise, it is important to note that much of the noise energy generated from freeway sources (vehicles) does not strike soundwall (or other structure) surfaces. Specifically, noise from roadway traffic is not one-dimensional, but rather emanates out from the source in all directions. Noise energy that does strike walls is reflected at an incident angle (i.e., an angle similar to that at which the energy struck the wall). Accordingly, noise energy that strikes a wall and is reflected at very low incident angles can potentially result in an increase of overall noise levels at associated receptors (i.e., at locations opposite the walls). The majority of noise energy in this scenario, however, would strike the wall and be reflected at higher incident angles, such that it would not contribute to an increase in associated receptor noise levels. Quieter pavement, such as "rubberized asphalt concrete" (RAC), is currently not listed in 23 CFR 772 as a noise abatement measure that can be applied in accordance with federal policy. Caltrans is actively researching the benefits of pavement types in reducing tire noise source levels to demonstrate the long-term noise abatement characteristics of quieter pavement. Asphalt surfacing increases maintenance costs, which is a factor being considered in wider applications beyond pilot studies. In addition, asphalt has a lower life expectancy than concrete, so it would have to be repaired or replaced more often. A conclusion has not been made about practicality and effectiveness, so this surfacing is not currently included in noise abatement measures. As a result, the use of alternative surfacing is not proposed for I-5.

EMAILS – COMMENTS

Chris Goodwin
09/28/2010 12:12 PM
Subject: I-5 Freeway Expansion (north San Diego) Solution Suggestion

01 I use the 5 freeway daily. I have observed many people driving at inappropriately slow speeds in every lane possible. The lanes to the left are for people traveling faster than the people in right hand lanes.

The government needs to educate and re-educate through enforcement that slower traffic moves right, and faster traffic moves left. We would have less congestion, and better drivers overall, because of driver awareness via education and enforcement.

The benefits of such awareness and practice and enforcement will result in LESS TRAFFIC JAMS. Instead of widening the freeway because of poor driving practices, and in the end continuing to have and maintain poor drivers slowing others down, I would like to suggest education and enforcement of people driving too slowly in the left lanes.

Traffic police can use a new colored light, say, Orange, for example. When a cop pulls behind 'you' or any slowpoke, he flips on the Orange light as both enforcement and awareness that 'you' the slowpoke driver are in the wrong lane, and you better pull to the right lanes...or speed up and go with the flow or faster in your lane.

Slowpokes side by side, or joggled throughout lanes, create a mess for those trying to get down the freeway at a faster pace. It is unfair and unsafe that such slowpokes should inconsiderately be able to drive in the wrong lanes, and instead of widening the freeway as a solution, I would like to suggest taking a new approach to ensure happier and more efficient drivers by having slow drivers made aware that they are the true root cause of most traffic problems on the freeway.

Chris Goodwin

RESPONSES

Response to Chris Goodwin

01 Thank you for your comments, which are part of the public record. Caltrans' existing authority does not include drivers' education or traffic enforcement. Comments on these topics would be better directed to the Department of Motor Vehicles and California Highway Patrol. While such suggestions may improve traffic flow, congestion resulting from high traffic volumes in relation to roadway capacity would nonetheless remain, resulting in a need for freeway improvements.

EMAILS – COMMENTS

Christopher Steve Goodwin
07/27/2010 07:14 PM
Subject Cardiff Resident Working Evenings Cant Make Meeting But I have an EXCELLENT IDEA

01 Hello I live in Cardiff and work in Kearny Mesa, so I use the 5 freeway workdays daily. So I know what I'm talking about here in my following suggestion.
The Highway Patrol does NOTHING about the cars driving slowly in the wrong lanes, the trucks driving slowly in the wrong lanes. The slower lanes are on the right, the faster lanes are on the left.
Daily backups are and will continue to exist with or without freeway expansion until DRIVER EDUCATION IN THE FORM OF HIGHWAY PATROL THREATS USING A NEW COLOR LIGHT TO PULL OVER TO THE RIGHT comes into enforcement. This new policing is an old idea having to go back to the cop in the middle of an intersection directing traffic pre-traffic light days.
So the State of California can save BILLIONS by publicizing a new job on the part of the HIGHWAY PATROL….a 'lavender' light (or whatever color) Behind you being used by the highway patrol is a quick and easy signal to get your ass over to the right. This threat of being pulled behind by a cop would quickly educate via fear of tickets the public who are inconsiderate and are driving in the wrong lane for their speed. It only takes a few slow pokes side by side to back up traffic for miles, and we all know this is not an exaggeration. Multiply this group of slowpokes by another side by side group 10 miles ahead, and its obvious this is the true cause of much traffic delays.
Also, we are not utilizing technology. Camara signage showing traffic delays ahead via camaras etc., and pointing out via remote computer observers what to do utilizing visual tv like displays would allow 'cops' to direct or even identify 'your car' as being a part of the problem and when you look at the sign w/ your car on tv an arrow could point that you better get your butt over as determined by some cop sitting in an office watching a bunch of video camaras of the freeway along a stretch.
Two ideas costing very very little to implement and would take care of a problem no amount of expansion would 'get the slowpokes in the right lane'.
Chris Goodwin Cardiff

RESPONSES

Response to Christopher Steve Goodwin

01 Thank you for your comments, which are part of the public record. With regard to the need to regulate cars and trucks driving slowly in the wrong lanes and utilizing camera technology and signage displaying traffic delays and other traffic-related problems – such efforts are within the jurisdiction of the California Highway Patrol and/or other law enforcement agencies. This comment would be better addressed to the California Highway Patrol; Caltrans does not have the ability to implement or influence such activities.

EMAILS — COMMENTS

Donna Gookin
07/28/2010 03:57 PM
Subject: HighwayExpansion

To whom it may concern:

01 My husband and I are opposed to this huge highway expansion. We feel that there needs to be more pedestrian and bicycling friendly ways to move people and keep down pollution!. We also feel that such a huge mass of concrete will seem like a divider of communities.
Can there be some other designs that address these problems?

Thank you.
Sincerely,
Edwin and Donna Gookin
(92120 and 92037)

RESPONSES

Response to Donna Gookin

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

As discussed in EIR/EIS *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects,* a number of community enhancements associated with the I-5 project are proposed, based on extensive local input occurring over several years. Consistent with your comment regarding pedestrian and bicycling improvements, enhancements are intended to improve the efficiency and safety of pedestrian and bicycle routes. These proposed improvements include the I-5 North Coast (NC) Bike Trail, intended to provide a non-vehicular alternative along the entire I-5 project corridor; several enhancements to pedestrian and bicycle access throughout the project area; the connection of pedestrian or bicycle routes with public transit centers; enhancements of non-vehicular connectivity across I-5; and creation of trailheads and other recreational opportunities within local communities throughout the project area.

With respect to community division, impacts to community character are analyzed in *Section 3.4* of the EIR/EIS. Project elements such as increased roadway surfaces and focused areas of landform modification would be within a developed urban area and are not expected to substantially impact community interactions, given the major freeway that already passes through the affected communities. As discussed above, community enhancement features, if implemented, would further improve and facilitate connectivity between communities east and west of I-5 that were bisected when I-5 was originally constructed. Cohesion would actually be increased as a result of some of the pedestrian over-crosses and pathways proposed as project enhancements.

EMAILS — COMMENTS	RESPONSES
	01 cont. Based on the discussion above, with implementation of the proposed community enhancements, your concerns could be adequately addressed with the current build alternatives. For a summary of alternatives previously evaluated for the I-5 corridor, please refer to Topical Response "Corridor Alternatives."

EMAILS — COMMENTS

Julie Graboi
1314 Desert Rose Way
Olivenhain, CA 92024

Shay Lynn Harrison, Environmental Analysis Branch Chief
CA Department of Transportation – District 11
Division of Environmental Analysis, MS 242
4050 Taylor Street, San Diego, CA 92110

November 22, 2010

Dear Shay Lynn Harrison:

01 As a community college instructor who drives to many ends of San Diego County each week, I became interested in the proposal to expand I-5 because of the numerous benefits that those who back it have suggested people like me will gain from this project. Since I have been following this issue for a number of years now, I can tell you that what I have heard from those promoting the project looks like a collection of hidden agendas that have nothing to do with benefiting me, or people like me. Instead, I am writing to join the voices of hundreds of other local San Diego residents to express concern over the health and environmental impacts, the diminished quality of life concerns, and what seems to be the manipulation of meetings to make it appear as though citizens actually have a say in the one-sided decision to expand I-5. In local residents do not have an actual say at all.

Although my family have been residents of Olivenhain for over 20 year and arguably could benefit from the shorter commute times to San Diego that have been promised as a beneficial outcome to this project, now that we have spent hours attending meetings and studying the issue, we are totally opposed to the widening of I-5. Furthermore, we have been disappointed and distressed by the way that this project is being pushed through with very little concern to the residents who will be paying for it and yet are also have the least say in these decisions. I am disgusted by the amount of money that has been spent to **market** this project, when resources could have been used to capture citizen participation and improve the level of decision making that ended in a plan that would have been considered obsolete 20 years ago!

02 At the November 8 Solana Beach presentation hosted by Senator Kehoe, I was disappointed to hear that the project was presented as an opportunity to "improve and restore" the various lagoons along the I-5 corridor. In fact, various SANDAG speakers presented this as an opportunity to "fix" sensitive wetland as opposed to following through on legal requirements to **mitigate the damage** that this project will surely cause to all who live near it during construction and after its completion. Many of the speakers running the meeting seemed poorly prepared and lacking in expert knowledge, especially since they were being paid to communicate the plan that they had written. Mary Nichols, Chair of CA Air Resources Board, spoke for 20 minutes without even providing a power point or any other visual for the audience. By contrast, the numerous doctors, scientists, and concerned citizens opposed to the project communicated great competency and expert knowledge.

03 The community participants had taken time away from work or other obligations and were unpaid. These audience participants, some of whom enjoy international eminence in their fields and work at some of the world's most prestigious institutions such as Scripps, UCSD, and the Salk Institute, communicated opposition to the project and spoke of the numerous health impacts that would be suffered by residents and the neighboring ecosystems if this project should be allowed to go forward. Without exception, these experts from a variety of scientific, health, and academic backgrounds cautioned that the widening of I-5 would have serious rippling impacts on our entire region. They felt so strongly about the seriousness of

RESPONSES

Responses to Julie Graboi

01 Thank you for your comments, which are part of the public record. Your preference for the No Build alternative is noted.

Regarding potential project impacts to local San Diego residents, Caltrans' intention is to avoid or minimize project-related impacts to the maximum extent practicable, including potential impacts to the public, environment, health, and quality of life. Specifically, following circulation of the Draft EIR/EIS and receipt of comments, the 8+4 Buffer alternative was refined. This alternative has been addressed in this Final EIR/EIS and is the smallest of the build alternatives presented in the EIR/EIS. The refined 8+4 Buffer alternative has been determined to be the locally preferred alternative (LPA) and has been identified in the Final EIR/EIS as the Preferred Alternative. The Preferred Alternative has been identified as the best solution to the project's purpose and need while minimizing environmental impacts associated with project implementation; however, it is not always possible to avoid environmental impacts for projects such as the proposed I-5 expansion. The EIR/EIS includes an extensive evaluation of potential project-related impacts and related avoidance, minimization, and/or mitigation measures in *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*.

Based on the results of the analysis contained in the EIR/EIS, the proposed project would result in a number of environmental impacts, including impacts related to lagoons, traffic noise, visual quality, community character, cultural resources, and water quality. Caltrans, therefore, has worked closely with local communities and technical specialists to design the improvements in a manner

EMAILS — COMMENTS	RESPONSES
	01 cont. that reduces those impacts. Where design measures were unable to sufficiently reduce environmental impacts, mitigation measures were developed and included in the EIR/EIS to avoid and/or further reduce environmental impacts. Regarding health concerns, potential long-term health effects from living in proximity to a freeway are specifically discussed in EIR/EIS *Section 3.14, Air Quality*, specifically *Section 3.14.3*. The proposed project would reduce emissions and improve overall air quality relative to existing conditions. Given the applicable requirements and the nature of the project to maintain or reduce travel time, congestion, and related emissions along the I-5 corridor, it is anticipated that associated health effects would also be improved over existing conditions. Please also refer to Topical Response "Air Pollutants" for additional information on air pollutants and related potential health effects. With regard to diminished quality of life concerns, the changes to the I-5 right-of-way are focused and linear in nature. Although substantial change is discussed for specific locations in *Section 3.7, Visual/Aesthetics*, of the EIR/EIS, modifications to I-5 are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. The North Coast Corridor is located in a highly urbanized part of northern San Diego County that is generally characterized by its coastal location, ethnic diversity, established neighborhoods, commercial centers and activities, and preserves associated with coastal lagoons. As stated in EIR/EIS *Section 3.4, Community Character and Cohesion*, the increased roadway surfaces and landform modification would be within a developed urban area and would modify an existing primary transportation facility. The Preferred Alternative described above has been identified to reduce the project's extent and related impacts to local neighborhood characteristics. Please also note that Caltrans has worked with local jurisdictions along the project corridor to develop a number of potential community enhancement projects (refer to *Section 2.3, I-5 North Coast Regional and Community Enhancement Projects*, for details) that, if implemented, would create and/or improve amenities such as pedestrian or bicycle corridors, connections

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	01 cont. between pedestrian and bicycle routes and public transit centers, and park and ride facilities. Overall, because the project generally would improve recreational facilities and would enhance access within the community, the implementation of new project features is not expected to have an adverse effect on the regional quality of life. Please refer to Topical Response "Visual/Community Effects" for additional discussion regarding quality of life effects. Regarding input from local residents concerning the project, Caltrans has provided various methods for disseminating information about the project to the public, as well as for the public to provide feedback. As discussed in EIR/EIS *Chapter 5, Comments and Coordination*, there has been continual coordination with the public throughout the environmental process to help determine areas of concern, the scope of environmental documentation, the level of analysis, potential impacts, mitigation measures, and related environmental requirements. The environmental review process is designed to provide full disclosure to both the public and governmental decision makers regarding potential, substantial environmental effects of a proposed project. Additionally, there have been many opportunities for public comment, including local outreach that occurred over several years. Outreach efforts to solicit input from the public and critical resource agencies started early in the process. Specifically, in early 2004, preliminary scoping meetings were held in the Cities of Carlsbad, Encinitas, Oceanside, San Diego, and Solana Beach before circulating the Notice of Preparation of an EIR and Notice of Intent regarding the EIS. Two separate newsletters were sent and made available to addresses within one mile (east and west) of I-5 between the northern and southern ends of the project. Also since 2004, and in an effort to update interested parties and the public as a whole on the project status, Caltrans staff have attended meetings, conducted surveys, and presented handouts and mailers. Presentations have been made to local communities and planning groups, homeowners associations, chambers of commerce, city councils, and local politician-sponsored meetings. The Draft EIR/EIS was circulated for an extended public review period between July 8, 2010 and November 22, 2010, during which public meetings were held in each of the cities along the corridor. Following the circulation of the Draft EIR/EIS, a public meeting

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	01 cont. was held on the Supplemental Draft EIR/EIS in September 2012. Consistent with State and federal law, this Final EIR/EIS contains responses to all comments received during the public review period, and input from all of these efforts has been considered in the project planning and design process. The cost of I-5 improvements would be borne by a broad segment of our society and not by a select group of residents. Project monies would come in part from all California residents as funds would come from general State coffers (the Capital Improvements Program). Regionally, monies would also come from the TransNet program, which is funded by a half-cent regional sales tax approved by voters. This funding can be tracked via the San Diego Association of Governments (SANDAG), which is the regional planning agency responsible for disbursing funds to various modes of transportation throughout the County, at www.sandag.org. You are also encouraged to visit the TransNet Dashboard at www.transnettrip.com to view the status of the *I-5 NCC Project*. This website was created to keep the public informed on TransNet projects and provides up-to-date schedule, budget, and expenditure information. Regarding the "amount of money that has been spent to market this project," please note that public noticing and outreach is an essential part of the environmental review process under the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). Providing information to the public facilitates opportunity for public participation, which in turn improves the level of decision making by incorporating public and local agency input into project planning and the design process. Moreover, Caltrans has been working throughout the development of the project to balance the benefits of various freeway improvements with the direct and indirect costs to find the most cost-effective way to achieve the project's goals, including the identification of the Preferred Alternative, which is the smallest of the build alternatives proposed in the EIR/EIS, both in footprint and in cost. Please also note that SANDAG has committees designed to provide opportunities for citizens, elected officials, agency staff, and representatives of civic and community groups to become involved in programs within the region. One

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	01 cont. such committee, the TransNet Independent Taxpayer Oversight Committee, was formed to provide a higher level of accountability for the expenditure of funds. For more information about this committee and SANDAG, visit www.sandag.org.
	02 With respect to project-related impacts to the lagoons along the I-5 North Coast Corridor, restoration, and mitigation efforts, these issues are addressed in the EIR/EIS under the *Biological Environment* heading of EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures* (including *Sections 3.17, Natural Communities*, through *3.22, Invasive Species*). Based on these analyses, all project-related impacts to biological resources in the identified coastal lagoons and related waterways would be avoided, minimized, and/or mitigated through appropriate measures such as conformance with regulatory requirements and related efforts including habitat preservation, restoration, and/or acquisition. Substantial avoidance and minimization efforts have been incorporated into the project design, and an extensive mitigation package has been developed through coordination efforts with the wildlife agencies. Overall, and as shown in the Public Works Plan/Transportation and Resource Enhancement Program (PWP/TREP), project mitigation would be part of a comprehensive solution to coastal natural resources that would provide greater benefits to corridor-wide resources than a traditional ratio-based, project-specific mitigation approach. Since the circulation of the Draft EIR/EIS, additional detailed studies have been prepared regarding potential impacts to the biology and hydrology of the six lagoons and related waterways within the project corridor. The project's potential effects and mitigation for impacts to the lagoons have been further analyzed as a result of the optimization studies for the lagoons, as well as ongoing coordination with the resource agencies. Please refer to *Chapter 5, Comments and Coordination,* of the Final EIR/EIS for a list of meetings and topics discussed at the meetings. This information was presented in the Supplemental EIR/EIS circulated in August 2012 as well as in this Final EIR/EIS. The proposed bridges crossing the lagoons have been redesigned based on

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	02 cont. these studies, and the proposed mitigation program has been refined as necessary. Please also refer to Topical Response "Lagoon Evaluations" for additional information on lagoon and waterway resources, proposed improvements to freeway bridges and related structures, and associated avoidance, minimization and mitigation measures. Regarding legal requirements to mitigate environmental impacts, please refer to Appendix D: Environmental Commitments Record, which details the commitments by Caltrans to mitigate for impacts related to the proposed project. The avoidance, minimization, and mitigation measures provided therein are enforceable measures that fulfill both CEQA and NEPA requirements and would serve to reduce adverse project effects when possible through specific, tangible actions.
	03 Please note that the referenced November 8 meeting in Solana Beach was not planned or hosted by Caltrans; please refer to the response to your Comment 01 regarding public outreach activities undertaken by Caltrans. The preference for build or no build alternatives by speakers at the Solana Beach meeting do not directly address the environmental adequacy of the EIR/EIS. Meeting participants were given opportunities to provide input at hearings on the project via oral comments recorded and transcribed by a court reporter, as well as by written comments. The responses to all comments received during the public review period are contained in this EIR/EIS. The benefits of the project are represented by the purpose and objectives presented in EIR/EIS *Section 1*; the main purpose is to maintain or improve the existing and future traffic operations in the I-5 North Coast Corridor in order to improve the safe and efficient regional movement of people and goods for the planning design year of 2035.

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03 cont. this issue, that they made personal or financial sacrifices to attend this meeting without compensation. Not a single person outside of those who were paid to be there or who represented interests who stood to make money on this project had a single positive benefit that they brought forth.

04 Aside from the compelling arguments against this expansion for health and environmental reasons, my family and I are concerned how this project will impact the quality of life of San Diego residents and all who use the proposed freeway expansion. Many experts spoke of the diminishing returns of adding more lanes to the freeway, to be weighed against the profoundly serious implications of greater pollution, more noise, loss of views, and other consequences that take away from our enjoyment of the I-5 corridor. A number of speakers had concrete suggestions of ways to deal with traffic without widening the road.

05 Many speakers brought up the public's increased interest in high speed trains or other mass transit approaches to dealing with local transportation issues. Several speakers pointed out similar systems have been successfully used in other countries in Europe and Asia for years. Others expressed sadness and even outrage that these mass transit approaches have not even been explored as an option. Councilwoman Ester Sanchez stated that in Oceanside many local residents have been using public transportation much more than ever before. She suggested that one of the hindrances to greater public use of the type of transportation is that we need to invest more in mass transit systems, not a bigger freeway.

06 Throughout the meeting, there was anger expressed because of the way that the project was rolled out to San Diego residents as a simple choice of 3 codified variations for widening the freeway. I had attended the initial Encinitas meeting about the project several months earlier. I have looked at some of the 1,000 page documents about the project over the past few months from the point of view of a college instructor, and did not see a needs assessment at the beginning of the process which would allow for adequate citizen participation. Instead, there is an expensively packaged proposal presented as a boon to the economy in terms of its ability to provide jobs, optimize the transport of goods and people, and an opportunity to improve or "fix" lagoons and other natural areas along the corridor. Yet many speakers suggested that the greatest potential for creating sustainable and well-paying jobs would be through building a high speed rail system and other mass transit enhancements. As the meeting progressed, I became one of the audience members who were angered that these options were not even on the table, only 3 models of how the freeway could be expanded. The only speakers in favor if this proposed I-5 project were either paid directly, or stood to make more money in the future from this proposed expansion at the expense of the health of the majority living in the area—including the plants and animals in our local ecosystem.

07 I have attended these meetings and read everything that I can find on this topic with an open mind to find out how this project will benefit me. Since researching this issue, I am completely opposed to this project. I am profoundly concerned for the health and the quality of life for our coastal San Diego community. My family and I are disappointed that this appears to be an isolated decision made by a small group of agency employees who did not communicate the expertise equal to the very educated citizens who attended the meeting to express other options. The widening of I-5 does absolutely nothing to address the long-term, systemic transportation issues of most Southern California residents and businesses. It does provide the potential of a temporary increase in income to particular special interests like certain government employees, developers, civil engineers, and the president of the AAA Auto Club. The potential health risks, the environmental impact, the diminished loss of quality of life, and the decision making process that does not look beyond benefits to those who stand to get paid or gain status in the short run over those who wish to live here forever is not wise. Please consider other options that are more in keeping with environmentally sensitive approaches that preserve our treasured coastal area.

Sincerely,

Julie Graboi

RESPONSES

04 Please refer to the response to your Comment 01 and Topical Response "Visual/Community Effects" regarding potential effects of proposed I-5 modifications on North County lifestyle and why those effects are not expected to result in a substantial adverse effect on the overall quality of life in the communities already crossed by this highway. The project is anticipated to result in improvements to air quality when compared with existing conditions and would not result in increased levels of pollution. Please refer to Topical Response "Air Pollutants" for discussion of project consistency with air quality regulations and the anticipated decrease in emitted pollutants with project implementation, as well as to EIR/EIS *Section 3.14* for more detail. As discussed in *Section 3.15, Noise*, of the EIR/EIS, although project-related sound increases would vary by location, the majority of increases within the I-5 corridor would be three or fewer decibels (dBA) over no build conditions; changes of three dBA or less generally are not detectable by the average healthy human ear. Despite this conclusion, the project would address existing and future noise levels when conditions approach a level of 67 dBA (or greater), and where abatement is "feasible," "reasonable," and approved by property owners, per applicable Federal Highway Administration (FHWA) and Caltrans guidelines.

Concerning loss of views, please note that view impacts from the project to the coastline, lagoons, and river valleys would be avoided or minimized as a matter of project design. These resources are typically most visible across or below the corridor's large lagoon and river bridges, and these views would be maintained. Some soundwalls (or sections of soundwalls) have not been recommended in part because of impacts to coastal views. As described in EIR/EIS *Section 3.7*, where soundwalls would be recommended between viewers east of I-5 with views to the west, there is a potential for transparent barriers, so that views would not be obstructed. As depicted on *Figures 3-7.113* through *3-7.119,* and *3-7.122*, additional efforts to address potential visual concerns may include the use of landscaping, articulated facades, and

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	04 cont. earthen berms(or berm and wall combinations). Topical Response "Visual/Community Effects" provides more information regarding effects of the proposed project relative to viewers along the I-5.
	05 Regarding mass transit, please note that the project is only one element of a multi-agency, multimodal improvement effort for North Coast Corridor transportation. All modes of transportation (rail, bus, highway, pedestrian routes, and bikeways) are expected to require improvements in order for the overall system to work at peak efficiency; improvements to many of these facilities are currently being planned by other agencies, and Caltrans has been actively involved in this regional multimodal planning effort. Please refer to Topical Responses "Multimodal System," "Rail Preference," and "Mass Transit" for additional discussions regarding mass transit options. Concerning investing more in mass transit systems instead of a bigger freeway, note that one of the primary goals of the proposed project is to "provide a facility that is compatible with future bus rapid transit and other modal options." As discussed in Topical Response "Multimodal System," SANDAG's Regional Transportation Plan (RTP) calls for investment in mass transit as well as freeway improvements because improvements to all of these forms of transportation are considered necessary to meet the future transportation needs of the North Coast Corridor. The RTP calls for spending nearly 50 percent of the transportation funding over the next 40 years on transit. These funds would be invested in both rail and bus service. Please also refer to Topical Response "Transportation Funding" for additional information related to use of public highway funding for alternative transportation modes.
	06 Regarding the way that the project was presented to the public, please refer to the response to your Comment 01 for a discussion of the outreach process specific to the project, including public scoping meetings dating back to 2004. Additionally, Topical Responses "Multimodal System" and "Corridor Alternatives" describe the outreach process of transportation planning for the County and the North Coast Corridor, respectively. These outreach efforts have facilitated citizen participation and public input into the development and design of the proposed project.

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	06 cont. EIR/EIS *Section 2.1*, *Project Description*, describes the proposed action and corridor-wide design alternatives that were developed by a multidisciplinary team to achieve the project's purpose and need while avoiding or minimizing environmental impacts. Four build alternatives and eight alternatives considered but eliminated from further discussion are included in *Chapter 2, Project Alternatives*. The criteria used for identifying and evaluating the project alternatives include the project objectives listed in EIR/EIS *Section 1.2*, *Purpose for the Project*. Similarly, the criteria for eliminating other alternatives are based on the project objectives, with eliminated alternatives, along with specific reasons they do not meet the project objectives provided in Final EIR/EIS *Section 2.6*, *Alternatives Considered but Eliminated from Further Discussion Prior to Draft EIR/EIS*. The build alternatives are consistent with the applicable transportation planning documents, including the North Coast Transportation Study, Congestion System Management Plan, and 2050 RTP. An assessment of the regional need for the proposed improvements is described in *Section 1.3*, *Need for the Project*. Caltrans continues to work to address this need and to minimize environmental and property impacts associated with the improvement options. The *I-5 NCC Project* is proposed in response to anticipated transportation needs within the North Coast Corridor. As noted in this comment, the project would benefit the economy by creating temporary jobs and optimizing the transport of goods and people, and would also enhance lagoons and other natural areas along the corridor. While it is true that construction of the proposed improvements would create temporary jobs in the region, creation of jobs is not the project's purpose. Improvements to high-speed rail are under the purview of the California High-Speed Rail Authority (rather than Caltrans) and, according to the Authority's Revised 2012 Business Plan, the high-speed rail segment from San Francisco to Los Angeles and Anaheim is not anticipated to be completed until 2029, with the segment from Los Angeles to San Diego following later. The response to your Comment 05 provides information regarding mass transit projects, which are moving forward separately of the proposed *I-5 NCC Project.*

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	06 cont. The response to your Comment 03 discusses the opinion of speakers at the Solana Beach meeting, and how their comments are not directly related to the environmental adequacy of the EIR/EIS. Impacts to the local ecosystems, plants, and animals are addressed under the *Biological Resources* heading of EIR/EIS *Chapter 3, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures*, and are discussed further in response to your Comment 02. The PWP/TREP proposes comprehensive corridor lagoon restoration that is over and above the mitigation components necessary to meet the requirement of no net loss of habitat. These habitat restoration and integrated lagoon ecosystem restoration and enhancement efforts would improve the ecology of the lagoon systems.
	07 Anticipated benefits to users of I-5 are summarized in EIR/EIS *Section 1.2, Purpose for the Project,* where the purpose of the project is addressed. The proposed project is intended to accommodate projected increases in traffic resulting from regional population growth. The project would increase the capacity of this portion of I-5 to relieve both existing and reasonably anticipated future congestion through the design year of 2050. It would also provide additional modal choices through the HOV/Managed Lanes that are envisioned as part of the planned multimodal regional transit system. Project improvements are designed to benefit all users of I-5 by reducing congestion and creating more certainty in travel time. A number of community enhancement features are identified within the project corridor (refer to *Section 2.3* of the EIR/EIS). If implemented, these features would create and/or improve amenities such as pedestrian or bicycle corridors, connections between pedestrian and bicycle routes and public transit centers, and park and ride facilities. Environmental benefits anticipated to result from project implementation include improved tidal flushing through lengthening of bridges over lagoons (refer to Topical Response “Lagoon Effects”) and decreases in emissions of air pollutants, including greenhouse gases (refer to Topical Responses “Air Pollutants” and “Climate Change”). Nonetheless, environmental impacts would occur. For

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	07 cont. detailed discussion of the issues noted in this comment (i.e., environmental, health, and quality of life concerns), please refer to the response to your Comment 01. Caltrans is working to achieve the noted regional benefits while minimizing impacts to property and sensitive resources. Please refer to the response to your Comment 04 regarding the project's place in the planned multimodal improvements for the North Coast Corridor. The proposed use of HOV/Managed Lanes would provide additional highway capacity by increasing the number of vehicle occupants, while minimizing impacts to the environment and surrounding communities. These types of lanes are intended to give carpool users and bus riders a quicker and more reliable ride by bypassing areas of heavy traffic congestion during peak periods. Please also refer to Topical Response "Projected Growth" regarding the accommodation of projected growth in traffic over time and Topical Response "Project Lifespan" regarding the fluid nature of transportation improvements, which change over time and can be iterative. The responses to your Comments 01 and 03 discuss the extensive I-5 outreach program and opportunities for question and comment on the EIR/EIS. The comprehensive planning included a wide variety of parties; however, please note that the proposed transportation upgrades (both highway and rail) in the North Coast Corridor are the result of agency review of existing and proposed congestion and are not the result of input by special interest groups. Please refer to the responses to your comments above regarding anticipated impacts, the decision-making process, and other transportation improvements being planned concurrently with the proposed project.

EMAILS — COMMENTS

"Guminski, Tom"
<guminski@qualcomm.com>
10/01/2010 08:38 AM

To "I-5_NCC_EIR_EIS@dot.ca.gov"
<I-5_NCC_EIR_EIS@dot.ca.gov>
cc "Guminski, Tom" <guminski@qualcomm.com>
bcc
Subject I-5 Expansion questions

I5 expansion

01 1. What actions will be taken to keep and maintain the center divide greenery.

02 2. What has been done to consider other plants for the center divide? Oleander are great, however, cape honeysuckle and ceanothus are also excellent plants for the center sections.

03 3. When will the Oleanders that were taken out near Via de la Ville rd down south be put back in?

04 4. What will be done to increase the number of trees, shrubs and vegetation from its present state before, during and after construction along the corridor? We don't want to have the same sea of concrete like on I-15 and LA.

05 5. What will be done to mitigate traffic issues with the Hwy 78 to I5 interchange before, during and after construction?

6. Why isn't there an option for converting two existing lanes to HOV lanes requiring a minimum of 3 eligible drivers.

7. When will a study be conducted to convert existing freeway lanes to HOV lanes?

Thanks for your attention in this matter,

Tom g.

Thomas Guminski
Staff Engineer Components Engineering
QRC-403M
5775 Morehouse Dr.
San Diego CA 92121
Direct 858-658-5158

RESPONSES

Responses to Tom Guminski

01 Thank you for your comments, which are part of the public record. Retention of mature and healthy vegetation, such as the oleanders in the median, is preferred over vegetation replacement when possible. When design requires existing vegetation to be removed, the most cost- and environmentally-efficient choice overall is made. Due to the potential cost associated with replacing impacted oleanders, the oleanders would be preserved in the median where possible. However, the degree of improvements needed to meet the objectives of the proposed project would not allow median oleanders to be retained in all locations, and the EIR/EIS indicates that the loss of median oleanders would represent a substantial visual impact for which there would be no practicable mitigation.

02 As described in EIR/EIS *Section 3.7, Visual/Aesthetics*, because the project has not yet been approved, specific landscape plans have not been developed. Project landscaping plans would be developed as the ongoing design process proceeds, however, and would reflect input from sources including Caltrans design standards and comments received during public outreach meetings.

Caltrans would replant and/or restore oleanders in the center median between the Del Mar Heights Road and San Dieguito bridges during the *I-5 NCC Project* construction phase. Please refer to *Figures 2-2.3, Sheets 15* through *19,* of the Final EIR/EIS for specific locations.

03 As stated in the response to your Comment 02, your landscaping preferences will be forwarded to Caltrans staff responsible for developing project landscaping plans. It is important to note that with right-of-way constraints, there is little room for adding planting areas without impacting sensitive native habitats or homes and

EMAILS – COMMENTS	RESPONSES
	03 cont. businesses. New areas for replacement planting at the edge of shoulder, between concrete median and separator barriers, or between barriers and walls would be developed wherever available freeway width allows. *Section 3.7* also notes that landscaping would be consistent with the character of adjacent community landscape. In communities that are characterized by ornamental landscaping, freeway landscaping would include native trees, shrubs, and groundcover with an ornamental appearance in an enhanced design. In less developed areas of the corridor, local native trees and shrubs would be planted. Areas adjacent to native habitat would receive landscaping with local native species. All landscape planting would be designed in consultation with the District Biologist. Interim landscaping would not be provided before construction begins or during construction.
	04 With respect to the I-5 / State Route (SR-) 78 Interchange traffic during construction, the project Traffic Management Plan (TMP), as outlined in *Section 3.6.4.1*, would take into consideration the needs and safety of all anticipated users during construction activities. The TMP would include a Public Awareness Program to distribute information such as construction schedules and locations, as well as a Traffic Operations Strategies Program to implement and evaluate on-the-ground efforts to address traffic-related concerns including road closures and alternate route strategies. Please refer to Topical Response "Construction Traffic." No traffic strategies would be implemented before construction begins; the project is designed to help improve traffic conditions after construction is completed. The project proposes improvements and/or modifications to this interchange, including modified connector ramps and a new separation structure. Refer to *Figures 2-2.3, Sheet 56,* in this Final EIR/EIS. Additional improvements ultimately would be made to the interchange as part of a separate project and are currently undergoing design.
	05 Regarding other project alternatives, converting two of the existing general purpose lanes to High Occupancy Vehicle (HOV)/Managed Lanes would not provide the freeway capacity to meet existing and future traffic demands within the project limits. Final EIR/EIS *Section 2.6*, *Alternatives Considered but Eliminated From Further*

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	05 cont. *Discussion Prior to Draft EIR/EIS*, also provides descriptions of eight additional alternatives that were eliminated from detailed environmental review due to their inability to provide adequate highway capacity to meet the year 2050 travel demands. Please also refer to Topical Response "Corridor Alternatives" for a summary of alternatives evaluated for the I-5 corridor. Changing regulations for HOV lanes also are beyond the purview of Caltrans. Such comments would be better addressed to the State Legislature. Please note, however, that in the 2050 Regional Transportation Plan (RTP) (Appendix A), SANDAG has identified the need for three passengers in a vehicle in order to use an HOV/Managed Lane without charge by 2035.

EMAILS — COMMENTS

Danna Gunther
08/04/2010 01:25 PM
Subject: Soundproof homes, not dog park in Encinitas

Dear Raychel,
01 I am concerned about the current plan to place a sound wall only around the dog park at my community, Saxony at Encinitas Ranch, which borders the I-5 in Encinitas. Please urge decision-makers to reconsider! It is the homeowners in the area who need protection from the noise, not the dog park.

Please be sure to build the sound wall all along the freeway, and not just by the dog park.

Thank you for your time and consideration of my request.
Danna Gunther
685 Sweet Pea Place
Encinitas, CA 92024

RESPONSES

Response to Danna Gunther

01 Thank you for your comments, which are part of the public record, regarding potential noise concerns east of the I-5 corridor and north of Encinitas Boulevard (685 Sweet Pea Place). As described in EIR/EIS *Section 3.15, Noise*, the project would address existing and future noise levels when conditions approach a level of 67 decibels (dBA or greater), and where abatement is "feasible," "reasonable," and approved by property owners per applicable Federal Highway Administration and Caltrans guidelines. Accordingly, based on noise levels and the assessment of "reasonable and feasible" criteria for noise-abatement measures required by the Caltrans Traffic Noise Analysis Protocol (and described in *Section 3.15.1* of the EIR/EIS), numerous soundwalls have been identified for the project in appropriate locations, including S686A in the subject area. As shown on Final EIR/EIS *Figures 2-2.3, Sheets 35* and *36,* and in *Table 3.15.24*, S686A has been recommended for construction. While this soundwall would be located along the I-5 corridor in the noted area, it would not provide perceptible associated noise-abatement benefits at the subject property due to the presence of intervening structures and the distance from the freeway (approximately 950 feet per review of Google Maps). It should also be noted that the two closest noise receptors to the subject property (R11.26 and R11.28) have a projected future noise level of 72 dBA with implementation of the project and no soundwalls (refer to EIR/EIS *Table 3.15.23*). Due to the distance from these noise receptors (620 to 700 feet per Google maps) and the presence of intervening structures, which can provide noise shielding, noise levels at the subject property under the described scenario would be expected to be somewhat lower. Please also refer to Topical Response "Soundwall Considerations" for additional information on noise and soundwall analysis.