35 Willits Environmental Center

35-1 See General Response 1.10 for a discussion of a two-lane bypass and why it does not meet the purpose and need for the project.

35-2 See response to Comment 34-60 (Willits Citizens for Good Planning) and General Response 1.11.

35-3 The comment is not clear regarding which thresholds are unrealistic or excessive. The impact thresholds listed in the DEIS/EIR were used to determine if the project would have an impact on a particular resource. These thresholds, which are based on agency criteria, regulatory standards, and professional judgment, are applied on a project-by-project basis. See also response to Comment 34-60 (Willits Citizens for Good Planning).

35-4 See Section 6.2 Cumulative Impacts Analysis (DEIS/EIR) for a discussion of the Willits wastewater treatment plant expansion project. See also response to Comment 35-27(h). Section 3.19 (FEIS/EIR) is an updated Cumulative Impacts discussion specific to Modified Alternative J1T. See response to Comment 34-7 (Willits Citizens for Good Planning) for a discussion of why construction of the northern portions of the truncated alternatives is not reasonably foreseeable.

35-5 The DEIS/EIR identified Alternatives J1T and LT as meeting Clean Water Act Section 404(b)(1) criteria for LEDPA (see Summary Sections S.5 and S.8 and Appendix H, NEPA/404 Alternatives Analysis). The document disclosed to the public that the LEDPA would be the preferred alternative. Caltrans and FHWA deferred identification of a preferred alternative until after public circulation of the DEIS/EIR so that the public would have the opportunity to provide further input, which eventually led to development of Modified Alternative J1T and its identification as the LEDPA/preferred alternative.

The DEIS/EIR presented a reasonable range of alternatives, which meet the purpose and need of the project. See Chapters 2 and 3 (DEIS/EIR), which describe the project's purpose and need and the range of alternatives. The responses here to the WEC comments provide sufficient explanation and no change to the DEIS/EIR is necessary.

The Willits Environmental Center

August 14, 2002

Cher Daniels, Chief
Caltrans Office of Environmental Management S-1
2389 Gateway Oaks Dr.
Sacramento, CA 95833
Attn: Nancy MacKenzie, Environmental Coordinator

Dear Ms. Daniels:

The Willits Environmental Center has prepared the following comments on the Willits Bypass DEIR/DEIS. The comments of Rich Estabrook are also included by reference as part of the comments of the Willits Environmental Center.

The Environmental Center believes that the Willits Bypass DEIR/DEIS written by the California Department of Transportation in compliance with the California Environmental Quality Act and the National Environmental Policy Act, violates both of those laws in numerous profound ways including the following:

35-1 1. The DEIR/DEIS fails to include an environmental impact analysis of a grade-separated, lane-separated 2-lane bypass, along Route J1T modified to avoid impacts to the business park and the recreational areas, as one of the feasible alternatives which satisfies the purpose and need for this project far into the future, but has been discredited by Caltrans based on misleading information and altered data and calculations.

35-2 2. The DEIR/DEIS fails to adequately disclose the environmental impacts and relies on future studies to assess all of the impacts and to provide detailed mitigation plans long after the opportunity for the public to influence the process is over.

35-3 3. The DEIR/DEIS includes unrealistic and excessive impact thresholds combined with vague, unfeasible or impractical mitigation measures, which nevertheless (according to Caltrans) reduce most of the significant impacts to levels of insignificance.

35-4 4. The DEIR/DEIS fails to do an adequate cumulative impact analysis of the projects that are reasonably foreseeable including the northern portions of the truncated alternatives, and the construction of a new Willits sewer treatment plant adjacent to the project area.

35-5 The Willits Environmental Center requests that Caltrans issue a revised DEIR/DEIS which includes a preferred alternative and addresses the defects outlined above and in the following detailed comments so that this DEIR/DEIS provides the public and the decision makers with the required accurate information and legally required range of alternatives necessary to make an informed decision and to inform the affected public.

316 South Main Street • Willits, CA 95490 • Phone/Fax (707) 459-4110

DETAILED COMMENTS

35-6 1. Pg. 2-5: Wasn't the Route Concept Report, which established LOS C for U.S. 101, revised in 2001 to include two 2-lane segments north of Willits (Richardson's Grove and Leggett to Little Red Mountain Creek) as permanent 2-lane segments with a LOS different from that in the Route Concept Report? How does that affect LOS C on a bypass of Willits as a design criteria for this project?

35-7 2. Pg.2-6: On which page of the Willits Bypass Traffic Report can you find the measured traffic data that justifies the conclusions in Table 2-2 for 2008 and 2028?

35-8 3. Pg.2-7: Where were each of the collisions located which are summarized on Pg. 2-7 under 2.2.3 Safety Concerns? Were any of the accidents located on the existing 4-lane highway south of Willits and if so, how many and what type of accident were they?

35-9 4. Pg.2-10: When was the last meeting of a TAG and what was the topic of discussion? When was the last meeting of the PDT? Can the public speak at PDT meetings and if so, under what circumstances can the public speak?

35-10 5. Pg.2-11: Did Caltrans hold any other Scoping Sessions other than the ones held on December 5, 1989? What potential impacts were presented at the 1989 scoping sessions and by whom? What did the Caltrans presentation consist of?

35-11 6. Pg.2-13: When were the cost estimates displayed in Table 2-3 completed? What specific costs are not included in these cost estimates and what is their order of magnitude in millions of dollars?

35-12 7. Pg.3-7: Median 3.3.1.2. Could Caltrans obtain a design exception for a smaller median width than 46 feet for a 2-lane bypass? Could such a median be 10 feet wide? Are there any laws or rules that would prevent Caltrans from building a 2-lane bypass around Willits?

35-13 8. Pg.3-10: Why does C1T, the longest valley route, require only 227 acres of right-of-way while J1T requires 617 acres and LT requires 466 acres? What are the causes of these counter-intuitive differences?

35-14 9. Pg.3-23: Can Caltrans provide the data and calculations which resulted in the LOS determination of D in 2008 and E in 2028 for the 2-lane highway section north of the end of all of the three valley alternatives? Doesn't LOS A on the 4-lane alternatives through the year 2028 indicate that these alternatives are too large and a waste of public money?

35-15 10. Pg.3-24: Does "existing" in Table 3-4 mean 2002 or 1998? Did Caltrans use the 1998 Traffic data to determine that the existing peak hour volumes on Highway 101 are 1920 and the daily traffic is 25,700 vehicles per day?

35-16 11. Pg.3-25: Can Caltrans provide the documentation including data and calculations for the procedure which was used to determine that a 2-lane bypass alternative would begin service at LOS D and reach LOS E by 2028?

35-17 12. Pg.3-26: The EIR refers to Appendix P as a summary of a set of 1993 PDT-TAG meetings as well as a summary of the Value Analysis Study completed in 1998. How can Appendix P refer to both of these activities which occurred 6 years apart?

35-18 13. Pg.3-32:

a. Didn't the Willits Environmental Center provide Caltrans and the Resource Agencies with a traffic engineering study by the firm SHN, in 1999, which indicated that a 2-lane bypass was feasible, and would meet the purpose and need for this bypass project through the design period?

b. Why didn't you include a 2-lane bypass alternative with grade and lane separation as a feasible alternative in the DEIR/DEIS?

c. Will you prepare and circulate a revised DEIR/DEIS with the impacts of a 2-lane bypass analyzed as well as selecting a preferred alternative with all necessary information to adequately assess the impacts of each alternative?

35-6 The Route Concept Report (RCR) does not specify design criteria for future projects. It is a concept for construction of highway improvements for the 20-year planning horizon, and beyond. The two U.S. 101 segments mentioned (Richardson's Grove and Leggett to Red Mountain Creek) differ from the Willits bypass in a number of ways. Both highway segments traverse through State Parks, have relatively low traffic volumes, have little local road access needs, and during public comment little support was expressed for the expensive improvements required to improve these segments to four lanes. Also, in the foreseeable future (20-year RCR planning horizon), we do not expect these segments to require four lanes due to increased traffic volumes. However if conditions change, the RCR could change to address future needs. See also See response to Comment 34-11 (Willits Citizens for Good Planning).

35-7 In the Willits Bypass Traffic Report, page 15, CORSIM Modeling was described as the simulation that developed outputs such as Travel time.

35-8 Collisions were located between PM 42.4 and 51.3. There were 12 collisions on the southern expressway segment. They were primarily northbound speeding and other violations.

35-9 Prior to circulation of the DEIS/EIR, the last Technical Advisory Group (TAG) meeting was held when Alternatives K and K2 were proposed for elimination on 4/21/99. Prior to the circulation of the DEIS/EIR, the last PDT meeting was held on 8/21/01. PDT meetings are working meetings held with representatives from Caltrans, FHWA, resource agencies, and local agencies. PDTs are not public meetings or forums for public comment. However, since May 1991, invitations including agenda packages for PDT meetings have been sent to public individuals and groups who have requested them. These members of the public including the Willits Environmental Center have been invited to attend PDT meetings, but not participate as PDT members. Local agency PDT members represent members of the public at PDT meetings. As a courtesy to members of the public attending and observing PDT meetings, most PDT agendas include an open communication item at the end of the meeting. This open communication item allows everyone an opportunity to exchange comments and questions.

35-10 There were two separate scoping meetings held on December 5, 1989. One was with resource agencies and the other was with the public. The purpose of the scoping meetings was to discuss the proposed alternatives that had been developed at that point in time and to get input on environmental issues, reasonable alternatives and mitigation measures. Caltrans representatives presented the alternatives and open discussion ensued.

35-11 Cost estimates on Table 2-3 (DEIS/EIR) for Alternatives C1T, J1T, and LT were completed in the Fall of 2001. Cost estimates include capital costs such as structures, earthwork, base and paving, drainage; traffic-related items such as signing and striping; and various specialty items such as erosion control, landscaping, guardrailing, and fencing. The estimates also include allowances for environmental mitigation and relinquishment work and percentages for contingencies. Right of way estimates are included in the sums and allow for acquisitions, utility relocations, relocation assistance, and other incidental costs. See Section 1.2 (FEIS/EIR) for current estimated project schedule and cost.

35-12 See General Response 1.13 regarding median width. See General Response 1.10 regarding a two-lane alternative. See response to Comment 3-5 (USEPA).

35-13 The amount of actual "Highway Right-of-Way" needed for the footprint of the bypass is relatively similar for each alternative (see table below). The substantial differences in the "Total Acquisition" identified for each alternative are due to differences in the amount of "Excess Lands" generated by the project during the Right-of-Way acquisition process. Excess Lands emerge when the acquisition of Right-of-Way for the project results in the generation of "Remnant" parcels of land, which are not needed for the project footprint, but are too small, fragmentary, and/or unusable for a landowner to economically retain. The Department, therefore, purchases unusable remnants of land from landowners whose parcels are affected by the project. The Department seeks to purchase no more land than is needed for the project. All excess lands (remnant parcels) would not be permanently retained as State property and are generally sold back to interested members of the public and/or adjacent landowners. The amount of excess lands generated by each alternative depends on the manner in which the project footprint traverses a given parcel or group of parcels, and therefore, some alternatives would have a greater potential for the creation of more remnant parcels than others. For instance, alternatives that traverse land with larger numbers of small parcels may have a greater potential for creating more small remnants of land than alternatives that traverse land with fewer numbers of large parcels. Thus, the differences in the total amount of Right-of-Way acquired for each alternative are largely based on the amount of excess land rather than the amount of actual Right-of-Way needed for the footprint of the project. At this stage of the project, the amount of excess land identified for each alternative is merely an estimate that is calculated for cost projection purposes. Please note that, although the estimated Right-of-Way numbers have changed slightly from those presented in the Draft EIS/EIR, such changes are typical as project information becomes more refined. The most current estimates are as follows:

Table of Estimated Right of Way Acquisition Required for Project (acres)*				
	ALTERNATIVE			
	C1T	**J1T**	**LT**	**Modified J1T**
Highway Right of Way	243	204	214	197
Excess Lands	34	413	252	102
Total Acquisition	277	617	466	300

*All values are estimated

35-14 See General Response 1.10 regarding a two-lane alternative.

35-15 In Table 3-4, “Existing”(as shown in the legend as yellow) is 1998.

Figure 4 of the Willits Bypass Traffic Study shows Peak Hour volumes and Average Annual Daily Traffic (AADT). Existing (1998) bi-directional Peak Hour volumes south of Willits on U.S. 101 are 1390 and AADT is 18,530. North of Willits existing (1998) bi-directional Peak Hour volumes are 960 and AADT 12,800. AADT were not determined from the July 1998 traffic study. Caltrans Traffic Census provided 24-hour traffic counts, which provide the AADTs. See Response to Comment 33-5 (Sierra Club, Mendo Lake Group).

35-16 See General Response 1.10 regarding a two-lane alternative. See also response to Comment 34-29 (Willits Citizens for Good Planning).

35-17 Comment noted. The information in Appendix P was related to the 1993 TAG and PDT meetings, not the 1998 Value Analysis Study. Volume 3 (FEIS/EIR) Text Changes to the DEIS/EIR deletes the statement that was made on page 3-26.

35-18 Caltrans received a copy of a report prepared by SHN Consulting Engineers & Geologists, Inc. entitled, "Willits Bypass Alterative Analysis – Final Report". The SHN report was not a traffic engineering study, as indicated in the comment, but rather it was a proposal for a two-lane bypass alternative. This proposal was prepared at the request of the Willits Environmental Center and was forwarded to Caltrans by the US Army Corps of Engineers. Caltrans staff reviewed the SHN proposal and concluded that the report did not have sufficient merit to justify a two-lane facility. Part of the Willits Bypass project purpose includes achieving a minimum Level of Service "C" for interregional traffic on U.S. 101 within the project area through the 20-year design period. Our traffic analysis demonstrates that a two-lane facility would not meet the purpose and need established for the project. For this reason, an analysis of a two-lane bypass was not included in the DEIS/EIR and is also not included in the FEIS/EIR. For additional discussion, see General Response 1.10 regarding a two-lane alternative. See also, response to 34-11.

35-19 14. Pg.4-22: Why do you refer to the Little Lake Water District and a draw down ordinance when the Little Lake Water District no longer exists?

35-20 15. Pg.4-28: Why did you fail to list the Red-legged Frog as a species of concern?

35-21 16. Pg.5-2: How can Mitigations Geo 1-5 provide the public with enough information to assess how geology hazards to the roadway and bridges built on clay adjacent to earthquake faults be mitigated to insignificance?

35-22 17. Pg.5-20: Why doesn't the DEIR/DEIS analyze the impacts of interchange development on businesses in Willits? Why isn't Caltrans considering conservation easements on interchange properties that have the potential for business development?

35-23 18. Pg.5-20:
   a. Mitigations COM 1-6 are vague and don't provide adequate information to determine how community impacts are mitigated to insignificance. Why does mitigation COM 4 require a future study to assess needed mitigations?
   b. Why didn't Caltrans do a real business impact study instead of just admitting, "the degree of impact cannot be determined 'without' detailed business receipts"?
   c. Despite this total lack of any real study, how can Caltrans confidently conclude that there are no significant impacts after mitigation?

35-24 19. Pg.5-28:
   a. Why did Caltrans use an impact threshold (conversion of farmland to non-agricultural use as shown on maps prepared by the California Resources Agency) despite the fact that Caltrans admits that such maps are not available for this project?
   b. Why does Caltrans list mitigation FRM 3 as a mitigation when it is clearly not feasible because it will triple the existing costs of all of the valley route alternatives?
   c. Why does Caltrans list mitigation FRM 1 as a real mitigation when Caltrans admits that it may not be feasible and requires further study?

35-25 20.
   a. Why doesn't the DEIR/DEIS show the maps, if any, which were used to calculate the Farmland Conversion impact rating, as well as disclosing the process that was used to subjectively score the impacts to farmland from this project?
   b. Why wasn't the Coleman Ranch listed as prime farmland?
   c. Why does Caltrans include FRM 1 as a mitigation but doesn't disclose the amount of money or the ratio of impacted to protected lands, which such contributions would protect?
   d. How can E3, which traverses little or no farmland, have the greatest farmland impact?
   e. What are the consequences in the 1984 Farmland Protection and Policy Act, of exceeding the 160-pt. Threshold?
   f. Who does the scoring of the NRCS form CPA-106? How can E3 have the highest impact on prime or unique farmland acres (139 acres) but doesn't contain any soils classified as prime or unique? How can E3 exceed the 160 point threshold for farmland impacts while J, L, and C, which have more acres of prime and unique farmland, not exceed the 160 point threshold?
   g. Can you explain in detail how thresholds were established to determine significant impacts to farmland?
   h. Can you explain in detail how any selection of proposed mitigations will reduce farmland impacts to insignificance?

35-26 21. Pg.5-32:
   a. Why doesn't the DEIR/DEIS list the new NPDES requirements for testing for toxic chemicals which could leach out of asphalt?
   b. How will Caltrans prevent the Water Quality damage, which occurred during the construction of the Redwood Park Bypass project?

35-19 Please refer to response to Comment 34-38 (Willits Citizens for Good Planning).

35-20 Surveys for Northern red-legged frog (*Rana aurora aurora*) were conducted and none were found in the project area. Table 4-16 (DEIS/EIR) summarizes the listing status of Northern red-legged frog, the subspecies that occurs in the project area. The California red-legged frog (*R. aurara draytnii*), the subspecies that is listed federally as a threatened species, does not occur in Mendocino County (Source: *Recovery Plan for the California Red-legged Frog* [Rana aurora draytonii]: Region 1, U.S. Fish and Wildlife Service, Portland, Oregon, May 2002). See response to Comment 26-5 (California Oak Foundation).

35-21 The mitigation measures proposed in the DEIS/EIR are based on acceptable professional engineering and geologic construction practices appropriate for geologic conditions in the Little Lake Valley area.

35-22 See General Response 1.12.

35-23(a) In the event that large numbers of residents need to be relocated in this area, Caltrans will need to employ a variety of techniques to ensure that decent, safe, and sanitary housing is found for all residents. As defined in the CEQA guidelines, mitigation is an action that compensates for an impact by replacing or providing substitute resources. Caltrans is obliged to provide substitute resources for displaced residents in the form of a comparable replacement dwelling. Furthermore, Caltrans cannot require anyone to move until at least one, but preferably three comparable replacement dwellings have been identified (Caltrans Right of Way Manual 10.06.01.00).

Technically, no further mitigation is required to offset the impact of displacements. Mitigation Measures COM-1 through COM-6 are provided in order to reinforce the requirements of the law (in the case of COM-1), and to publicly discuss the perceived obstacles to relocating residents locally and approaches for overcoming these obstacles.

35-23(b) The approach selected to determine the economic impact of the bypass was a quantitative model. This model used traffic projections, construction expenditures, and the City's plans for economic development to derive an overall growth rate resulting from each of the build alternatives and the No Build Alternative. Based on the results of this study, no significant economic impacts were anticipated.

35-23(c) A quantitative economic analysis indicated that, over a period of 20 years, construction of the proposed bypass coupled with local economic development strategies, would result in economic growth greater than under the No Build Alternative.

35-24(a) Because Mendocino County has not been mapped by the Department of Conservation Farmland Mapping and Monitoring Program, Caltrans uses Natural Resources Conservation Services (NRCS) Farmland Conversion ratings to help identify the level of impacts to farmlands.

35-24(b&c) Regarding feasibility of mitigation measures FRM-1 and FRM-3, see responses to Comments 34-60 and 34-63 (Willits Citizens for Good Planning).

35-25(a) The Natural Resource Conservation Service (NRCS) calculates the farmland impacts using 7.5 minute topographic maps. The questions used and associated point spread are usually not attached to the CPA-106 form, but are available upon request.

35-25(b) While the Coleman ranch does contain prime farmland soils, it is not enrolled in the Williamson Act Program; therefore, it is not listed in Appendix L, which lists only those properties enrolled in the Williamson Act Program.

35-25(c) See General Response 1.14 regarding the project mitigation.

35-25(d) Due to its large footprint, Alternative E3 has the highest impact on prime soils of any of the build alternatives.

35-25(e) The 1984 Farmland Protection Policy Act Part 658 Sec. 658.4 reads: (1) Sites receiving scores totaling 160 or more be given increasingly higher levels of consideration for protection. (2) When considering these alternatives with higher scores (160 or higher) the project proponent should consider: (i) Using land that is not farmland or use of existing structures. (ii) Alternative sites, locations and designs that would serve the proposed purpose but converts either fewer acres of farmland or other farmland that has a lower relative value; (iii) Special siting requirements of the proposed project and the extent to which an alternative site fails to satisfy the special siting requirement as the original selected site. Caltrans has modified Alternative J1T to avoid and minimize resource and community impacts and during final design will continue to seek ways to further minimize environmental impacts.

35-25(f) NRCS scores Parts II and IV of Form CPA 106. Alternative E3 has the highest impact score, which is due to the high number of acres to be converted. Recent changes due to the resubmittal of the Farmland Conversion Impact Rating Form (CPA 106) indicate that all of the build alternatives are relatively close in their impact rating. Alternative E3, however, has the highest impact score, which is due to the high number of acres to be converted. See Volume 3 (FEIS/EIR) Text Changes to the DEIS/EIR, which includes revisions to Section 5.4.6 of the DEIS/EIR that show this new information. Farmland Conversion Impact Rating Forms are included in Appendix E (FEIS/EIR).

35-25(g) See response to Comment 35-24(a).

35-25(h) The proposed mitigation measures which focus on preservation, and the design of the valley alternatives, which do not include a center valley interchange, limit impacts to prime farmland (soils). See Section 3.4 FEIS/EIR for discussion of Farmland impacts resulting from Modified Alternative J1T. See also response to Comment 34-64 (Willits Citizens for Good Planning).

35-26(a) There are no new NPDES storm water requirements for testing of toxic chemicals which could leach out of asphalt. It should be noted, however, that Caltrans has completed an extensive characterization of storm water runoff quality throughout California. A comprehensive report summarizing the efforts and results of that study can be found at http://dot.ca.gov/hq/env/stormwater/special/newsetup/index.htm.

The comment reflects misinformation regarding recent modifications to the General Construction Storm Water Permit. On April 26, 2001, SWRCB modified the General Permit for Storm Water Discharges associated with

Construction Activity (Water Quality Order 99-08-DWQ). The Superior Court, County of Sacramento, issued a judgment and writ of mandate on September 15, 2000. The Court directed the SWRCB to modify the provisions of the General Permit to require permittees to implement specific sampling and analytical procedures to determine whether Best Management Practices (BMPs) implemented on a construction site are: (1) preventing further impairment by sediment in storm waters discharged directly into waters listed as impaired for sediment or silt, and (2) preventing other pollutants, that are known or should be known by permittees to occur on construction sites and that are not visually detectable in storm water discharges, from causing or contributing to exceedence of water quality objectives. Generally, all construction projects, which disturb greater than 5 acres of area (reduced to 1 acre, March 2003) are subject to this permit, therefore the proposed Willits Bypass Project will be subject to the requirements of this permit. The General Permit can be accessed at the following web-site: http://www.swrcb.ca.gov/stormwtr/docs/constpermit.pdf

The adopted modifications can be accessed at the following web-site: http://www.swrcb.ca.gov/stormwtr/docs/adopted_modifications.pdf

35-26(b) Overall, Caltrans has made great efforts to address storm water quality issues in the last several years and has incorporated mechanisms to ensure these issues are addressed through all phases of project delivery. For example, the Project Planning and Design Guide (PPDG),[1] revised April 2003, provides for a thorough evaluation of water quality issues and provides specific guidance for incorporating BMPs into the project planning and design phases of project development. These include Treatment BMPs, Design Pollution Prevention BMPs, and critical Construction BMPs. The PPDG also contains checklists, decision trees, and a format for a Storm Water Data Report. As per a September 25, 2002 Memorandum from the Chief of the Division of Design: "The preparation of a Storm Water Data Report shall be mandatory for all projects advertised after January 1, 2003." These mechanisms were not in place during the construction of the Redwood Bypass to which the comment letter refers.

An additional measure implemented by Caltrans is outlined in a December 18, 2002 Memorandum from the Deputy Director of Project Delivery. In part, the Memorandum states, "Districts shall begin incorporating critical Construction Site Best Management Practices (BMPs) into project plans and specifications for all projects ready to list (RTL) on or after October 1, 2003, and shall begin preparing quantities tables within PS&E documents for anticipated Construction Site BMPs. Additionally, Conceptual SWPPPs [Storm Water Pollution Prevent Plan] should be considered for Environmentally Sensitive Projects RTL on or after October 1, 2003".

35-26(c) Caltrans has developed an extensive library of construction site Best Management Practices (BMPs). These can be accessed at:

http://www.dot.ca.gov/hq/construc/Construction_Site_BMPs.pdf

Caltrans construction contract documents require temporary erosion control BMPs to be implemented during project construction. Caltrans staff will design water pollution control project elements for the preferred alternative. Additional requirements with regard to wetlands protections may be required by the resource agencies.

[1] Mitigation Measure WQ-6 refers to the Storm Water Quality Handbook Planning and Design Staff Guide (June 2000). The correct title is the Project Planning and Design Guide (PPDG), revised April 2003.

c. Why doesn't the DEIR/DEIS disclose the procedures, which will be used to protect the wetlands during the winter periods when construction is suspended?
d. What successful experience has District 1 Caltrans accumulated in the planting of riparian vegetation as Mitigation WQ 3, under conditions found in this project?
e. How can Mitigation WQ 4 be effective if land ownership issues prevent pre-planting?
f. How tall will plantings be prior to construction impacts, based on other projects successfully completed by District 1, Caltrans?
g. How can the public assess the validity of Mitigation WQ 6 since the detailed analysis of downstream channel stability will occur in the future?
h. Doesn't AM & D, Microphor, or other businesses in Willits, use solvents or other toxic chemicals which could enter surface or ground water?
i. Why wasn't Remco mentioned, a now-shuttered plant, which has profoundly polluted surface and groundwater in Little Lake Valley?
j. How can vague and unfeasible mitigations based on future studies, disclose to the public that all of the water quality impacts are reduced to insignificance?

22. Pg.5-50: Floodplain impacts.

35-27

a. Since Mitigation FP 2 refers to culverts, which equalize the flow of water, how can the public assess the usefulness of this mitigation if detailed hydraulic studies are planned for the future?
b. Why is alternative J1T, south of Center Valley Road, 7 feet above the ground while alternative LT is 10 feet above the surrounding area at the same spot?
c. Why doesn't the EIR disclose the elevations of the base flood levels, which determine the roadway elevations, described in the DEIR/DEIS for each alternative?
d. Why doesn't the DEIR/DEIS disclose the plan view elevations of the roadway for each valley alternative?
e. How can the public assess the effectiveness of the Floodplain mitigations designed to equalize the flow when they are vague and require future studies to determine the usefulness and placement of the culverts?
f. Is the Quail Meadows Interchange 49 feet in the air to mesh with the future construction of the sections of Bypass alternative J and L which were removed as a result of efforts to control the cost of the project?
g. Why doesn't the DEIR/DEIS analyze the impacts of the full build-out of Alternative C on the flood plain?
h. Why doesn't the DEIR/DEIS analyze the impacts of the proposed Willits sewer plant on the floodplain in connection with the Willits Bypass?

23. Pg 5-58: Biological Resources.

35-28

a. How can the public assess the effect of Mitigation BIO 1 when the detailed mitigation and monitoring plans are not disclosed in the DEIR/DEIS, but will be produced sometime in the future?
b. How can the public assess the effect of Mitigation BIO 2 when the "final mitigation plan" will be prepared in the future?
c. How can the public determine the effectiveness of mitigation BIO 3 when it involves "additional design solutions" to be developed in the future but not disclosed in the draft DEIR/DEIS?
d. What is the feasibility of the claim by Caltrans, that via mitigation BIO 2-3 the borrow site will be transformed into Northern Spotted owl habitat?
e. How long does Caltrans expect this transformation of the borrow site to take and to what experience can Caltrans refer which assures the public that this mitigation is other than a bad joke?
f. With regard to mitigation BIO 7, what does "low flow conditions" mean?
g. How can the public assess mitigation BIO 7 when locations, creeks, time of year, and specific flow rates are not included?

35-26(d) Caltrans has successfully reestablished riparian vegetation to mitigate for a number of projects such as bridge or culvert projects. But the best example of a large, successful riparian revegetation effort for a Caltrans project in Mendocino County is an approximately 7± acre site on the northwest bank of the Russian River bridge just south of Hopland. Another example of a wetland/riparian restoration project is located on the coast near Ft. Bragg.

35-26(e) While pre-planting to establish vegetation in advance of construction is desirable, many issues could interfere with pre-planting along Haehl, Mill and Outlet Creeks. However, once the project is approved, funds will be available to begin right of way acquisition that will enable advance planting to begin.

35-26(f) The height of trees and other vegetation planted will vary with species planted and ambient conditions of the specific planting site. It is difficult to compare other sites unless conditions are identical.

35-26(g) Analysis of downstream channel stability will occur during the design phase of the preferred alternative. This is a requirement of Section 4.3, Design Pollution Prevention BMPs, of Caltrans' Storm Water Management Plan (SWMP). This type of analysis will yield useful results based on site-specific factors. To critically analyze downstream channel stability, site-specific input variables will need to be quantified based upon actual design elements of the preferred alternative.

35-26(h) Microphor, at 452 East Hill Road, was identified in the Initial Site Assessment (ISA) as a hazardous site due to releases of volatile organic compounds (VOCs) to site soils and groundwater. This site was assigned a ranking of medium risk by the ISA. Advanced Manufacturing & Development, at 300 East Hill Road, is located adjacent and west of the Microphor property. A focused Phase I Environmental Site Assessment performed on the property in February 1996 revealed no onsite sources of petroleum hydrocarbons or VOCs and no mishandling violations on record. Site investigation activities associated with the Microphor site indicate the VOC contamination from Microphor extends beneath the Advanced Manufacturing & Development site. The North Coast Regional Water Quality Control Board has stated that no additional remediation work is required at the Advanced Manufacturing & Development site unless contamination is discovered other than what was generated by Microphor. The Advanced Manufacturing & Development site was assigned a ranking of medium risk by the ISA. Results of the ISA are summarized in the DEIS/EIR.

35-26(i) ABEX Corporation (REMCO) was identified in the Initial Site Assessment (ISA) as a hazardous site due to releases of chromium and chlorinated solvents to site soils, surface water and groundwater. Remediation activities have included a groundwater pump and treat system, and a pilot test system including injecting calcium polysulfide into the groundwater. Based on the distance from this facility to the alternatives, the ABEX facility was assigned a ranking of low risk.

35-26(j) See response to Comment 34-61 (Willits Citizens for Good Planning).

35-27(a) Caltrans utilized the best information available to evaluate floodplain impact(s) for the DEIS/EIR. The Federal Emergency Management Agency's (FEMA) Flood Insurance Study (FIS) for the City of Willits (1988) and Mendocino County (1992), and the Willits Bypass Floodplain Study prepared by the University of California, at Davis (1995) were used to evaluate this impact.

The majority of freeway embankment traversing the base floodplain passes through the Zone A designation where the equalizing culverts would be considered. The FIS describes Zone A as an area of 100-year flood with base flood elevations and flood hazard factors not determined. It was not economically prudent to perform a complete floodplain analysis for each alternative traversing Little Lake Valley. A hydraulic analysis has been performed for the LEDPA, to refine the impact analysis. Deferring the hydraulic analysis has no bearing on the identification of the preferred alternative, because other environmental issues govern this process.

35-27(b) Caltrans is unsure of the specific location alluded to in the comment. Caltrans has reviewed the profiles for Alternatives J1T and LT, and finds that they are similar south of Center Valley Road; generally, the fill for Alternative J1T between East Hill Road and Center Valley Road is slightly lower than that for Alternative LT, but by less than one meter. During final design of the preferred alternative, more detailed survey information will be used to set the final profile.

35-27(c) FEMA's FIS and the Flood Insurance Rate Map (FIRM) provide base flood elevations in the area(s) of the detailed study. Detailed studies for the City of Willits and Mendocino County FIS include Haehl, Baechtel, Broaddus, Mill, Outlet and Davis Creeks. Caltrans did not include the base flood elevations (BFE) in the DEIS/EIR because the FEMA publications are available to interested parties and were cited as references. In addition, the FEMA publications do not provide BFEs outside the detailed study limits. BFEs were only available in the vicinity of Alternative J1T where it crossed Haehl, Baechtel, Broaddus and Mill Creek. Alternative J1T spans these floodplains and floodways with a bridge or viaduct structure. BFEs outside the detailed study limits were estimated for other preliminary design purposes. Please note the freeway profile is not only governed by the BFEs in Little Lake Valley. The freeway profile must also provide adequate vertical clearance at the proposed undercrossings

35-27(d) Profiles have been prepared for Modified Alternative J1T (LEDPA/preferred alternative). See Appendix H (FEIS/EIR).

35-27(e) See response to Comment 35-27(a).

35-27(f) None of the truncated valley alternatives would prohibit future construction to the north of the project. However, continuation of a valley alternative further to the north is not foreseeable nor would it be a priority project for Caltrans, Willits, or Mendocino County. The elevation of the mainline near Quail Meadows interchange is controlled by the railroad. The roadway must clear the railroad by at least 7 m (23 ft). The railroad is approximately 4.6-6.0 m (15-20 ft) above the surrounding ground. The structure depth is 1.8-2.4 m (6-8 ft). Falsework requirements add another 1.5-1.8 m (5-6 ft). The total height above the surrounding ground is roughly 15 m (50 ft).

35-27(g) The reference to "full build-out" is unclear. All the build alternatives were analyzed at an equal level of detail in the DEIS/EIR.

35-27(h) Detailed information on the Willits Wastewater Treatment/Water Reclamation Project was not available when the DEIS/EIR was prepared. Since public circulation of the Willits Bypass DEIS/EIR and the Willits Wastewater Treatment Plant (WWTP) project EIR, Design staff have evaluated floodplain impacts due to both projects. The City's WWTP project EIR includes mitigation measures associated with the project's impacts.

Mitigation measures for impacts associated with the WWTP project are the lead agency's (City of Willits) responsibility.

35-28(a)-(c)(g)(l)-(n) Since identification of Modified Alternative J1T as the preferred alternative, Caltrans began preparing alignment-specific avoidance, minimization, and mitigation measures. The measures are located in Appendix A (FEIS/EIR). A Conceptual Mitigation Plan (Appendix L, FEIS/EIR) has been prepared in coordination with resources agencies, which have jurisdiction over and technical expertise of the biological resources impacted by the project. Modified Alternative J1T was developed to avoid and minimize impacts to various resources. During final design of Modified Alternative J1T, minor changes may be incorporated for additional avoidance of sensitive habitats.

35-28(d)(e) See response to Comment 27-4 (California Native Plant Society).

35-28(f)(g) Low-flow conditions refer to the time of year, usually late summer and fall, when water levels are at their lowest or the stream channel is dry. Flow levels in streams vary from year to year depending on the amount of rainfall occurring during the previous wet season. Any work in the creeks, if required, will occur during the summer and fall months when water levels are typically low.

35-28(h)(i) See response to Comment 26-3 (California Oak Foundation).

There are several factors that need to be considered for successful oak mitigation. Caltrans' experience is that successful oak establishment seems to be a function of the site conditions more than the size of material or amount of watering. On sites that have good soil (soil that water can infiltrate into and roots can penetrate; not constructed fill or cut), good results have been achieved.

35-28(j) See response to Comment 35-26(d).

35-28(k) Since identification of Modified Alternative J1T as the preferred alternative, Caltrans began preparing alignment-specific avoidance, minimization, and mitigation measures. The measures are located in Appendix A (FEIS/EIR). A Conceptual Mitigation Plan (Appendix L, FEIS/EIR) has been prepared in coordination with resources agencies, which have jurisdiction over and technical expertise of the biological resources impacted by the project. Modified Alternative J1T was developed to avoid and minimize impacts to various resources.

35-28(l) Functions and values were considered in determining project impact on a habitat. For example, its function as habitat for protected species. Thus, Alternative E3, which has fewer direct impacts to wetlands and other waters, has indirect impacts to endangered fish species due to erosion and sedimentation issues. The conceptual mitigation plan for Modified Alternative J1T (the Preferred Alternative) is included in Appendix L (FEIS/EIR). The functions and values analysis accompanied the Final Alternatives Analysis that was submitted to the NEPA/404 resources agencies. The functions and values analysis, along with other technical studies, is available for review (see "Purpose of this Document" at the beginning of Volume 1, FEIS/EIR).

35-28(n) See response to Comment 48-4 (Andrea Beene).

h. With regard to mitigation BIO 8, why does Caltrans refer to an Oak Protection Guideline which does not exist?

i. Can Caltrans provide evidence for such a guideline or any credible source which can verify that 100-500 year old oaks can be cut down and mitigated by planting of 5 acorns or seedlings per tree?

j. With regard to Mitigation BIO 9, can Caltrans provide any evidence that they can create, restore, or enhance riparian forest habitat, and where in California, under conditions similar to those found in Little Lake Valley, Caltrans has successfully accomplished such mitigation?

k. Can Caltrans explain how the public can assess the effectiveness of Mitigations BIO 9-12 when the details will all be disclosed in a series of future plans?

l. With regard to Mitigation BIO 13, since the wetlands in Little Lake Valley vary in function, quality and character, how can the public assess the effect of this mitigation since it is based on a series of future studies and reports which value each acre the same regardless of function, quality or character?

m. With regard to Mitigations BIO 15-20, how can the public assess the effectiveness of a future mitigation plan which may or may not disclose information necessary to determine the likelihood for success of these mitigations?

n. With regard to Mitigation BIO 21, where are the locations of any proposed undercrossings for wildlife and how can the public assess the effectiveness of this mitigation when it is based on future plans and studies to determine where wildlife presently cross Little Lake Valley?

35-29 24. Pg 5-75: Can Caltrans explain how they can conclude that J1T and LT have no significant impact at all on Biological Resources after mitigation while C1T has significant impacts only on wetlands, other waters of the U.S. and Fishery resources? What information exists (which you have not disclosed) that allows Caltrans to conclude, prior to the extensive set of future studies and plans you claim you will complete, that the vague and frequently unfeasible mitigations presented in the DEIR/DEIS will eliminate all of the biological impacts from Alternatives LT and J1T?

35-30 25. Pg.5-76: Figure 5-3. Why did you represent sensitive plant community impacts for LT in hectares while all the other alternatives are represented in acres?

35-31 26. Pg.5-76: Why did you not state that it may take centuries, not "decades" for trees to mature and regain former late-successional, Northern Spotted Owl wildlife habitat values at the proposed borrow site?

27. Pg.5-81: Impacts of LT.

35-32 a. Why did you fail to refer to the bisection of the Valley Oak riparian woodland on the Colli Ranch, which is the largest single block of such high quality riparian oak woodland habitat left in Little Lake Valley?

b. Why did you fail to mention the impacts to Oaks and other trees and plants posed by Sudden Oak Death, and what steps do you plan to implement to prevent the spread of this disease to Little Lake Valley as a result of this project?

c. Have you set aside money to compensate landowners if a Sudden oak Death infection is brought to Little Lake Valley as a result of this project?

35-33 28. Why did you fail to differentiate the function and quality of each of the habitat types in Little Lake Valley which would be impacted by each of the project alternatives and convert all the habitat types to acres, with the implication that each acre is equivalent?

35-34 29. An idea to connect Mill Creek to Broaddus and Baechtel Creeks, south of Mill Creek's present confluence with Outlet Creek, has been suggested as a mitigation for the fishery impacts resulting from the northern portion of alternative C1T. Such an idea obviously requires an extensive study which, because endangered species and their habitat is involved, must be presented in a supplemental, or revised DEIR/DEIS so the public and responsible agencies can determine the usefulness of such an idea and determine if it actually enhances the fishery habitat of that portion of the Outlet Creek-Mill Creek drainage or not. If you do

35-29 Alternatives J1T and LT do not meet Clean Water Act 404(b)(1) Criteria for their overall environmental harm, and therefore, will no longer be considered for construction. See General Response 1.11. Modified Alternative J1T was developed to avoid and minimize projects impacts.

35-30 In Figure 5-3, the impact to sensitive plant communities for all of the alternatives, including Alternative LT are shown in acres. In the text immediately above the figure, the impacts for all of the alternatives are shown in both hectares and acres.

35-31 See response to Comment 139-6 (Karina McAbee).

35-32 Impact to oak woodlands was included in the DEIS/EIR (Table 5-16). Alternative LT would have resulted in a direct impact to the large oak riparian woodland in the project area, as well as indirect impacts on wildlife due to habitat segmentation. Modified Alternative J1T was developed, in part, to minimize impacts to this oak woodland. See also responses to Comments 26-1 and 26-4 (California Oak Foundation). Currently, there have been no confirmed occurrences of Sudden Oak Death (SOD) in Mendocino County (Source: *Oak Woodlands of Mendocino County: An Assessment of Their Distribution, Ownership Patterns and Policies affecting their Conservation.* Giusti, G.A., 2001). Caltrans will include special provisions in contract document for reducing the potential spread of SOD for projects in Mendocino County. When CT biologists conduct surveys for project impacts to oak trees, they will also determine if SOD exists in the project corridor. If an infected tree is identified on the project site, biologists familiar with procedures to safely remove infected trees will be consulted and the tree(s) or shrub(s) will not be chipped and reapplied to revegetation sites.

35-33 The DEIS/EIR provides considerable detail on habitat types being impacted by each project alternative (Tables 5-16 and 5-18). ACOE has stated that functions and values are useful when comparing alternatives that have a similar magnitude of impacts to waters of the U.S. Habitat types occurring on each of the proposed alignments are similar in functions and quality. Hence, even with the difference in the acreage of each habitat affected within all the alternatives, a separate comparison for these habitats for each alternative is not warranted, because of the similarities in function and quality of each habitat type. Obviously, areas that serve as habitat for federally listed fish species or state listed species (Baker's meadowfoam) were considered in the impact analysis. See also response to Comment 35-28(l).

35-34 See General Response 1.4 and responses to Comments 5-1 and 5-2 (CDFG).

such a study how will you determine the impacts on Chinook, Coho, and Steelhead, which are at historical lows, if this creek is rerouted? Because anadromous fish use olfactory cues from very subtle water characteristics to find their birth streams, how will Caltrans determine whether the joining of Mill Creek to Broaddus-Baechtel Creeks could confuse Mill Creek-bound fish unfamiliar with the sewer-effluent contamination of these newly joined creeks, since presently Mill Creek bypasses the reach of streams which directly receives the treated effluent from the Willits Sewer Plant?

35-35 30. Why does Caltrans claim a 2-lane bypass will be "functionally obsolete" but the 2-lane portion of 101 north of the bypass will operate well into the foreseeable future with minimal congestion? Won't the 2-lane section north of the northerly interchange have more traffic than the bypass? Will the average speed on the 2-lane section north of the northerly interchange be 50 mph in 2028? What is the travel time difference traversing each of the Valley routes at 50mph versus 64mph, the predicted average speed on a 4-lane valley route alternative in 2028?

35-36 31. Why did Caltrans fail to prepare a detailed cumulative impact analysis of the proposed Willits Sewer Plant which will be a 20-30 ft high jetty extending into the Little lake Valley for almost a mile and will impact nearly 160 acres of wetlands, more wetland impact than for any of the Valley Bypass routes?

35-37 32. Caltrans studied the impacts and until sometime in 2000, proposed to build the far northern portions of each valley route, which after decisions made in 2000, were removed, and all of the Valley routes were "truncated" because of escalating costs. Why didn't Caltrans include the cumulative impacts of the sections of each valley route removed by the "truncation" process since the possible future construction of these portions of the Project were foreseeable and could affect the cumulative impact of any route chosen now?

35-38 33. Can you describe the conditions in detail which justify the increased peak-hour traffic volumes north of Willits on each of the Valley routes in 2008 and 2028 as reported in the Willits Bypass Traffic Report?

35-39 34. Why did Caltrans alter the measured 1998 traffic data, which alteration resulted in an increase of the predicted traffic volumes in 2008 and 2028 on the proposed Valley Bypass routes as well as on Main Street in Willits?

35-40 35. Since certain traffic volume increases at the afternoon peak hour have a greater effect on LOS for 2-lane roads than for a 4-lane freeway, what is the effect on LOS of a theoretical 200 Vph peak hour increase on a 2-lane, lane-separated bypass operating at a LOS of middle C versus the same 200 Vph increase on a 4-lane freeway operating at LOS of middle of A?

35-41 36. Why didn't Caltrans study the speed versus safety implications of the thick ground fog, which blankets Willits Valley regularly under certain atmospheric conditions?

35-42 37. Why didn't Caltrans study the effect of Fossil Fuel use and the impacts of Carbon-Dioxide-forced climate change resulting from the speed versus fuel efficiency implications of each of the alternatives as well as a slower design speed facility?

35-43 38. What is the capacity of the 2-lane bypass proposed by the Willits Environmental Center, and what peak-hour traffic volumes in 2028 will produce LOS E on such a road?

35-44 39. Caltrans uses a number of studies in the Willits Bypass DEIR/DEIS whose conclusions are based on the use of computer models or programs. The results of computer models or programs can be affected by the input information and other alterations to the program or model. It is not possible for the public to determine the usefulness or accuracy of the results of computer modeling or program results based on information presented in this DEIR/DEIS. In fact, the crucial impacts of noise, hydrology, biological impact, air quality and the traffic forecasting conclusions reported in this DEIR/DEIS are the result of computer analysis. How does Caltrans, without providing the public with any reasonable way to check the validity of such computerized studies, propose to satisfy the public disclosure requirements of CEQA and NEPA, other than to say, "Trust us"?

35-35 As stated in Willits Bypass Draft EIR/EIS (Volume 3, page 3-23), "Levels of service on the two-lane highway section north of Willits would be LOS D in 2008 and LOS E in 2028 for alternatives C1T, J1T and LT". Speeds on a two-lane rural highway at LOS E are approximately 45 mph according to the Highway Capacity Manual 2000 (see also General Response 1.10). The distance between the Upper Haehl Creek interchange and the Quail Meadows interchange is approximately 4 miles for the Modified Alternative J1T. The travel time difference for vehicles traveling at 50mph versus 64 mph over this distance (4 miles) is approximately 65 seconds (one minute, 5 seconds).

35-36 The cumulative impacts discussion in the DEIS/EIR (Section 6.2) included the wastewater treatment plant project. However, when the bypass DEIS/EIR was published, ACOE had not yet determined the extent of wetland impacts from the wastewater treatment plant project, so it was not possible to accurately determine the cumulative impact of the bypass and the wastewater treatment plant project. Section 3.19 (FEIS/EIR) provides an updated cumulative impacts discussion specific to Modified Alternative J1T.

35-37 See response to Comment 34-7 (Willits Citizens for Good Planning) for a discussion of why construction of the northern portions of the truncated alternatives are not reasonably foreseeable, and therefore no cumulative impact analysis is required for these previous project elements.

35-38 On page 17 of the Willits Bypass Traffic report, it states: An abundance of traffic data has been reviewed and is on file for this study area. The Office of Travel Forecasting and Modeling staff specifically gathered data in both April and July 1998, including turn movement counts, Origin/Destination studies and GPS TAC Runs. The analysis included in this report is primarily based on the July 1998 data collected (see Design Hour Volumes Considerations).

35-39 See response to Comment 33-5 (Sierra Club, Mendo-Lake Group).

35-40 Comparing hypothetical scenarios involving speculative changes in bypass alternatives was not part of the traffic study conducted for the DEIS/EIR.

35-41 It is common for drivers to reduce their speed in foggy conditions. If fog becomes a problem on the chosen alternative, there are methods such as fog detection and warning systems that increase driver awareness.

35-42 The energy analysis examined all of the alternatives based on vehicle miles traveled and future fuel usage based on projected fleet make-up.

35-43 As referenced on Page 3-34 of the DEIS/EIR, a 2-lane bypass, as proposed by the Willits Environmental Center, was not studied and evaluated as an alternative bypass facility. See General Response 1.10 for further discussion of a two-lane bypass and why it does not meet the purpose and need for this project.

35-44 Any member of the public may undertake their own studies or check the validity of Caltrans studies for the bypass project. Because of software licensing agreements, Caltrans is unable to provide copies of the software programs used to conduct our studies, but we can provide the names of the computer programs that were used to generate various studies. Subsequent to the public comment period for the DEIS/EIR, Caltrans received a request from the WEC for information that would allow them to check the validity of our studies. In response, Caltrans provided the WEC with electronic data, mapping, and an explanation of the specific computer software we used in our wetlands impact analyses.

The Willits Environmental Center is dismayed by the voluminous defects in the Willits Bypass DEIR/DEIS, and is concerned that these defects, if uncorrected, could cause unnecessary delays in the construction of this project.

We believe that only a new, revised DEIR/DEIS, with a preferred alternative, and which includes a fair analysis of a grade-separated, lane-separated 2-lane alternative, will help cure the legally fatal defects in the Willits Bypass DEIR/DEIS.

Yours,

David Drell,
For the Willits Environmental Center

Regarding "defects" in the DEIS/EIR, the foregoing responses are sufficient and no revisions to the DEIS/EIR are required. See General Response 1.10 regarding a two-lane bypass.

36 Willits Environmental Center

36-1 See General Response 1.10 for the discussion of a two-lane bypass and why it does not meet the purpose and need of the project.

36-2 See response to Comment 30-6 (Mendocino Forest Watch). See also General Response 1.10, which supplements the DEIS/EIR discussion on why a two-lane alternative does not meet the purpose and need for the project, and therefore is not a feasible or reasonable alternative. See response to Comment 35-10 (Willits Environmental Center) regarding scoping.

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August 26, 2002

Via Fax 916-274-0602
Via U.S. Mail
Cher Daniels, Chief
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Via U.S. Mail
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RE: Construction and Operation of a Freeway Bypass on US 101 around the City of Willits in Mendocino County, California from KP R69.4 to KP 84.2 (PM R43.1/52.3)
Draft EIR Comments

Dear Ms. Daniels and Mr. Khaled:

36-1 I represent the Willits Environmental Center (WEC) and Willits Citizens for Good Planning (Citizens) and write to confirm their request to recirculate the Environmental Impact Report (EIR) with a discussion of grade separated and lane separated two-lane alternatives. (The Willits Environmental Center's comment letter dated August 14, 2002, and Richard Estabrook's comment letter on behalf of Citizens dated August 26, 2002, are incorporated herein by reference.)

36-2 The range of alternatives presented in the EIR is legally inadequate under the California Environmental Quality Act (CEQA) for, among other things, its lack of discussion of two-lane alternatives. The WEC and Citizens also note this project has received inadequate scoping under CEQA and request proper scoping prior to recirculation.

36-3 See response to Comment 34-5 (Willits Citizens for Good Planning).

Inadequate Scoping

36-3 The 12-year time period between the scoping session and the preparation and circulation of the Draft EIR in this case is too long to allow the scoping to serve its statutory purpose. Scoping under CEQA permits responsible and other public agencies having jurisdiction over "resources affected by the project that are held in trust for the people of the State of California" the opportunity to "specify to the lead agency the scope and content of the environmental information that is germane to the statutory responsibilities of that responsible agency or public agency in connection with the proposed project and which, . . . , shall be included in the" EIR.[1] As explained by the regulations implementing CEQA,

> [m]any public agencies have found that early consultation solves many potential problems that would arise in more serious forms later in the review process. . . . Scoping will be necessary when preparing an EIR/EIS jointly with a federal agency.
>
> (a) Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.
>
> (b) Scoping has been found to be an effective way to bring together and resolve the concerns of affected federal, state, and local agencies, the proponent of the action, and other interested persons including those who might not be in accord with the action on environmental grounds.[2]

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[1] Pub. Resources Code §§ 21080.4, subd. (a), 21092.4; CEQA Guidelines (14 Cal. Code Regs.), §§ 15082, 15083.

[2] Guidelines, §§ 15083, subds. (a), (b).

36-4 See response to Comment 33-1 (Sierra Club, Mendo-Lake Group). "The range of potential alternatives to the proposed project shall include those that could feasibly accomplish *most of the basic objectives* of the project and could avoid or substantially lessen one or more of the significant effects" [emphasis ours] (CEQA 15126.6). At a minimum, the alternatives considered must reduce delays, improve safety, and achieve a "C" Level of Service for interregional traffic.

Obviously, the goal of scoping to gather relevant information from responsible and trustee agencies and the general public for inclusion in the EIR cannot be met if the time between the scoping and the preparation of the EIR is excessive. Twelve years is excessive considering the changes in the environment and socio-economic conditions that can occur and have occurred during that period of time. For example, since the scoping session on December 5, 1989, three fish species have been listed as threatened under the Endangered Species Act (Coho Salmon, Chinook Salmon, and Steelhead), the North Western Pacific Railroad has ceased to function, the timber industry has taken a drastic downturn, the Willits Sewer Plant has been forced to study expansion, the Brooktrails Specific Plan mandating a lower ultimate buildout was approved, and the Route Concept Report was amended to include the construction of two-lane sections along portions of Highway 101. The information gathered at scoping sessions years ago simply is stale and in need of updating.

The EIR is Inadequate for its Failure to Discuss Feasible Alternatives

36-4

The feasibility of alternatives is considered at two stages in the CEQA environmental review process: 1) selecting alternatives for inclusion in the EIR and 2) determining whether to approve the project at the project approval stage. This discussion focuses on the first process. The EIR in this case is inadequate for failure to include feasible two-lane alternatives.

When selecting alternatives for inclusion in the EIR, the lead agency's task is to identify a range of alternatives that will satisfy project objectives to some degree while reducing environmental impacts. The focus is on the question of whether an alternative can, as a practical matter, be implemented.

Thus, the basic purpose of an EIR's discussion of alternatives is to suggest ways project objectives might be achieved at less environmental costs. Consistent with this purpose, alternatives must be able to implement most project objectives, but they need not be able to implement all objectives. The EIR should focus on alternatives that can reduce or eliminate significant environmental

36-5 See response to Comment 33-1 (Sierra Club, Mendo-Lake Group). Also, under CEQA, the EIR need examine in detail only the alternatives that the lead agency determines could feasibly attain most of the basic objectives of the project (CEQA Guidelines, 15126.6(f) "Rule of Reason").

impacts even if they would impede project objectives to some degree.[3] Thus, alternatives should not be excluded simply because they would impede attainment of project objectives "to some degree."[4] *Likewise, a project proponent may not limit its ability to implement the project in a way that artificially confines the range of available alternatives, e.g., by artificially narrowing the project objectives.*[5]

In addition, feasible alternatives are to be included in an EIR. Feasible alternatives are those that are

> capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, [legal] and technological factors.[6]

36-5 When alternatives are excluded from the EIR on grounds of infeasibility, the EIR should discuss the reasons for doing so.[7]

The objectives of the project in this case are stated in the Draft EIR as follows:

1. Reduce delays;
2. Improve safety; and

[3] Guidelines, § 15126.6, subd. (b).

[4] Guidelines, § 15126.6, subds. (a), (b).

[5] *See Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736 (alternatives may not be artificially limited by applicant's prior commitments relating to project as proposed.).

[6] Pub. Resources Code § 21061.1; Guidelines, § 15364.

[7] Guidelines, § 15126.6, subds. (c).

36-6 Caltrans Traffic staff reviewed the SHN report (10/28/99) and concluded that the report did not justify a two-lane facility.

36-7 The statement that a two-lane bypass would have "significantly" less impacts than a four-lane bypass is unsubstantiated. Reducing the four-lane bypass to two lanes would not reduce the footprint by half because of necessary design components such as the median, inside/outside shoulders, side slopes, and drainage facilities, all of which would remain the same size regardless the number of lanes.

3. Achieve an LOS of at least C for interregional traffic on U.S. 101 within the vicinity of Willits through 2028. LOS C refers to "[s]table traffic flow, but less freedom to select speed, change lanes or pass. Density increasing. 104 kph (64.5 mph). Minimal delay."[8]

36-6 The first inquiry to determine if a two-lane alternative should be included in the EIR is whether it will be able to implement most – not all – project objectives and is environmentally superior to the proposed project. As explained by SHN Consulting Engineers & Geologists, Inc., in its report dated October 28, 1999, the two-lane bypass alternatives, "will be adequate to meet current and expected traffic volumes out to year 2025," and would reduce environmental impacts on, among other things, wetlands and oak woodland habitat as well as costs of construction.

CEQA clearly provides that the selection of alternatives for discussion in the Draft EIR must be based, first, on meeting the project *objectives* to some degree. Two lane alternatives easily satisfy this requirement.

Even if two-lane alternatives would impede project objectives to some degree, they must be included in the Draft EIR if they are feasible. Two-lane alternatives are "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, [legal] and technological factors."[9] Thus, they are feasible.

36-7 Finally, two-lane alternatives are environmentally superior to the proposed project. The potential impacts to nearly all areas of the environment, including biological, hydrological, noise, and aesthetics, are significantly less than the impacts of the four lane freeway alternatives proposed by Caltrans.

[8] DEIR, pp. 2-1--2-2.

[9] Pub. Resources Code § 21061.1; Guidelines, § 15364.

36-8 See General Response 1.10 regarding a two-lane bypass. The responses presented here, as well as the responses to Willits Environmental Center and Willits Citizens for Good Planning, provide sufficient explanation and no change to the DEIS/EIR is necessary.

36-9 See response to Comment 34-5 (Willits Citizens for Good Planning) and response to Comment 36-8.

36-8 Because two-lane alternatives sufficiently meet the project objectives, are feasible, and are environmentally superior to the proposed project; i.e., they can, as a practical matter, be implemented, they must be included in the Draft EIR. After inclusion, the Draft EIR must be recirculated for public comment.[10]

36-9 As discussed above, my clients request a new public scoping session prior to recirculating a revised draft that includes grade and lane separated two-lane alternatives and thoroughly addresses the significant environmental impacts identified at the new scoping session. EIRs provide analysis to decision makers "which enables them to make a decision which intelligently takes account of environmental consequences."[11] Only by updating the information gathered in scoping can the decisionmakers and the public be sure that all current and relevant information is included in the EIR so that is may serve its purpose. As confirmed by case law, the EIR "is the 'heart of CEQA.' . . . The EIR 'protects not only the environment but also informed self-government.' [Cit.]"[12]

[10] Pub. Resources Code § 21092.1; Guidelines, § 15088.5.

[11] Guidelines, § 15151.

[12] *Laurel Heights Improvement Assn. v. Regents of the University of California* (*Laurel Heights I*) (1988) 47 Cal.3d 376, 392; Pub. Resources Code § 21061, §21002.1, subd. (a), 21003, subd. (c); Guidelines, §§ Guidelines, § 15002, subd. (a)(1), 15003, subd. (f).

Very truly yours,

Rose M. Zoia

cc: Willits Environmental Center
Willits Citizens for Good Planning