Hiller Highlands Four Association

Hiller Highlands Four Association
30 Schooner Hill, Oakland, CA 94618

July 9, 2006

Gregory C. McConnell
Senior Environmental Planner
Dept. of Transportation, District 4, Environmental Analysis
Mail Station 8B
P.O. Box 23660
Oakland, CA 94623-0660

Attention: Sheryl Dorado, Associate Environmental Planner

Submitted electronically to: Caldecott_Public_Comments@dot.ca.gov

Dear Mr. McConnell,

The Board of Directors (BOD) of Hiller Highlands Four Association (HHIV) has voted unanimously to submit this comment regarding the Draft EA/EIR for the Caldecott Improvement Project.

HHIV is comprised of 80 homes and is situated on the top of the hill on the Western portal of the Tunnel. Several of the Association's homes have direct views of the portal and still others are impacted directly by traffic noise from California Highway 24.

The BOD supports the 3-lane alternative "Tunnel Alternative 3N". 1

Separately, the BOD strongly endorses implementation of traffic noise abatement measures, regardless of the Alternative selected. The BOD supports immediate implementation of these measures. Such measures include, but are not limited to:

- an enforced speed limit of 50 MPH on the Western side of the Tunnel 2
- an enforced ban on the use of "Jake" brakes on Highway 24 3
- use of pavement surfaces that have been demonstrated to reduce traffic noise 4

Sincerely,

Signed electronically

David Spellmeyer
Secretary, Hiller Highlands Four Association
30 Schooner Hill
Oakland, CA 94618

1-Please see the essay on "Preferred Alternative" in Chapter 1.

2- In regards to vehicle speeds, the setting of speed limits is a joint decision of the local entities within the State Route 24 corridor and the California Highway Patrol. The Department does not have the authority to unilaterally set limits and cannot commit to them within this environmental document.

3- Restriction of jake brakes is a decision of the local entities (cities, counties) within the State Route 24 corridor and is enforced by the California Highway Patrol. The Department does not have the authority to unilaterally set restrictions and cannot commit to them within this environmental document.

4- The decision to repave the roadway with a quieter pavement will be based on the roadway surface's need for rehabilitation, in conformance with Caltrans' pavement rehabilitation strategy. Should Caltrans determine that repaving is required for maintenance purposes, open-graded asphalt pavement will be considered.

League of Women Voters of the Bay Area

LEAGUE OF WOMEN VOTERS OF THE BAY AREA
An Inter-League Organization of the San Francisco Bay Area

July 11, 2006

Gregory C. McConnell, Senior Environmental Planner
Dept. of Transportation, District 4, Environmental Analysis
Mail Station 8B
P. O. Box 23660
Oakland CA 94623-0660

Dear Mr. McConnell,

This letter is in response to the receipt of the Draft Environmental Assessment/ Environmental Impact Report (Caldecott Improvement Project). We agree in general that a fourth bore alternative, either Alternative 2N or Alternative 3N, is justified to address the severe traffic congestion in the current tunnels. The impacts of the project that are documented in the Draft EA/EIR indicate that they can be dealt with in such a way as to keep the overall impact at a relatively low level (given the nature of such a large construction project.)

A key concern of the LWV of the Bay Area is the adequacy and completeness of mitigation plans for the project. In particular, it is important that these mitigation plans be identified in enough detail so that actual mitigation can be monitored. However, in many instances throughout the document, phrases are used such as, "standard industry practices for construction activity", mitigation measures (to prevent soil erosion) "would be implemented" or mitigation measures "will be identified" (for both permanent and temporary impacts of the project regarding wetlands and other waters, or "Mitigation that would be applied"(re: wildlife in the area). Only in the discussion of noise impacts is it stated that a reasonable plan will be prepared in consultation with a public involvement process.

We understand the rationale for not including a bikeway/pedestrian feature as part of this tunnel project, primarily on the basis that it is not cost effective. We are encouraged to note the work that is being pursued separately by the Alameda County Congestion Management Agency to address various ways to improve bicycle and pedestrian circulation in the vicinity of the Caldecott Tunnel.

SPECIFIC COMMENTS
Our specific comments are primarily concerned with mitigation for potential impacts as presented. Our conclusions will follow the order in which these elements are presented in Table S-2 (p. xxiv).

AIR QUALITY
The finding that air quality will improve is based on the assumption that there is no growth-inducing impact from the new bore. While we are not aware of any transit-related alternatives that would change this scenario, the conclusion that there will be less air pollution is subject to re-evaluation of the level of air pollution over a period of several years, both before and after the construction of the tunnel. We presume that CalTrans will have the capability to obtain this data as the years go by, most clearly in the region of the project. 1

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CONSTRUCTION IMPACTS
A large number of efforts to minimize these impacts are listed. Again, we suggest that a significant level of monitoring these impacts as the project progresses is an essential effort to assure that the outlined goals are accomplished. 2

CULTURAL RESOURCES
The assurance that a qualified archaeologist will be retained as needed is noted. The costs of such services needs to be included in the estimates of project costs. 3

GEOLOGY/SEISMOLGY
It is only good sense to engineer the design to withstand the effects of earthquakes in the immediate region and some distances from the project. Similarly, we expect that due diligence will be involved in guarding the structure from slope instabilities. 3.1

GROWTH INDUCEMENT/COMMUNITY IMPACT
The statement ("Supports local planning goals…) needs careful examination; by its nature, this project affects the planning of five cities and two counties. Acceptance of their advice and Caltrans agreement with each of them would be a minimal response to those who worry about growth inducement. The response given: (no mitigation…) seems inadequate if current local planning goals should change in the future. 4

The conclusions that the project enhances access to public facilities and that economic activity would be generated suggests only that there will be increased levels of congestion in the areas considered.

HAZARDOUS WASTE/MATERIAL
The testing of materials for these elements seems reasonable. As with the other impacts, they need to be examined periodically over a several year period, before and after the project is completed. 5

HYDROLOGY/FLOODPLAIN
Preservation of the native bunch grasses and other grasslands seems to be reasonably manageable. Likewise the protection of such areas during construction. 6

NATURAL ENVIRONMENT
Protection of the coast live oaks seems to be considered adequately, but we do have concerns about the number of "urban trees" that would be removed. Mitigation of these and other oaks (does Oakland have any oaks left?) by replanting at 3:1 ratios is specified where needed. Consultation with CDFG and other arborists is certainly in order as specified. Introduction of noxious weeds needs more consideration; likely that large-scale weed removal in the two or three year period after construction should be considered. Care for the red-legged frogs, the spadefoot toad, the Alameda whipsnake, the white-tailed kite, and especially any nesting birds is a desirable goal as outlined. 7

NOISE/VIBRATIONS
No doubt Caltrans has much experience in noise abatement. This is surely a matter that needs the attention and agreement with local people directly affected by the project and the conditions after it is built. The public involvement process to develop a plan for noise abatement is noteworthy. 8

We do have concerns about the possible effect of vibration from blasting on sensitive wildlife populations in the parklands that run along the top of the ridge above the tunnel. The presence of

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the parks was acknowledged, and the Resource Conservation Plan for the area was discussed, but blasting in not usually routinely considered in conservation planning and was not mentioned.

PALEONTOLOGY
Retention of qualified personnel to consider the value of fossils found as the project is developed is reasonable. As with CULTURAL RESOURCES, the costs need to be estimated for the total cost of the project. 9

TRAFFIC 10
Of course, the purpose of the project is to reduce congestion and increase safety. That is, the completion of the project has notable positive value for the communities.

VISUAL/AESTHETICS
The planting of vines, retaining walls with Art Deco features etc. will provide some relief from the visual impact of these structures. We favor these measures to offset the visual impacts of the new retaining walls in this way, and would encourage some reflection of these Art Deco features in the new soundwalls and other buildings. 11

Thank you for considering and responding to our comments and concerns.

League of Women Voters of the Bay Area

Linda Craig, President
and George Ellman, Transportation Director

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1- Comment noted.

2- Please see the essay on "Construction Impacts" in Chapter 1.

All mitigations that require monitoring during the construction period will be included in the contract specifications and will be strictly enforced. Additional monitoring required after the completion of the construction portion of the project, will also be carried out by the Department or its contractors.

3- The cost of needed specialists for construction monitoring is included in the project cost estimate.

3.1- Comment noted.

4- This comment appears to be primarily concerned with the growth inducement issues of the cited jurisdictions. The jurisdictions included in the expert review panel of the growth study included the Counties of Alameda and Contra Costa and the cities or towns of Orinda, Lafayette, Moraga, and Berkeley, as documented in Chapter 5 of the background technical growth report, *Growth Inducement Analysis, Final Report*, May 2005. As documented in Chapters 5 and 6 of the report, the growth issues in Oakland were considered similar to those of the City of Berkeley. A key issue addressed by the growth study and expert panel was the likelihood of local planning goals changing in the future. The conclusion of the panel was that there was very little developable land in the areas that could be affected by the proposed project. The potential for growth in Berkeley, Oakland, and the Lamorinda area, the primary areas that would be affected by travel delay savings, is very limited due to available land being built out or growth plans being carefully set for the limited growth that would be possible. Consequently, the growth inducement study concluded that the Caldecott Improvement Project would support planned growth, but not induce unplanned growth in northern Alameda County and central Contra Costa County.

5- Chemical contaminant mitigation issues are very different from other environmental impacts in that once the extent of the contamination is defined and the contaminant source eliminated, the efficacy of the remediation work that takes place will not decrease with time. For example, the lead contamination alongside an existing freeway, when removed by a new construction project, will not be replaced by yet more lead-containing vehicle exhaust because lead additives were eliminated from gasoline more than twenty years ago. For the Caldecott project, this makes repeated sampling events in the same areas for the same contaminants unnecessary.

If engineering controls are used to isolate contaminants within the project, under pavement covers for example, routine maintenance inspections will monitor the integrity of the engineering controls. If an engineering control is ever compromised, the subsequent repair and cleanup work would include soil or water sampling to define the impact of any contaminant release. However, without the release of contaminants via a new source or failure of an engineering control, there will not be any soil or water sampling work after the fourth bore construction work is completed.

6- Comment noted.

7- Comment noted.

8- Comment noted. Regarding blasting, please see the essay on “Construction Impacts” in Chapter 1. Blasting will be limited and infrequent and should not affect sensitive wildlife populations.

9- The cost of needed specialists for construction monitoring is included in the project cost estimate.

10- Comment noted.

11- Comment noted.

Mayer Luce Development

Mayer Luce Development
14080 Palm Drive – Suite E
Desert Hot Springs, California 9240

July 11, 2006

Gregory C. McConnell, Senior Environmental Planner
Attention: Sheryl Dorado, Associate Environmental Planner
Dept. of Transportation, District 4, Environmental Analysis
Mail Station 8B
P.O. Box 23660
Oakland, CA 94623-0660

Re: Comments, Draft Environmental Impact Report, Caldecott Improvement Project on State Route 24

Dear Mr. McConnell:

Mayer Luce Development owns 8 lots off Skyline Boulevard. We also own a parcel of land adjacent to those lots where we propose 38 lots for single-family homes. All of these lots are closer to the Caldecott Corridor than any other in the vicinity. We write this letter to indicate our agreement and support for the communications you received from our neighbors of the North Hills Association.

We believe the Draft Environmental Assessment/Environmental Impact Report is not sufficient because is ignores serious environmental consequences and impacts of the 4th Bore's construction on residents on both sides of State Route 24 west of the Caldecott Tunnel that will occur if the project proceeds as proposed. We do not believe the assessment accurately describes the impacts of the construction of the 4th Bore on residents on both sides of the freeway, on trees and biological resources, on wildlife habitat, on noise, on traffic congestion in Alameda County, on impacts on pedestrian, bicyclists and persons with disabilities, and other impacts seriously impacting quality of life issues in our community.

The Draft Environmental Assessment/Environmental Impact Report for the Caldecott Improvement Project fails to meet even the most minimal NEPA and CEQA requirements for disclosure, analysis, and mitigation. It is deficient in failing to:

- respond to and address detailed comments submitted during the scoping period; 1
- accurately describe the project's purpose and need; 2
- fully describe the project for the purposes of environmental impact assessment; 3
- provide an adequate environmental baseline for comparison with project impacts; 4
- analyze an adequate range of alternatives; 5
- use appropriate criteria of significance protective of the environment; for example, the noise criteria of significance of 12 dBA leq is more than twice the increase considered significant in City of Oakland or City of Berkeley CEQA documents. It represents a 2.5-time increase in noise over background conditions, even with the freeway in full operation. 6

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- adequately analyze project impacts; this was evident in areas such as noise, where it failed to do noise studies and to properly evaluate the project impacts on residences (Hiller Highlands homes and planned residences on the south side of Highway 24); 7
- correctly report the number of trees and species of trees that will be impacted by the project, and to accurately report in the Appendix A that the project will conflict with local policies or ordinances protecting biological resources, such as a tree preservation ordinance; 8
- adequately address with clearly specified and funded mitigation the long-term impacts of the clear cutting of trees and shrubs, based on the years for the small 5-gallon trees proposed as replacements to mature trees and to replace the wildlife habitat value of the present trees and shrubs; 9
- correctly report the findings of the Metropolitan Transportation Commission's "Caldecott Tunnel Corridor Study", which were cited in this report as a basis for rejecting the "Mass Transit" alternative; 10
- adequately address mitigation measures needed to prevent the introduction of noxious weeds into wildland areas and replanted areas as part of the project; 11
- adequately analyze the impact on and to accommodate non-motorized travel through the Tunnel area or over the new and existing freeway lanes and the proposed sound walls; 12
- identify adequate, enforceable, monitorable mitigation measures; and, 13
- fully consider cumulative projects and their impacts. 14

These failures result in a document that fails to serve CEQA's and NEPA's purposes of full public disclosure and reducing potential impacts of the project. The document should be substantially revised and recirculated for public review as an EIS/EIR. 15

Mayer Luce Development agrees with comments submitted by our neighbors regarding: tree impacts, hazardous and noxious invasives impacts, noise impacts and the proposed mitigations, the need for comprehensive sound wall and structures over the freeway lanes, the need for rubberized asphalt, the height of proposed sound walls, the impacts of congestion, the inadequacy of the considerations of mass transit and the inadequacy of induced growth impact considerations.

We further agree with the mitigation recommendations made by our neighbors.

The project should set aside at least $30 million for mitigation regarding the many negative impacts of the proposed project in areas such as: tree protection, tree replacement, noxious weed controls, native plant restoration and wildlife habitat restoration: 16

To mitigate effectively the significant noise impacts on existing and planned residences in the project area, we feel that Caltrans and partners in the project should implement a series of mitigation measures such as:

- Doing all boring, spoils removal, construction and all related staging for the 4th Bore from the east side or Contra Costa side of the Caldecott Tunnels where there are no homes or planned developments that would be greatly impacted by the construction noise and noise of trucks to be utilized in construction over multiple years; the shotcrete batch plant should be on the east side of the Tunnel along with the storage of heavy construction equipment and stationary compressors to minimize noise impacts; 17

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- The "reasonableness" criteria for considering sound walls (see p. 157) is not in compliance with CEQA and should be eliminated or revised, and an explanation provided on how the criteria conforms to CEQA's mandate for all feasible mitigations to be considered in an EIR; single-event noise should also be addressed in a revised, recirculated Environment Impact Statement/Environmental Impact Report; 18

- On page 202, with respect to construction noise, the document states that standard industry practice for construction noise "may be used to minimize impacts." The document should clearly state which measure will be used and which will not be used. Absent this information, it is impossible to tell if the impacts would be mitigated; 19

- The project should include mitigation measures that eliminate most of the five years of 24-hour per day construction noise in the residential North Hills area of Oakland; 20

- Doing construction work during daylight hours consistent with the policies of the City of Oakland; 21

- Installing rubberized asphalt on the asphalt freeway lanes in the early in the construction project from the Caldecott Tunnel to the State Route 24/580 maze; 22

- Instituting and posting reduced speed limits west of the Caldecott Tunnels, such as 50 miles per hour, which we believe could have a benefit equal to halving the number of cars on the freeway; 23

- having Caltrans place their noise receptors in all areas along the State Route 24 corridor from the west entrance to the Interstate 580 junction to more fully determine noise impacts of the project and to be able to appropriately develop mitigation measures to address the noise impacts; 24

- Consulting with and involving local agencies such as the City of Oakland, City of Berkeley and City of Orinda and adhering to local noise ordinances; 25

- consider a wide variety of sound abatement measures that include, but are not limited to different kinds of pavement including rubberized pavement, rubberized structural columns, extensive planting, imposing restrictions on mufflers and Jake brakes for vehicles utilizing the tunnels; enforcement of noise emissions from motorcycles and modified vehicles particularly muffler noise; these noise abatements measures should include the arterial streets used for freeway access and egress; 26

- Replacing the proposed soundwall or soundwall/berm proposal for the north side of the freeway with a more effective proposal for a 1000-foot berm built close to the north edge of the new freeway lanes and covered roof garden over the new freeway lanes that would more effectively mitigate noise impacts; we also recommend constructing a center soundwall/divider between the eastbound/westbound lanes that would extend approximately 500 feet to the west of the bend in the crossover bridge in front of the west side of the Tunnel, which 27

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could provide support for the roof garden as a noise reduction tunnel bridging over eastbound/westbound lanes. This might be built where the current crossover lanes connect the center bore with westbound lanes coming out of the Tunnel. We agree with the recommendation after viewing the pictures of the modern noise reduction tunnel built over freeway lanes in Nickern, Germany that are available on Google/the attached pictures indicate that a noise reduction tunnel featuring crossbeams and overhead glass could be combined with an over-freeway roof garden to provide effective noise reduction benefits. It might be possible to include some over-freeway beams/over-freeway thick glass in some of the roof garden structure to provide additional lighting at a reduced cost. We also recommend Caltrans/its partners seek grant funding and include solar panels somewhere in the structures built by Caltrans on one side of the Tunnel as part of this project that might extend the length and mitigation benefits of the roof garden "mitigation" park and to help in powering outdoor lighting, the roof garden irrigation system, and possibly some of the lighting for the freeway tunnel lanes. We understand that acoustic insulation properties have been found to exist with use of greenroofs for noise mitigation in a variety of settings, and that noise reduction tunnels have been constructed in locations around the world to successfully mitigate noise impacts and believe that this approach to noise mitigation is a Context Sensitive Solution for noise for this location which should be implemented by Caltrans pursuant to its written "Context Sensitive Solutions" policy. The ecological, economic, aesthetic, and psychological advantages of roof garden projects are documented on the Greenroofs.com web site and should be considered by the project partners in implementing these proposed Context Sensitive Solutions for more effective noise mitigation on affected receptors on both sides of the freeway in the project area. (See the pictures attached for the proposed location for the roof garden noise "mitigation" park as well as pictures showing the technology that has been utilized in building roof gardens and a noise reduction tunnel in Gosbach Hosbach Germany that might illustrate the type of roof garden noise reduction "mitigation" park that could be developed adjacent to the Caldecott Tunnel to more effectively mitigate noise impacts);

- Extending the project area to at least College Avenue and constructing an exterior noise reduction tunnel similar to the Nickern, Germany noise reduction tunnel (see pictures attached of this noise reduction tunnel) in over-the-freeway lanes adjacent to the Claremont Middle School and surrounding the Rockridge BART Station and its eastern parking lot to provide noise mitigation benefits to those attending or visiting the Claremont Middle School and also to BART patrons/staff at the Rockridge BART station; 28

- Caltrans and its partners might be able to get the maximum benefit in implementing a program to construct the roof garden "mitigation" park and the proposed noise reduction tunnel(s) or even sound walls if it consulted and partnered effectively and even utilizing some volunteers and obtained some donations of labor, materials, and monetary funding. Partners might include: local, State, Federal and private grant funding sources; the City of Oakland, the City of Berkeley, the City of Orinda, the University of California, the Caldecott Tunnel 4th Bore Coalition, roof garden construction companies, companies that constructed noise reduction tunnels in locations such as Germany, the Keep Oakland Beautiful Advisory Board of the City of Oakland's Public Works Agency, the California Department of Forestry, the California Department of 29

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Corrections and its convict crews, the California Native Plant Society, Sierra Club, Waste Management, North Hills Landscape Committee, Cal Corps Service Center, Volunteer Center of Alameda and Contra Costa County, wholesale nurseries, wholesale tree companies, native plant nurseries, California Landscape Contractors Association local chapter, and volunteers from local high schools and community colleges. We agree it could be possible to obtain donations of labor and materials and to have partners potentially join with the California Department of Transportation and its partners in going after grant funding to help with constructing the roof garden noise "mitigation" park because of its many environmental benefits that could be attractive to potential donors and funders.

- Apply to some of the State and Federal funding sources that have been identified on Elevated Landscape Technologies Inc.'s website (www.eltgreenroofs.com) to help in defraying some of the costs of the roof-garden noise mitigation structures and features of the project; 30

- Constructing the roof garden noise mitigation over freeway lanes on the west side of the Caldecott Tunnels during an early point of construction of the 4th Bore to help in minimizing on-going noise impacts on local residents from existing freeway traffic/lanes; 31

- Installing a "living wall" with plant materials (similar to those developed by Elevated Landscape Technologies Inc. and shown on its website) between the eastbound and westbound freeway lanes to mitigate direct and reflected noise from vehicles in the westbound freeway lanes, and possibly some of the noise from the westbound lanes. 32

Mitigation of Impacts on Non-Motorized Travel and Barriers Posed To Evacuation of Residents In the Event of Major Fire or Earthquake: The proposals set forth in the Draft Environmental Assessment/Environmental Impact Report fail to adequately plan for and address the impacts on non-motorized travel that are caused by the construction of additional freeway lanes and proposed soundwalls. Similarly, the proposed project creates barriers that might threaten the lives of local residents by creating new barriers to prompt evacuation by non-motorized travelers in the event of a major fire or earthquake. Pursuant to the California Department of Transportation's internal directive on "Accommodating Non-Motorized Travel", we understand that Caltrans is supposed to fully consider "the needs of non-motorized travelers (including pedestrians, bicyclists, and persons with disabilities) in all programming, planning, maintenance, construction, operations and project development activities and products". However, even though there are many bicycle riders and pedestrians that travel regularly along frontage roads in the SR24 corridor, Caltrans in this project largely ignores their needs to travel through the Tunnel or across freeway lanes/sound barriers. The Draft report ignores the needs of and the impacts of this project on "Non-Motorized" travelers as though they don't exist or that the partners don't care about the potential risks to their lives in an emergency evacuation situation. The project and Draft report also don't adequately address the needs or rights of the physically disabled in relation to travel through the tunnel or across the freeway lanes/proposed sound wall. It appears that it might almost take a lawsuit under the American with Disabilities Act (ADA) against the partners including the State of California and Federal Highway Administration to get effective mitigation for the physically disabled or physically disable bicyclists with respect to the new and continuing barriers that impact the physically disabled and their rights. There might be a potential ADA violation here and possibly violation of State or Federal laws

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impacting wildlife. We recommend as part of the mitigation for the impacts on non-motorized travel that:

- A roof-garden or "mitigation" park with handicap-accessible pathways is constructed over the 8-10 freeway lanes on the west side of the Tunnels, which would include pathways to allow for non-motorized travel over the noise barriers and freeway lanes. The new park could also assist wildlife in the Caldecott Wildlife in their non-motorized travel across the freeway lanes and noise barrier(s), which is now blocked to a substantial extent by fencing and the freeway lanes. For example, it might help deer, Alameda Whipsnakes, other animals, or birds safely get across the new freeway lanes and noise mitigation proposed. 33

- New sidewalks should be constructed along the frontage roads on both sides of the freeway between the Tunnel area, the intersections with the Warren Freeway/State Route 13, and the intersections with Hiller Drive. 34

- Bicycle and pedestrian access be provided for through the Tunnel; At the recent public hearing at Claremont Middle School a photograph was shown of a tunnel in Europe that accommodated non-motorized travel, and we believe that State and Federal policies mandate that provision be made for non-motorized travel through the 4th Bore; the partners in the project should have analyzed and presented information on their consideration of this tunnel project in Europe that found space in a 3rd lane for non-motorized travel through a tunnel, and this should be done in the development of a new Environment Impact Statement/Environmental Impact Report fully evaluating a Bikeway/Pedestrian Lane Alternative; 35

- Consistent with the Caltrans policy for accommodating non-motorized travel, another appropriate mitigation for the project's impacts would be to add a pedestrian and bicycle crossing from Tunnel Road to Lake Temescal in the north/south direction; We understand that an engineer has already evaluated the costs for Caltrans to construct such a crossing and this mitigation option should be implemented; 36

- The revised EIS/EIR should analyze carefully and completely the impact on non-motorized travelers and there should be specific mitigations included in the project proposal with funding designated, which would help in eliminating existing barriers and accommodating those with physical disabilities or who may wish to travel through the project area on a bicycle, by foot, with a walker or in a wheel chair; Caltrans, the United States government, and the other local transportation agency partners need to give more than lip service to accommodating "Non-Motorized Travel" in the project area and to eliminating existing barriers and any new barriers to "Non-Motorized Travel" and to stop discriminating against those with physical disabilities in planning and implementing major transportation projects such as the Caldecott Improvement Project. 37

_- A consultant with expertise in accommodation for those with physical disabilities should be employed to ensure the project if it goes forward fully and adequately accommodates the needs of residents/visitors to our community with physical 38

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disabilities and removes barriers impacting or preventing their travel and also their ability to evacuate in an emergency situation.

- A consultant with expertise regarding bicycle and pedestrian travel and accommodating bicyclists and pedestrians should also be employed to ensure the project if it goes forward fully and adequately accommodates bicyclists and pedestrians and removes barriers impacting or preventing their travel through the tunnel and areas in the Caldecott Improvement project. 39

Multiple Impact Mitigation: To mitigate project impacts, if the project proceeds and is fully funded construction and spoils removal should be done from the east side of the Caldecott Tunnel to minimize the adverse impacts such as noise, dust, traffic congestion, fire dangers, and evacuation route congestion in an emergency, and introduction/spread of invasives. It would also help in reducing the potential spread of invasives and noise impacts to see if all of the spoils might be disposed of in Contra Costa County. 40

The proposed project can have a number of significant impacts that will adversely impact local communities and residents, including impacts in areas such as: noise, protected trees, wildlife habitat, introduction and spread of invasive species, restricting pedestrian and bicycle travel through the project area, visual, "mode shift" impacts upon mass transit with the potential to reduce ridership on buses and BART, impacts on traffic on surface streets in Oakland and Berkeley, air quality, and the potential to significantly add to traffic congestion and delays in Alameda County during construction and in the short and long term. To help in mitigating some of these impacts if the 4th Bore is constructed, We propose and recommend as a mitigation measure that the partners in the Caldecott Improvement Project construct a roof garden "mitigation" park over the lanes on the west side of the Tunnel to substitute for the berm and proposed sound wall, which could minimize visual, noise, wildlife habitat, tree, bunch grass, bicycle, pedestrian, and particulate impacts and help create a recreational use and new wildlife habitat and native plant restoration area. 41

We think Caltrans/its partners if the 4th Bore is constructed should use something like the tunnel-shaped metal structures (described in your recent public hearing presentations, which will apparently be enclosed in concrete) that will be included in the construction of the interior of the new Bore to extend the subterranean traffic lanes past the Parkwoods Condominiums and some of the homes/condominiums west of the Tunnel that will otherwise be permanently impacted by noise. Pre-fabricated concrete/metal support structures might also be a cost-saving option. Some of the excavated soil and rock (and possibly other cost-effective and sound-absorbing recycled materials) could be placed on top of the metal structures/concrete, or possibly behind retaining walls on the north/sound sides of the freeway or in a center sound barrier instead of hauling all of the dirt and rock to other locations. This could minimize costs and also help in mitigation efforts in relation to limiting or controlling the potential spread of invasives, which hauling all of the soil/rock away in large trucks from the 4th Bore might create as another negative impact on local communities. This creative use of the spoils to mitigate negative impacts is consistent with past Tunnel project initiatives, such as the use of spoils previously to help create the North Oakland Sports Fields. 42

We would also like to see most of the external roof garden "mitigation" park to be constructed at the beginning of the Caldecott Improvement Project to cover the existing six lanes of traffic and help in reducing traffic noise/visual impacts/other environmental impacts during the lengthy construction period for the project. 43

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We recommend the mitigation park include bicycle lanes and pedestrian pathways to allow bicyclists and pedestrians a way to get across the freeway lanes at this location, without risking their lives trying to cross 10 freeway lanes. A crossing for pedestrians and bicyclists through the mitigation park location by the Caldecott Tunnel would be less congested than crossing at the current narrow bridge/overpass near the North Oakland Sports Field. A park with bicycle and pedestrian access at this location could also provide the residents of Parkwoods Condominiums, of the three proposed developments on the south side of the freeway, and of the larger surrounding area a very pleasant park venue and much better view than looking over 9 or 10 lanes of traffic/car lights forever. It would also provide more noise mitigation benefits for houses and residents at higher levels to the east, west, north and south than the proposed sound wall or berm/soundwall that Caltrans is proposing to spend probably $1 million or more on. If you planted native bunch grasses and small trees in the roof garden mitigation it could also help to mitigate for the significant impacts on native bunch grass and trees, which the Draft EA/EIR indicates that the project will cause. There could also be cost savings from not having to construct a temporary soundwall here and from shifting all construction to the east side of the Tunnel/not having to build a staging area on the west side of the Tunnel that could be utilized to construct the roof garden mitigation park. The partners as outlined above might also be able to apply for local, state and Federal grant funding to help with lowering the costs of constructing the roof garden "mitigation" park. The roof garden" mitigation" park could also be an appropriate center piece for the multi-site native plant mitigation/restoration projects that could be implemented in the "Final Tree Replacement and Planting Plan". 44

We ask that careful consideration be given to the comments of our neighbors and to funding and/or implementation of their mitigation recommendations and those of other members of the Caldecott Corridor 4th Bore Coalition, who have carefully studied the Draft EA/EIR for the proposed project.

Sincerely,

Glen Greener
Mayer Luce Development

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1- Please see the essay on "Scoping Period Comments" in Chapter 1.

2- Please see the essay on "Purpose and Need" in Chapter 1.

3- The project is described fully in Vol. I, Chapter 1, Proposed Project.

4- Please see the essays on "Project Study Area Boundaries" and response #4 in the essay on "Traffic Operations" in Chapter 1.

5- Please see the essay on "Alternatives Considered in the Draft Environmental Assessment/Environmental Impact Report (DEA/EIR)" in Chapter 1.

6- Local thresholds of significance do not apply to Caltrans' projects. The project is predicted to increase traffic noise by 2 dBA, which would not be considered significant regardless of the threshold used.

Please see the essay on "Methodologies used for the Impact Assessments/Local Ordinances" in Chapter 1.

7- Project impacts were analyzed in the technical reports and summarized in Vol. I, Chapter 2, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures, of the environmental document. Sensitive receivers subject to traffic noise impacts were studied and included in the report. No residential noise impacts were found beyond the first row residences having direct view of State Route 24. Noise abatement for impacted residences in the Hiller Highlands were not feasible so they were not considered. At the time of this report, no known residential developments south of State Route 24 have progressed to the point that they have to be included in this study.

The Mayer-Luce & Baca Developments you refer to do not have environmental documents available for review. Caltrans has requested information on these developments from the City of Oakland, but the information the City has is very preliminary. Thus there is no basis for analysis in the context of the Caldecott Improvement Project EA/EIR.

8- Trees within the western portal staging area initially were incorrectly counted as the design GPS file used in the field for location was corrupted and an additional survey subsequently was conducted in this area. All other areas checked were correctly counted. These trees were added to the previous tree count for a realistic count of trees to be impacted by the project. Further, as refinements were made to the project design, additional tree counts were conducted for areas newly included in the impact area. All native trees over 4 inches diameter at breast height were included in the tree count. The updated tree information can be found in the final environmental document. Note that trees in both the permanent and temporary areas of impact area are counted as a loss at this stage and included in the impact analysis. However, during construction, efforts are made to save trees within the areas of temporary impact. Therefore, the actual tree loss may be less then what is included in the environmental document. For discussion on Department Compliance with local ordinances please see the essay on "Methodologies Used for the Impact Assessments/Local Ordinances" in Chapter 1.

9- Caltrans has allocated funding for replacement landscaping to mitigate for tree removal within the immediate freeway corridor. This will be implemented immediately following completion of roadwork and will include a three-year plant establishment period. . Mitigation measures provide for the replacement of oaks at a 5:1 ratio. All other native trees with a diameter breast height of 6 inches will be replaced at a ratio of 3:1. Trees will be replaced at a higher ratio to compensate for the temporal loss of habitat; more trees planted will result in better species establishment and higher quality habitat in the future.

Generally, where water is available, replacement trees are usually 5-gallon size but can be upsized to 15-gallon and 24-inch box trees to accelerate the re-establishment of aesthetic and habitat values. In off-site mitigation areas, water is generally unavailable and is usually provided through more labor-intensive means. Plant materials selected for these areas are generally planted as seedlings having intact taproots and would subsist mostly on seasonal rains. Depending upon the tree species, 5-gallon size trees range in height from 5-8 feet, 15-gallon trees are generally 8-10 feet, and 24-inch box trees are 10-12 feet or more in height. Areas adjacent to Caldecott lane will have the appearance of being newly landscaped and in addition to trees will include lower-story shrubs and woody ground covers. Planted areas would be mulched to provide a neat appearance, conserve water and to control weeds. Re-establishment of the habitat quality comparable to existing conditions would take approximately 8-10 years following planting.

10- The findings of the Metropolitan Transportation Commission's "*Route 24/Caldecott Tunnel Corridor Study*" were accurately reported in Chapter 1 of the DEA/EIR. Please also see the essay on "Transit" in Chapter 1.

11- As described in Section 2.3.4.4 of the DEA/EIR, measures such as worker training, avoidance of sensitive communities, and cleaning of construction machinery before use on subsequent projects in sensitive communities would reduce the likelihood that noxious weeds would be spread by the proposed project.

Furthermore, as part of future invasive species control, only native or non-invasive plant species appropriate for the project area will be used in any restoration or revegetation seed mix or stock. Identified invasives will be mechanically or chemically removed during the three-year plant establishment period (PEP), as necessary; this treatment will ensure that invasive populations do not become established. The frequency and type of treatment will be site specific and will be determined during project construction and/or completion.

12- See the essay on "Bicycle and Pedestrian Access/Improvements" in Chapter 1.

13- We believe mitigation measures identified in the technical studies are adequate, enforceable and monitorable.

14- Cumulative projects and their impacts were considered in Vol. I. See also the essay on "Cumulative Impacts/Enhancements" in Chapter 1.

15- The Department and FHWA disagree with the commenter's assertion that the DEA/EIR is a substandard document that fails to meet CEQA and NEPA's purposes of disclosure and environmental protection. We believe it does provide adequate information upon which to base informed decisions. Specific avoidance, minimization and/or mitigation measures have been refined in the FEA/EIR and are discussed in each relevant technical section of Vol. I, Chapter 2, Affected Environment, Environmental Consequences, and Avoidance, Minimization, and/or Mitigation Measures. Please also see the essay on "The Environmental Process; Environmental Impact Statement/Environmental Impact Report (EIS/EIR) versus an Environmental Assessment/Environmental Impact Report (EA/EIR); and Criteria for Significance" in Chapter 1.

16-There are no plans to set aside $30 million for mitigation. All the impacts listed in the DEA/EIR will be mitigated, and there are costs associated with the proposed mitigation. These costs are included in the proposed project.

17- Please see the essay on 'Constructing The Tunnel from the East Side Only" in Chapter 1.

18- The reasonableness criteria for consideration of noise abatement are established under Code of Federal Regulations 23CFR772.

19- Please see the essay on "Construction Impacts" in Chapter 1

20- Please see the essay on "Construction Impacts" in Chapter 1.

21- The nature of tunnel construction necessitates around the clock construction activity to control cost and schedule. When constructing a tunnel, construction work can proceed only in limited areas. For example, tunnel excavation can only occur at one location for each portal. Because of this limitation, the cost and schedule of a tunnel project will increase dramatically if the hours of construction are limited. In addition when the advance of a tunnel is delayed, additional support measures are required to assure that the face of the tunnel remains stable. Under the current plan, which involves tunnel construction 5 days per week, 24 hours per day, these additional support measures will be required only over the weekend. However, if tunnel construction were limited to one shift per day, these additional support measures would have to be installed every day, which would have significant cost implications. Please also see the essay on "Methodologies Used for the Impact Assessment/Local Ordinance" in Chapter 1.

22- The existing State Route 24 freeway is constructed of light colored concrete pavement. Our project proposes to leave the existing concrete pavement in place. New approaches to and from the tunnel will be constructed with rubberized asphalt concrete, portland cement concrete or open grade asphalt concrete. 23- In regards to vehicle speeds, the setting of speed limits is a joint decision of the local entities within the State Route 24 corridor and the California Highway Patrol. Caltrans does not have the authority to unilaterally set limits and cannot commit to them within this environmental document.

24- Noise abatements are considered only at locations where noise impacts are identified within the project study area boundaries. Caltrans has no program to provide noise abatements for areas currently subject to freeway traffic noise, or where there is no new freeway or reconstruction of an existing freeway.

25- Caltrans is not legally mandated to adhere to the noise ordinances established by local agencies. Caltrans will take measures to comply with them to the extent possible. Please also see the essay on "Methodologies Used for the Impact Assessment/Local Ordinances" in Chapter 1.

26-The decision to repave the roadway with a quieter pavement will be based on the roadway surface's need for rehabilitation, in conformance with Caltrans' pavement rehabilitation strategy. Should Caltrans determine that repaving is required for maintenance purposes, open-graded asphalt pavement will be considered. Restriction of jake brakes is a joint decision of the local entities within the State Route 24 corridor and the California Highway Patrol. Caltrans does not have the authority to unilaterally set restrictions and cannot commit to them within this environmental document. Likewise, the regulation of vehicle equipment involves several agencies and likely a legislative process and is outside the scope of this environmental document. Caltrans will provide landscaping to the extent possible. The contribution of noise reflecting off of the columns is negligible and would not warrant any abatement. For arterial streets, Caltrans is mandated by federal regulation to consider noise abatement from projects on streets and freeways within its jurisdiction. Caltrans does not have the authority or the federal funding to commit to abatement of noise from streets that are within the jurisdiction of the local agencies.

27- Your suggestion to install a structure over the freeway with a roof garden on top was considered at the staff and management team levels. Caltrans and the funding partners do not have the resources to fund this work. In addition, a rooftop garden would require maintenance that is beyond Caltrans standard level of maintenance. The roof garden structure was not considered beyond preliminary levels, since physical site constraints, the lack of funding and inability to maintain the feature makes this proposal infeasible as an option to develop in more detail.

Although the roof garden concept is a creative idea, it would be more conducive and supportable in an extensively urbanized environment where existing facilities and the cost of real estate preclude the development of parks.

28- See response #24.

Caltrans follows the code of federal regulations 23CFR772, which requires consideration of noise abatement that is reasonable and feasible, and likely to be constructed. While such an exterior tunnel would be a dramatic addition to the tunnel project, it is untested technology in this country and its impacts are unquantifiable. Under 23CFR772 standard forms of abatement must be considered first before any newer untested technology, with an unknown likelihood of being built, is considered.

Claremont Middle School and the Rockridge BART station are beyond the project study area boundaries. Please see the essay on "Project Study Area Boundaries" in Chapter 1.

No picture was attached to the letter above.

29- Please see response #27 above.

30-Existing and Local State and Federal funding sources will be used for project development, construction of the Preferred Alternative, a two-lane tunnel, and for the mitigation listed in the FEA/EIR.

31- A "roof garden" is not a form of noise abatement approved by either the FHWA or the State.

Please see response #27 above.

32- Caltrans strives for safety in the highway environment for motorists as well as for our highway maintenance personnel. For this reason Caltrans no longer permits planting of any type within the center median of freeways. A living wall would require long term intensive maintenance activities and frequent repair resulting from traffic hits and could not be safely maintained under any condition.

33- Please see response #27 above.

34- See the essay on "Bicycle and Pedestrian Access/Improvements" in Chapter 1.

35- See Option J in the essay on “Bicycle and Pedestrian Access/Improvements” in Chapter 1.

36-Please see Table 1, Option C1, in Chapter 1.

37- See the essay on “Bicycle and Pedestrian Access/Improvements” in Chapter 1.

38- See the essay on “Bicycle and Pedestrian Access/Improvements” in Chapter 1.

39- See the essay on “Bicycle and Pedestrian Access/Improvements” in Chapter 1.

40- Please see the essays on “Construction Impacts” and “Constructing The Tunnel from the East Side Only” in Chapter 1.

41- Please see response #27 above.

42- Extending the fourth bore beyond the Parkwoods Condominiums by construction of a box structure would add tens of millions of dollars to the cost of the project and introduce significant technical problems. If the fourth Bore were extended by constructing a box it would necessitate moving the new freeway lanes and structure closer to the Parkwoods Condominiums to allow sufficient space between the new structure and the existing traffic lanes. If the box were buried with excavated material this separation issue becomes even more important. Some spoils will be used in constructing the combination berm/soundwall noise barrier.

43 and 44 - Please see response #27 above.

North Hills Landscape Committee (6/13/06)

NORTH HILLS LANDSCAPE COMMITTEE
33 HILLER DRIVE
OAKLAND, CA 94618
(510) 843-3828 FAX (510) 843-6768 RGPIPER@SBCGLOBAL.NET

June 13, 2006

Mr. Gene Fong, Division Administrator
Federal Highway Administrator
California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814

Dear Mr. Fong:

I am writing as the Chair of the North Hills Landscape Committee, a local community based non-profit and the Oakland affiliate of California ReLeaf, the statewide grassroots tree planting network, to request your help in relation to addressing a potential violation of the City of Oakland's Tree Protection Ordinance by the California Department of Transportation in relation to proposed Caldecott Improvement Project on State Route 24 in Alameda and Contra Costa County. Caltrans and the Federal Highway Administration (FHWA) recently prepared and issued a Draft Environmental Assessment/Environmental Impact Report for the proposed 4th Bore project that called for clear cutting all of the trees on a Caltrans property located just west of the Caldecott Tunnel, including approximately 19 trees (including 4 redwood, 10 Coast Live Oaks, 2 cedars, 2 Western Sycamores, and 1 Acacia tree) that are protected under Oakland's Tree Protection Ordinance (Title 12, Chapter 12.36 of the Oakland Municipal Code). 1

I helped in planting trees as a member of the North Hills Phoenix Association on these Caltrans' properties under an Adopt-A-Highway agreement after the Oakland Hills Firestorm. When I reviewed the draft EA/EIR recently prepared by Caltrans and the Federal Highway Administration, I found that the report contained inaccurate and misleading information and conclusions regarding:

* The number of trees that would be impacted by the project; 2
* Its omission of several species of trees that would be impacted by the planned clear cutting of all trees and shrubs on the site; 3
* The contention in its conclusion in Appendix A, Environmental Significance Checklist, that the proposed project in relation to "Biological Resources" would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; and 4
* The contention in the conclusions of its Appendix A that it would not substantially reduce the habitat of wildlife species. 5

This 4th Bore project according to documents provided has been the recipient of $1.6 million in Federal funding. I am requesting in your role as the Division Administrator for the Federal Highway Administration that you withdraw the Draft Environmental

Assessment/Environmental Impact Report document that was issued for this project and to do a full EIS/Environmental Impact Report that will correct the inaccurate, misleading and false information regarding the environmental impacts of this project pertaining to Biological Resources (i.e., trees and the trees that would be impacted by the project) included in this April 26, 2006 Draft report issued under your name as the Division Administrator, Federal Highway Administration. I also ask that you to ensure that Federal Highway Administration funds are not used in this proposed project unless Caltrans, it partners, and the Federal Highway Administration comply fully with the provisions of the City of Oakland's Protected Tree Ordinance and preserve the 19 protected trees now threatened with being removed by Caltrans and the Federal Highway Administration. 6 7

I find it unacceptable for the Federal Highway Administration to issue a Draft Environmental Assessment/Environmental Impact Report for a project of this magnitude and to not check the accuracy of the information and conclusions contained in it, specifically as to whether funding is to be used to remove trees protected under a local tree protection ordinance. I don't appreciate being misled and lied to by State and Federal representatives, and see actions proposed that would violate the City of Oakland's Municipal Code. I need your strong leadership in getting Caltrans and the Federal Highway Administration to do a proper EIS/EIR for the Caldecott Improvement Project on State Route 24 in Alameda and Contra Costa Counties. 8

I would be happy to give you or your staff a tour of the site in question and point out the protected trees on the Caltrans property that are being proposed for clear cutting, contrary to the provisions of Oakland's Tree Protection Ordinance. I appreciate your consideration and prompt action in relation to this request.

Sincerely,

Gordon Piper
Chair

Cc: Mr. Leland Dong
Mr. Gary Sweeten
Mr. Maiser Kahled

Received
JUN 15 2006
FHWA

1- Caltrans and FHWA conform to local guidelines to the extent practicable and feasible. However, well established principles of State and Federal sovereignty and preemption preclude the application of local regulation to State and Federal activities. Caltrans and FHWA are not required to adhere to local ordinances for highway projects, but follow the environmental analysis requirements set forth in both the National Environmental Policy Act and California Environmental Quality Act. As such the Department is not required to adhere to the City of Oakland's Tree Protection Ordinance. Nonetheless, the loss of trees will be fully mitigated. Please see response #3 to the California Nature Plant Society.

2- Trees within the western portal staging area were incorrectly counted; all other areas checked were correctly counted. An additional tree survey was conducted in the western portal staging area, and additional trees were added to the previous count to produce an accurate count of trees to be impacted by the project. The updated tree count information can be found in the final environmental document. Tree loss will not be significant.

3- Tree species from the additional tree surveys have been added to the previous data.

4- Please see the essay on "Methodologies Used for the Impact Assessment/Local Ordinances" in Chapter 1.

5- The project will impact low-quality wildlife habitat immediately adjacent to State Route 24 within state right-of-way. Few wildlife species utilize this low-quality habitat. Wildlife will be able to use the higher-quality habitat abundant throughout the project vicinity and within the Caldecott Wildlife Corridor located above the existing and proposed tunnel.

6- Please see the essay on "The Environmental Process: Environmental Impact Statement/Environmental Impact Report (EIS/EIR) Versus an Environmental Assessment/Environmental Impact Report (EA/EIR); and Criteria for Significance" in Chapter 1.

7- Please see response #1 above.

8- Please see responses #2 and #6.

North Hills Landscape Committee (07/11/2006)

R Gordon Piper
<rgpiper@sbcglobal.net>
07/11/2006 12:42 PM

To Caldecott_Public_Comments@dot.ca.gov
cc
bcc
Subject Comments and Attached Pictures, Draft EA/EIR for Caldecott Improvement Project

Attached are my comments regarding the Draft Environmental Assessment/Environmental Impact Report for the Caldecott Improvement Project on State Route 24 in Alameda and Contra Costa Counities, California. I am attaching some pictures that help in illustrating my comments and mitigation recommendations. I am a member of the Caldecott Tunnel 4th Bore Coalition.

Gordon Piper Goldbach Hosbach Tunnel.doc NHLC Comments.doc

North Hills Landscape Committee
33 Hiller Drive
Oakland, CA 94618

July 11, 2006

Gregory C. McConnell, Senior Environmental Planner
Attention: Sheryl Dorado, Associate Environmental Planner
Dept. of Transportation, District 4, Environmental Analysis
Mail Station 8B
P.O. Box 23660
Oakland, CA 94623-0660

Re: Comments, Draft Environmental Impact Report, Caldecott Improvement Project on State Route 24

Dear Mr. McConnell:

I serve as the Chair of the North Hills Landscape Committee and a member of the Caldecott Corridor 4th Bore Coalition and am writing to offer comments in relation to the Draft Environmental Assessment/Environmental Impact Report. The North Hills Landscape Committee is a local affiliate of California ReLeaf, the statewide grassroots tree-planting network. I have planted trees as a member of the North Hills Phoenix Association in an Adopt-A-Highway project after the Oakland Hills Firestorm on the Caltrans frontage property west of the Caldecott Tunnel where Caltrans is now proposing to clear cut all trees. I also serve on the City of Oakland's Wildfire Prevention Assessment District Advisory Board and the Keep Oakland Beautiful Advisory Board for the City of Oakland's Public Works Agency. After reviewing the Draft Environmental Assessment/Environmental Impact report prepared for the Caldecott Improvement Project on State Route 24 in Alameda and Contra Costa Counties, I have a number of concerns.

I found the Draft Environmental Assessment/Environmental Impact Report contained misleading claims, false assumptions and incorrect statements, and draws inappropriate conclusions regarding the environmental impacts of the construction of the 4th Bore. The Report in some places is fiction and opinions masquerading as facts. It ignores serious environmental consequences and impacts of the 4th Bore's construction on residents on both sides of State Route 24 west of the Caldecott Tunnel that will occur if the project proceeds as proposed. I found in my review that the Report places a 4th Bore construction "cart" before a correctly interpreted and legally mandated "horse" – i.e., an accurate environmental assessment and conclusions relative to the impacts of the construction of the 4th Bore on local residents on both sides of the freeway, on trees and biological resources, on wildlife habitat, on noise, on traffic congestion in Alameda County, on impacts on pedestrian, bicyclists and persons with disabilities, and other impacts seriously impacting quality of life issues in our community.

For example, I and other members of the Caldecott Tunnel 4th Bore Coalition found that this Draft Environmental Assessment/Environmental Impact Report for the Caldecott Improvement Project fails to meet even the most minimal NEPA and CEQA requirements for disclosure, analysis, and mitigation. It is deficient in failing to:

- respond to and address detailed comments submitted during the scoping period; 1

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- accurately describe the project's purpose and need; 2
- fully describe the project for the purposes of environmental impact assessment; 3
- provide an adequate environmental baseline for comparison with project impacts; 4
- analyze an adequate range of alternatives; 5
- use appropriate criteria of significance protective of the environment; for example, the noise criteria of significance of 12 dBA leq is more than twice the increase considered significant in City of Oakland or City of Berkeley CEQA documents. It represents a 2.5-time increase in noise over background conditions, even with the freeway in full operation. 6
- adequately analyze project impacts; this was evident in areas such as noise, where it failed to do noise studies and to properly evaluate the project impacts on residences (Hiller Highlands homes and planned residences on the south side of Highway 24); 7
- correctly report the number of trees and species of trees that will be impacted by the project, and to accurately report in the Appendix A that the project will conflict with local policies or ordinances protecting biological resources, such as a tree preservation ordinance; 8
- adequately address with clearly specified and funded mitigation the long-term impacts of the clear cutting of trees and shrubs, based on the years for the small 5-gallon trees proposed as replacements to mature trees and to replace the wildlife habitat value of the present trees and shrubs; 9
- correctly report the findings of the Metropolitan Transportation Commission's "Caldecott Tunnel Corridor Study", which were cited in this report as a basis for rejecting the "Mass Transit" alternative; 10
- adequately address mitigation measures needed to prevent the introduction of noxious weeds into wildland areas and replanted areas as part of the project; 11
- adequately analyze the impact on and to accommodate non-motorized travel through the Tunnel area or over the new and existing freeway lanes and the proposed sound walls; 12
- identify adequate, enforceable, monitorable mitigation measures; and, 13
- fully consider cumulative projects and their impacts. 14

These failures result in a document that fails to serve CEQA's and NEPA's purposes of full public disclosure and reducing potential impacts of the project. The document should be substantially revised and recirculated for public review as an EIS/EIR. Other members of the Caldecott Tunnel 4th Bore Coalition in their verbal and written comments have submitted detailed comments on many of the deficiencies noted above. I will not repeat all of these comments, but I endorse their verbal and written comments, particularly those of 4th Bore Coalition members Richard Grassetti (CEQA/NEPA expert), Sally Williams, and Rajiv Bhatia that I have reviewed. My specific comments on selected topics are presented below. 15

Tree Impacts

The report is filled with misleading claims, false assumptions and incorrect statements, and draws inappropriate conclusions regarding the environmental impacts of the construction of the 4th Bore, particularly in regard to its discussion of trees and impacts on trees. This is one area where I particularly found that the information in the Draft Envrionmental Assessment/Environmental Impact Report was fiction and opinion masquerading as facts where it contends in the Appendix A of the Draft report evaluating impacts on biological resources that the project will not conflict with any local policy or tree protection ordinance. I personally did a survey in June 2006 in the 16

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project areas to more fully assess the proposed project's impacts on trees. I found in my survey and review:

- The report inaccurately states and undercounts the number of trees that will be impacted, by clear cutting west of the Caldecott Tunnel; for example it claims only 3 redwoods would be cut down, while 15 redwoods were found in a recent survey that I conducted in the frontage area west of the Caldecott Tunnel where there is a proposal to cut down all trees and shrubs. 17
- The report also inaccurately states the number of different species of trees that will be affected, failing to recognize at least 3 species (maple, cedar, and acacia) that I found in a recent survey of tree species in the project area that would be clear cut. 18
- The report also falsely claims in Appendix A that the project will not conflict with any local policies or ordinances protecting biological resources such as local tree preservation ordinances, and will have "no impact" on protected trees – when Caltrans' own technical study indicated the project will in fact affect trees protected by Oakland's Tree Protection Ordinance. In a recent survey on the Oakland site, at least 19 protected trees were identified, including 4 redwood trees, 10 Coast live oaks, 2 cedars, 2 Western sycamores, and an acacia would be cut down under the proposed project, potentially in violation of Oakland's Ordinance embodied in Title 12, Chapter 12.36 of the City of Oakland's Municipal Code. It also appears possible that some trees in the Gateway area in the City of Orinda that are proposed for removal may be protected by the City of Orinda's Tree Protection Ordinance. Tree protection in relation to these protected trees in Oakland and Orinda needs to be taken very seriously; it's the law. I believe the partners in this project can and should preserve most if not all of the trees, and that there are mitigation alternatives (as I will describe below) that could allow almost all of the trees and shrubs proposed for clear cutting west of the Caldecott Tunnel on the frontage property on the north side of the freeway to be saved. It's simply not acceptable for the State and Federal governments to mislead the public in this Draft Environmental Assessment/Environmental Impact Report for the Caldecott Improvement Project regarding the impacts on trees, to try to minimize significant environmental impacts on biological resources, or to try to get around legal responsibilities and to clear cut protected trees. Others have been sued successfully that have ignored these laws. 19
- The Draft report, contrary to the claim in Appendix A that there will be "No Impact", indicates: "Even with mitigation, tree removal will result in long-term impacts because it will take years for the new trees to mature and replace the wildlife habitat value of the present trees." 20

Invasives Impact

I am also concerned that the Draft report does not satisfy the obligations outlined on page 180 under Executive Order 13112 (building on the National Environmental Policy Act of 1969, the Federal Noxious Weed Act of 1974, and the Endangered Species Act of 1973) to "prevent the introduction of invasive species; provide for their control; and take measures to minimize economic, ecological, and human health effects". The report notes in Table 2.3.4-1 the "Noxious Weeds Noted in the Project Area During May 2004 Surveys". There are substantial numbers and species of noxious weeds in the area that will be impacted by the project, and I find this Draft

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report is clearly inadequate in clarifying the mitigation measures that will effectively "prevent the introduction of invasives; provide for their control". Among my concerns are the following:

- While the report provides a series of pictures on pages 107-120 that purport to show what the condition of the area might be either "immediately following construction" or "showing re-establishment of vegetation at 10-15 years" these simulations don't account for the continuing existence and spread of invasives in the project area from many of the poorly landscaped and poorly maintained California Department of Transportation properties in the project area. I note that the California Department of Transportation has historically done very little to control invasives or the spread of invasives on its properties in the Highway 24 corridor project area west of the Caldecott Tunnel, and sometimes has refused to maintain its properties, even denying in some written communications that some of its properties that were covered with flammable invasive weeds were owned by the State or Caltrans. The invasives on some of the Caltrans' properties represent an on-going, serious fire hazard in the area, threatening if a fire got started not only other sensitive plant communities and many native plant species, but also the lives and properties of local residents in Oakland, Berkeley, and Orinda. 21

- It is noteworthy that the Draft report acknowledged on page 180 that "Construction activities associated with the proposed project have the potential to introduce noxious weeds from the project area into uninfested areas. Uninfested areas that are potentially at risk include neighboring wildland areas and other areas where machinery used on the project may be used subsequently". I am concerned that if the project proceeds as proposed with boring and storage/removal of spoils and dirt on the west side of the Caldecott Tunnel that the project would result in trucks and stored/removed soil spreading noxious weeds to many other locations not only in the Highway 24 corridor west of the Tunnel but also in other locations where the trucks might move through or be parked during the construction period. 22

- Caldecott Tunnel 4th Bore Coalition member and Claremont Elmwood Neighborhood Association representative Sally Williams noted in her written comments that she had learned that "the project will take over five years to build with construction crews numbering in the hundreds working six days a week, 24 hours a day, with six truck loads of dirt per hour hauled away from the site with probable disposal sites located on the eastern portion of Fish Ranch Road and at the Oakland Port". This information suggests that there is a significant potential to spread noxious weeds into neighboring wildlands in Contra Costa County as well as to additional areas in Alameda County where the spoils would be transported, involving thousands of truckloads of material. Until Caltrans does a much better job of removal of invasives and controlling invasives from its noxious weed infested properties in the Highway 24 corridor, the assurances in this Draft EA/EIR that the partners in this project have a handle on noxious weed introduction and control is also just another fictional statement/opinion in this Draft report. The noxious weeds on the Caltrans properties in the larger Highway 24 that are overtaking other neighboring properties speak louder and are evidence (supported by the Tables with survey results regarding noxious weed populations in the project area) that Caltrans has not done an adequate job in controlling invasives, and that this project has great potential for introducing 23

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