



SIERRA CLUB SAN FRANCISCO BAY CHAPTER

Serving the counties of Alameda, Contra Costa, Marin and San Francisco

~~Office: 5237 College Avenue, Oakland, CA 94618 • (510) 653-6127~~

Bookstore: 6014 College Avenue, Oakland, CA 94618 • (510) 658-7470

New Office: 2530 San Pablo Ave., Suite I, Berkeley, CA 94702 (510) 848-0800

August 25, 1997

Susan S. Simpson
California Department of Transportation
Office Chief, Environmental Planning-North
111 Grand Ave.
Oakland CA 94623-0660

Dear Ms. Simpson:

The Sierra Club's San Francisco Bay Chapter and Marin Group find the Draft Environmental Impact Statement/ Report (DEIS/ R) for the Marin 101 HOV Gap Closure Project seriously inadequate and an incomplete statement of the extensive environmental impacts that will result from this project.

3.0 Need for the Project

The purpose of the project as stated is: "to provide a continuous HOV lane system by closing the gap in the present HOV lane system." This narrow view of the purpose makes the favored alternatives inevitable. The purpose and need statement should specify the purpose and need to which the agency(s) are responding and should describe the public benefits that justify the spending of millions of dollars and further degradation of the environment, i.e. mobility, access to jobs, air quality improvements, reductions in the use of single occupant vehicles, energy savings, reduced congestion, etc..

Rather than focusing only on the congestion problems in the project area, the need section of the DEIS/ R should discuss how the proposals "decrease dependency on single-occupant vehicles" and how "the proposals considered link transportation and land use" as requested in the comments on the Notice of Intent from David J. Farrel of U.S. EPA (Appendix Q).

5.0 Alternatives Analysis

We find the Alternatives Analysis to be disappointing and inadequate. A fundamental purpose for considering alternatives is to reduce or avoid significant environmental harm. The two favored projects in this analysis are justified by the claim that they more fully meet the purpose and need of the project, rather than that they are more environmentally beneficial. The document admits that there is no possible mitigation for the significant air pollution impacts that will result from the two Build Alternative in the year 2000, yet fails to adequately study other alternatives that would result in less environmental damage.

At several public meetings, Caltrans was asked to study various transit improvement alternatives, including light rail, heavy rail, and bus improvements. There is no mention of which "Transit Only" alternative was rejected for further analysis, or if each were. This request to study the use of public transit to solve the traffic, air quality and mobility problems of the corridor was reiterated in public forums and in writing many times through the years of planning for this project. The extensive (and probably expensive) scoping and public participation process described in Appendix D is a cruel joke on the public. Clearly the public's desires had little, if any, affect on agency planners for this project.

While the modeling for the No Build alternative is predicted to result in increased CO levels in the year 2000 (though at unspecified lower concentrations) there is no analysis of whether a transit only alternative would increase, stabilize or even reduce CO levels. We believe it would reduce CO and thus should be fully studied. A public transit alternative is the only alternative that would attain most of the basic (though unstated) objectives of the project and avoid or substantially lessen the significant adverse effects of the project. A transit alternative is the environmentally superior alternative and therefore, under CEQA Guidelines, should have been identified as such in the DEIS/ R. Similarly, other alternatives that the agency chose not to study most probably also have lower environmental impacts. That fact should have been identified. as well.

Rejection of transit only alternatives for full study was based on a study done by Caltrans in 1994 which was a feasibility study of *inter-city* passenger rail service, not commuter service. This DEIS/R does mention the more recent Sonoma/Marin Multi-Modal Transportation and Land Use Study (the results of which were published *before* this DEIS/R) but discards the alternatives being analyzed as not funded and requiring land use changes. In fact, Marin County is seriously contemplating a ballot initiative to fund and implement a light rail project on the NWP right-of-way along with bus improvements and some land use changes. Caltrans should have waited for the results of this study before settling on a preferred alternative. In Caltran's own words in the section on Unavoidable Adverse Impacts (11.0., page 108), the writers admit: "There are no mitigation measures that can reduce this exceedence [of CO] to a level of insignificance besides reducing the existing and future traffic volumes. Reducing vehicle use is exactly what a transit alternative, like the Sonoma/Marin Multi-Modal Transportation and Land Use proposal could achieve. That study should be reported on in this DEIS/ R.

6.0 Affected Environment

Project Description: Discussion of the socio-economic and air quality impacts, along with the map describing the Affected Environment (Figure 5, page 50), reveal that the project study area for this analysis is too narrow and therefore incomplete and

misleading. Downtown and East San Rafael are located in a valley ringed by hills. This means the area traps and accumulates air pollutants. Since the wind in our region is most often westerly, air pollution from Highway 101 affects more residents to the east of the highway (especially in Segment 2) than other neighborhoods to the west and northwest. Figure 5, "The Affected Environment," shows that the project area for the study is more narrow in the Canal neighborhood of East San Rafael than at almost any other point. Here the dotted line actually abuts the highway. The discussion of air quality impacts (7.13., page 105), states that "project level air quality analyses need only consider the local impacts within the microscale area, which is defined as the area within approximately 300 meters [about 1,000 feet] of the transportation facility." There are several locations on the map of the Affected Environment (Figure 5, page 50) where the project area boundaries are too narrow, where the line is shown to be substantially less than 300 meters from the highway. Nor is 300 meters an adequate boundary for the study of air quality impacts for this project in this circumstance, given this geology, wind pattern and the dense residential neighborhood in close proximity to the project.

Environmental Justice: This failure to delineate the project area to include more of the affected residents of the East San Rafael Canal neighborhood has important implications for the description of the social environment (6.14.7., page 55) and the analysis of social impacts. The area left out is home to most of the minority residents of San Rafael. To exclude them from the analysis means that there is no study of the environmental justice implications of this project. It is probable that the worst air quality impacts, increased traffic congestion on local streets, circulation problems, water quality impact from run-off, and possibly other adverse impacts, will fall disproportionately on the minority and low-income residents of the Canal neighborhood, more than on the predominantly European American residents who reside in other parts of town. This impact demands further study if the project is not to be in violation of state and federal laws that forbid disproportionate ethnic and racial discriminatory impacts from federally funded activities.

The DEIS/ R is also deficient in that it fails to adequately describe the ethnic mix of the project area (6.14.10, page 58). While stating that Census Tract 1122 (East San Rafael Canal neighborhood) "is disproportionate in comparison to the County" in terms of ethnicity, this document fails to say how disproportionate. In fact the minority populations of the Canal neighborhood (Census Tract 1122), African American, Native American, Asian/Pacific Islanders and those of Hispanic origin total 50.2 To (1990 U.S. Census), compared with 14% for the rest of the study area.

The section of the DEIS/R which addresses environmental justice (7.10.10, page 95) focuses on the issue of whether widening on the west or east side will have environmental justice impacts. In fact it is the highway expansion itself, as it abuts the dense East San Rafael Canal neighborhood, which is discriminatory. This section of the analysis should have discussed the indirect and cumulative impacts and high cost to this minority neighborhood of increased pollution from the highway expansion, along with the existing pollution from the highway and commercial

streets and from the industrial sites and stationary sources of toxins that exist in the neighborhood, in order to fully analyze the potentially disproportionate impacts on the community.

The Region: CEQA Guidelines require that an environmental analysis include a description of the environment "from both a local and regional perspective." The regional study area, as described in this DEIS/R, is overly narrow. It includes only the towns of San Rafael, Larkspur and Corte Madera and unincorporated areas immediately adjacent to the project. The increase in highway capacity proposed in this DEIS/R is likely to result in development on agricultural land and open space in northern San Rafael, Novato and even Sonoma County. The benefits of reduced congestion and travel time are more than outweighed by the costs of increased vehicle travel, sprawl development, loss of wildlife habitat, loss of tax base, disruption to neighborhoods, noise, air and water pollution, overuse of finite energy resources, atmospheric effects and visual blight. The regional study area should have been much larger in order to fully inform the public of the true consequences of the proposed project. This failing also compromises the discussion of the growth inducement effects of the project (7.10.2, page 88).

Ramp Metering: An important element of the project as it was discussed over the past several year is the plan to eventually install ramp metering on the on-ramps included in the approximately four miles of the project area. Though metering was extensively described in the public scoping meetings and workshops held to elicit public comment and is discussed extensively and critically in the letter from San Rafael's director of public works, David Bernardi (included in Appendix C), there is no mention of it in this document. If ramp metering is being considered as part of this project or at a future time, it should be described along with the impacts to San Rafael's streets, as requested. There are important potential environmental health consequences for residents of the densely populated neighborhoods surrounding much of this project. Ramp metering through downtown and East San Rafael is likely to cause an increase in idling vehicles and thus in air pollution and its attendant effects on human health, especially for children, the elderly and those suffering from respiratory disease. The increase in congested traffic on local streets may also have further damaging effects on vegetation, structures, and the wetlands and creeks that are impacted by this project. All of the above should have been included in this environmental analysis.

7.0. Environmental Consequences and Mitigation

7.3.1. Mitigation Goals. The DEIS/ R states that the goal is to avoid and minimize unnecessary environmental damage. However, rarely does this document adequately describe or quantify what negative environmental impacts have been avoided, but rather describes policies and best practices that will be followed in the construction phase. Nor does this document ever explain how the preferred alternatives minimize or avoid impacts more successfully than the other alternatives, which weren't studied, or the No Build alternative, which was.

Sierra Club, Page 4

7.3.3. & 4. Mitigations: The discussion of environmental impacts in this section is too vague and too general. Using this document, the public is unable to go and visit the actual site being discussed and make an independent assessment. This is true of the discussion of salt marsh vegetation in Corte Madera Creek (7.3.3., page 75) and in the "areas to be filled" discussed in Segment #2 (page 75). In the discussion of Oak/Bay Woodlands (page 76), and in discussion of the native vegetation on Cal Park Hill (page 74) the same failure to adequately describe the site occurs. Each site should have been identified on a map and given enough description so that the public could visit the site and then comment on specific alternatives or problems.

7.3.5. Mitigation Sites: Potential mitigation sites are proposed on page 78 - Henry Barbier Memorial Park, Brookdale Ave., Grand Avenue, Irwin Creek - but none are adequately described or mapped so that the public can visit the sites and evaluate the proposed mitigations.

The criteria for mitigation discussed on page 75 that "The restored areas should be contiguous with themselves and existing salt marsh vegetation, rather than a series of small isolated patches. " is misguided. Some small patches of wetland provide unique habitat for native species. When these are lost, the species do not readily move and adapt to the new habitats provided by public agencies. In fact, the record of success for newly created wetlands built as mitigations is very poor. It is vital that lost wetlands be mitigated within the same area, close to those that are lost, and certainly within the same drainage basin as the lost wetland site. There is absolutely no biological justification for mitigating wetlands "out of kind." This EIS/R should make a firm promise that all mitigations will be in kind and in the drainage basin where the loss of habitat occurs.

Plans to review and approve some mitigation plans after and outside the DEIS/R process are absolutely unacceptable. The public has no way to participate or comment.

7.5. Water Quality Mitigation: On page 80 there is a discussion of a BMP and biofilters and treatment wetlands to treat the heavy metal-laden run-off that would result from increasing the amount of paved surface. The plan is to combine the treatment sites with restoration of Northern Coastal Salt Marsh vegetation. How are these toxic ponds conceived to be wildlife habitat? When they become overloaded with toxins, how will wildlife be kept away from them? What level of maintenance would be necessary to ensure that these facilities function properly? What agency would be responsible?

7.9. Traffic and Circulation Impacts and Mitigation:- We find the study of circulation impacts to be very deficient. The Operational Analysis gives no documentation for its projections on travel times saved in the various alternatives. The assertion that adding rail transit (improved bus service should also have been discussed) "would have virtually no effect" on travel times is just that, an assertion. If, as indicated in

earlier sections, Caltrans' own rail study was used for this analysis, the wrong study was relied on. The more recent Sonoma/Marin Multi-Modal Transportation and Land Use Plan should have been modeled for the operations analysis.

There should be an analysis and discussion of the impacts of the project on congestion south of the project. Many competent traffic analysts (including those performing the 101 Corridor Study) have pointed out that this project could merely moving the traffic bottle neck south to the Golden Gate Bridge. Given that there is already heavy congestion on the Golden Gate Bridge and its approaches, this is a very likely result and should be studied for this DEIS/R. The disproportionate impact on the minority community of Marin City, from this increased congestion leading to the Golden Gate Bridge should also be studied for environmental justice impacts.

7.13. Air Quality Impacts and Mitigation: The air quality impacts of the preferred alternatives described in this DEIS/R are of grave significance, especially for the East San Rafael Canal neighborhood. While this document claims to meet the current statutory requirements by its analysis, the failure to discuss other air pollutants besides CO leave the public uninformed about the real health effects of this project. The analysis should have included discussion of the potential direct and indirect effects on air quality of the project. It should have discussed the land use assumptions for each of the alternatives. There should be a description of the health effects related to non attainment pollutants.

The U.S. EPA recently issued a new order showing that the Bay Area no longer meets federal standards for smog. The air quality analysis in the DEIS/R will have to be redone to evaluate its compliance with stricter criteria.

The EIS/R must include discussion of the direct emissions of the project during the long construction phase of the project. The EIS/R should analyze the potential effect on regional pollutant levels, including CO, ozone precursors and particulates. There should be detailed discussion of whether the project eliminates or reduces the severity and number of violations of CO standards in the area affected by the project. There should be an analysis about whether the proposals will contribute to the likelihood of PM10 violations, since the Bay Area is projected to be a PM10 non attainment area in the near future.

7.14. Energy Impacts and Mitigation

The discussion of energy saving should have gone beyond the energy savings from higher driving speeds and the energy consumed during construction. There should have been an analysis of the energy costs of increased development that will result from the project. There is no justification for omitting the impact of rail transit on the corridor in the energy analysis or claiming that it would have "negligible effect on 101 Freeway corridor operations" (page 108). This is an especially serious omission for the No Build Alternative analysts. There should have been a

discussion of the energy and air quality impacts of increased vehicle use on the freeway, given the known pent up demand that exists in the corridor.

8.0. Unavoidable Adverse Impact

Under state and federal law, the EIS / R must include a discussion of the primary and secondary impacts of a project. This document has only a cursory discussion of both. The secondary impacts in terms of energy wasted, air pollution, damage to water quality, wildlife habitat and the community well being are not fully analyzed, given the irretrievable increase in access to North Marin and Sonoma Counties.

The only named unavoidable impact is to air quality and the CO standard that will be exceeded. Yet th 'e section on Non Significant Impacts (9.0, page 109) has no discussion of the other serious impacts discussed in the document. This document claims there is only one significant adverse impact - CO exceedance - and only three impacts found not to be significant - goetechnical impacts, flood plain impacts and archaeological and historical impacts. These omissions make the document seriously inadequate.

12.0. Cumulative Impacts

The reiteration of the cumulative impacts from the Final EIR for the Marin County Congestion Management Program is not an adequate substitute for a discussion of the cumulative impacts of this planned increase in highway capacity. The brief discussion therein of increases only in PM10 emissions do not match the discussion of significant air pollution from CO in the Air Quality Impacts section (7.13., page 105) nor the Unavoidable Adverse Impacts section (8.0., page 108).

The continual increase in highway capacity on this portion of Highway 101, much o it piecemeal with no environmental analysis, make the cumulative environmental impacts for the area very significant. There should be a thorough discussion of the long-term consequences on development and on the environmental, social, economic and health impacts of continuing to chose highway capacity expansion over transit solutions to our traffic and mobility problems. This document avoids analyzing the severity of the problem and the cumulative impacts of such actions ir order to win approval of the project.

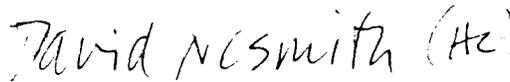
Thank you for considering our comments. Please add the Marin Group to the mailing list for the Final EIS/ R and send it to:

Marge Macris, Chiar, Sierra Club Marin Group
45 Wildomar St., Mill Valley, CA 94941

Sincerely,



Hannah Creighton
Executive Committee
Sierra Club Marin Group



David Nesmith,
Conservation Director
Sierra Club, San Francisco Bay Chapter

Sierra Club, Page 7