1.0 BACKGROUND, PURPOSE AND SCOPE OF THE SEIS

1.1 Background

The Regional Connector Transit Corridor Project approval and certification of the Final Environmental Impact Statement/Environmental Impact Report (Final EIS/EIR) was the culmination of prior planning and environmental studies and projects completed in the past two decades. The Federal Transit Administration (FTA) is the federal lead agency pursuant to the National Environmental Policy Act (NEPA), with the Los Angeles County Metropolitan Transportation Authority (Metro) as the joint lead agency. The Final EIS/EIR was prepared for the Board-designated Locally Preferred Alternative (LPA known as the "Project") and was completed in February 2012, with Metro Board of Directors approval of the Project on April 26, 2012. A Record of Decision (ROD) was issued by FTA on June 29, 2012.

This Supplemental Environmental Impact Statement (SEIS) was prepared to address the Order of the United States District Court for the Central District of California in *Today's IV, Inc. vs. Federal Transit Administration et al* and *515/555 Flower Associates, LLC vs. Federal Transit Administration et al*. The Judgment and Order for Partial Injunctive Relief by the Honorable John A. Kronstadt on May 28, 2014 and September 9, 2014, respectively, require that the FTA and Metro, prepare a supplemental analysis under NEPA that addresses the feasibility of Open-Face Shield and SEM tunneling alternatives. This SEIS is intended to provide more information on the tunnel construction alternatives on Flower Street that were withdrawn from consideration, specifically Open-Face Shield and Sequential Excavation Method (SEM) tunneling for the Flower Street portion of the Regional Connector project alignment between 4th Street and the 7th Street/Metro Center Station, as required by the Judgment.

This SEIS supplements the Final EIS/EIR, pursuant to FTA NEPA implementation procedures (23 CFR 771.130), to address the court's determinations in those orders, which are discussed in further detail below (submitted pursuant to The National Environmental Policy Act of 1969, 42 U.S.C. §§ 42 U.S.C. 4321 et. seq, 23 CFR 771, and the Order re Plaintiffs' Combined Motion for Summary Judgment and Defendants' Motion and Cross-Motion for Summary Judgment, dated May 28, 2014 and Order re Plaintiff Today's IV, Inc. and 515/555 Flower Associates, LLC's Motion for Injunctive Relief, dated September 12, 2014, issued by the U.S. District Court in Today's IV. Inc. v. FTA et. al. (Today's IV), Case No. LA CV13-00378 JAK (PLAx), Japanese Village, LLC v. FTA et al. (Japanese Village), Case No. LA CV13-00396 JAK (PLAx), 515/555 Flower Assoc., LLC v. FTA (Flower Associates), Case No. LA CV00453 JAK (PLAx) and the Judgments issued on October 24, 2014 by the U.S. District Court in Today's IV and Flower Associates). This Final Supplemental Environmental Impact Statement and Supplemental Record of Decision document has been prepared pursuant to Pub. L. 114-94, 23 USC 139 (n)(2)(A) as amended by the Fixing America's Surface Transportation Act.

1.2 Purpose and Scope of this Supplemental Environmental Document

The preparation of this SEIS is consistent with 23 CFR 771.130(f) which states that a supplemental EIS may be required to address issues of limited scope, such as the extent of proposed mitigation of the evaluation of location or design variations for a limited portion of the overall project. This SEIS is a

limited-scope document that provides additional detail on tunneling methods not selected for construction along Flower Street, specifically Open-Face Shield and SEM tunneling for the Flower Street portion of the Regional Connector project alignment between 4th Street and the 7th Street/Metro Center Station. The two tunneling method alternatives identified and evaluated in the SEIS propose different combinations of underground construction as options to the cut and cover method planned for the Project between south of 4th Street and south of 6th Street along Flower Street:

- Alternative A – a combination of Earth Pressure Balance Tunnel Boring Machine (EPBM), Open-Face Shield, and SEM construction methods; and with similar horizontal and vertical alignment profiles to that of the Project.
- Alternative B – a combination of EPBM and SEM construction methods with a similar horizontal alignment profile, but a lower vertical alignment profile than that of the Project.

The SEIS evaluation effort focuses on the effects of proposed construction method changes to the Flower Street segment of the Regional Connector project, as described above, and the corresponding impacts on the Mangrove portal site in Little Tokyo, which may result from the use of different combinations of underground construction along the Flower Street segment. There is no change in the location of the Project or the Project Area studied, which remains as presented in the Final EIS/EIR.

Potential effects related to the two tunnel method construction alternatives were assessed and areas with possible adverse effects were studied in the SEIS as presented in Chapter 3, Transportation and Circulation and Chapter 4, Affected Environment and Environmental Consequences. The following environmental impact areas were identified as potentially being effected by the tunneling method alternatives and were studied in the SEIS:

- Transportation and Circulation
- Visual Quality
- Air Quality
- Climate Change
- Noise and Vibration
- Geotechnical
- Energy Resources
- Historic Resources
- Environmental Justice
- Cumulative

All of the other environmental topic areas were evaluated in the Final EIS/EIR, and no additional impacts were identified as resulting from implementation of either of the tunneling method alternatives under evaluation. A Section 4(f) evaluation was documented in Chapter 5 of the Final EIS/EIR. Due to the fact there is no change in the location of the Project or the Project Area studied,

which remains as presented in the Final EIS/EIR, no further Section 4(f) analysis is necessary. Therefore, a Section 4(f) section was not included in the SEIS.

1.3 Environmental Review Process

1.3.1 Public Review Period of the Draft SEIS

The Draft SEIS was distributed for public review and comment prior to the issuance of this Final SEIS. The review period for the Draft SEIS was initiated on June 12, 2015 and ended July 27, 2015. Comments were submitted during the 45-day Draft SEIS review period to FTA or Metro. FTA and Metro held two public hearings on the content and findings of the Draft SEIS. The Notice of Availability (NOA) alerted the public and interested Federal, State, tribal, regional and local government agencies of the availability of the DSEIS, and invited comment on the DSEIS. Refer to Chapter 6, Public Outreach, for detailed information on the public outreach process including noticing, newspaper ads, and public hearing information.

1.3.2 Final SEIS and Supplemental ROD

The Final SEIS includes and responds to all of the comments received during the circulation of the Draft SEIS. The responses to comments are included in Appendix J. This document is a Final SEIS and Supplemental Record of Decision (ROD) document prepared pursuant to Pub. L. 114-94, 23 USC 139 (n)(2)(A). The Supplemental ROD can be found in Appendix K. Coordination with participating and non-participating agencies was also initiated and detailed information can be found in Chapter 6, Public Outreach.

1.4 Project Schedule

The Project schedule reflected in the SEIS was based on initiation of final design and construction by the Design-Build Contractor with a Notice to Proceed (NTP) date of July 7, 2014 and a Revenue Service Date to occur in mid 2020. Implementation of either of the tunneling method alternatives studied in this SEIS would extend the total project schedule from start of construction to revenue service by a minimum of 36 months or three years over the Project's schedule. The longer schedule duration for the tunneling method alternatives is due to: 1) new pre-construction activities related to updating the engineering design and re-procuring of the construction contract; and 2) an extended construction duration due to muck removal for the tunneling alternative on Flower Street through the westbound tunnel to the Mangrove portal, which is more time-consuming than cut and cover construction. Extending the duration of muck removal from the Mangrove would also delay the construction of all station facilities, which are dependent on the completion of tunneling operations.