

Responses to Comments from Federal Agencies

This section provides responses to comments received on the draft environmental document from federal agencies.

Summary of Comment Letters Received from Federal Agencies

Comment Code	Agency	Commenter Name	Date Letter Received	Comment Topic(s)	Appendix J Page No.
F-1	U.S. Department of the Interior, Office of the Secretary - Office of Environmental Policy & Compliance	Patricia Sanderson Port	10/03/16	Reviewed and No Comments	8 - 9
F-2	U.S. Environmental Protection Agency, Region IX - Environmental Review Section	Carolyn Mulvihill	10/03/16	Growth Analysis, Alternatives Analysis, Wetlands, Wildlife Connectivity, Air Quality	10 - 19
F-3	U.S. Department of Agriculture, Forest Service - Pacific Southwest Region	Beth Boyst	09/19/16	Box Culverts, Pedestrian Overcrossings, Section 4(f), Pacific Crest Trail	20 - 21



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
333 Bush Street, Suite 515
San Francisco, CA 94104

IN REPLY REFER TO:
(ER 16/0458)

Filed Electronically

3 October 2016

Natalie Hill
Environmental Planner, California Department of Transportation
1120 N Street
Sacramento, CA 95814

Subject: Draft Environmental Impact Statement (EIS) and Section 4(f) Evaluation State Route
138 (SR-138) Northwest Corridor Improvement, Los Angeles County, CA

Dear Ms. Hill,

The Department of the Interior has received and reviewed the subject document and has no comments to offer.

There are no units of the National Park system in or near this project, so there are no Section 4 (f) findings. We have no objections to addressing the rapidly growing need for transportation improvements.

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

Responses to Comment Letter F-1
U.S. Department of the Interior, Office of the Secretary

Response to Comment F-1
Thank you for your review.

Responses to Comment Letter F-1
U.S. Department of the Interior, Office of the Secretary

See next page.

cc: OEPC - Staff Contact: Carol Braegelmann, (202) 208-6661;
carol_braegelmann@ios.doi.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

OCT 03 2016

Ron Kosinski
Deputy District Director, District 7
Division of Environmental Planning
Caltrans, District 7
100 S. Main Street
Los Angeles, CA 90012-3606

Subject: Comments on Northwest State Route 138 Corridor Improvement Project Draft
Environmental Impact Statement, Los Angeles County, California (CEQ #20160187)

Dear Mr. Kosinski:

The US Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement for the Northwest State Route 138 Corridor Improvement Project from I-5 to SR-14, pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. We appreciate the early interagency coordination and additional information provided to our agency in advance of publication of the Draft Environmental Impact Statement (EIS). Our detailed comments are enclosed.

EPA has rated both build alternatives (Alternative 1, a 6-lane freeway with a 4-lane expressway, including a potential Design Option bypassing Antelope Acres, and Alternative 2, a 6-lane freeway, 6-lane expressway, 4-lane expressway, and 4-lane limited access conventional highway) as *EC-2, Environmental Concerns, Insufficient Information*. Please see the enclosed Summary of EPA Rating Definitions for a description of the rating. Our concerns are based upon discrepancies between growth forecasts used in the DEIS and those included in the recent 2016-2040 Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy, which may affect the project purpose and need, thus necessitating an updated analysis of project alternatives and associated environmental impacts. EPA also recommends that additional information be provided in the Final EIS regarding the project's air quality and climate change analysis.

We appreciate the opportunity to review this Draft EIS. When the Final EIS is released for public review, please send one hard copy and one electronic copy to the address above (mail code: ENF-4-2). If you have any questions, please contact Zac Appleton, the lead reviewer for this project, at 415-972-3321 or appleton.zac@epa.gov.

Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX

See next page.

Sincerely,

for

Carolyn Mulvihill
Acting Transportation Team Supervisor
Environmental Review Section

cc via email: Brenda Powell-Jones, Caltrans Headquarters
Natalie Hall, Caltrans
Courtney Aguire, SCAG
Jillian Wong, SCAQMD
Stephanie Hall, U.S. Army Corps of Engineers
Ray Bransfield, U.S. Fish and Wildlife Service
Daniel Blankenship, California Department of Fish and Wildlife

Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX

See next page.

**Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX**

See next page.

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

EPA COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR NORTHWEST SR-138 CORRIDOR IMPROVEMENT PROJECT, LOS ANGELES COUNTY, CALIFORNIA, OCTOBER 3, 2016

Growth Analysis

The forecast growth in the Draft EIS, based upon the 2012 Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), appears to be significantly greater than the forecasts provided in the SCAG 2016-2040 RTP/SCS. Tables 4 and 5 in the Draft EIS summary use 2008 studies to forecast significant growth in population and employment in the region of the proposed project by the year 2030, particularly in the North Los Angeles County area (at 101% and 51% respectively, from baseline year 2003). Meanwhile the SCAG Final RTP/SCS for 2016-2040 forecasts slower growth in population and employment for the larger region into the year 2040, at 17.5% population and 23.7% employment from comparison year 2015. Moreover, at a county level (Table 8 of 2016 RTP/SCS), Los Angeles County is forecast to experience a decrease in population and employment growth compared to San Bernardino, Ventura, and Riverside Counties. Altogether, the 2016-2040 SCAG RTP/SCS appears to forecast lower growth in population and employment than the Draft EIS in the proposed project area.

Recommendation:

- Review and incorporate updated population and employment growth forecasts from the SCAG Final RTP/SCS for 2016-2040 in the Final EIS. Discuss whether these updated forecasts affect the purpose and need, alternatives analysis and selection of a Preferred Alternative for the proposed project.

Alternatives Analysis

The Draft EIS (page 18) states that the proposed project does not meet the 200,000 population threshold criteria for a Transportation System Management (TSM) program alternative. However, 2003 population for North Los Angeles County is reported as 593,665 in the Draft EIS, and the SCAG RTP/SCS forecasts a population of 209,900 for Lancaster city and 201,500 for Palmdale city for the year 2040. We also note that the TSM and Transportation Demand Management (TDM) Alternatives are distinctive, and that the Draft EIS only discusses the reasons for eliminating the TSM Alternative from further discussion, while mentioning that elements of the TSM may be incorporated as an incremental feature into any Build Alternative.

Recommendations:

- In light of existing population figures reported in the Draft EIS, and newer population growth figures reported in the SCAG RTP/SCS, we recommend Caltrans clarify the statement on page 18 that describes population as the reason to remove the TSM Alternative from further consideration. Additionally, we recommend that Caltrans provide further detail in the Final EIS regarding which elements of the TSM Alternative will be incorporated as incremental features into the Preferred Alternative.
- Clarify the reasoning for elimination of the TDM Alternative from further consideration.
- Discuss whether any elements of the TDM Alternative are included in the SCAG RTP, or if they can be incorporated as incremental features into the Preferred Alternative.

F-2.1

F-2.2

Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX

Response to Comment F-2.1

The recently released SCAG 2016-2040 RTP/SCS model has been reviewed to determine the potential impacts on the project purpose and need. After a review of the land use assumptions in the 2016 model, it was observed that the land uses developed for the 2012 model for the SR-138 and the Antelope Valley Area Plan (AVAP) have not significantly changed. Additionally, key corridor volumes were compared between the models and there were not significant differences in these volumes. A comparison of the Cities of Lancaster and Palmdale reflects that that the 2012 versus the 2016 RTP/SCS Growth Forecasts show slightly higher for Lancaster (209,900 for 2040 in the 2016 versus 201,300 for 2035 in the 2012) and slightly lower for Palmdale (201,500 for 2040 in the 2016 versus 206,100 for 2035 in the 2012) which correlates well with the overall comparison that they are similar.

Response to Comment F-2.2

1) The TSM alternative includes those activities which maximize the efficiency of the present system. The draft EIS discusses a range of alternatives including all reasonable alternatives. The NW-138 corridor is sparsely populated with communities of small sizes that are relatively small and the reported 2003 population for North County includes the communities of Lancaster and Palmdale and Santa Clarita are not immediately adjacent to the study corridor. Safety improvements that are considered the priority for the interim improvements will be further clarified in the FED. The types of improvements that will make up the interim safety improvements include intersection improvements, including turning lanes and acceleration/ deceleration lanes; alignment corrections to the vertical and horizontal alignments to provide improved geometry, including the curve correction at County Road N, the Old Ridge route; and shoulder widening in areas to provide additional width for errant vehicles. 2) The interim safety improvements address the short term needs in the corridor, but fail to meet the purpose and need in the long term for the corridor. 3) TSM elements will be the priority for the near term improvements in the corridor. They are consistent with the implementation and improvements needed in the corridor now and will be incorporated as a priority into the selected alternative implementation plan.

Wetlands and Other Waters

EPA appreciates Caltrans' early coordination with the Army Corps of Engineers and EPA regarding impacts to wetlands and waters, and are happy to see that commitments have been made to avoidance and minimization measures which will further reduce impacts to these resources. Such measures, including full-span or non-embedded culverts above the Ordinary High Water Mark, maintain hydrologic integrity and support wildlife movement through the project corridor. The Draft EIS anticipates reducing permanent impacts to the Waters of the United States (WUS) to 1.008 acres, including 0.062 acre of federal wetlands, within the proposed project for all build alternatives.

Recommendation:

- Continue to coordinate with the Army Corps and other resource agencies to further refine the project design, and consider all opportunities to narrow the project right of way, in order to protect sensitive aquatic resources and associated riparian habitats, as well as to maintain the hydrologic integrity of jurisdictional waters in the project corridor.

Wildlife Connectivity

Wildlife corridors are crucial to maintaining healthy wildlife populations, and the DEIS notes that the proposed project has the potential to directly or indirectly impact wildlife movement throughout the project limits. Despite the completion of a wildlife corridor study, and the detection of multiple species utilizing existing structures within the project area, little information is provided in the DEIS with respect to how these wildlife movement corridors will be maintained and/or improved through project construction and operation.

Recommendations:

- Provide additional qualitative information on any unavoidable impacts to wildlife movement corridors, as well as further discussion of how existing and/or additional movement corridors will be incorporated into the project design.
- Document coordination with the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife regarding appropriate avoidance, wildlife crossings, and mitigation measures to address project impacts on wildlife.
- Include specific design commitments that: 1) remove wildlife movement barriers; 2) enhance use of identified wildlife corridors; and 3) provide crossings with suitable habitat and topography to accommodate multiple species.

Air Quality

Regional Conformity

The Draft EIS does not cite the latest version of the conforming RTP and Transportation Improvement Program (TIP) for SCAG, and contains information that is not relevant to demonstrating regional conformity. The Draft EIS (Page 239) states that "The project is in the 2012 Regional Transportation Plan (RTP), which was found to be conforming by the Federal

F-2.3

F-2.4

F-2.5

**Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX**

Response to Comment F-2.3

An approved JD was submitted to the US Army Corps of Engineers (USACE) in October 2016. Coordination with USACE will continue during the project design phase to minimize potential impacts to federal jurisdictional features and to calculate appropriate mitigation ratios. The project will be designed to avoid, minimize and mitigate impacts to Waters of the US through use of structures to retain fill and by spanning areas where possible. These strategies will be implemented to maintain hydrologic integrity, support wildlife movement and help to avoid, minimize and mitigate impacts to Waters of the US.

Response to Comment F-2.4

There are approximately 72 existing cross culverts within the project limits. Approximately 47 existing cross culverts will be maintained or expanded. Approximately 25 cross culverts will be abandoned and an additional 93 cross culverts will be constructed to maintain hydrologic integrity and support wildlife movement. Culverts will range in size from 24 inches to 10 ft. by 10 ft. in width and height, and ranging from 80 ft. to 200 ft. in length and vary between reinforced concrete pipes, reinforced concrete boxes, and corrugated metal pipes. A detailed wildlife passage impact assessment shall be conducted during the final design phase to confirm the proposed culverts for wildlife passage will be effective with consideration to current land use, approved projects within the area, and further coordination with CDFW and USFWS.

Response to Comment F-2.5

Section 3.2.6 (Air Quality) has been updated to reference the 2016-2040 RTP. The project is included in the 2016 RTP.

Highway Administration (FHWA)/Federal Transit Administration (FTA) on June 4, 2012. The project is also in the 2015 Federal Transportation Improvement Program (FTIP), which was found to be conforming by the FHWA/FTA on December 15, 2014 (Project ID: LA0G949). The project is consistent with the FTIP scope of design concept, and in conformance with the State Implementation Plan (SIP). The project would also comply with all SCAQMD requirements. The scope and description of the project have been updated in the upcoming RTP and FTIP. Regional conformity for the project would be demonstrated once the RTP and FTIP have been approved by FHWA/FTA. As part of the Clean Air Rules of 2004, the EPA published a final rule in the Federal Register on July 1, 2004, to amend the Transportation Conformity Rule to include criteria and procedures for the new 8-hour O3 and PM2.5 NAAQS. The final rule addressed a March 2, 1999, court decision by incorporating the EPA and USDOT guidance. On July 20, 2004, the EPA published a technical correction notice to correct two minor errors in the July 1, 2004, notice. To remain consistent with the stricter federal standards, the ARB approved a new 8-hour O3 standard (0.07 parts per million [ppm], not to be exceeded) for O3 on April 28, 2005. Additionally, the ARB retained the current 1-hour-average standard for O3 (0.09 ppm) and the current monitoring method for O3, which uses the ultraviolet (UV) photometry method. Therefore, the project would not result in adverse impacts related to regional conformity.”

F-2.5

Recommendation:

- Update the EIS to reference the 2016-2040 RTP that SCAG adopted on April 8, 2016, and FHWA and FTA approved in early June 2016. Inclusion of the project in the 2016 RTP and associated conformity analysis will demonstrate consistency with the most recent version of the Transportation Conformity rule, as amended and published in 2012.

Nonattainment Boundaries

The Draft EIS does not clearly justify the conformity of the proposed project, as it appears to combine nonattainment areas and air basins. The Draft EIS (Page 228) states that “The western portion of the project is located within the South Coast Air Basin (SCAB), whereas the eastern portion is located within the Mojave Desert Air Basin (MDAB). Therefore, per 40 Code of Federal Regulation (CFR), Part 93, analyses for conformity purposes are only required for the portions of the project that fall within the SCAB region.” However, conformity applies by nonattainment area, not by air basin. The South Coast Air Basin contains nonattainment and maintenance areas for ozone, carbon monoxide, PM10, PM2.5 and Nitrogen Oxides. Portions of the Mojave Desert Air Basin are also nonattainment for ozone and PM10. The nonattainment boundaries for these pollutants are available at: <https://www3.epa.gov/region9/air/maps/#regional>. If the portions of the project that are in the Mojave Desert Air Basin are in the ozone or PM10 nonattainment areas, conformity applies for those portions of the project as well.

F-2.6

Recommendation:

- Refine the discussion of the proposed project’s conformity to address the boundaries of nonattainment areas for criteria pollutants, rather than air basins.

Climate Change

Caltrans included a climate change analysis in the California Environmental Quality Act (CEQA) chapter of the Draft environmental document, but it is not included in the NEPA

**Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region**

Response to Comment F-2.6

The discussion of the proposed project's conformity has been revised in the Affected Environment discussion of section 3.2.6 (Air Quality).

analysis. Page 253 of the DEIS states “Neither United States Environmental Protection Agency (U.S. EPA) nor the Federal Highway Administration (FHWA) has finalized an explicit guidance or methods to conduct project-level GHG analysis.” Even without explicit guidance from EPA or FHWA, the inclusion of a climate change analysis for CEQA provides an opportunity for that information to be included as a part of the NEPA analysis to help inform the project decision. We encourage Caltrans to include this information as a part of the NEPA review and the Executive Summary so it is easily accessible to both the public and decision makers.

We support Caltrans’ efforts to reduce energy consumption and GHG (greenhouse gas) emissions. As Caltrans continues to assess the risks to transportation facilities from climate change effects, we encourage Caltrans to further refine the design standards of this project to mitigate any effects.

Recommendations:

- Include the climate change information that is presented in the CEQA chapter as a part of the NEPA section and the Executive Summary. Specifically, EPA recommends that the analysis of climate change impacts not be excluded from the NEPA section because that information is available within the document and can be presented within the NEPA section to inform decision making. EPA recommends that the Executive Summary include estimates of the GHG emissions for operations and construction for each of the alternatives, and proposed mitigation measures.
- Continue to further refine the design standards of this project to mitigate climate change effects.

EPA offers the following comments to improve the NEPA document and update the climate information to describe the affected environment, improve the project-level analysis, improve the quantitative analysis for both GHG impacts and mitigation measures, and include additional construction phase mitigation measures to consider.

Affected Environment

Several federal climate change information resources have been published that can better inform the proposed project’s description of the affected environment and related decisions. The *National Climate Assessment* (<http://nca2014.globalchange.gov/>) details observed and projected climate change for our nation, and our Southwest region. The Assessment indicates that climate change could result in California experiencing poor air quality; more severe heat; increased wildfires; shifting vegetation; declining forest productivity; decreased Spring snowpack; water shortages and prolonged drought; potential reduction in hydropower; loss in winter recreation; agricultural damages from heat, pests, pathogens, and weeds; and rising sea levels resulting in shrinking beaches and increased coastal floods. The *National Climate Assessment* offers a federal review of emerging science on climate change to inform government decision making. The *National Climate Assessment* also included a follow up report in 2016, *The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment* (<https://health2016.globalchange.gov/>), detailing the current and forecast health impacts from climate change, to inform Agency decisions. EPA also published climate change factsheets for each state in 2016, including one for California (<https://www3.epa.gov/climatechange/Downloads/impacts-adaptation/climate-change-CA.pdf>) that can add to Caltrans’ climate analysis in the project’s

F-2.7

F-2.8

**Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX**

Response to Comment F-2.7

Because there have been requirements set forth in California legislation and executive orders on climate change, the issue is addressed in a separate California Environmental Quality Act (CEQA) discussion. The CEQA analysis may be used to inform the National Environmental Policy Act (NEPA) determination for the project.

Caltrans continues to consider climate change in all planning and investment, and will incorporate feasible GHG reduction measures in to project design.

Response to Comment F-2.8

Relevant California specific information regarding climate change adaptation is discussed in the climate change adaptation strategies section of the FEIR/S.

environmental document.

Recommendation:

- Review and incorporate the findings and forecasts from the *National Climate Assessment* (2014), *The Impacts of Climate Change on Human Health in the United States: A Scientific Assessment* (2016), and EPA’s Climate Change Factsheet for California (2016) in the climate analysis in the final environmental document for the proposed project.

F-2.8

Project Analysis

EPA disagrees with Caltrans’ characterization that “no regulations...have been enacted specifically addressing GHG emissions reduction and climate change at a project level.” (DEIS, Page 399) On August 2, 2016, the Council on Environmental Quality (CEQ) released final guidance (https://www.whitehouse.gov/sites/whitehouse.gov/files/documents/nepa_final_ghg_guidance.pdf) for Federal agencies on how to consider the impacts of their actions on climate change in their NEPA reviews. This guidance explains that agencies should consider both the potential effects of a proposed action on climate change, as indicated by its estimated GHG emissions, and the implications of climate change for the environmental effects of a proposed action.

Caltrans’ comparison of the incremental contribution of an individual project to a “difficult, if not impossible, task” of global scale of all past, current, and future projects to make a “cumulatively considerable” determination under CEQA Guidelines (DEIS, Page 400) is not consistent with final CEQ climate guidance on “cumulative effects” (Page 17) and does not offer a reasonable basis for an informed decision. Caltrans repeats this inappropriate global comparison in various parts of the climate chapter (Section 4.5) in the Draft EIS. As the final CEQ guidance for NEPA on climate change discusses:

F-2.9

“CEQ recognizes that the totality of climate change impacts is not attributable to any single action, but are exacerbated by a series of actions including actions taken pursuant to decisions of the Federal Government. Therefore, a statement that emissions from a proposed Federal action represent only a small fraction of global emissions is essentially a statement about the nature of the climate change challenge, and is not an appropriate basis for deciding whether or to what extent to consider climate change impacts under NEPA. Moreover, these comparisons are also not an appropriate method for characterizing the potential impacts associated with a proposed action and its alternatives and mitigations because this approach does not reveal anything beyond the nature of the climate change challenge itself: the fact that diverse individual sources of emission each make a relatively small addition to global atmospheric GHG concentrations that collectively have a large impact.”

The CEQ also suggests that if an agency determines that evaluating the effects of GHG emissions would not be useful in the decision making process and to the public to distinguish between the proposed action, alternatives and mitigations, the agency should document the rationale for that determination.

Recommendation:

**Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX**

Response to Comment F-2.9

Per President Trump’s executive order PROMOTING ENERGY INDEPENDENCE AND ECONOMIC GROWTH signed March 28, 2017, The Council on Environmental Quality has rescinded its final guidance entitled "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," which is referred to in "Notice of Availability," 81 Fed. Reg. 51866 (August 5, 2016).

Caltrans has included a good faith GHG analysis within the CEQA discussion of this EIR/EIS and may use the CEQA GHG analysis to inform NEPA decisions.

- Include a NEPA climate change analysis that accurately reflects CEQ’s Final NEPA Greenhouse Gas Guidance, and review and update the CEQA climate analysis in accordance with the CEQ final guidance for that purpose.

F-2.9

Quantitative Analysis

EPA acknowledges the quantified analysis on pages 402 and 403 of the Draft EIS using EMFAC 5.0 and estimated daily traffic volumes to report GHG impacts of the various alternatives at existing, opening, and horizon years are a useful comparison between project alternatives. By offering this quantified GHG comparison between alternatives, Caltrans demonstrates that global scale emissions assessments are not necessary to provide useful information to decisionmakers in the NEPA process. EPA observes that just as SCAG has refined their growth forecast for 2016-2040, the California Air Resources Board (CARB) may have updated their modeling tools and greenhouse gas emissions inventory, which may affect the Caltrans greenhouse gas analysis for this proposed project. EPA notes that the Draft EIS does not quantify the mitigation value of project-level GHG emissions reduction measures, such as dedicated bicycle lanes within the Right of Way, Intelligent Transportation Systems (ITS), tree planting, and energy-efficient lighting systems (Page 411, DEIS). We also note that the DEIS does not discuss the quantitative or qualitative project-level mitigation value of Transportation System Management (TSM) and Transportation Demand Management (TDM) Alternatives design elements that might be incorporated as an incremental feature to any Build Alternative (page 21, DEIS).

F-2.10

Recommendations:

- Review and update the quantitative GHG analysis to include SCAG’s final 2016-2040 RTP/SCS growth forecasts and any recent updates CARB has completed with its modeling tools and GHG emissions inventory.
- Clarify if the Alternative 1 with Design Option (Antelope Acres Bypass) offers any significant difference in quantified emissions forecast for Alternative 1, as reported on page 403 of the Draft EIS. If so, we recommend the Alternative 1 with Design Option be included in the quantified GHG emissions analysis for comparison.
- Describe the quantitative (or qualitative if quantified emissions information is unavailable) mitigation value of both the GHG reduction measures listed on page 411 of the DEIS, and the TSM and TDM Alternative design elements that might be incorporated as part of any of the Build Alternatives.
- Describe the watering needs for the proposed tree-planting GHG reduction measure, since water supply in Antelope Valley is acknowledged as a fundamental challenge in dry years (page 41, DEIS).
- Consider how climate change could affect the project area, specifically within sensitive areas, and assess how the projected impacts of the project could be exacerbated by climate change.

Construction Emissions

We commend Caltrans for including quantified estimates of GHG emissions for construction phase emissions, and for suggesting Air Quality Mitigation Measures to reduce GHG emissions during construction. EPA notes that in the construction phase, Portland cement and asphalt

F-2.11

**Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX**

Response to Comment F-2.10

- Projected CO₂ emissions were modeled using EMFAC 2014, which is the most recent version of CARBs modeling tools. Growth forecast variations between the 2012 and 2016 SCAG RTP are minimal in scale and would not result in remarkable differences in GHG model results.
- Information has been added to the quantitative analysis discussion. There is no projected change in traffic volumes expected between Alternative 1 and Alternative 1 with Antelope Acres community bypass design option. No projected change in CO₂ emissions expected between the 2 alternatives is expected.
- Information has been added to discussion of GHG reduction measures.
- Plants will be replaced with native species and will be consistent with the character of the adjacent community landscape and in context with the unique arid attributes. Water usage requirements will be a factor in plant selection.
- In absence of scientific information directly linking an amount of CO₂ emissions directly to a specific climate impact and without downscaled climate data specific to the project area, it is too speculative to determine the multitude of possibilities that climate change may have on the project area.

Response to Comment F-2.11

AASHTO M295 standards are currently incorporated into Caltrans Standard Specifications. Caltrans will consider the appropriate use of sustainable pavement technology in the design and selection of materials for this project.

Responses to Comment Letter F-2
U.S. Environmental Protection Agency, Region IX

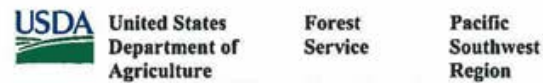
See previous page.

paving can be significant sources of GHG emissions, and that FHWA has recommendations for fly ash in cement (<http://www.fhwa.dot.gov/PAVEMENT/recycling/fach03.cfm>) and warm-mix asphalt techniques (<http://www.fhwa.dot.gov/pavement/asphalt/wma.cfm>) that can inform this proposed project's mitigation measures.

F-2.11

Recommendation:

- Review and incorporate to the maximum practicable extent FHWA's recommendations regarding fly ash in cement and warm-mix asphalt, as additional quantifiable mitigation measures for construction phase GHG emissions.



Regional Office, R5
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(707) 562-8737 Voice
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File Code: 2350
Date: September 19, 2016

Mr. Ron Kosinski
Deputy District Director
California Department of Transportation
Division of Environmental Planning (NW SR-138)
100 S Main Street, MS-16A Los Angeles, CA 90012

Dear Mr. Kosinski,

This letter is in regards to Draft Environmental Impact Statement/Report (Draft EIS/EIR) for the Northwest 138 Corridor Improvement Project (Northwest 138 Corridor). The United States Forest Service is the lead agency for the Pacific Crest National Scenic Trail which crosses the project area near Neenach Elementary School (269th Street West).

The Pacific Crest National Scenic Trail (PCT) is a continuous footpath of 2,650 miles that extends from the U.S. Border with Mexico near Campo, California to the U.S. border with Canada along the crest of the Sierras and Cascade Mountain Ranges. Designated by Congress in 1968 as one of the two original national scenic trails, the PCT is visited by tens of thousands of people each year, with over three thousand hikers and equestrians attempting a thru hiker or ride annually. The PCT has been in continuous use on this route under public ownership in this area since the early 1980s.

Providing a safe crossing for the hikers and equestrians on SR138 is of utmost importance. Table 6 (Chapter 2 page 16) identified new grade separation structures (standard Box Culverts) are proposed to accommodate bicycle, recreational use, and maintenance access including:

- At 269th Street West (existing Pacific Crest Trail crossing)

Pedestrian overcrossings have also been evaluated at three locations to facilitate bicycle and pedestrian travel. The recommended locations are near the community of Antelope Acres (75th or 77th Street), 100th Street, and near the community of Neenach (280th Street). These were based on current needs in the corridor and the final decision will be made based on public input, safety, and traffic data at the time the project is built.

The box culvert should meet, and Equestrian Design Guidebook for Trails, Trailheads, and Campgrounds¹ published in cooperation with the United States Department of Transportation and Federal Highway Administration. Minimum height of 12 feet is requested.

F-3.1

¹ Hancock, Jan ; Vander Hoek, Kim K. Jones; Bradshaw, Sunni; Coffman, James D.; Engelmann, Jeffrey. 2007. Equestrian Design Guidebook for Trails, Trailheads, and Campgrounds. 0723 2816. Missoula, MT: U.S. Department of Agriculture, Forest Service, Missoula Technology and Development Center. 312 p



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Responses to Comment Letter F-3 U.S. Department of Agriculture, Forest Service - Pacific Northwest Region

Response to Comment L-3.1

The minimum height of 12' was included with all multimodal crossings.

We object to the conclusion that the Pacific Crest National Scenic Trail does not qualify for 4(f) consideration found in Appendix B-44. Paragraph 3 in 2. **Properties Determined not to be Section 4(f) Properties** (p.B44) has several errors. It has been rewritten below:

The Pacific Crest Trail (PCT) is a 2,650 mile hiking and equestrian trail stretching from Mexico to Canada. This trail is a designated National Scenic Trail (1968) and is administered by the U.S. Forest Service and is managed and maintained in cooperation with the Pacific Crest Association. Visitors come from around the world to explore this most diverse and scenic trail. A portion of this trail currently crosses SR-138 at 269th Street. FHWA's Section 4(f) Policy Paper, Q&A 15B states that "... National Scenic Trails (other than the Continental Divide National Scenic Trail) and National Recreation Trails that are on publicly owned recreation land are subject to Section 4(f), provided the trail physically exists on the ground thereby enabling active recreational use." *In the area of SR138, the PCT has been in continuous use on this route under public ownership in this area since the early 1980s under easements and encroachment permits and meets 4(f) criteria.*

F-3.2

These documents are attached for your reference.

Regarding the "Planned Realignment of the Pacific Crest Trail Segment and Tejon Ranch Conservation Easement within vicinity of SR-138" (p. B-45), Tejon Ranch has granted to Tejon Ranch Conservancy a Conservation Easement which provides for the relocation of the Pacific Crest National Scenic Trail. The realignment is planned to move the PCT crossing from 269th Street West to 300th Street West along the SR-138. Tejon Ranch has expressed their willingness to enter into a conveyance agreement with the Forest Service for a trail easement. While we concur with the finding that since the easement has not been donated to the Forest Service, FHWA's and Section 4(f) is not applicable. We respectfully request that as the project evolves, that this situation be considered similarly to the pedestrian overcrossings evaluation to facilitate bicycle and pedestrian travel and that the final decision be made based on public input, safety, and traffic data at the time the project is built.

F-3.3

If you have additional questions, please contact Beth Boyst, Pacific Crest Trail Program Manager at bboyst@fs.fed.us or 707-562-8881.

Sincerely,

BETH BOYST
Pacific Crest National Scenic Trail Manager

enclosures

Responses to Comment Letter F-3 U.S. Department of Agriculture, Forest Service - Pacific Northwest Region

Response to Comment F-3.2

Caltrans appreciates the comments and easements provided by the Forest Service and the PCT Association for the PCT segments in the vicinity of the existing SR-138. The FS and PCTA are correct that the trail at this location has been in continuous use on the ground and is considered publicly owned. However, as stated in the revised Appendix B, some segments of the trail that are subject to the easements are located on the land that has previously been dedicated to transportation purpose as part of the local transportation system. FHWA's Guidance on trails says that if a publicly owned shared use path or trail is primarily used for transportation and is an integral part of the local transportation system, the requirements of Section 4(f) do not apply. In addition, if the publicly owned path or trail is simply described as occupying the right-of-way of the highway and is not limited to any specific location within the right-of-way, a Section 4(f) use of land would not occur provided that adjustments or changes in the alignment of the highway or the trail would not substantially impair the continuity of the path or trail. Therefore Section 4(f) requirements would not apply to some portions of the PCT that are within the land dedicated to the 270th Street and existing highway right-of-way (see the Appendix B of the Final EIR/EIS for more information.)

Caltrans also acknowledges that the FS has easements from the Tejon Ranch Corporation for some portions of the PCT (from Avenue C-6 to Avenue C-8 and from 380 feet to 0.5 mile south of the existing SR-138 right-of-way) and no dedication for public road is evident for these portions. Therefore, these portions maybe considered publicly owned recreation land and is protected by Section 4(f). The Appendix B of the EIR/EIS has been revised to document this discussion (see Appendix B for more information). The Appendix concludes that no use of these portions of the trail under Section 4(f) would result from the project.

Response to Comment F-3.3

To accommodate bicycle, recreational use, and maintenance access across the proposed SR-138 right-of-way, seven new standard box culverts are proposed, including one east of 300th Street West. Coordination with affected stakeholders will continue as detailed plans are developed.

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