



South Coast Air Quality Management District

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405.Supplemental.Draft.EIR.EIS@parsons.com

August 13, 2013

Ms. Smita Deshpande
Caltrans-District 12, "Attn: 405 SDEIR-DEIS Comment Period"
2201 Dupont Drive, Suite 200
Irvine, CA 92612

Review of the Supplemental Draft Environmental Impact Report (Supplemental Draft EIR) for the Interstate 405 Improvement Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are intended to provide guidance to the lead agency and should be incorporated into the Final Environmental Impact Report (Supplemental DEIR or Final EIR) as appropriate. We maintain our concerns from the previous comment letter and incorporate them here by reference.

Based on a review of the Supplemental Draft EIR the SCAQMD staff is concerned about potential local, regional and cumulative air quality impacts from the proposed project. In a comment letter submitted to the lead agency on July 17, 2012 regarding the original DEIR for the proposed project the SCAQMD staff expressed concern that the lead agency did not analyze the bottleneck at the north end of the project boundary (I-605 junction) that could result in additional regional and localized air quality impacts.¹ Since the certification of the Final EIR for the project the lead agency completed a Supplemental Traffic Study for the Long Beach area (i.e., Supplemental Traffic Study) that demonstrates additional traffic impacts. For example, Table 3-6 of the Supplemental DEIR indicates that the project will increase density to capacity ratios along the I-405/I-605 mainline to Studebaker Road during AM and PM peak hours. However, the lead agency did not quantify any potential air quality impacts from this change in traffic activity.

Further, the lead agency relied on additional traffic mitigation measures in the Supplemental DEIR (i.e., Mitigation Measures T-10 and T-11) to reduce the project's traffic impacts to a less than significant level. However, because these mitigation measures are contingent on the availability of funding, they lack enforceability as nothing in the Supplemental DEIR ensures funding for these measures. Also, the significance determination for the proposed project is based on a comparison between the project and no project baseline that appears to be contrary to recent guidance provided in the

¹ See comment #8 from SCAQMD Comments at:
<http://www.aqmd.gov/ceqa/igr/2012/July/DEIRI405Improve.pdf>

Neighbors for Smart Rail court decision.² Details regarding these comments are attached to this letter.

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the adoption of the Final EIR. Further, staff is available to work with the lead agency to address these issues and any other questions that may arise. Please contact Dan Garcia, Air Quality Specialist CEQA Section, at (909) 396-3304, if you have any questions regarding the enclosed comments.

Sincerely,



Ian MacMillan

Program Supervisor, CEQA Inter-Governmental Review
Planning, Rule Development & Area Sources

Attachment

IM:DG

ORC130627-01
Control Number

² <http://www.courts.ca.gov/opinions/documents/S202828.PDF>

Air Quality Impacts

1. In a comment letter submitted to the lead agency on July 17, 2012 regarding the Draft EIR for the proposed project the SCAQMD staff expressed concern that the lead agency did not analyze the bottleneck at the north end of the project site (I-605 junction) that could result in additional localized and regional air quality impacts. Since the release of the Draft EIR for the project the lead agency completed a Supplemental Traffic Study for the Long Beach area (i.e., Supplemental Traffic Study) that demonstrates increased traffic congestion in the aforementioned area. For example, Table 3-6 of the Supplemental DEIR indicates that the project will increase density to capacity ratios along the I-405/I-605 mainline to Studebaker Road during AM and PM peak hours. In addition, comparisons of project alternatives to no project alternatives demonstrate that GP lanes may experienced increased traffic volumes after buildout. However, the lead agency concluded that this increase in traffic activity will not result in any new air quality impacts. The lead agency should provide additional technical analysis in the Final EIR to substantiate this conclusion.

Operational Mitigation Measures

2. The lead agency relies on mitigation measures T-10 and T-11 to ensure that the project does not result in significant cumulative traffic impacts. However, on page 4-27 the lead agency indicates that it is possible that these measure will never be implemented due to a lack of funding between the City of Long Beach and the State of California. Given this statement the lead agency proceeded to determine that the project's traffic impacts are insignificant and does not identify any contingency measures to ensure less than significant traffic impacts from the project. Therefore, SCAQMD staff recommends that the lead agency provide additional mitigation measures (e.g., backstop mitigation measures) in the Supplemental FEIR to ensure the project does not create adverse traffic impacts that may result in additional air quality impacts from increased levels of congestions.

Baseline

3. The lead agency appears to determine the project's impacts by comparing the project alternatives to the no project (future conditions) scenario. This comparison is based on traffic activity metrics such as volume to capacity (V/C), density to capacity (D/C) and level of service (LOS). Further, the lead agency presents the existing traffic activity levels (2009) but does not use this activity as the project baseline. This appears to be contrary to the recent California Supreme Court decision for *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* in which the court explicitly stated that "Projected future conditions may be used as the sole baseline for impacts analysis if their use in place of measured existing conditions –departure from the norm stated in Guideline section 15125 (a) is justified by unusual aspects of the project or the surrounding conditions."³ Therefore, SCAQMD staff recommends that the lead agency provide additional discussion in the Supplemental FEIR that substantiates the use of various baselines and clarifies the distinction between existing conditions, future conditions and project conditions relative to project impacts.

³ <http://www.courts.ca.gov/opinions/documents/S202828.PDF>

Because both the future and existing conditions baselines are relevant to assessing impacts from this project, the lead agency should determine the significance of impacts utilizing both.